



OLD LYME
— CONNECTICUT

Zoning Regulations

amended through
August 11, 2025

Town of Old Lyme

52 Lyme Street OldLyme, CT06371
www.oldlyme-ct.gov

ZONING REGULATIONS
FOR
THE TOWN OF OLD LYME

Adopted:	Initial Adoption of Zoning: January 11, 1941 Comprehensive Revision: February 13, 2008
Effective:	Initial Adoption of Zoning: January 11, 1941 Comprehensive Revision: March 7, 2008
Amended:	Section 2.1; Section 3 Definitions: Area, Location and Bulk; Attic; Lot Coverage; Story; Story, Half; Sections 4.9 and 4.11; Section 5.10.2, 5.10.3; 5.11.2, 5.11.3; Sections 7.1, 7.8.1.2, 7.8.2.2, 7.8.2.3, 7.8.3, 7.8.7; Sections 8.0, 8.1.1, 8.2.3; Sections 9.0, 9.1.3, 9.1.3.2, 9.1.3.3, 9.5; and Section 18.3.8
Adopted:	Section 7.6.3 Propane Tanks, Above-Ground Oil Tanks, Air Conditioning Compressors, Auxiliary Generators; and Section 19.5.2 Signs in Sound View Village District
Effective:	April 1, 2009
Adopted:	School District
Effective:	May 1, 2009
Amended:	Section 4.10 Conservation Zone requirements – Gateway. Re: Height, Building Height definition
Effective:	October 1, 2009
Adopted:	Registry Regulations
Amended:	Section 11.19 Seasonal Use, Year Round Use
Effective:	December 31, 2009
Amended:	Section 5 Use Regulations to add Alternative Energy Systems subject to 11.13 to Sections 5.1.3, 5.2.3 and 5.12.3
Adopted:	Section 11.13 Special Regulations, Alternative Energy Systems
Effective:	June 1, 2010
Amended:	Section 4.2.12 and Section 4.3
Effective:	August 1, 2010
Amended:	Section 11.19A.3 Table of SLPOA Year Round Residents
Effective:	May 9, 2011
Amended:	Sections 2.4, 3.71, 3.72, 4.15, 5.6.3, 5.7.3, 5.10.2, 5.11.2, 6.1.8, 8.4.1.a(ii), 11.28, 12.11.1, 12.8.2, 17A.3.7 and 17a.4
Effective:	June 1, 2011
Amended:	Section 4.4 Flood Hazard Regulations
Effective:	July 18, 2011
Amended:	Deletion of references to Seasonal and Year Round Dwellings
Effective:	September 16, 2011

Amended:	Section 7, Accessory Uses, Buildings and Structures (Reduced setbacks in Residence Districts – 7.1.c)
Effective:	March 1, 2012
Amended:	Section 8, Area, Yard, and Height Requirements
Effective:	May 1, 2012
Amended:	Section 5.12.3 Special Permit Uses to allow Indoor Recreational Facility
	Section 11.27 Indoor Recreational Facility in LI-80 Zone District
Effective:	December 10, 2012
Amended:	Section 4.4 Flood Hazard Regulations and adopted new FEMA Maps;
	Section 5.12.3 deleting dry cleaning in LI-80 District;
	Section 7.3 b, guest houses by Zoning Compliance Permit Application;
	Section 9, deleting Section 9.04, changing Section 9.07,
	adding language to Section 9.1.3.2 h and Section 21, adding a new
	Section 21.4.4
Effective:	August 2, 2013
Amended:	Section 5.12.3 Special Permit Uses, Per Section 13B – Light Industry
	LI-80 District – added “Governmental Service”
Effective:	March 1, 2014
Amended:	Section 5.12.3 Special Permit Uses, Per Section 13B – Light Industry
	LI-80 District – added “Animal Shelter located outside the Conservation
	Zone”; Section 3 – Definition of an Animal Shelter; Section 5.12.3 add Animal
	Shelter under Special Permit Uses; delete reference to “dog pound”
Effective:	January 1, 2015
Adopted:	Section 3 – Definition of a School
Effective:	November 18, 2015
Amended:	Section 17 – Aquifer Protection Regulations w/map
Effective:	June 1, 2017
Amended:	Section 17 – Aquifer Protection Regulations w/map
	Section 2.4.2 – Aquifer Protection Zones.
	Section 3 – Definition of Aquifer
Effective:	June 1, 2018
Amended:	Section 5.10.3 added Self Storage Special Permit Per Section 13B C-30 and C-30
	S
Effective:	December 31, 2018
Amended:	Section 4.4.6.5.f(ii) and (ii)
Adopted:	Section 13B.4.17 Special Standards – Sewage Pumping Station in Coastal High
	Hazard Area
Effective:	May 1, 2019

Adopted:	Section 3 definition of Decibel A Scale (dBA)
Amended:	Section 7: Propane Tanks, Above-Ground Oil Tanks; Central Air Compressors and Heat Pump Mechanicals; and Generators
	Section 20.4.1 Issuance: 'repair' removed
	Section 9.07 Voluntary Demolition deleted
Effective:	September 13, 2021
Adopted:	Section 3 definition Offsite Construction Storage and Staging
	Section 6.1.30 prohibition of cannabis establishments
	Section 11.18.5 Off-site Construction Storage and Staging Areas
Effective:	October 12, 2021
Amended:	Section 9.1.3.1 General Rule
	Sections 9.1.3.2 and 9.1.4 Exceptions to General Rule
Effective:	November 8, 2021
Adopted:	Section 3 definition of Electric Vehicle Charging Station
	Section 11.28: Electric Vehicle Charging Stations
Amended:	Section 5.6.1, 5.6.3, 5.7.1, 5.7.3, 5.8.1, 5.8.3, 5.9.1, 5.9.3, 5.10.1, 5.10.3, 5.11.1, 5.11.3, 5.12.1, 5.12.3, 5.13.4.1, 5.13.4.3 to allow electric vehicle charging stations as permitted uses or special permitted uses in most nonresidential zones
Effective:	January 9, 2023
Amended:	Section 4.10 Gateway Conservation Zone to conform to updated model Gateway regulations, including new lighting standards
Effective:	June 9, 2023
Amended:	Section 5.15 Moratoria. Creates a moratoria section generally. Implements specific moratorium on self-storage uses for a six-month period ending October 1, 2024.
Effective:	April 1, 2024
Amended:	Section 5.15 Moratoria. Extends a temporary moratorium on Self-Storage Unit facilities until December 31, 2024.
Effective:	August 15, 2024
Amended:	Section 5.10.3 (C-30 Zone) and 5.11.3 (C-10 Zone). Mortuary/Funeral Home, provided that all waste from chemical preparation of bodies is isolated from all other water/septic resources and all biohazard waste collected and properly removed from the site.
Effective:	September 30, 2024
Amended:	Section 11.29, Self-Storage Unit Facility in LI-80 Zoning District.
Effective:	November 15, 2024

Amended: Section 5.10.3, Special Permit uses permitted in the C-30 Zone

Effective: August 11, 2025

Zoning Commission
Old Lyme, Connecticut

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SECTION 1 - PREAMBLE

1.1 **Title.** The regulations which follow shall be known as and may be cited as "Zoning Regulations of the Town of Old Lyme, Connecticut" and are hereinafter referred to as "Zoning Regulations" or "these Regulations".

1.2 **Purpose.**

WHEREAS, the Zoning Commission of the Town of Old Lyme has, over a period of years, conducted studies of the physical, social, economic and governmental conditions and trends of said Town, both by itself and with the assistance of the Old Lyme Planning Commission and technical and expert guidance; and

WHEREAS, said Commission has held hearings and given opportunity for all the citizens of said Town and other parties in interest to state their opinion thereon, and as a result of said studies and of its own knowledge and experience on said subjects, said Commission has reached certain conclusions and made certain recommendations for the most desirable use of land within said Town for residential, recreational, commercial, industrial and other purposes, for the most desirable density of population in the several parts of said Town, for a system of principal thoroughfares, bridges, streets and other public ways, for parks, playgrounds, and other public grounds, for general location, relocation and improvements of public buildings, for the general location and extent of public utilities, water, sewage, light, power, transit and other purposes, for the extent and location of various types of housing and other related matters beneficial to said Town.

NOW, THEREFORE, the Zoning Districts and Regulations herein set forth are hereby promulgated:

- to preserve the rural character of the Town of Old Lyme;
- to establish a comprehensive plan to promote with the greatest efficiency and economy the coordinated development and growth of the Town of Old Lyme and the general welfare and prosperity of its people;
- to lessen congestion in the streets;
- to secure safety from fire, panic, flood and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the over-crowding of land and to preserve and protect the value thereof;
- to avoid undue concentration of population;
- to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements and other purposes necessary or incidental thereto;
- with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Old Lyme;
- to the extent consistent with soil types, terrain, infrastructure capacity, and the Plan of Conservation and Development for the Town, provide for cluster development, as defined in Conn. Gen. Stats. §8-18, in residential zones;

- to encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity, for all residents of the Town and the region;
- to promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and to encourage housing which will meet the housing needs identified in the housing plan prepared pursuant to Conn. Gen. Stats. §8-37t and in the housing component and the other components of the State Plan of Conservation and Development prepared pursuant to Conn. Gen. Stats. §16a-26;
- to exercise reasonable consideration for the impact of the Regulations on agriculture; and, with reasonable consideration for the protection of historic factors;
- to exercise reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies;
- to make proper provision for soil erosion and sediment control pursuant to Conn. Gen. Stats. §22a-329;
- to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation;
- to exercise reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound, and designed to reduce hypoxia, pathogens, toxic contaminants, and floatable debris in Long Island Sound; and,
- to attain all of the other goals and objectives as set forth in Connecticut General Statutes Section 8-2, as the same may be amended from time to time.

1.3 **Comprehensive Plan.** These Zoning Regulations divide the Town of Old Lyme into Districts in accordance with a comprehensive plan: a) with due Consideration for the recommendations of the Plan of Conservation and Development of the Town; b) with a view to conserving wetlands and other natural resources and the value of buildings and to encouraging the most appropriate use of land throughout the Town; and, c) with reasonable consideration for the character of each District, development of housing opportunities for all citizens of the Town and protection of historic factors and existing and potential drinking water supplies.

[From former Section 1, Amended Effective 3-7-08]

SECTION 2 - AREA/USE CLASSIFICATION

- 2.1 **Codification.** The Zoning Commission, acting under authority of Chapter 124, Section 8-3 of the Connecticut General Statutes, hereby amends and codifies the "Zoning Regulations for the Town of Old Lyme" which were effective January 11, 1941, as amended, so that the same shall read as is set forth below. The provisions of said Regulations and the amendments thereto, insofar as they are consistent with these Regulations, are not repealed but are codified in these Regulations. Any and all provisions of said Regulations as amended which are inconsistent with these Regulations are hereby repealed, but such repeal shall not affect: (a) any violation which occurred before the date as of which these Regulations (or any amendments thereof) were adopted or exists on such date; or, (b) any penalty incurred, and any such violation may be prosecuted under said Regulations as amended. [Added effective 3-7-08, Amended effective 4-1-09]
- 2.2 **Jurisdiction.** Within the Town of Old Lyme, no land, Building or other Structure, or part thereof, shall be Used, or Altered in Use, and no Building or other Structure, or part thereof, shall be constructed, reconstructed, Enlarged, Extended, moved or Altered except in conformity with these Regulations. No Lot or Parcel shall be subdivided, conveyed or encumbered so as: a) to make said Lot or Parcel nonconforming or more nonconforming to these Regulations; b) to make any Use, Building or other Structure, or part thereof, nonconforming or more nonconforming; c) to reduce any Setback, Yard, Open Space, landscaping, off-street parking and loading spaces or site development to less than is required by these Regulations; or d) to make any nonconforming Setback, Yard, Open Space, landscaping, off-street parking and loading spaces or site development more nonconforming. [From former Section 2.1, Amended Effective 3-7-08]
- 2.3 **Nonconformity.** Any Use, Building or other Structure, Lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these Regulations, or such amendment hereto, may be continued subject to the provisions and limitations of Section 9 of these Regulations. [From former Section 2.2, Rev.]
- 2.4 **Zoning Districts and Zones.**
- 2.4.1 **Districts.** For the purposes of these Regulations, the Town of Old Lyme is divided into classes of Districts which consist of, but need not include all of, the following Districts:

<u>District</u>	<u>Map Code</u>
Rural Residence RU-80 District	RU-80
Rural Residence RU-40 District	RU-40
Residence R-20 District	R-20
Residence R-15 District	R-15
Residence R-10	R-10
Multi-Family Residence MFR-80 District	MFR-80
Multi-Family Residence MFR-40 District	MFR-40
Multi-Family Residence MFR-20 District	MFR-20
Waterfront Business District	WF-20
Commercial C-30 District	C-30
Commercial C-30S District	C-30S

<u>District</u>	<u>Map Code</u>
Commercial C-10 District	C-10
Light Industry LI-80 District	LI-80
Sound View Village District	SVVD
School District 6-1-11]	SD [added effective

2.4.2 Overlay Zones. The following are additional classes of zones under these Regulations which overlay all or portions of the Districts enumerated above:

- a. Conservation Zone. The Connecticut River Gateway Conservation Zone, herein referred to as "Conservation Zone", is established under the provisions of Chapter 477a of the Connecticut General Statutes and the boundaries of such Zone, which may be amended from time to time by the Connecticut General Assembly, are shown on the Zoning Map for informational purposes in order to indicate the portion of the Town of Old Lyme in which particular provisions of these Regulations are applicable.
- b. Flood Plain Zone. The Flood Plain Zone is a class of zone in addition to and overlapping one or more of the Districts set forth above. The boundaries of the Flood Plain Zone and the special requirements applicable therein are as specified in Section 4.4, Flood Hazard Regulations.
- c. Aquifer Protection Zones. The special requirements applicable in the Aquifer Protection Zones are as specified in Section 17, Aquifer Protection Regulations. Two Aquifer Protection Zones are established:
 1. Surficial Aquifer Protection Zone. The Surficial Aquifer Protection Zone is a class of zone in addition to and overlaying one or more of the other Districts. The boundaries of the Surficial Aquifer Protection Zone encompass those coarse-grained surficial aquifers that currently provide, or have the potential to provide, water in sufficient quantities to support public or community wells, and their respective recharge areas. The locations of potential high-potential coarse-grained surficial aquifers were derived from the "Surficial Aquifer Potential Map of Connecticut" prepared by the Connecticut Geological Survey at the request of the Water Protection and Land Reuse Bureau of the Department of Energy and Environmental Protection and may be amended from time to time. A map of the Surficial Aquifer Protection Zone is available for examination in the office of the Old Lyme Town Clerk. [Added effective 6/1/2018]
 2. Water Resource Zone. The Water Resource Zone is a class of zone in addition to and overlapping one or more of the other Districts and encompasses the entire Town of Old Lyme with the exception of: a) islands in the Connecticut River; b) the area bounded on the east by Connecticut Route 156, on the south by Pilgrim's Landing Road, on the west by the Connecticut River and on the north by the Old Lyme-Lyme Town Line; and c) areas included in the Surficial Aquifer Potential Zone as specified in 2.4.2.c.1. [Revised effective 6/1/2018]

- d. Coastal Boundary. The Coastal Boundary is established under the provisions of Chapter 444 of the Connecticut General Statutes and the approximate location of such Boundary, which may be amended from time to time by the Connecticut General Assembly, is shown on the Coastal Boundary Map for the Town of Old Lyme and delineates the portion of the Town in which the special requirements specified in Section 4.2, Coastal Boundary, are applicable.*

*This map is available for examination in the office of the Old Lyme Planning Commission.

[From former Section 4, Amended Effective 3-7-08; except as otherwise noted]

2.5 District Boundaries.

- 2.5.1 Zoning Map. The boundaries of the Districts and Zones specified in Paragraph 2.4.1 are established as shown on a map entitled, "Zoning Map of the Town of Old Lyme, Connecticut", adopted effective as of May 31, 1991, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is declared to be a part of these Regulations and is hereinafter referred to as "Zoning Map".

- 2.5.2 Boundaries. The boundaries on the Zoning Map are identified by property lines, center lines of Streets and other rights-of-way, distances measured from or along the right-of-way of Streets or other designated lines, straight lines connecting points and lines that coincide with other features. The following are also applicable to such boundaries:

- a. Land Under Water. The boundary of each District encompasses land under any water course, including lakes, ponds, streams or other body of water, adjacent to or within such District.
- b. Opposite Sides. Where opposite sides of a water course or of the right-of-way of a Street, highway or railroad are located in different Districts, the boundary between such Districts is deemed to be the centerline of the water course or right-of-way.
- c. Lots in More Than One District or Zone. Where the boundary of a District or Zone divides a Lot or Parcel, each portion of such Lot or Parcel shall be governed by the provisions of the District or Zone within which such portion is located, as if each such portion were a separate Lot; provided, however, the Bulk requirements may be satisfied in accordance with Section 8.5 of these Regulations.

- 2.5.3 Interpretation of Map. Where a question arises as to exact boundaries of a District or Zone shown on the Zoning Map, the Zoning Commission shall, by Resolution, determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Map, the location of property lines and the expressed intent and purposes of these Regulations. If the Zoning Commission is unable to make a determination after consideration of such factors, the exact boundary shall be established by the Zoning Commission after due notice and public hearing as required for amendment of these Regulations.

[From former Section 5, Amended Effective 3-7-08]

2.6 [Reserved for Street Classifications if Required.]

2.7 Scope of Controls. After the effective date of these Regulations, all construction or development, and every Alteration, Enlargement, development or Use of Premises, Buildings, or Structures, shall conform to the requirements of these Regulations, except as provided herein. Any provision of these Regulations which is substantially the same as that contained in earlier versions of these Regulations shall be deemed to be a continuation thereof without any gap in coverage or jurisdiction.

[Added effective 3-7-08]

2.8 Abandonment of Seasonal Use Distinctions. Effective September 16, 2011, the Zoning Regulations have been amended to delete all references to seasonal dwellings or uses and year-round dwellings or uses. The Commission has concluded that the Zoning Regulations are not the best tool to enforce this distinction. Requirements of all other applicable codes, including but not limited to Health Code, Building Code, Housing Code, Fire Code and Federal Emergency Management Agency Regulations must be met prior to occupying a seasonal structure on a year-round basis.

[Added effective 9-16-11]

SECTION 3 - DEFINITIONS

- 3.1 Intent and General Rules of Construction. Except as defined below, the words used in these Regulations shall have the meaning commonly attributed to them. In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations; however, terms which are not defined herein but only refer to other sections of these Regulations are so defined for the purposes of the referenced section only. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application. [From former Section 9.1, Amended Effective 3-7-08]
- 3.2 Definitions.
1. Abutting. Separated by no intervening private property; properties separated by a public or private street shall be deemed to be Abutting. [added effective 3-7-08]
 2. Accessory Building or Structure. A Building or Structure, in addition to the Principal Building, which is clearly subordinate to, and customarily incidental to, and located upon the same Lot as the Principal Building, and which is in character with the neighborhood. Any Accessory Building physically attached to a Principal Building shall be deemed to be a part of such Principal Building in applying the Bulk Regulations to such Building. [From former Section 9.1, Amended Effective July 1, 1996; and also Effective 3-7-08]
 3. Accessory Apartment. A set of rooms which include a kitchen and bathroom that is accessory to a single detached Dwelling Unit and which meets the requirements of Section 7.8.2. See Section 7.8.2, (Accessory Apartments). Compare to “Guest House”. [From former Section 9.1, Amended Effective 6/1/98; and also effective 3-7-08]
 4. Accessory Use. A Use, in addition to the Principal Use, which is clearly subordinate to, and customarily incidental to, and located upon the same Lot as the Principal Use. [Added effective 3-7-08]
 5. Acre. An Acre shall be defined for these Regulations as an area of 43,560 continuous square feet of land. [Added effective 3-7-08]
 6. Actual Construction. See definition of “Nonconformity, Including Actual Construction” below. [Added effective 3-7-08]
 7. Alcoholic Liquor and Permits. “Alcoholic Liquor” (alcohol, beer, spirits and wine) and the various types or classes of liquor permits referred to in this Section are as defined in Chapter 545 of the Connecticut General Statutes, as amended, known as the “Liquor Control Act”. [From former Section 45.1.1, Amended Effective 3-7-08] See Section 14.
 8. Alcoholic Liquor Establishment. Any land, Building or other Structure or Premises where the sale of Alcoholic Liquor is authorized by a permit issued by the Liquor Control Commission of the State of Connecticut. [From former Section 45.1.2, Amended Effective 3-7-08]. See Section 14.

9. Alter, Alteration. As applied to a Building or Structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a Use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or Building area. This also includes the extension of a nonconforming use of a Building or other Structure to occupy land outside such Building or other Structure or space in another Building or Structure. [From former Section 8.7.2, Amended Effective 3-7-08, Amended Effective 9-16-11 deletion of reference to seasonal use]
10. Alternate Energy System. Consists of the following:
- Solar Energy Collector. A device that when attached to a Building as an architectural component or as an Accessory Structure transfers direct solar energy into thermal, chemical or electrical energy that contributes to the energy supply for the Building.
- Wind Turbine. A device which converts wind energy by means of a rotor to mechanical or electrical energy. [From former Section 9.1]
11. Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted domestic animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, humane treatment and adoption of animals.
12. Aquifers. A geologic formation or deposit that contains a considerable amount of obtainable groundwater, in particular, stratified drift areas having a saturated thickness greater than ten (10') feet which are located near large surface water bodies capable of supplying water to the Aquifer by induced filtration. [Added effective 3-7-08]
13. Area, Location and Bulk. See Section 8 (Bulk Requirements) for the following:
- Building Coverage, Measurement of (Section 8.1);
Height, Measurement of (Section 8.2);
Minimum Area of Buildable Land (Section 8.4);
Minimum Floor Area – Dwelling Unit (Section 8.2);
Stories, Count of (Section 8.8, 8.9, and 5.13.8);
Total Ground Coverage, Measurement of (Section 8.1);
Total Floor Area, Measurement of (Section 8.1).
Within the Conservation Zone, see Section 4.10.
- [From former Section 9.1, Amended 3.2.12 Effective 4-1-09]
14. Attic. The space between the top surface of the ceiling beams of the top Story and the bottom surface of the roof rafters, which space is not finished or otherwise capable of being Used as habitable space. An attic may constitute a Story or a Half Story. Compare to “Story, Half” and “Story”. [From former Section 9.1, Amended Effective 3-7-08, Amended Effective 4-1-09]

15. Awning. A roof-like cover that is temporary and collapsible in nature and that projects from the wall of a Building for the purpose of shielding a deck, doorway or window from the elements. [Added effective 3-7-08]
16. Basement. That portion of a Building having its floor level partly or wholly below Grade, but, which has, at any point, floor-level access to Grade and at least six (6) contiguous lineal feet of floor level at or above Grade. Any floor level of a Building which is below Grade and is not a "Basement" shall be a "Cellar". Compare to "Cellar". [Added effective 3-7-08]
17. Bed and Breakfast. A Building, or group of Buildings, a portion of which is occupied by the owner thereof as a permanent residence and which Building(s) is/are designed or used for the short-term rental of up to four (4) rooms to transients and capable of including, as an Accessory Use, the serving of meals exclusively to overnight guests of the facility. See Section 7.8.4, (Bed & Breakfast) and Section 11.29, Special Regulations. Compare to "Boarding House", "Hotel", and "Inn". [Added effective 3-7-08]
18. Billboard. See "Sign, Advertising". [Added effective 3-7-08]
19. Board. Wherever the term "Board" shall appear in these Regulations, it shall refer to the Old Lyme Zoning Board of Appeals. [Added effective 3-7-08]
20. Boarding House. A Building where lodging and/or meals are provided to long-term (i.e., non-Transient) residents only, for compensation, utilizing one central kitchen facility and expressly excluding cooking facilities in any guest room. A Boarding House shall be occupied by the owner of the Building as a permanent residence and all elements of the Boarding House use shall be confined to the Principal Building on the Lot. Compare to "Bed and Breakfast", "Hotel or Motel" and "Inn". [Added effective 3-7-08]
21. Building. Any Structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. The connection of two (2) or more Buildings by means of a porch, breezeway, passageway, carport, or other such roofed Structure shall be deemed to make them one Building. [From former Section 9.1, Amended Effective 3-7-08]
22. Building, Accessory. See "Accessory Building". [Added effective 3-7-08]
23. Building, Height. See Section 8 (Bulk Requirements).
24. Building Official. The Building Official, also known as the Building Inspector, of the Town of Old Lyme, or his/her designee. [Added effective 3-7-08]
25. Building Permit. A permit for construction issued by the Building Official pursuant to these Regulations and the Old Lyme Building Code. [Added effective 3-7-08]
26. Building, Principal. See "Principal Building". [Added effective 3-7-08]
27. Bulk. The size and shape of Buildings, Structures, and Uses of land and the physical relationships of their exterior walls or limits of Use to Lot Lines, the exterior wall of other Buildings, Structures or Uses, and the Open Spaces required by these Regulations. Bulk includes regulations dealing with floor area ratio, Floor Area, Building Height, Lot area, Lot Coverage, Lot Lines, Minimum Dimension Square, or other similar

regulations of volume, dimension, special relationship, or location. See Section 8, (Bulk Requirements). [Added effective 3-7-08]

28. Business Service Establishment. An establishment which is not a Home Occupation where a commercial service is provided either on or off-site, including but not limited to, landscaping service, telephone answering service, secretarial service, but excluding motor vehicle service and/or repair. [From former Section 9.1, Amended Effective December 1, 1996]. See Section 5 (Use Regulations).
29. Cattery, Commercial. A facility maintained for the boarding of one (1) of more domestic cats for a fee. Compare to “Kennel, Commercial” and “Kennel, Private Dog”. [From former Section 9.1]
30. Cellar. That portion of a Building having its floor level partly or wholly below Grade, and, which has, at no point, more than six (6) contiguous lineal feet of floor level at or above Grade and has no floor-level access at Grade. Compare to "Basement". [Added effective 3-7-08]
31. Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums and mortuaries, established and operated by an ecclesiastical society or cemetery association. [Added effective 3-7-08]
32. Child Day Care Center/Services. See "Day Care Center", "Group Day Care Home", and "Family Day Care Home". [Added effective 3-7-08]
33. Club. Land, Buildings and facilities owned or operated by a non-profit entity for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, nor to render a service which is customarily carried on as a business. A "Club" shall cater only to its members or guests accompanying them. A "member of a Club" shall be a Person who, whether as a charter member or admitted in accordance with the by-laws of the Club, has become a bona-fide member thereof, who maintains his/her membership by the payment of his/her dues in accordance with such by-laws and whose name and address are entered on the list of membership of the Club. [Added effective 3-7-08]
34. Commercial Livery and Boarding Stables; Riding Academies. The feeding, housing, exercising, and training of horses, including horses not owned by the owner of the Lot, and where the owner may receive compensation for such Use. The Use may include the giving of lessons for horses and their riders in the equestrian arts. See Section 11.17, Special Regulations. See also Section 7.8.5, Accessory Uses. [Added effective 3-7-08]
35. Commission. The Zoning Commission of the Town of Old Lyme. See “Board” and “Planning Commission”. [Added effective 3-7-08]
36. Community Residence for Mentally Ill Adults. See the definition set forth in Connecticut General Statutes Section 19a-507a, as the same may be amended from time to time. [Added effective 3-7-08]
37. Community Residence for Mentally Retarded Adults. See the definition set forth in Connecticut General Statutes Section 19a-464c(e), as the same may be amended from time to time. [Added effective 3-7-08]

38. Convalescent Home. A medical institution providing shelter, clothing and food to resident patients and meeting the definition of a Skilled Nursing Facility as that term is defined in applicable State and Federal law. "Convalescent Home" does not include "Rest Home". [Added effective 3-7-08]
39. Country Club. A recreational facility, usually restricted to members and their guests, which includes a clubhouse, dining and eating establishments and recreational facilities such as golf course(s), tennis courts, and swimming pools. See "Golf Course".
40. County Soil and Water Conservation District. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
41. Coverage, Measurement of. See Section 8 (Bulk Requirements). [Added effective 3-7-08]
42. Cutting and Removal of Forest Tree Species. See Section 11.23 for the following:

Commercial Cutting;
Commercial Cutting Plan;
Non-Commercial Cutting;
Non-Commercial Cutting Plan.

[From former Section 9.1, Amended Effective 3-7-08]

43. Day Care Center. A Use which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children or any number of adults outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188; (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs; (3) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section. [Added effective 3-7-08]
44. dB_A - The Decibel A Scale (dB_A) is a logarithmic system of measuring sound as the human ear experiences it. The scale assigns a weight to the decibel value of sound based on the sensitivity of the ear at a particular frequency. The scale is calibrated in units called A-weighted decibels or dB_A for short. This provides an easy way to compare sound levels of different noises and their potential for causing hearing harm. [Added effective 9-13-21]
45. Deck. An Accessory Structure consisting of one or more horizontal surfaces attached to and extending from the Dwelling and used for Accessory residential uses and which exceeds a height of 12 inches above the adjacent grade of the land at any point, such grade to be measured at the existing natural Grade prior to site grading. A Deck may not be covered by any roof, Awning, or other surface, nor shall it be enclosed in any manner. For Decks relative to required Setbacks/Yards in all Districts, see Section 7.4

(Accessory Uses, Buildings and Structures); for Decks relative to Building Coverage, see Section 8.1 (Bulk Requirements). Compare to definition of “Terrace”. [Added effective 3-7-08]

46. Development. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
47. District. An area within which certain Uses are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Permit from the Commission, the Planning Commission, or the Board; Yards and other Open Spaces are required; Lot Areas, Building Height limits, and other requirements are established; all of the foregoing being identical for all property located within the area to which they apply. Compare to definition of "Zone". [Added effective 3-7-08]
48. Disturbed Area. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
49. Dog Training Facility. A commercial Use where dogs are trained for a fee and which facility is separate from the residence of the operator and from any facility at which dogs are housed on a temporary or permanent basis. Compare to “Commercial Kennel”. [Added effective 9/1/99; amended effective 3-7-08]
50. Drive-In. A Use, or an establishment designed or operated for such Use, where a patron is served while seated in a motor vehicle located in a Driveway, Parking Area, or similar area but excluding motor vehicle fuel sales. [Added effective 3-7-08]
51. Driveway. Any access from a Street used, designed, or intended to be used for vehicular ingress and egress to any Building, Structure, Use or Lot. [Added effective 3-7-08]
52. Driveway, Common. A Driveway serving more than one (1) Lot. [Added effective 3-7-08]
53. Driveway, Loop. A Driveway intersecting the Street at two (2) or more points. [Added effective 3-7-08]
54. Dustless Surface. Adequately covered with concrete, asphalt, or bituminous products, paver blocks or grass areas having subsurface structural support designed for motor vehicles (often referred to generically as “grassphalt”). See Section 18, Off-Street Parking and Truck Loading. [Added effective 3-7-08]
55. Dwelling. A Building containing one (1) or more “Dwelling Units”; one (1) or more Buildings may be considered to be a “Dwelling” if designed for occupancy and so occupied by one (1) Family. [From former Section 9.1]
56. Dwelling Unit. One (1) or more rooms providing complete living facilities for one (1) Family, including equipment for cooking or provisions for same, including room or rooms for living, sleeping and eating, and having its own separate entrance. [From former Section 9.1, Amended Effective July 3, 1995; and Amended Effective 3-7-08]
57. Dwelling, Two Family. A single detached Dwelling on one (1) Lot used for residential purposes designed and/or used for occupancy by two (2) Families living independently of each other having separate or joint entrances, services and facilities but not including Accessory Apartments per Section 7.8.2. [Added effective 3-7-08]

58. Dwelling, Multiple Family. A single detached Dwelling on one (1) Lot used for residential purposes designed and/or used for occupancy by three (3) or more Families living independently of each other having separate or joint entrances, services and facilities. [Added effective 3-7-08]
59. Easement. A right, established in Deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose. [Added effective 3-7-08]
60. Electric Vehicle Charging Station. An electric vehicle charging station is a public or private parking space as defined by the Old Lyme Zoning Regulations Section 18.2.1 that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other storage device in an electric vehicle.
61. Enlargement or to Enlarge. Any addition to the Floor Area or volume of an existing Building, an increase in the size of any other Structure, or an increase in that portion of a tract of land occupied by an existing Use. "To enlarge" is to make an Enlargement. See Section 9, (Nonconforming Lots, Uses, Buildings, and/or Structures). [From former Section 8.7.1, Amended Effective 3-7-08]
62. Erosion. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
63. Excavation, Removal or Deposit. See Section 15 for the following:

Material;
Affected Area;
Site.

[From former Section 9.1, Amended Effective 3-7-08]

64. Extension or to Extend. An increase or amplification of an existing Building, Structure, or Use. "Extension" shall be deemed to include any increase in the normal days or hours of operation or any increase in the scope of services offered of any non-conforming, non-residential use of land, Buildings, or Structures. "To Extend" is to make an Extension. See Section 9 (Nonconforming Lots, Uses, Buildings, and/or Structures). [From former Section 8.7.1, Amended Effective 3-7-08, Amended Effective 9-16-11 deletion of reference to seasonal use]
65. Family. An individual, any number of individuals related by blood, marriage, or adoption and living together as a single housekeeping unit or a group of not more than six (6) People who need not be so related, living together as a single housekeeping unit; a roomer or boarder authorized under these Regulations and the bona-fide domestic servants and temporary guests of the "Family" shall not be considered a member of the "Family" for the purpose of this definition. [From former Section 9.1, Amended Effective 3-7-08]
66. Family Day Care Home. A dwelling in which care is provided for compensation to not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. "Family Day Care Home" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General

Statutes Section 10-188; (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs; (3) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Family Day Care Home" includes "Family Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but does not include "Group Day Care Home" or "Child Day Care Center" as defined in said Section. See, the definition of "Home Occupation". [Added effective 3-7-08]

67. Farm. Any tract of land for which the Principal Use is dairying or the raising of agricultural products, forest products, livestock, or poultry, and any uses accessory thereto, but excluding: Commercial Kennel; Commercial Cattery; commercial propagation and growing of flowers, plants, nursery stock, and berries, when combined with on-site sales to the general public; commercial greenhouses; commercial livery and boarding stables; commercial veterinary hospitals; cattle feed lots; and, rendering plants. [Added effective 3-7-08]
68. Farm Building. A Building principally used for agricultural purposes. [From former Section 9.1 Amended Effective December 1, 1996]
69. Fence. A Structure for enclosure or screening, including a wall. [Added effective 3-7-08]
70. Fire Marshal. The legally designated Fire Marshal of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]
71. Fire Chief. The legally elected Fire Chief of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]
72. Flea Market. The Use for the commercial sale of new or used products by one or more vendors on a continuous, regular, or intermittent basis. A Flea Market shall be deemed to be a commercial activity and shall comply with all provisions of these Regulations applicable to such uses. The isolated sale by the occupants of one or more dwellings, or by Clubs, non-profit religious, educational, charitable, and other similar organizations, of used household articles, baked goods, household crafts, and similar items, shall not be considered a "Flea Market", provided such activity complies with the definition of "Accessory Use" contained in these Regulations. Compare to "Tag Sale". [Added effective 3-7-08]
73. Flood Plain District. See Section 4.4 for the following:
 - Base Flood;
 - Base Flood Elevation;
 - Breakaway Wall;
 - Coastal High Hazard Area;
 - Development; Flood or Flooding;
 - Floodproofing;
 - Floodway;
 - Lowest Floor;
 - Manufactured Home;
 - Manufactured Home Park/Subdivision;

Mean Sea Level National Geodetic Vertical Datum (NGVD);
New Construction;
Special Flood Hazard Area;
Start of Construction;
Substantial Damage;
Substantial Improvement.

[From former Section 9.1, Amended Effective 3-7-08]

74. Floor Area. Any covered space of a Building or other Structure, whether enclosed by walls or not, which has ceiling height of six (6) feet or greater. See Section 8 (Bulk Requirements). [Added effective 3-7-08, changed effective 6-1-11]
75. Floor Area, Minimum for Dwelling Unit and Total, Measurement of. See Section 8 (Bulk Requirements). [Added effective 3-7-08, change effective 6-1-11]
76. Frontage. See "Lot, Frontage".
77. Gateway. See Section 4.10 of these Regulations.
78. Golf Course. A tract of land laid out for at least nine holes for playing the game of golf that may include, as Accessory Uses, a clubhouse, swimming pools, tennis courts, dining and snack bars, pro shop, or practice facilities. See "Country Club." [Added effective 3-7-08 .]
79. Governmental Services. Any Use, carried out by a public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, non-commercial ambulance and other emergency services, and other similar Uses. Compare to "Public". [Added effective 3-7-08]
80. Grade. The ground level adjoining the base of all exterior walls of a Building or Structure and any related earth retaining Structure. [From former Section 9.1]
81. Grading. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
82. Greenhouse, Commercial. A Use consisting of a Structure in which plants, vegetables, flowers, and similar materials are grown for sale on the Premises. Includes the phrase, "Commercial Propagation and Growing of Flowers, Plants, Nursery Stock and Berries." [Added effective 3-7-08]
83. Group Day Care Home. A Use which offers or provides a program of supplementary care for compensation to not less than seven (7) nor more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week; "Group Day Care Home" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188; (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs; (3) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Group Day Care Home" includes "Group Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but

does not include "Family Day Care Home" or "Child Day Care Center" as defined in said Section. [Added effective 3-7-08]

84. Guest House. A Building Accessory to a Single Family Dwelling designed to house, without compensation, occasional guests of the occupants of the Principal Use, such Building containing no facilities for cooking. A "Guest House" shall not include an "Accessory Apartment". Compare to "Bed and Breakfast" and "Inn". See Section 7.3 (Accessory Buildings - Specific Types). [Added effective 3-7-08]
85. Hazardous Material. See Section 17, Aquifer Protection Regulations. [From former Section 9.1, Amended Effective 3-7-08]
86. Health Officer. The legally designated health authority of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]
87. Height, Building. See Section 8 (Bulk Requirements).
88. High Tide Line (HTL). A line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a high tide. The mark may be determined by: (1) line of oil or scum along shore objects; (2) a more or less continuous deposit of fine shell or debris on the foreshore or berm; (3) physical markings or characteristics, vegetation lines, tidal gauge; or, (4) by any other suitable means delineating the general height reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. [From former Section 9.1, amended Effective 3-7-08]
89. Historic Structure. The term "Historic Structure" includes historic building and means any Structure or Building that is in any of the following categories:
 - a. listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by such Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. listed individually on the Connecticut State Inventory of Historic Places; and/or
 - d. listed individually as contributing to an historic district or as constituting an historic property, as established by ordinance of the Town of Old Lyme under the provisions of Chapter 97a of the Connecticut General Statutes. [From former Section 9.1]
90. Helistop. A landing and take-off pad for the pickup and discharge of passengers by helicopter for the exclusive use of the owner of the Lot upon which the Helistop is located and excluding passenger service to the general public. A Helistop shall be

accessory to the Principal Use of the Lot or Building upon which it is located. See, Section 6.1.25 (Helistops). [Added effective 3-7-08]

91. Home for the Aged. See "Rest Home". [Added effective 3-7-08]
92. Home Occupation, Customary. Accessory Uses conducted for compensation by the occupant(s) of a residential Building or Lot which complies with the provisions of Section 7.8.1 (Accessory Uses, Buildings, and Structures) of these Regulations. Home Occupations shall not include: Restaurants, tea rooms, or other eating or drinking places; Commercial Dog Kennels; Commercial Catteries; Veterinary Hospitals or Veterinary Outpatient Clinics; barber shop or beauty parlor having more than one (1) sink with one chair for cutting hair; doctors, dentists, lawyers or other professional Persons (See "Professional or Business Office Accessory to Dwelling Unit"); automotive service, supply sales or repairs, except for vehicles registered in the name of family members residing in the dwelling; or, the use or repair of internal combustion engines at the workshop.

Home Occupations include, but are not limited to: The preparation and sale of those products customarily produced in the home or garden and actually produced in the subject home or garden, such as baking and home preserves; the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; the workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, watchmakers, house painters, paperhangers, cybernetics, and radio and television repairmen; and, Group Day Care Homes. See, Section 7.8 (Accessory Uses, Buildings, and Structures). Compare to definition of "Professional or Business Office Accessory to Dwelling Unit". [From former Section 21.2.2 , Amended Effective 3-7-08]
93. Hotel or Motel. See "Inn". [From former Section 32.5.2, amended effective 3/5/05; further amended effective 3-7-08.]
94. Human Occupancy. The use of an enclosed space having means of egress, light, ventilation and access to sanitary facilities by any person or persons for the purpose of living, working or playing. [From former Section 9.1]
95. Illegal Use of Land, Building or Structure. Any Use, or the erection of any Building or Structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined. [Added effective 3-7-08]
96. Inland Wetland. Those areas designated and defined as inland wetlands by the Old Lyme Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time. [Added effective 3-7-08]
97. Inn. A Building or group of Buildings, which Building(s) is/are designed or used for the short-term rental of more than four (4), but no more than forty (40) rooms, to transients, and capable of including, as an Accessory Use, the serving of meals to both persons occupying the facility and the general public. See Sections 11.6 and 11.29, Special Regulations. Compare to "Bed and Breakfast", "Boarding House" and "Hotel or Motel". [Added effective 3-7-08]

98. Junk Yard. An area of land, with or without Buildings, used either as a Principal or Accessory Use or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. Except as provided in connection with a licensed motor vehicle repair garage or a Farm, the deposit or the outdoor storage on a Lot of more than one (1) unregistered vehicle or vehicles otherwise not in a condition for legal use on public highways or parts of one (1) or more such vehicles shall be deemed a Junk Yard. [From former Sections 6.3.2 and 6.3.5, Amended Effective 3-7-08]
99. Kennel, Commercial. Three (3) or more dogs, age six (6) months or older, kept on a lot and bred for show, sports or sale; or, a building, structure or facility for boarding, grooming or training of one (1) or more dogs for a fee. Compare to “Kennel, Private Dog” and “Cattery, Commercial” and “Dog Training Facility”. [From former Section 9.1, Amended Effective 3-7-08]
100. Kennel, Private Dog. A Structure, open or enclosed, in which a total of no more than three (3) or more dogs are kept for pleasure or non-commercial breeding. [Added effective 3-7-08]
101. Livestock. Includes such domestic animals as horses, cows, goats and sheep, or the like, but excluding mink and garbage-fed swine. [Added effective 3-7-08]
102. Impervious. See Section 17, Aquifer Protection Regulations. [From former Section 9.1, Amended Effective 3-7-08]
103. Inspection. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
104. Liquor Establishment. See Section 14, Alcoholic Liquor. [Added effective 3-7-08]
105. Liquor Permit Premises. That portion of any Building that has been, or is capable of being, granted a liquor permit by the State Liquor Control Commission. See Section 14 (Alcoholic Liquor). [Added effective 3-7-08]
106. Lot. 1) a parcel of land meeting the requirements of these Regulations; 2) a parcel of land which is owned separately from any adjoining Lot or Lots as evidenced by deed or deeds recorded in the Land Records of the Town of Old Lyme; or, 3) a building lot shown on a subdivision map approved by the Old Lyme Planning Commission and filed in the land Records of the Town of Old Lyme. In the case of Multiple or Two-family Dwellings, a group of Buildings under the same ownership shall be considered as occupying the same lot. The term "Lot" includes the terms "Plot" and "Parcel", but those terms do not include the term "Lot". See Section 9.1, Non-Conforming Lots. [From former Section 9.1, Amended Effective 3-7-08]
107. Lot Area. The area of a horizontal plane bounded by all Lot Lines. See, Section 8 (Bulk Requirements). [Added effective 3-7-08]
108. Lot Coverage. See “Building Coverage” and “Total Ground Coverage” in Section 8.1 (Bulk Requirements). [Added effective 3-7-08, Amended effective 4-1-09]
109. Lot Frontage. The width of a Lot measured along the Front Lot Line. See Section 8.2 (Bulk Requirements). [Added effective 3-7-08]

110. Lot Line. Any boundary line of a Lot. [Added effective 3-7-08]
111. Lot Line, Front. That Lot Line being along the Street Line which that Lot abuts. [Added effective 3-7-08]
112. Lot Line, Rear. The shortest single straight Lot Line which is roughly opposite of, and farthest from, the Front Lot Line. [Added effective 3-7-08]
113. Lot Line, Side. Any Lot Line not a Front Lot Line or a Rear Lot Line extending directly or indirectly from the Front Lot Line. [Added effective 3-7-08]
114. Lot, Non-Conforming. See "Non-Conforming Lot". [Added effective 3-7-08]
115. Lot of Record. A Lot for which a Deed has been recorded in the Office of the Town Clerk of the Town of Old Lyme which Lot met the requirements of these Regulations and of the Old Lyme Subdivision Regulations, if any, as the same were in force at the time of such recording. See definition of "Non-Conforming Lot" and Section 9.1 (Existing Non-Conforming Lots). [Added effective 3-7-08]
116. Lot, Minimum Area of Buildable Land. See Section 8.4. [Added effective 3-7-08]
117. Lot, Minimum Dimension of Square. All Lots shall be capable of containing completely within the Lot Lines of said Lot, a square having no side less than the minimum dimension set forth for the subject District by Section 8, Schedules A-2 and B-2 of these Regulations. [Added effective 3-7-08]
118. Manufacturing. Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity. [Added effective 3-7-08]
119. Marine Facility. A dock, wharf, slip, basin or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any Accessory Buildings or other Structures necessary for the operation of the foregoing. [From former Section 9.1]
120. Memorial Garden. A Principal Use when a Governmental Service, or an Accessory Use when not a Governmental Service, which consists of landscaping, Terraces, benches, fountains, or other outdoor decorative amenities intended to memorialize the life of a departed person or persons and to facilitate quiet contemplation and reflection. "Memorial Garden" does not include "Cemetery", columbarium, crematory, mausoleum, or mortuary but may be an Accessory Use to such Uses, if and where permitted by these Regulations. [Added effective 3-7-08]
121. Mobile Home. See "Trailer". [Added effective 3-7-08]
122. Motel. See "Hotel or Motel". [Added effective 3-7-08]
123. Multiple Dwelling. See, "Dwelling, Multiple Family".
124. Multiple Dwelling Project. Two (2) or more Multiple Dwellings located on one (1) Lot. [From former Section 9.1]
125. Nonconformity, including Actual Construction. Nonconformity: A nonconforming use, Building or other Structure, Lot or site development, or part thereof, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective and which fails to conform to one or more of the

provisions of these Regulations or such amendment hereto. No nonconforming use, Building or other Structure, Lot or site development shall be deemed to have existed on the effective date of these Regulations unless: a) it was actually in existence on a continuous basis on such date, clearly established, and observable or discoverable; or, b) any required ZONING PERMIT and/or Building Permit therefor had been lawfully issued and "actual construction" lawfully begun prior to such date; and, c) if such nonconformity is a use, such use had not been abandoned within the meaning of Section 9. "Actual construction" means the placing of construction materials in a permanent position in accordance with the approved plans for the Building or other Structure or site development and with intent to complete the construction in an expeditious manner. See Section 9, Non-Conforming Lots, Uses, Buildings, and/or Structures. [From former Section 8.1.1, Amended Effective 3-7-08]

126. Non-Conforming Lot. A Lot of Record which does not currently conform to these Regulations and is subject to the requirements of Section 9.1 of these Regulations. [Added effective 3-7-08]
127. Non-Conforming Use. The actual Use of land, Buildings, or Premises which is not a Use permitted by these Regulations for the District or Zone in which such Use is occurring but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the Use to cease to meet the requirements of these Regulations. See, Section 9.2 (Non-Conforming Uses).
128. Non-Profit Corporation. A Connecticut corporation organized and existing under the provisions of Title 33, Chapter 598, for "Religious Corporations and Societies" and Chapter 598a for "Charitable Corporations and Societies" of the General Statutes of Connecticut as amended (non-stock corporations) provided that such corporation or trust shall also be classified and approved as a tax-exempt, charitable corporation or trust under the provisions of the Federal Internal Code and as may be amended from time to time. [From former Section 9.1, Amended Effective 3-7-08]
129. Non-Profit Elderly Housing. Rental housing which is owned and operated by a Non-Profit Corporation organized for purposes of providing such housing and in which dwelling units shall be occupied by no more than two persons, at least one of whom is 62 years of age or older. [From former Section 9.1]
130. Nursery Schools. See "Day Care Center". [Added effective 3-7-08]
131. Nursing Home. An establishment which is licensed by the Department of Health Services pursuant to Chapter 368v of the Connecticut General Statutes and which furnishes food and shelter to two or more Persons unrelated to the proprietor, and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry, such services including, but not limited to, assistance in personal hygiene, nutrition, exercise, recreation, and health maintenance. "Nursing Home" includes "Home for the Aged" and "Rest Home" but does not include "Convalescent Home" or "Skilled Nursing Facility". [Added effective 3-7-08]
132. Occupy. To take possession or enter upon for the purpose of using. When applied to a Dwelling Unit, see the definition of "Human Occupancy". [Added effective 3-7-08]

133. Offsite Construction Storage and Staging - Storage of equipment or material in connection with an approved permit for work being done offsite of the property permit approved for. [Added effective 10-12-21]
134. Open Space (as applied to Bulk Requirements). An unoccupied space open to the sky on the same Lot as the subject Building or Structure. See “Bulk,” “Yard,” and Section 8. [Added effective 3-7-08]
135. Open Space (as applied to Use of land for public benefit). Any Parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for non-commercial public use or enjoyment or for the non-commercial use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. “Open Space” may also include land improved for non-commercial active recreational activities open to the general public or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. “Open Space” shall not include land Used for active recreational activities carried on for profit or functionally equivalent to such activities customarily carried on for profit, such as golf courses, tennis clubs, riding stables, and the like. [Added effective 3-7-08]
136. Parcel. Any contiguous piece of land, including one or more contiguous Lots of Record, unified under the same ownership, whether or not every said piece of land was acquired at the same time, excluding, however, any parcel which is a "Lot" as that term is defined in these Regulations. [Added effective 3-7-08]
137. Park. An area set apart for recreation of the general public to promote its health and enjoyment and owned and operated by a Non-Profit Corporation or as a Governmental Service. [Added effective 3-7-08]
138. Parking, Off-Street. Parking space(s) as required by these Regulations which is/are located outside a Street right-of-way. See Section 18, (Off-Street Parking and Truck Loading). [Added effective 3-7-08]
139. Parking Space. The Accessory Use of an area delineated in a Parking Lot or in a Parking Garage for the temporary accommodation of a single motor vehicle by the patron of, or visitor to, a Use located on the Lot and conforming to the requirements of these Regulations. See, Section 18 (Off-Street Parking and Truck Loading). [Added effective 3-7-08]
140. Paved Area. An area covered with a Surface to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, Streets, Parking Lots, Driveways, loading areas, sidewalks, or impervious surface drainage swales. [Added effective 3-7-08]
141. Person. An individual, firm, partnership, joint venture, association, Club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof. [Added effective 3-7-08]
142. Plan of Conservation and Development: That document or documents adopted by the Planning Commission [or Planning and Zoning Commission] under the authority of Conn. Gen. Stats. §8-23, as the same may be amended from time to time and including, but not limited to, the Town’s Municipal Coastal Program. [Added effective 3-7-08]

143. Planned Residential Conservation Development. (Formerly known as “Planned Residential Cluster Development”). See Section 12 for the following: Net Buildable Area; Planned Residential Conservation Development. [From former Section 9.1, Amended Effective 3-7-08]
144. Planning Commission. The Planning Commission of the Town of Old Lyme, having all of the powers sets forth in Chapter 126 of the Connecticut General Statutes. [Added effective 3-7-08]
145. Poultry. Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs. [Added effective 3-7-08]
146. Premises. A Lot or Parcel and all Buildings, Uses and Structures located thereon. [Added effective 3-7-08]
147. Premises, Liquor Permit. See “Liquor Permit Premises”.
148. Principal Building. That single Building, or inter-related group of Buildings, in which is conducted the Principal Use of the Lot on which the Building is situated. [Added effective 3-7-08]
149. Principal Use. The primary purpose or function for which a Lot is Used. [Added effective 3-7-08]
150. Professional and Business Office Accessory to Dwelling Unit. Accessory Uses conducted for compensation by the occupant(s) of a residential Building or Lot which complies with the provisions of Section 7.8.1 (Accessory Uses, Buildings, and Structures) of these Regulations. Professional and Business Office shall include, for example, the offices of doctors, dentists, lawyers, architects, accountants, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals for whom a license to practice is required by applicable laws of the State of Connecticut. Compare to “Home Occupation, Customary”. [From former Section 21.2.1, Amended Effective 3-7-08]
151. Property Line, Rear. See “Lot Line, Rear”.
152. Property Line, Side. See “Lot Line, Side”.
153. Public. Available for use by, or for the benefit of, the general public, whether upon payment of a fee or otherwise and regardless of the ownership or control thereof. Compare to the definition of “Governmental Service”. [Added effective 3-7-08]
154. Public Parking Garage. A Principal Use of a Building used for the parking, standing, or storage of more than three (3) registered motor vehicles owned by Persons other than the owner or occupants of the Premises and offered for use to the general public upon payment of a fee. [Added effective 3-7-08]
155. Public Parking Lot. A Principal Use of a Lot, or portion thereof, used for the parking, standing, or storage of more than three (3) registered motor vehicles owned by Persons other than the owner or occupants of the Premises and offered for use to the general public upon payment of a fee. [From former Section 9.1, Added Effective 6/1/99; and Amended Effective 3-7-08.]

156. Refuse. Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities. [From former Section 9.1]
157. Restaurant, “Fast Food”. The retail sale of food to the general public for consumption on the Premises or where a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use and which is characterized by high volume of patronage, the promise of rapid service of meals and a resulting short duration of stay and rapid turnover, and expressly excluding Drive-In or curb service as an Accessory Use. See Section 6, Prohibited Uses. [Added effective 3-7-08]
158. Restaurant, Full Service. The retail sale of food to the general public for consumption on the Premises, with food service primarily to customers seated at tables or at counters in an enclosed Building. See Section 11.12, Special Regulations. [Added effective 3-7-08]
159. Restaurant, Take-out. The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use. See Section 11.12, Special Regulations. [Added effective 3-7-08]
160. Rest Home. See “Nursing Home”.
161. Right-of-Way. A servitude imposed by law or by convention and by which one has a right to pass through the real property of another. [Added effective 3-7-08]
162. School. A use which meets State of Connecticut licensing requirements for accredited primary, secondary or college instruction and education. Such school may be public or private [added effective 11-18-15]
163. Sediment. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.8]
164. Septage Storage and Transfer Facility. A facility in which sludge, waste, water or other products removed from onsite effluent disposal systems, septic tanks, and similar systems for the storage and treatment of human wastes are collected, stored and then transferred in bulk to wastewater treatment plants for processing. “Septage Storage and Transfer Facility” shall not include any facility for the storage, treatment or handling of hazardous substances as defined in Conn. Gen. Stats. 21-a-335; hazardous chemicals, as defined in Conn. Gen. Stats. 29-336; hazardous waste as defined in Conn. Gen. Stats. 22a-115; radioactive material regulated pursuant to Conn. Gen. Stats. 22a-148; or petroleum products. [From former Section 9.1, Amended Effective June 1, 1998]
165. Shoreline Flood and Erosion Control Structures. Any Structure, or effect of, which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of Sediments along the shoreline. The term shall not include any addition, reconstruction, change or adjustment to any walled and roofed Building which is necessary for such Building to comply with the requirements of the Code of Federal Regulation, Title 44, Part 50, and any municipal regulations adopted thereunder. [From former Section 9.1]

166. Sign. Any Structure, or part thereof, or any device attached to a Building or Structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any Building or site through a recognized motif or symbol. The term "Sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises. See Section 19 (Signs). [From former Section 42.3.1, Amended Effective 3-7-08]
167. Sign, Advertising. A Sign, including that type of Sign commonly known as a "Billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such Sign is displayed or only incidentally occurring upon such Lot. [Added effective 3-7-08]
168. Sign Area or Face. The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the Sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such Sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided Signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel shall be considered to have only one (1) Sign face. See Section 19 (Signs). [Added effective 3-7-08]
169. Sign, Directional. A Sign on a Premises indicating location of the Use or purpose of a Building, Lot, or portion thereof located elsewhere in such Building or on such Lot but containing no other information. See Section 19 (Signs). [Added effective 3-7-08]
170. Sign, Directory. A Sign which sets forth only the names of occupants of space within a Building or group of Buildings. See Section 19 (Signs). [From former Section 42.3.2., Amended Effective 3-7-08]
171. Sign, Directly Illuminated. Any Sign designed to give forth any artificial light, directly or indirectly, through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign. See Section 19 (Signs). [Added effective 3-7-08]
172. Sign, Exempt. A Sign which is exempt from regulation in accordance with Section 19 of these Regulations. [From former Section 42.3.3, Amended Effective 3-7-08]
173. Sign, Ground. See definition of "Sign, Free-Standing". [Added effective 3-7-08]
174. Sign, Identification. A Sign on a Premises bearing the name or similar identification of the Use or occupant of a Building, Lot or portion thereof, or a Sign indicating danger or whether a facility is open for business but containing no other information. See Section 19 (Signs). [Added effective 3-7-08]

175. Sign, Illuminated. A Sign which is artificially lighted. See Definition of “Sign, Directly Illuminated” and “Sign, Indirectly Illuminated”. See, also, Section 19 (Signs). [From former Section 42.3.4, Amended Effective 3-7-08]
176. Sign, Indirectly Illuminated. A Sign illuminated: (a) by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face or the area immediately around it, but, in no event, visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign; or, (b) Opaque letters or symbols silhouetted against a luminous background. See Section 19 (Signs). [From former Section 42.4.5, amended effective 3-7-08].
177. Sign, Flashing. Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times [, excluding time or temperature signs approved in accordance with Section 19 of these Regulations?]. See Section 19 (Signs). [Added effective 3-7-08]
178. Sign, Moving. Any Sign, or any portion of any Sign, which is capable of any movement whatsoever; excluding barber poles and clocks. Compare definition of “Sign, Portable”. See Section 19 (Signs). [Added effective 3-7-08]
179. Sign, Outdoor Advertising and/or Off-Premises. See "Sign, Advertising". See Section 19 (Signs). [Added effective 3-7-08]
180. Sign, Overhanging. Any Sign extending at an angle from a Building which is its sole or principal support. See Section 19 (Signs). [Added effective 3-7-08]
181. Sign, Pole. See "Sign, Free-Standing". See Section 19 (Signs). [Added effective 3-7-08]
182. Sign, Portable. Any Sign which is not anchored to the ground or to a Structure in some permanent way and is capable of movement. “Sign, Portable” shall include, but not be limited to, so-called “sandwich” or “A” Signs or Signs on easels or stands. For Signs painted on or affixed to vehicles, carts, or other mobile devices, see Section 19.3 (Prohibited Signs). [From former Sections 42.3.7 and 42.3.8, Amended Effective 3-7-08]
183. Sign, Roof. Any Sign erected, constructed, or maintained upon the roof of a Building or painted upon a roof or created by the use of contrasting colors of roofing materials. See Section 19 (Signs). [From former Section 42.4.11(b), Amended Effective 3-7-08]
184. Sign, Sky. Any Sign suspended in the air by any means, including Signs painted on, affixed to, or suspended by, balloons, kites, or similar airborne devices. [Added effective 3-7-08]
185. Sign, Temporary. Any Sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, and erected on a temporary basis. See Section 19 (Signs). [From former Section 42.3.7, Amended Effective 3-7-08]
186. Sign, Wall. Any Sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a Building. See Section 19 (Signs). [Added effective 3-7-08]

187. Soil. Any unconsolidated mineral or organic material of any origin. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.9]
188. Soil Erosion and Sediment Control Plan. A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.10]
189. Story. That part of a Building other than a Basement or Cellar included between the surface of any floor and the floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A Story for which the Floor Area has a ceiling Height of six (6') feet or greater over an area greater than 50 (50%) percent of the Floor Area of the Story directly below it shall be a "Story." [From former Section 9.1, Amended effective 4-1-09]
190. Story, Half. That Story having its floor joists at the level of the roof eave and for which the Floor Area has a ceiling height of six (6') feet or greater over an area less than 50% of the Floor Area of the Story directly below it. Compare to "Attic" and "Story." [Added effective 3-7-08, Amended effective 4-1-09]
191. Street. 1) Any Town or State highway, except limited access State or Interstate highways; 2) any public or private street shown on a subdivision plan approved by the Old Lyme Planning Commission and filed in the Land Records of the Town of Old Lyme, which approval has not lapsed in accordance with Conn. Gen. Stats. § 8-26c; or, 3) any street owned and maintained by a legally constituted association. [From former Section 9.1, Amended Effective 4/ 3/95; and 3-7-08]
192. Street Line. The right-of-way or taking line of any Street as defined above. [From former Section 9.1, Amended Effective 3/3/95 and 3-7-08]
193. Street, Traveled Way. "That part of the Street used for the movement of vehicles." [Added effective 3-7-08]
194. Structure. Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a Building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including Signs, vending machines, Fences or walls over six (6') feet in height, a wharf or dock, an above-ground tank, or a detached solar panel or satellite dish. This definition includes "manufactured homes". A Structure shall not include a flagpole or an ornamental well. [From former Section 9.1, Amended Effective 4/3/95 and 3-7-08]
195. Subdivision. The definition of the term "Subdivision" as used in these Regulations shall be the same as that term is defined in the Old Lyme Subdivision Regulations. [Added effective 3-7-08]
196. Subsidized Elderly Housing. Rental housing in which Dwelling Units shall be occupied by no more than two Persons, at least one of which is either sixty-two (62) years of age or older and is receiving or will be receiving financial assistance under any governmental program in accordance with Chapter 138a of the Connecticut General Statutes or Section 1437f of Title 42 of the United States Code and/or is assisted

housing as defined by Section 8-30g(a)(1)(8) of the Connecticut General Statutes. Information as to the nature of the assistance, the duration of the assistance, and the number of units receiving such assistance shall be provided to the Planning Commission. [From former Section 9.1, Amended Effective 3-7-08]

197. Supervised Group Quarters. A Dwelling Unit which houses a group of Persons during a period in which such Persons are undertaking a program of vocational training, counseling, social rehabilitation or other similar programs, such as children's homes or group homes. "Supervised Group Quarters" shall not include Boarding House, Day Care Center, Rest Home, Convalescent Home, Community Residence for Mentally Retarded Adults or Community Residence for Mentally Ill Adults. [Added effective 3-7-08]
198. Tag Sale. The temporary use of land or the Buildings thereon for the purpose of the public sale of personal household goods by the owner or resident thereof in conjunction with the cleaning-out or vacating of residential Premises. In no way does the term "Tag Sale" encompass the sale of any goods brought to the Premises for the purpose of public sale except where more than one (1) Family may cooperatively enter into such a sale at one (1) location. The term "Tag Sale" shall include garage sale, yard sale, barn sale, attic sale, and any similar term or activity. [Added effective 3-7-08]
199. Telecommunications Tower. A Structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such Structures include monopoles and lattice construction steel structures. [From former Section 9.1, Amended Effective 3/3/97]
200. Telecommunications Antenna. A device used to collect or transmit telecommunications or radio signals; examples are panels, microwave dishes, and single poles known as whips. [From former Section 9.1, Amended Effective 3/3/97]
201. Telecommunications Equipment Building. A Building, Accessory to a Telecommunications Tower, in which the electronic receiving and relay equipment in support of a telecommunications device is housed. [From former Section 9.1, Amended Effective 3/3/97]
202. Terrace. A surfaced area adjacent to a Building which serves as an outdoor extension of the Use of that Building, which is open both vertically and horizontally, and which does not exceed a height of 12 inches above the adjacent grade of the land. Compare to "Deck". [From former Section 9.1, Amended Effective 1/1/96]
203. Town. The Town of Old Lyme, a municipal corporation having its territorial limits within the Town of Old Lyme, County of New London, and State of Connecticut. [Added effective 3-7-08]
204. Trailer. A trailer coach or mobile home, either on or off wheels but not permanently affixed to a foundation or otherwise capable of relocation or transport. Any mobile Building shall be included within this definition regardless of whether it contains cooking, bathing, and/or toilet facilities, as long as it is capable of being connected to a water supply and to a sewerage disposal system (including internal water tanks and/or sewerage holding tanks) and is designed for human occupancy on a temporary or permanent basis, including recreational use or is used for storage or for office Uses. See Section 11.18 (Trailers). [From former Section 9.1, Amended Effective 3/3/95 and 3-7-08]

205. Trailer, Permanent Storage. Vehicle, container or object, excluding Buildings used for storage of goods or materials which is designed to be moved on its own wheels, flatbed or other Trailer. Any Trailer located on the same Lot for more than ninety (90) days during any calendar year shall be considered a "Permanent Storage Trailer". See Section 11.18 (Trailers). [From former Section 49.2, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
206. Trailer, Recreational. A Trailer used for vacation travel, camping, or similar recreational uses. See Section 11.18 (Trailers). [Added effective 3-7-08]
207. Trailer, Temporary Storage. Vehicle, container or object, excluding Buildings used for storage of goods or materials, which is designed to be moved on its own wheels, flatbed or other trailer, and which Trailer is located on the same Lot for no more than ninety (90) days during any calendar year. See Section 11.18 (Trailers). [From former Section 49.3, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
208. Trailer, Temporary Construction Storage/Office. Vehicle, container or object, excluding Buildings used for storage of goods or materials to be utilized in the construction of Building(s), Structure(s), or Use(s) on the Lot upon which such Trailer is located or the housing of field offices for such construction on such Lot, which Trailer is designed to be moved on its own wheels, flatbed or other trailer. See Section 11.18 (Trailers). [From former Section 49.4, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
209. Transient. A Person who is not a permanent resident of the Town but is visiting for personal or business reasons. See Section 11.6, Inn.
210. Use. Any purpose for which a Building, Structure, or Premises may be designed, arranged, intended, maintained, or occupied, or, any activity, occupation, business, or operation actually carried on in a Building or other Structure or on a Lot or Parcel. [Added effective 3-7-08]
211. Use, Non-Conforming. See "Non-Conforming Use". [Added effective 3-7-08]
212. Veterinary Hospital. Any Use where animals are given medical or surgical treatment and are boarded or cared for overnight but which does not meet the definition or requirements of Veterinary Outpatient Clinic. See Section 11.16, (Commercial Cattery, Dog Kennel, Veterinary Hospitals, & Veterinary Outpatient Clinics). [From former Section 32.5.2, Amended Effective 3-7-08]
213. Veterinary Outpatient Clinic. A Use where small animals or pets are given medical or surgical treatment. Such Clinic shall be located within a completely enclosed Building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise and with no outside facilities or Accessory Structures for animals. Such Clinic shall provide no boarding of animals except as required for medical treatment. Such boarding shall be accessory to the principal Veterinary Outpatient Clinic use and shall occupy no more than twenty (20%) percent of the total use floor area and shall provide space for no more than fourteen (14) animals. No Structure or use of land shall be considered a "Veterinary Outpatient Clinic" if it has obtained a commercial kennel license from the Connecticut Commissioner of Agriculture in accordance with Chapter 435 of the Connecticut General Statutes. See Section 11.16, (Commercial Cattery, Commercial Dog Kennel, Veterinary Hospitals, & Veterinary Outpatient Clinics). [From former Section 32.5.8, Amended Effective 3-7-08]

214. Water-Dependent Use. Those Uses and facilities which: a) require direct access to or location in marine or tidal waters, and, which, therefore, cannot be located inland; and, b) uses which provide general public access to marine and tidal waters. [From former Section 9.1]
215. Wetlands and Watercourses. Defined in the Connecticut General Statutes as follows:
- | | |
|------------------------|--------------------|
| <u>Inland Wetlands</u> | Section 22a-38(15) |
| <u>Watercourses</u> | Section 22a-38(16) |
| <u>Tidal Wetlands</u> | Section 22a-29(2) |
216. Yacht Club. A Club, as defined in these Regulations, the primary focus of which is on social, educational, and recreational activities related to boating and the sea. Such activities may include yacht design and racing, sailing, seamanship, navigation, and safety education, inter-club regattas, group (fleet) cruises, social and dining opportunities, aquatic sports or programs to preserve the marine environment, any of which activities may be open to club members or the general public. Accessory uses may include dining rooms, meeting rooms, sailing classes, sailing races and educational programs. [Added effective 3-7-08]
217. Yard, Required. The minimum unoccupied space open to the sky on the same Lot as the subject Building or Structure (“Open Space”) having those minimum dimensions prescribed by these Regulations. See “Bulk Requirements” and “Open Space”.
218. Yard, Minimum Required Front. A Yard between any Principal Building and the Lot Frontage Line extending the full width of the Lot between the Lot Side Lines measured by the minimum horizontal distance between any such Building and the Lot Frontage Line; or, in the case of a Corner Lot, a similar Yard extending along all streets. At no point shall the required Front Yard be less than the Lot Width required for the subject zone. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).
219. Yard, Minimum Required Rear. A Yard between any Principal Building and Rear Lot Line extending the full width of the Lot between the Lot Side Lines measured by the minimum horizontal distance between any such Building and the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which the Principal Building has its street address or is otherwise the designated front of the Lot. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).
220. Yard, Minimum Required Side. A Yard between the Side Lot Line and any Principal Building extending on both sides of the Lot from the Front Lot Line to the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which such Building does not have its street address or is otherwise not the designated front of the Lot. Any Yard not a Rear Yard or a Front Yard shall be deemed to be a Side Yard. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).
221. Zone. An area overlaying a District and applying standards, requirements, and procedures which relate to the particular nature and purpose of that Zone, such as groundwater protection, coastal area management, flood plain protection, or protection of the Connecticut River Valley. Compare to “District”. [Added effective 3-7-08]

[Amended to delete former number 159 and 160 to delete definition of seasonal dwelling and seasonal use effective 9-16-11]

SECTION 4 - GENERAL REGULATIONS

4.1 Permitted and Prohibited Uses.

- a. Permitted Uses. No Buildings or Structure shall be erected, altered, extended, converted, enlarged or reconstructed in such a manner as to be designed, arranged or intended for any purpose other than the Uses permitted in the District in which the Building or Structure is located, except as provided in Section 9 (Non-Conforming Lots, Uses, Buildings, and/or Structures) of these Regulations. Likewise, no Lot, Building, or Structure shall be used, designed or arranged for any purpose other than the Uses permitted in the District in which that Lot is located, except as provided in Section 9 of these Regulations.
- b. Prohibited Uses. Any Use of a Lot, Buildings or Structures not specifically set forth in these Regulations as a Permitted Use shall be deemed to be a prohibited Use. Without in any way limiting the generality of the foregoing, those Uses set forth in Section 6 (Prohibited Uses) of these Regulations are expressly prohibited in all Districts.

[Added effective 3-7-2008]

4.2 Coastal Boundary.

- 4.2.1 General. The Coastal Boundary is established under the provisions of Chapter 444, Section 22a-94, of the Connecticut General Statutes (C.G.S.), which Boundary may be amended from time to time by the Connecticut General Assembly and is shown on the Coastal Boundary Map for the Town of Old Lyme. Coastal Resources are as defined in Section 22a-93, C.G.S. and as located on the Coastal Resources Map and the Tidal Wetlands Map for the Town of Old Lyme prepared by the Connecticut Department of Environmental Protection. It shall be the responsibility of the Person filing an APPLICATION FOR ZONING PERMIT to determine whether or not the Lot, or any portion thereof, is located within the Coastal Boundary and which and where Coastal Resources are found on the Lot.

[From former Section 35.1, Amended Effective 3-7-2008]

- 4.2.2 Coastal Site Plan Review. All Buildings and other Structures, including Shoreline Flood and Erosion Control Structures, or part thereof, and all uses of land, Buildings and other Structures, and changes in Use, located fully or partially within the Coastal Boundary are subject to Coastal Site Plan Review requirements and procedures and shall be referred to the Department of Environmental Protection, office of Long Island Sound Programs, as specified in Conn. Gen. Stats. §22a-105 through 22a-109.

[From former Section 35.2, Amended Effective 3-7-2008]

- 4.2.3 Exemptions. The following activities are hereby exempted from Coastal Site Plan Review requirements under the authority of Conn. Gen. Stats. §22a-109(b) but are not exempted from the provisions of Section 4.2.11 and 4.2.12 below:
 - a. gardening, grazing and the harvesting of crops;
 - b. minor additions to or modifications of existing Buildings or detached Accessory Buildings, such as garages and utility sheds;

- c. construction of new or modification of existing Structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks and detached Accessory Buildings;
- d. construction of new or modification of existing on-premises Structures, including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, Signs, and such other minor Structures, as will not substantially alter the natural character of coastal resources as defined in Section 22a-93(7), C.G.S., or restrict access along the public beach;
- e. construction of an individual single-family residential structure, except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within 200 feet of the following coastal resource areas as defined in Section 22a-93(7), C.G.S.: tidal wetlands, coastal bluffs and escarpments, beaches and dunes, and rocky shore fronts;
- f. activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- g. interior modifications to Buildings;
- h. minor changes in Use of a Building, other Structure, Lot or property except those changes occurring on a Lot adjacent to or Abutting coastal waters.

[From former Section 35.2.1, Amended Effective 3-7-2008; and 35.5, Amended Effective 7-3-95 and Effective 3-7-2008]

4.2.4 Applicability of Exemptions. The exemptions from Coastal Site Plan Review requirements listed in paragraph 4.2.3 shall apply to the following plans and applications:

- a. site plans submitted to the Zoning Commission in accordance with Conn. Gen. Stats. §22a-109;
- b. SITE DEVELOPMENT PLANS submitted for particular uses, buildings and other structures as required by these Regulations;
- c. applications for Special Permits submitted under these Regulations for consideration by the Zoning Commission, Planning Commission or Zoning Board of Appeals;
- d. applications for a variance submitted for consideration by the Zoning Board of Appeals in accordance with Conn. Gen. Stats. §8-6(3) and Section 21 of these Regulations;
- e. applications for approval of subdivision or resubdivision by the Planning Commission in accordance with Conn. Gen. Stats. §8-25;
- f. applications for commercial tree cutting permits under Section 11.23 of these Regulations; and,

- g. a referral of a proposed municipal project to the Planning Commission in accordance with Conn. Gen. Stats. §8-24.

[From former Section 35.2.2, Amended Effective 3-7-08]

4.2.5 Application Requirements. Except as exempted under paragraph 4.2.3, the Person filing an APPLICATION FOR ZONING PERMIT, an application for a Special Permit or variance, an application for approval of a subdivision or resubdivision, or proposing a municipal project in accordance with Conn. Gen. Stats. §8-24, pertaining to land within the Coastal Boundary shall file with the appropriate commission or board a Coastal Site Plan and application on such form as prescribed by the commission or board. Pursuant to Conn. Gen. Stats. §22a-105 and §22a-106, a Coastal Site Plan shall include the following information:

- a. a plan showing the High Tide Line (HTL), the Mean High Water Line, referenced to the National Geodetic Vertical Datum (NGVD) and the location of Tidal Wetlands delineated in accordance with Conn. Gen. Stats. §22a-29(2);
- b. the location and spatial relationship of coastal resources on and contiguous to the site;
- c. a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction;
- d. an assessment of the capability of the resources to accommodate the proposed use;
- e. an assessment of the suitability of the project for the proposed site;
- f. an evaluation of the potential beneficial and adverse impacts of the project;
- g. a description of the proposed methods to mitigate adverse impacts on coastal resources.

In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of Conn. Gen. Stats. §22a-92.

[From former Section 35.2.3, Amended Effective 3-7-08]

4.2.6 Criteria for Action by Commission or Board. In addition to reviewing Coastal Site Plans for compliance with any other applicable standards, requirements, or criteria set forth by these Regulations, the commission or board with jurisdiction shall review Coastal Site Plans for compliance with the following criteria established in Conn. Gen. Stats. §22a-106:

- a. consistency of the proposed activity with the applicable policies in Conn. Gen. Stats. §22a-92;
- b. the acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Conn. Gen. Stats. §22a-93(15);
- c. the acceptability of potential adverse impacts of the proposed activity on future water-dependent development opportunities as defined in Conn. Gen. Stats. §22a-93(17); and,

- d. the adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities.

[From former Section 35.2.4]

- 4.2.7 Action by Commission or Board. The Commission or Board with jurisdiction shall approve, modify, condition, or deny the Coastal Site Plan for the proposed activity on the basis of the criteria listed in Conn. Gen. Stats. §22a-106 to ensure that the proposed activity is consistent with the coastal policies in Conn. Gen. Stats. §22a-92 and that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development opportunities are acceptable.

[From former Section 35.2.5]

- 4.2.8 Reasons for Action by Commission or Board. Pursuant to Conn. Gen. Stats. §22a-106, the Commission or Board with jurisdiction shall state in writing the findings and reasons for its action with respect to any Coastal Site Plan approved, conditioned, modified, or denied. Further, in approving any Coastal Site Plan, the commission or board with jurisdiction shall make a written finding that:

- a. the proposed activity with any conditions or modifications imposed by the commission or board is consistent with the coastal policies in Conn. Gen. Stats. §22a-92;
- b. that the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water-dependent development activities; and,
- c. that the potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities with any conditions or modifications imposed by the Commission or Board are acceptable.

[From former Section 35.2.6]

- 4.2.9 Time Limits; Notification of Action. In accordance with Conn. Gen. Stats. §22a-105 through 22a-109, hearing notification requirements, time limits for making a decision, and decision publication and notification requirements for Coastal Site Plans shall be as set forth in the Connecticut General Statutes for the type of permit or approval being requested.

[From former Section 35.2.7]

- 4.2.10 Violations. In accordance with Conn. Gen. Stats. §22a-108, any activity undertaken within the Coastal Boundary without the required Coastal Site Plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section.

[From former Section 35.2.8]

- 4.2.11 Soil Erosion and Sediment Control Adjoining Coastal Resources. Any Lot which contains, adjoins or is within 50 feet of rocky shorefront, coastal bluffs and escarpments, beaches and dunes or tidal wetlands as defined in Conn. Gen. Stats.

§22a-93 shall be subject to the soil erosion and sediment control measures specified in Section 16 of these Regulations.

[From former Section 35.3, Amended Effective 3-7-08]

- 4.2.12 Construction or Enlargement of Certain Buildings Adjoining Coastal Resources. No Building or other Structure, including drainage structures, septic systems and wells, shall be newly constructed, Enlarged, or Extended within fifty (50) feet of any rocky shorefront, coastal bluffs and escarpments, or beaches and dunes, as defined in Conn. Gen. Stats. Sec. 22a-93. It shall be the responsibility of the applicant for a ZONING PERMIT, Special Permit or variance under these Regulations to determine whether any of the aforesaid coastal resources are located on or within fifty (50) feet of the Lot and where the new construction, Enlargement or Extension is proposed, and, if any such resources are so located, to portray the same on the site plan submitted for review under the provisions of this Section. Nothing in this Regulation, however, shall prevent the restoration or reconstruction of a Building or Structure damaged or destroyed by fire or other casualty, subject to the limitations set for the in Section 9 of these Regulations.

No Building or other Structure, including drainage structures, septic systems and wells, shall be newly constructed, Enlarged, or Extended within fifty (50) feet of any Tidal Wetlands as defined in Conn. Gen. Stats. Sec. 22a-29, except in compliance with Section 4.3 Tidal Waters Protection.

[From former Section 35.4, Amended Effective 7-3-95, amended Effective 3-7-08 and amended Effective 8-1-10]

- 4.2.13 Special Standards – WF-20 District. In the Waterfront Business District (WF-20), the Zoning Commission, in evaluating proposed Special Permit Uses and the Buildings, Structures and site development proposed in connection therewith, shall conduct the Coastal Site Plan Review specified in this Section and shall determine whether or not the proposal would have an adverse impact on future water dependent development opportunities and whether or not such impact is acceptable under the goals and policies of any Plan of Conservation and Development adopted by the Old Lyme Planning Commission and the Connecticut Coastal Management Act. For purposes of such determinations, adverse impacts consist of the following:

- a. locating a non-water dependent Use at a site in the District that is physically suited for a water-dependent Use for which there is a reasonable potential demand;
- b. replacement of a water-dependent Use with a non-water dependent Use; or,
- c. siting of a non-water dependent Use which would substantially reduce or inhibit existing public access to marine or tidal waters.

In determining the acceptability of potential adverse impacts of a Special Permit proposal involving the combining of two or more Uses, at least one of which is a non-water dependent use, the Zoning Commission shall consider whether or not the water-dependent Use or Uses or the non-water dependent Use or Uses is the primary Use of the Lot.

[From former Section 32.7, Amended Effective 3-7-08]

See Section 4.3, Tidal Waters Protection, below.

4.3 Tidal Waters Protection.

Tidal River Protection, Other Than Connecticut River. Except as provided in Section 4.10.3 for the Connecticut River or any of its tributaries or associated wetlands, no Building or other Structure, including drainage structures, septic systems and wells, shall extend within less than 50 feet of the mean high navigable waters of any tidal Watercourse or associated wetlands, provided, however, that the Zoning Commission, in accordance with the provisions of Section 13B, may grant a Special Permit authorizing a marine facility or any Building or other Structure which is Accessory to a Principal Use on the Lot to extend within such 50-foot distance provided that the facility is not intended for Human Occupancy and that the proposed facility and site development are consistent with the purposes for which the Connecticut River Gateway Conservation Zone has been established and will not detract from the natural or traditional riverway scene. See Section 4.2, Coastal Boundary; and Section 4.10.3, Conservation Zone, for the setback from the Connecticut River or any of its tributaries or associated wetlands.

4.3.1 In the Conservation Zone (Gateway Zone), no Building or other Structure, including drainage structures, septic systems and wells, shall extend within less than one hundred (100) feet of the mean high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands (see Section 4.10.3);

4.3.1.a. Provided, however, that the Zoning Commission, in accordance with the provisions of Section 13B, at its discretion, upon determination of functional need, may grant a Special Permit to reduce the setback for Structures that require direct access to the water as an operational, necessity such as piers, docks, boathouses, and Marine Facilities.

4.3.2 In areas outside the Conservation Zone, no Building or other Structure, including drainage structures, septic systems and wells, shall extend within less than fifty (50) feet of the mean high navigable waters of any Tidal Watercourse or associated Tidal Wetlands as defined in Conn. Gen. Stats. Sec. 22a-29;

4.3.2.a. Provided, however, that the Zoning Commission, in accordance with the provisions of Section 13B, may grant a Special Permit authorizing the following to extend within such fifty (50) foot distance:

4.3.2.a.1 A Marine Facility;

4.3.2.a.2 Any Building or other Structure which is Accessory to a Principal Use on the Lot, provided that the facility is not intended for Human Occupancy. The proposed Building or other Structure which is Accessory to the Principal Use on the Lot must be physically detached from the Structure of the Principal Use;

4.3.3. Any Structures and/or Site Development authorized in this section must demonstrate consistency with the purposes of Section 4.2 Coastal Boundary.

[From former Section 7.4.7, Amended Effective 7-3-95, Effective 4/1/99, and also former Section 32.5.6; Amended Effective 3-7-08 and Amended Effective 8-1-10]

4.4 Flood Hazard Regulations.

4.4.1 General. The requirements and procedures hereinafter specified are applicable within the Flood Plain Zone. The purposes of this Section are as follows:

4.4.1.1 to minimize public and private losses due to flood conditions in specific areas of the Town of Old Lyme by the establishment of standards designed to:

- a. protect human life and public health;
- b. minimize expenditure of money for costly flood control projects;
- c. minimize the need for rescue and relief efforts associated with flooding;
- d. minimize prolonged business and employment interruptions;
- e. minimize damage to public facilities and utilities;
- f. help maintain a stable tax base;
- g. ensure that purchasers of property are notified of special flood hazards;
- h. ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and,

[From former Section 33.1, Amended Effective 3-7-08]

4.4.1.2 to ensure continued eligibility of owners of property of the Town of Old Lyme for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.¹

¹ Federal Register, Vol. 41, No. 207, October 26, 1976; Vol. 44, Ch. 1, Parts 59, 60 and 64 through 77 (10-1-88 Edition); Vol. 54, No. 156, August 15, 1989; Vol. 54, No. 188, September 29, 1989.

[From former Section 33.1.2]

4.4.2 Identification of District. The Flood Plain Zone is the area identified as the “Special Flood Hazard Areas” (SFHA) by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Map (FIRM), dated **August 5, 2013 (Panels 09011C0451J, 09011C0452J, 09011C0453J, 09011C0454J, 09011C0458J, 09011C0459J, 09011C0461J, 09011C0462J, 09011C0464J, 09011C0466J, 09011C0467J, 09011C0468J, 09011C0486J, and July 18, 2011 (Panels 09011C0456G and 09011C0457G)** and other supporting data applicable to the Town of Old Lyme, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A, AE and VE, including areas designed as a floodway on a FIRM. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA where the land surface elevation is lower than the base flood

elevation (BFE). Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the Old Lyme Town Clerk's office.

[From former Section 33.2, Amended Effective 3-7-08, Amended effective 7-18-11, Amended effective 8-2-13]

4.4.3 Definitions. Special definitions applicable under this Section only are as follows:

- a. Base Flood means the flood having a one (1.00%) percent chance of being equaled or exceeded in any given year;
- b. Base Flood Elevation is the particular elevation of the crest of the base flood or 100-year flood as specified on the Flood Insurance Rate Map for Zone A, AE and VE. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
- c. Basement means any area of the Building having its floor sub grade (below ground level) on all sides;
- d. Breakaway Wall means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system;
- e. Coastal AE Zone means the portion of the AE Zone seaward of the "Limit of Moderate Wave Action (LiMWA) line on a Flood Insurance Rate Map (FIRM).
- f. Coastal High Hazard Area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The Coastal High Hazard Areas is composed of Zone VE and Zone AE and the Coastal AE Zone as labeled on a Flood Insurance Rate Map (FIRM).
- g. Cost means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

- h. Development means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- i. Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 2, 1980, the effective date of the floodplain management regulations adopted by the community.
- j. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- k. Federal Emergency management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).
- l. Finished Living Space means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- m. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters; and/or, b) the unusual and rapid accumulation or runoff of surface waters from any source;
- n. Flood Insurance Rate Map means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. FIRMS published after January, 1990, may also show the boundaries of the floodway;
- o. Flood Insurance Study is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and other flood data;
- p. Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents;

- q. Floodway means the channel of a river or other Watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town;
- r. Functionally Dependent Use of Facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.
- s. Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Historic Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- t. Limit of Moderate Wave Action (LiMWA) means the landward limit of the 1.5-foot breaking wave within a Coastal AE Zone.
- u. Lowest Floor means the lowest floor of the lowest enclosed area (including Basement or Cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 4.4.6.4c. of this regulation.
- v. Manufactured Home means a Structure able to be transported in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and shall be considered manufactured homes for the purpose of this Regulation;
- w. Manufactured Home Park or Subdivision means a Lot, Parcel or contiguous Parcels of land divided into two or more manufactured home sites for rent or sale;
- x. Market Value means, as related to substantial improvement and substantial damage, the value of the structure shall be determined by the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

- y. Mean Sea Level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced;
- z. National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain;
- aa. North American Vertical Datum (NAVD), as corrected in 1988, is a vertical control used as a reference for establishing varying elevations within the flood plain;
- bb. New Construction means Buildings and other Structures for which the "start of construction" occurred on or after June 2, 1980 (the effective date of original Flood Plain District Regulations), and includes any subsequent improvements to such Structures;
- cc. New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after June 2, 1980, the effective date of the floodplain management regulations adopted by the community.
- dd. Recreational Vehicle means a vehicle which is:
 - (i) built on a single chassis;
 - (ii) 400 sq. feet or less when measured at the longest horizontal projections;
 - (iii) designed to be self-propelled or permanently towable;
 - (iv) designed primarily not for use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
- ee. Sand Dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- ff. Special Flood Hazard Area means the land in the flood plain subject to a one (1.00%) percent or greater chance of flooding in any given year.
- gg. Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.L. 97-348) includes "substantial improvement" and means the date the building permit or ZONING PERMIT, if no building permit was required, was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a Structure (including manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of Streets, and/or walkways, nor does it include excavation for a Basement or Cellar, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the Principal Structure. For a “substantial improvement,” the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that Alteration affects the external dimensions of the Building.

- hh. Structure means, for floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- ii. Substantial Damage means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.
- jj. Substantial Improvement means any reconstruction, rehabilitation, additions or other improvements of a Building or other Structure, the cost of which cumulatively for the last five (5) years, equals or exceeds 50 percent of the market value of the Building or Structure (as determined by the cost approach to value) before the “start of construction” of the improvement. This term includes Buildings and other Structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either of the following:
 - (i) any project for improvement of a Building or Structure to correct existing violations of State or Town health, sanitary or safety code specifications which have been identified by the Building Official of the Town of Old Lyme and which is the minimum necessary to assure safe living conditions; and,
 - (ii) an alteration of an historic Structure as defined in Section 3, provided that the alteration will not preclude the Structure’s continued designation as an historic structure.
- kk. Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- ll. Violation means a failure of a structure or other development to be fully compliant with the community’s floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- mm. Water Surface Elevation means the height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where

specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

[Preceding from former Section 33.3, Amended Effective 3-7-08, Amended Effective 7-18-11, Amended Effective 8-2 -13]

- 4.4.4 Requirements. Any man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, site development, excavation, grading, removal or deposit of earth materials, mining, dredging, drilling operations, outside storage of equipment or materials, or paving, may be made within the special flood hazard area only in accordance with the requirements of this Section. The following are also applicable to requirements:
- 4.4.4.1 Other Restrictions. This Section is not intended to repeal, abrogate or impair any covenants, easements or other laws, regulations or ordinances, and, whichever imposes the more stringent restrictions shall prevail.
- 4.4.4.2 Interpretation. In the interpretation and application of this Section, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.
- 4.4.4.3 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- 4.4.4.4 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvement involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; storage shall be provided within the same hydraulic reach and a volume not previously used for flood storage; storage shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory storage can be provided off-site if approved by the Zoning Commission.
- 4.4.4.5 Aboveground Storage Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral

movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

- 4.4.4.6 Portion of a Structure in Flood Zone. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- 4.4.4.7 Structures in Two Flood Zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks and porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- 4.4.4.8 No Structures Entirely or Partially Over Water. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
- 4.4.4.9 Warning and Disclaimer of Liability. The degree of flood protection established by this Section is considered reasonable for town-wide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of manmade or natural causes. This Section does not imply that land outside of special flood hazard areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Old Lyme, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- 4.4.4.10 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and, to this end, the provisions of this regulation are hereby declared to be severable.

[Preceding from former Section 33.4, Amended Effective 7-18-11]

- 4.4.5. Base Flood Elevation and Floodway Data. Elevation and floodway data applicable under this Section are identified as follows:

- 4.4.5.1 Map. The following zone designations are used on the Flood Insurance Rate Map:

<u>Zone</u>	<u>Explanation of Zone Designations</u>
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- A Areas of 100-year flood; no base flood elevations determined.
- AE Areas of 100-year flood; base flood elevations determined.
- AO Areas of 100-year flood; flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- AH Areas of 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined
- AR Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- A99 Areas of 100-year flood; area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- V Areas of 100-year flood; Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- VE Areas of 100-year flood; Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

Floodway Areas in Zone AE: the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

Other Flood Areas:

- X (Shaded) Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- X (Unshaded) Areas determined to be outside the 0.2% annual chance floodplain.
- D Areas in which flood hazards are undetermined, but possible.

[Preceding from former Section 33.5.1, Amended Effective 7-18-11]

4.4.5.2 Base Flood Elevation and Floodway Data. When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review and reasonably utilize, any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Paragraph 4.4.6.; should the base flood or floodway data be obtained for any special flood hazard area, select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters

of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any point.

[From former Section 33.5.2, Amended Effective 3-7-08]

4.4.5.3 A Zone Restriction. In A Zones where base flood elevations have been determined but before a floodway is designated, no new construction, substantial improvement or other development (including fill) may be undertaken which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. [From former Section 33.5.3]

4.4.6 Standards. The following standards and requirements are applicable in special flood hazard areas, which shall be certified, under seal, by a Connecticut Licensed Professional Engineer and a Connecticut Licensed Land Surveyor, as applicable:

4.4.6.1 Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure.

4.4.6.2 Construction Materials and Methods; Service Facilities. All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage. Electrical, plumbing, HVAC and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4.4.6.3 Utilities. Water supply and sanitary systems shall conform to the following:

- a. new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- c. on-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4.4.6.4 Special Flood Hazard Areas. The following standards are applicable to development, including new construction and substantial improvement, in Zones AE and A:

- a. Any residential Structure shall have the lowest floor, including Basement or Cellar, elevated to a minimum of one (1) foot above the base elevation;
- b. Any commercial, industrial or other non-residential Structure shall either have the lowest floor, including Basement or Cellar, elevated to a minimum of one (1) foot above base flood elevation, or, shall, together with attendant utility and sanitary facilities, conform to the following:

- (i) be floodproofed so that from one (1) foot above the base flood elevation and below, the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - (iii) be certified by an architect or professional engineer licensed to practice in the State of Connecticut that the above standards are satisfied, which certifications shall be provided to the Zoning Enforcement Officer as set forth in Paragraphs 4.4.7.1c. and 4.4.8.3c.
- c. Enclosed Areas Below the Minimum Elevation Standard. New construction or substantial improvements of buildings with the lowest floor elevated one (1) foot above the base flood elevation that include fully enclosed areas formed by foundation and other exterior walls below the minimum elevation standard are subject to the following additional standards:
 - (i) the enclosed space can only be used for the parking of vehicles, building access or limited storage;
 - (ii) areas below the lowest floor that are fully enclosed areas and subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a Connecticut registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) the bottom of all openings shall be no higher than one foot above grade;
 - (c) the openings may be equipped with screens, louvers, valves or other coverings or devices provided the devices permit the automatic and unobstructed flow of floodwaters in both directions.
 - (iii) the area below the minimum elevation standard shall not be a basement;
 - (iv) machinery or equipment that service the structure, such as furnaces, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers, shall not be permitted below the minimum elevation standard;
 - (v) all interior walls, floors and ceiling materials located below the minimum elevation standard shall be unfinished and resistant to flood damage;

- (vi) a garage attached to as residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters. Openings are required in the exterior walls of the garage or in the garage doors. The areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garages attached to nonresidential structures must meet the aforementioned requirements outlined in 4.4.6.4.c(i)-(v) or be dry floodproofed in accordance with 4.4.6.4b(i)-(iii).
- d. Accessory buildings or structures may have the lowest floor located below the base flood elevation and must be wet floodproofed. Accessory buildings or structures must meet the following criteria:
 - (i) are less than 400 square feet in floor area;
 - (ii) are detached from a main residential structure;
 - (iii) are low-cost structures;
 - (iv) are used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), or are one-story row carports located on a lot in a Residence or Rural District containing multiple Dwelling Units;
 - (v) shall not have a basement or cellar excavated below the accessory building or structure;
 - (vi) shall not be used for human habitation;
 - (vii) shall be constructed and placed on a building site so as to offer the minimum resistance to the flow of floodwaters;
 - (viii) shall be firmly anchored to prevent flotation, collapse, and lateral movement, which may result in damage to other structures;
 - (ix) portions of the structure located below the base flood elevation must be constructed of flood-resistant materials; and,
 - (x) must comply with the floodway encroachment provisions.

Amended Effective 7-18-11

4.4.6.5 Coastal High Hazard Areas. The following additional standards are applicable to development, including new construction and substantial improvement, in Coastal High Hazard Areas:

- a. Location. All Buildings and Structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.
- b. Elevation. All Buildings or Structures shall have the lowest horizontal supporting member elevated to a minimum of one (1) foot

above the base flood elevation and all spaces below the lowest horizontal supporting member shall be open so as not to impede the flow of water, except for breakaway walls as defined in Paragraph 4.4.3. and provided for in Paragraph 4.4.6.5e.

- c. Structural Support. All Buildings and Structures shall be securely anchored on pilings or columns. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the velocity of water and hurricane wave action. There shall be no fill used for structural support.
- d. Certification. Compliance with the provisions of Paragraphs 4.4.6.5b. and 4.4.6.5c. shall be certified by an architect or professional engineer licensed to practice in the State of Connecticut, which certifications shall be provided to the Zoning Enforcement Officer as set forth in Paragraphs 4.4.7.1c. and 4.4.8.3c.
- e. Space Below Lowest Floor. The following are applicable to any construction or substantial improvement and to new construction:
 - (i) There shall be no enclosure of the space below the lowest floor unless breakaway walls are used;
 - (ii) Breakaway walls shall be constructed with non-supporting open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the Building or supporting foundation system. For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a licensed professional engineer or architect certifies that the designs proposed meet the following condition: 1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and, 2) the elevated portion of the Building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effect of wind and water loads acting simultaneously on all Building components;
 - (iii) Such enclosed space shall be used solely for parking of vehicles, Building access, or limited storage;
 - (iv) Prior to construction, plans for any Structure that will have breakaway walls must be submitted to the Zoning Enforcement Officer for approval; and,
 - (v) Alteration to sand dunes which would increase potential flood damage in Zones V and VE is prohibited.

- f. Prohibited Uses. Due to the unusual hazard to public health and safety created by their potential exposure to flooding, the following facilities and uses shall not be newly constructed or substantially improved within coastal high hazard areas:
- (i) any portion or part of a public or community water system, including public or community water supply wells, pumping stations, treatment facilities, and storage tanks and towers, the exposure to high velocity flood waters or the inundation of which could result in contamination of the water supply or extended interruption of water service;
 - (ii) any portion or part of a public or community sewage disposal system, including sewage treatment facilities, septage lagoons, and sewage pumping stations (except public or community sewage pumping stations and associated infrastructure and piping proposed and developed by municipal or quasi-municipal applicants subject to Consent Orders with the State of Connecticut Department of Energy and Environmental Protection which system shall obtain a Special Permit and is designed in accordance with the special standards of Section 13B.4.17), the exposure to high velocity flood waters or the inundation of which could result in contamination of public or private potable water sources or the release of untreated sewage into the water bodies or onto the land areas of the Town or extended interruption of sewage disposal service;
 - (iii) any portion or part of an electrical utility system, including generating facilities, transformer substations, and high voltage transmission lines, the exposure to high velocity flood waters or the inundation of which could result in an extended interruption of electric service; and,
 - (iv) any structural storage facility or non-structural storage area for chemicals, explosives, flammable liquids (including gasoline and other fuels except for storage of fuels for retail sale to boats), road salt, manure or fertilizer, or other toxic material which could be hazardous to public health and safety.

Nothing in this Paragraph shall prevent the periodic maintenance, repair or replacement-in-kind of any portion or part of an existing public or community water system, sewage disposal system or electrical utility system.

[Preceding from former Section 33.6.5, Amended Effective 3-7-08, Amended Effective 7-18-11, Amended Effective 8-2-13]

- g. Propane tanks shall be secured to the ground so as to prevent their lateral movement during flood events. [Added effective 3-7-08.]

4.4.6.6 Floodways. Floodways as designated on the Flood Insurance Rate Map are extremely hazardous areas due to the velocity of flood waters which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

- a. Encroachment. There shall be no encroachments, including fill, new construction, substantial improvements, and other development, unless certification, with supporting technical data, by a Connecticut registered professional engineer licensed to practice in the State of Connecticut is provided demonstrating, through hydrologic analyses performed in accordance with standard engineering practice, that encroachments will not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge;
- b. Other Standards Applicable. If the requirement of Paragraph 4.4.6.6a. is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this Section; and,
- c. Prohibited Uses. New construction or substantial improvement of the uses and facilities enumerated in Paragraph 4.4.6.5f. is prohibited in floodways.

[Preceding from former Section 33.6.6, Amended Effective 3-7-08, Amended Effective 7-18-11]

4.4.6.7 Manufactured Homes. The following standards and requirements are applicable to manufactured homes in Coastal High Hazard Areas (including manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in and expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood):

- a. All manufactured homes to be placed, or substantially improved, shall be elevated so that the lowest floor is elevated to a minimum of one (1) foot above the base flood elevation;
- b. Any such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors; and,
- c. Any such home shall be installed using methods and practices which minimize flood damage and shall comply with the following:
 - (i) Adequate access and drainage should be provided; and,

- (ii) Elevation construction standards include the following:
Piling foundations to be placed no more than 10 feet apart;
and, reinforcement to be provided for piers more than six
(6) feet above ground level.
- d. All manufactured homes in the Zone V and VE portion of the special flood hazard areas must comply with standards set forth in Section 4.4.6.5;
- e. Recreational vehicles placed on site within the Special Flood Hazard Area must either be:
 - (i) on the site for fewer than 180 days;
 - (ii) be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.); or,
 - (iii) meet the elevation and anchoring requirements for manufactured homes in Section 4.4.6.7 of these regulations.

[Preceding from former Section 33.6, Revised effective 3-7-08, Amended Effective 7-18-11, Amended Effective 8-2 -13]

4.4.7 Flood Hazard Area Permit. Development, including new construction, substantial improvement and the placement of prefabricated Buildings, may be made within special flood hazard areas only after a Flood Hazard Area Permit therefor has been obtained as follows:

4.4.7.1 Application. Application for a Flood Hazard Area permit shall be made to the Zoning Enforcement Officer on forms furnished for that purpose by such Officer and shall include at least: 1) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; 2) existing or proposed Structures, fill, storage of materials and drainage facilities; and 3) location of the foregoing. The following information is required in connection with all applications:

- a. Limit of moderate wave action (LiMWA) boundary line;
- b. Elevation in relation to mean sea level of the lowest floor (including basement) of all Structures;
- c. Elevation in relation to mean sea level to which any Structure has been or will be floodproofed;
- d. Certification by an architect or professional engineer licensed to practice in the State of Connecticut that the floodproofing methods of an non-residential Structure meet the floodproofing criteria in Paragraph 4.4.6.4b(iii) and 4.4.6.5d;
- e. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, certification by an architect or professional engineer licensed to practice in the State of

Connecticut that the flood carrying capacity within the altered or relocated portion will be maintained, and evidence that adjacent Towns affected and the Connecticut Department of Energy and Environmental Protection, Water Resources Unit, have been notified;

- f. Plans for any walls to be used to enclose space below the base flood elevation; and,
- g. Copies of all necessary permits from those Federal, State or Town governmental agencies from which prior approval is required.

[From former Section 33.7, Amended Effective 3-7-08, Amended Effective 8-2-13]

4.4.8 Duties and Responsibilities of Zoning Enforcement Officer. Duties and responsibilities of the Zoning Enforcement Officer in the administration of this Section include, but are not limited to, the following:

4.4.8.1 Permit Application Review.

- a. Review all Flood hazard permit applications to determine that the requirements of this Section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- b. Review all development permit applications to assure that the permit requirements of these Regulations have been satisfied and that all other necessary permits have been received from those Federal, State or Town governmental agencies from which prior approval is required;
- c. Advise permittee that additional Federal or State permits may be required, and, if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit, possibly including, but not limited to, a Coastal Area Management Permit, Water Diversion, Dam Safety, Corps of Engineers 404; and,
- d. Review plans for walls to be used to enclose space below the base flood level in accordance with Paragraphs 4.4.6.4b. and 4.4.6.5e.

[Preceding from former Section 33.8.1, Amended Effective 3-7-08]

4.4.8.2 Other Base Flood and Floodway Data. When base flood and floodway elevation or floodway data is not provided on the Flood Insurance Rate Map or Floodway, Flood Boundary and Floodway Map, the Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the standards of this Section.

[From former Section 33.8.2, Amended Effective 3-7-08]

4.4.8.3 Information. The following information shall be obtained from the applicant and maintained on file:

- a. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved Structures;

- b. For all new and substantially improved floodproofed structures, the actual elevation (in relation to mean sea level) to which the Structure was floodproofed;
- c. In coastal high hazard areas, certification from an architect or professional engineer licensed to practice in the State of Connecticut, that the Structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- d. Evidence that adjacent Towns and the Connecticut Department Energy and Environmental Protection, Water Resources Unit, have been notified prior to any alteration or relocation of a Watercourse;
- e. Certification that the flood carrying capacity within the altered or relocated portion of a Watercourse will be maintained; and,
- f. Maintain for public inspection all records pertaining to the provisions of this Section.

[Preceding from former Section 33.8.3]

4.4.8.4 Reports. The following reports shall be made to the Federal Emergency Management Agency (FEMA):

- a. Biennial report; and,
- b. Copies of notification to adjacent Towns and the Connecticut Department of Energy and Environmental Protection, Water Resources Unit, concerning alterations or relocation of Watercourses.

[Preceding from former Section 33.8.4]

4.4.8.5 Interpretations of Boundaries. The Zoning Enforcement Officer is authorized to make interpretations, where needed, as to the exact location of boundaries of special flood hazard areas, such as where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Paragraph 21.6 of these Regulations.

[From former Section 33.8.5, Amended Effective 3-7-08]

4.4.8.6 Alteration or Relocation of a Watercourse.

- a. Notify adjacent Towns and the Department of Energy and Environmental Protection Water Resources Unit, prior to any alteration or relocation of a Watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and,
- b. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished.

[From former Section 33.8.6]

4.4.8.7 Records on File. All records pertaining to the provisions of this Section shall be maintained in the office of the Zoning Enforcement Officer.

[From former Section 33.8.7, Amended Effective 3-7-08]

4.4.9. Variance Procedures. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Section 4.4. Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant the variance would result in exceptional hardship; and,
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing town regulations.

Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent properties, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, personal, or economic circumstances are not sufficient cause for granting of a variance under this regulation. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. The Town of Old Lyme shall maintain records of all variances granted and report and variances to the Federal Emergency Management Agency (FEMA).

[Amended Effective 7-18-11, Amended Effective 8-2 -13]

4.5 Performance Standards.

4.5.1. General. The use of land, Buildings and other Structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors, which, if committed or exceeded in the use of land, Buildings and other Structures, will be detrimental to the use, enjoyment and value of other land, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The following administrative measures are applicable:

- 4.5.1.1 The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance.
- 4.5.1.2 Other requirements of these Regulations specifying disclosure of toxic or hazardous materials to be used, stored or processed under Paragraph 13A.2.2(f) and the provisions of the Water Resource District under Section 17 are in support of and in addition to the requirements of this Section 4.5.
- 4.5.1.3 No application for a Zoning Permit shall be approved and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has made a determination that the proposed use of land, Buildings and other Structures will be established and conducted in accordance with these

performance standards and with the standards specified in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive.

4.5.1.4 The performance standards of this Section are of continuing application.

[Preceding from former Section 46.1, Amended Effective 3-7-08]

- 4.5.2. Smoke, Gases and Fumes. No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any Lot so as to endanger the public health and safety, to impair safety on or the value and reasonable Use of any other Lot, to constitute a critical source of air pollution or to degrade air quality below established standards in the Town.

[From former Section 46.2]

- 4.5.3. Noise. With the exception of time signals and noise necessarily involved in the construction or demolition of Buildings and other Structures, no noise shall be transmitted outside the Lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endanger the public health and safety or impairs safety on or the value and reasonable use of any other Lot or is prohibited by Town ordinance.

[From former Section 46.3]

- 4.5.4. Vibration. With the exception of vibration necessarily involved in the construction or demolition of Buildings, no noticeable vibration shall be transmitted outside the Lot where it originates.

[From former Section 46.4]

- 4.5.5. Odors. No offensive odors or smells shall be emitted into the air from any Lot so as to impair the value and reasonable use of any other Lot.

[From former Section 46.5]

- 4.5.6. Glare and Heat. On any Lot, no outdoor illumination facilities shall be established which cause discomfort glare, disability veiling glare or trespass lighting on any other Lot or any Street. No such illumination, nor any heat, shall be transmitted outside the Lot where it originates so as to impair the value and reasonable use of any other Lot.

[From former Section 46.6]

- 4.5.7. Refuse, Wastes and Pollution. No refuse or other waste materials shall be deposited on any Lot except with the approval of the Director of Health of the Town of Old Lyme. No refuse or other waste materials and no liquids shall be deposited on any Lot or discharged to any river, stream, estuary, Watercourse, storm drain, pond, lake, or Wetland or to groundwater, so as to constitute a source of water pollution contrary to water quality standards established by the State of Connecticut. [From former Section 46.7]

- 4.5.8. Danger. No material which is dangerous due to explosion, extreme fire hazard or radioactivity, shall be used, stored, manufactured, processed or assembled, except in accordance with applicable codes, ordinances and regulations of the Town of Old Lyme, State of Connecticut, and Federal Government.

[From former Section 46.8]

- 4.5.9. Radio Interference. No Use on any lot shall cause interference with radio and television reception on any other Lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

[From former Section 46.9]

- 4.6 Buffer Requirements for Non-Residential Uses. In Waterfront Business, Commercial and Light Industry Districts, the area required for Building setback from a Residence District boundary line shall be suitably landscaped with evergreen shrubs or trees no less than six (6) feet in height at the time of planting or such evergreens in combination with embankments, fences and/or walls, so as to provide a transition from such Districts to the Residence Districts. Suitable natural terrain and existing evergreen trees and shrubs may be preserved or augmented with new planting to satisfy the landscaping requirement in the Building setback area from Residence Districts. As used in this Section, "Residence Districts" shall include the following District titles and map codes: Rural Residence RU-80 District (RU-80); Rural Residence RU-40 District (RU-40); Residence R-20 District (R-20); Residence R-15 District (R-15); Residence R-10 District (R-10); Multi-Family Residence MFR-80 District (MFR-80); Multi-Family Residence MFR-40 District (MFR40); nx Multi-Family Residence MFR-20 District (MFR-20).

[From former Section 31.3.16(c) , Amended Effective 3-7-08]

- 4.7 Corner Visibility. No fence, landscaping, building, structure, vehicle or other object shall be placed or maintained so as to obstruct the clear line of sight anywhere across a triangular area between an observer's eye at an elevation 3.5 feet above the edge of the Street Traveled Way to an object one (1) foot above the edge of the Street Traveled Way, which triangular area has two (2) sides, each of which is 25 feet in length measured along the edge of the Street Traveled Way from the point of intersection and a third side which is a straight line connecting the points 25 feet from such intersection. [From former Section 7.4.8, amended effective 3-7-08]

- 4.8 Street Numbers.

- 4.8.1 Assignment. In accordance with Connecticut General Statutes Section 7-120 and established practice in the Town of Old Lyme, street numbers shall be assigned by the Town Assessor.
- 4.8.2 Administration. The applicant in any Subdivision, Resubdivision, Special Permit/Exception, Variance, or any other application before the Commission or the Board, shall assign street numbers in accordance with the preceding and shall include such street numbers on the final plans for such application. The Town Assessor shall be responsible for reviewing such street numbers and keeping records of numbers assigned.

[Preceding Added effective 3-7-08]

- 4.9 Keeping of Animals. Agricultural uses in the Rural and Residence Districts may include the keeping of livestock or poultry when such livestock or poultry is confined to the property boundaries, but such uses shall not include the commercial raising of fur-bearing animals or the keeping of swine. See the provisions in Section 5, Use Regulations, for each District.

See also Section 7.2, Accessory Buildings; Section 7.8.7, Keeping of Pets; Sections 11.16, Commercial Cattery, Dog Kennels, Veterinarian Hospitals, & Veterinary Outpatient Clinics; and Section 11.17, Commercial Livery and Board Stables, Riding Academies.

[From former Schedule A-1, Amended Effective 3-7-08, Amended Effective 4-1-09]

4.10 Conservation Zone Requirements - Gateway. The following provisions apply within the Conservation Zone only.

- 4.10.1 Definitions: For purposes of this Section 4.10 only, the following definitions shall apply (note: Some definitions may be the same as in Section 3 of these Regulations, but are repeated here for the convenience of the reader):

Act Connecticut Public Act 73-349.

Attic The space between the ceiling beams of the top story and the roof rafters.

Building Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or materials.

Coastal Jurisdiction Line (CJL) The location of the topographical elevation of the highest predicted tide from 1983 to 2001, based on the most recent National Tidal Datum Epoch published by NOAA and described in terms of feet of elevation above the North American Vertical Datum of 1988. This replaces “high tide line” as the line of jurisdiction waterward of which State authority occurs PA 12-101.

Commercial Cutting Any cutting or removal of forest tree species which is not covered under the definition of non-commercial cutting contained herein.

Commercial Cutting Plan A plan showing the applicant’s property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the “Minimum Standards for Cutting Timber” set forth in Appendix A of this Section.

Commission The Connecticut River Gateway Commission. Any municipal commission having jurisdiction is referenced specifically by name, e.g. the Old Lyme Zoning Commission, Old Lyme Zoning Board of Appeals, or as the local authority.

Connecticut River Those portions of the Connecticut River or any of its tributaries or association wetlands located within the Conservation Zone.

Conservation Zone Those portions of the Connecticut River defined in Section 25-102c of the Connecticut General Statutes in which the Connecticut River Gateway Commission is charged with the protection of the “natural and traditional riverway scene”.

Coverage The percentage which the aggregate building area of all buildings on a lot bears to the total area of that lot.

Developed Area Developed Area shall be defined by one of the following procedures:

- (1) An area adjacent to the Connecticut River which is within the fifty (50) foot Riparian Area immediately landward of the Coastal Jurisdiction Line (CJL) which is characterized by buildings and construction of greater density than average in the Conservation Zone in such a manner so as to make the retention or replacement of vegetation impractical, infeasible, or inconsistent with the traditional riverway scene, and which has been or may be mapped and designed by the Old Lyme Zoning Commission as a Developed Area for the purposes of these Standards and as approved by the Gateway Commission.
- (2) The fifty (50) foot Riparian Area will also be considered as Developed Area if clearing or constructions have previously occurred in such a manner so as to make retention or replacement of vegetation within said fifty (50) foot Riparian Area impractical, infeasible, or inconsistent with the traditional riverway scene, as determined by the Old Lyme Zoning Commission for the purposes of these Standards in the context of a pending land use application, and approved by the Gateway Commission prior to the approval of such application.

Earth Materials Removal The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

Earth Materials Addition The addition or depositing of minerals, sand, gravel, clay, bedrock, peat, loa or topsoil.

Enlarge and/or Extend Any change to an existing structure or structures which in any way enlarges the envelope of the structure(s), either horizontally or vertically.

Erosion and Sedimentation Control Plan A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

Grade The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

Height, Building Height The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure which is visible above existing natural grade prior to site grading, or which is visible from a new, excavated grade, whichever creates the greater height dimension. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height. [bold type amended effective 10-1-09]

The Old Lyme Zoning Commission may consider and may approve a special permit application which allows maximum height to be measured from a new finished manufactured grade if such new grade is determined by the Old Lyme Zoning Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4,000) square feet of total floor area. The special permit is mandatory for all structure in excess of four thousand (4,000) square feet, and said Commission may require a Special Permit based on the criteria of Section 4.10.12.1f.(1) through (5) for structure with a total floor area of four thousand (4,000) square feet or less. See Section 4.10.12.

Human Occupancy The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

Light Pollution For the purposes of Section 4.10, Conservation Zone Requirements – Gateway, excessive, misdirected, or obtrusive light from artificial sources emanating from a site shone into the sky, onto the land or into the water column of the Connecticut River and its tributaries, including but not limited to site and architectural lighting, lighting on private residential docks, and up-lighting of trees or other site features, which may result in: brightening of the night sky, inhibiting the observation of stars and planets; light trespass onto neighboring properties including the Connecticut River; visual glare and discomfort; or significant disruptions to wildlife and ecological cycles.

Local Authority The Old Lyme Zoning Commission.

Lot A plot or parcel of land occupied or capable of being occupied, in conformity with applicable regulations, by one or more principle buildings and any accessory buildings or uses customarily incidental thereto.

Marine Facility A dock, wharf, slip, basin or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.

Member Town(s) As designated by Chapter 477a, Section 25-102D of the Connecticut General Statutes. The member towns are Chester, Deep River, East Haddam, Essex, Haddam, Lyme, Old Lyme, and Old Saybrook, including the Borough of Fenwick.

Non-Commercial Cutting The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.

Non-Commercial Cutting Plan A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.

Refuse Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

Riparian Area The area upland of the Coastal Jurisdiction Line (CJL) of the Connecticut River.

Riparian Vegetation Buffer The natural and traditional plant life indigenous to the Riparian Area as designated and mapped by the Old Lyme Zoning Commission, but not less than fifty (50) feet from the Coastal Jurisdiction Line (CJL), which plant life

was legally existing as of the adoption of these Standards, and to include grass, gardens, and ornamental shrubs and trees.

Sign Any letter, word, model, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction or directive.

Site Plan A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.

Story That part of a building, other than a cellar, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story Above Grade Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12) feet at any point.

Structure Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than six (6) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.

Town A town which has voted to be governed by the provisions of Section 6 to 9 of the Act in accordance with Section 4(b) of the Act, being the Town of Old Lyme for purposes of this Section 4.10.

Total Floor Area The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

Vegetation The natural and traditional plant life of a region legally existing as of the adoption of these Standards, and not to include grass, gardens, and ornamental shrubs and trees.

Viewshed Analysis A visual impact evaluation comprising, at a minimum, topographic maps and photographs showing the site, with such photographs taken from locations along the *Connecticut River* including upriver, downriver, and opposite the site.

Wetlands Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended and Section 22a-38, Connecticut General Statutes, as amended.

- 4.10.2 Land Coverage: No building shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed the maximum percentage of total land coverage allowed for such buildings in the aggregate on any single lot as indicated in the following table:

Type of District	Range of Minimum Lot Sizes	Maximum Percent of Land Coverage Permitted
Residential	Up to 20,000 square feet	25%
	20,000 to 40,000 square feet	15%
	Above 40,000 square feet	10%
Commercial (including waterfront)	All sizes	40%
Industrial	All sizes	25%

Furthermore, referrals to the Gateway Commission will not be required for variance applications for lot coverage which is in excess of the maximum requirements of these regulations so long as the coverage being proposed is not in excess of the maximum Percent of Land Coverage Permitted above for the corresponding district and lot size.

- 4.10.3 Connecticut River Setbacks: No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100') feet of the Coastal Jurisdiction Line (CJL), as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands.

At its discretion, upon determination of functional need, the Old Lyme Zoning Commission may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks and boathouses. See Section 4.3, Tidal River Protection, for setbacks from other tidal rivers.

- 4.10.4 Site Plans. No building permit will be issued in connection with any multi-family project or permitted non-residential use in any districting less a site plan will have been submitted to and approved by the town authority having jurisdiction.

- 4.10.5 Erosion and Sedimentation Control. An erosion and sedimentation control plan shall be submitted as part of the supporting documentation to be filed with a required site plan. Such a plan may be referred to the appropriate soil and water conservation district for its technical review and advisory opinion before approval of the project is granted by the town authority having jurisdiction and shall meet the following criteria:

- a. The development plan should be fitted to the topography and soils so as to create the least erosion potential.

- b. Wherever feasible, natural vegetation should be retained and protected.
- c. Only the smallest practical area of land should be exposed at any one time during development.
- d. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- e. Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- f. Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters and from land undergoing development.
- g. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- h. The permanent final vegetation and structures should be installed as soon as practical in the development.

4.10.6 **Signs.** No sign shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner so as to move or rotate mechanically or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, nor shall any sign be permitted which calls the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located.

4.10.7 **Building Height.** No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height or thirty-five (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the town authority having jurisdiction, provided that the architectural features will not have a significant visual impact on the River scene. See Section 8, Bulk.

4.10.8 **Vegetation Requirements**

A. **Required Riparian Vegetation Buffer.** There shall be no cutting or any human-instigated destruction of vegetation within the Riparian Vegetation Buffer, except as provided in this section.

- 1. There shall be no clear-cut openings, and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three (3') feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of the trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in

existence on the effective date of these regulations may be maintained but shall not be enlarged.

2. There shall be no timber harvesting within the buffer area except to remove safety hazards. When the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native trees unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the condition of such trees shall be made by the Zoning Enforcement Officer, or by a public or consulting forester.
3. In no event shall an opening be cleared for development, which shall include, but not be limited to: stormwater drainage structures, construction of retaining/retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, lawns and gardens.
4. A footpath not to exceed five feet (5') in width is permitted provided said footpath and associated clearing is not oriented in a direct downslope manner, a practice which may promote unwanted transport of eroded materials into the Connecticut River.
5. Stairs or similar structures may be allowed with a permit from the Old Lyme Zoning Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five (5) feet in width of the Connecticut River or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
6. A Riparian Vegetation Buffer shall not be required for areas within the Conservation Zone which have been designated as Developed Areas in accordance with the Definitions section of these regulations. In such Developed Areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the River scene.

(Note: The Gateway Commission urges each town to identify Developed Areas for exclusion from this requirement and submit such areas to the Gateway Commission for approval. If towns wish the Gateway Commission to make recommendations as to the location of these areas, please request assistance.)

B. Cutting of Timber.

1. Noncommercial cutting. A noncommercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision approval.
2. Commercial cutting. Each town is to designate a regulatory authority to issue permits for the commercial cutting of timber, and no commercial cutting of timber is to occur in the absence of the issuance of such permit. After submission of a commercial cutting plan to the Commission, a

permit shall be granted if it is found to be consistent with the minimum standards set forth in Appendix A at the end of this Section 4.

- 4.10.9 Burning of Undergrowth. The burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Energy and Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

4.10.10 Soil and Earth Materials.

- A. Removal. The removal of soil and earth materials will be prohibited except for:
1. valid non-conforming uses in existence as of May 14, 1974;
 2. foundation, trench and related site excavation performed after the issuance of a building permit and in conformance with all plans submitted in support thereof; and
 3. removal in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal will not exceed three hundred (300) cubic yards of material per year.
- B. Addition. The deposition of soil and earth materials will be prohibited except for:
1. valid non-conforming uses in existence as of May 14, 1974;
 2. foundation, trench and related site excavation performed after the issuance of a building permit and in conformance with all plans submitted in support thereof; and
 3. addition in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal will not exceed three hundred (300) cubic yards of material per year.

- 4.10.11 Dumping and Storing of Refuse. No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition nor shall any new public solid waste disposal facility be established or an existing facility be expanded in area.

- 4.10.12 Additional Requirements for Residential Structures Over Four Thousand (4,000) Square Feet in Total Floor Area. To assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional Connecticut River scene, a Special Permit is required for all construction, reconstruction, enlargement or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of four thousand (4,000) square feet of total floor area (all floors) except in accordance with the exceptions below.

4.10.12.1 Exceptions from Special Permit Requirement

- a. Special Permit. No exceptions to review by Special Permit are permitted for development on parcels fronting the Connecticut River or only one lot removed from the Connecticut River, nor if significant clearing of natural vegetation is proposed.
- b. Site Plan in Lieu of Special Permit. The Old Lyme Zoning Commission may, by regulation, choose to allow a Site Plan

application instead of a Special Permit review for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by a Viewshed Analysis that:

- (1) The proposed structure or structures will not be significantly visible from the Connecticut River due to an intervening land mass or existing permanent structure, OR
- (2) The proposed addition to an existing structure is either substantially hidden from view from the Connecticut River by the existing structure or other structures either on or off-site or the addition does not add significantly to the visual profile of the existing structure even when seen from an angle, OR
- (3) The structure's distance from the Connecticut River combined with its elevation/lack of elevation below the ridge line causes it to be of insignificant visual impact.

c. Exemption from both Site Plan and Special Permit Requirement.

Except as required by Section 4.10.12.1A above, a Special Permit or Site Plan review will not be required for residential principal or accessory structures over four thousand (4,000) square feet in total floor area and separated from the Connecticut River by two lots under this Section if it can be demonstrated to the Zoning Enforcement Officer by the application that the following are applicable:

- (1) An area topographic map and photographs of the property from the Connecticut River showing there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.
- (2) A plan view ap of the property showing a proposed addition to an existing structure where the existing structure or structures on the same property block the view of the addition from the Connecticut River.
- (3) A plan view map of the property showing a proposed addition to an existing structure or a new structure blocked by a structure or structures located on adjacent properties blocking the view from the Connecticut River.
- (4) Large stands of trees located on an intervening property or properties which will obscure sign of the proposed development from the view of the Connecticut River.

d. Submission. In addition to other requirements for Special Permit applications, the applicant will provide site plans and building elevations prepared by an architect or landscape architect which show information on existing and proposed topography, building designs and height measurements, proposed grading, including cuts, fills and

retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

- e. Criteria for Applications for Construction in the Gateway Conservation Zone. Any application for Special Permit, Site Plan review or administrative permit, as the case may be, shall be the subject of the following standards:
- (1) Proposed site development shall maintain the essential natural characteristics of the site, such as major land forms, natural vegetative and wildlife communities, hydrological features, scenic qualities and open space that contributes to a sense of place.
 - (2) Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
 - (3) Structures located above the crest of hillsides facing the river shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.
 - (4) Architectural elements shall not be overemphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope of the angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
 - (5) Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
 - (6) Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark-colored roof treatments, which reduce visual impact on the structure of the landscape are preferred.
 - (7) Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Conservation Zone.
 - (8) Development shall be located so as to minimize the disturbance of sensitive areas. The smallest practical area of land should be exposed at any one-time during development and the length of exposure should be kept to the shortest practical time. Disturbed areas shall be replanted with non-invasive trees, shrubs and ground cover species which are compatible with existing vegetation.

- (9) Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided, and contours should be curved to blend in with the natural shape.
 - (10) Within the Conservation Zone, lighting of properties, including site lighting and the illumination of building facades and other architectural features, shall be the minimum necessary for health and safety. The purpose of this standard is to minimize the amount of artificial lighting emanating from Conservation Zone properties in a way that may contribute to Light Pollution.
- f. Findings. The Old Lyme Zoning Commission shall make the following findings in approving any Special Permit or Site Plan application within the Conservation Zone:
- (1) Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
 - (2) Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
 - (3) The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant materials to buffer the mass of the building from the Connecticut River or its tributaries within the Conservation Zone.
 - (4) The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.
 - (5) The Old Lyme Zoning Commission may consider and may approval a special permit application which allows a maximum height to be measured from a new finished manufactured grade if such new grade is determined by the Old Lyme Zoning Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4,000 S.F.) square feet of total floor area. See Section 8.2.2.2 for standard height measurement.

4.11 Residence in Underground, Incomplete, or Temporary Building or Structure. With the exception of portions of a Dwelling which are partially underground ("walkout Basements"), no Cellar, garage or any Structure of a temporary nature or any uncompleted portion of a Structure shall be Used for Human Occupancy.

Likewise, no Principal or Accessory Use shall be established or maintained in a tent, trailer, truck, or similar temporary or mobile structure or device, except as provided in Section 11.18, Trailers, of these Regulations.

[Added effective 3-7-08, Amended effective 4-1-09]

- 4.12 Temporary Uses. A temporary Use granted under any provisions of these Regulations or any application for a Use which application specifies or contains a particular proposed time frame or time period shall not constitute the establishment of a permanent or legal non-conforming Use. See, for example, Sections 15 (Excavation and Filling of Earth Products) and 7.6.1 (Handicapped Access to Residential Structures).

[Added effective 3-7-08]

- 4.13 Stormwater Runoff Control. For any use of land for which review is required by the Commission or the Board, the provisions of this Section 4.13 shall apply.

- 4.13.1 Purpose. It is the intent of this Section to encourage the use of Best Management Practices (BMP's) in the design, construction and maintenance of stormwater management systems (SMS's) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from development. In all zoning districts, SMS's for developments/projects shall be designed, constructed and maintained with BMP's to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the development/project.

All SMS's shall be designed utilizing sound engineering principles and judgment and shall be guided by the following documents:

- a. *"Connecticut Department of Transportation Drainage Manual"* October 2000 or as amended by the Office of Engineering Bureau of Engineering & Highway Operations Division of Design Services Hydraulics and Drainage Section Connecticut Department of Transportation.
 - b. *"2004 Connecticut Stormwater Quality Manual"* 2004 or as amended by the Connecticut Department of Environmental Protection.
 - c. *"2002 Connecticut Guidelines For Soil Erosion and Sediment Control, DEP Bulletin 34"* Effective May 2002 or as amended by The Connecticut Council on Soil and Water Conservation in Cooperation with the Connecticut Department of Environmental Protection.
 - d. *"Design and Construction Standards of the Town of Old Lyme, Connecticut, Incorporating Policies, Rules and Procedures for the Administration of 'An Ordinance Concerning the Construction and Acceptance of Roads in the Town of Old Lyme'"* Adopted December 14, 1998, Effective January 12, 1999 or as amended by the Old Lyme Board of Selectmen.
- 4.13.2 Design by Engineer. The SMS shall be prepared by a professional engineer licensed in the State of Connecticut. As appropriate and/or deemed necessary, the SMS submission shall be in form of plans/maps, written description, calculations, supporting reports and legal documents.

4.13.3. Exemption. The construction/development of a single-family dwelling including accessory structures on a residentially zoned property is exempt from this Section unless deemed necessary by the Zoning Enforcement Officer.

[Section 4.13 Added effective 3-7-08]

4.14 Driveway Standards. All driveways shall be constructed in accordance with the specifications and permit procedures set forth in an ordinance of the Town of Old Lyme entitled, “Driveways”, as the same may be amended from time to time.

[Added effective 3-7-08]

4.15 No More Than One Principal Use on a Lot. Except in a Planned Residential Conservation Development (PRCD) per Section 12 of these Regulations and in the Commercial C-30, Commercial C-30S, Commercial C-10 and Light Industrial Districts, there shall be no more than one (1) principal use on a single lot. In the Light Industrial Districts, upon approval of the Commission as a Special Permit pursuant to Section 13B of these Regulations, there may be more than one (1) principal use on a lot, provided one such use shall not be a dwelling, and, provided, further, that any Alteration, Enlargement, or Extension of any such uses shall require an amendment to such Special Permit. In the Commercial C-30, Commercial C-30S and Commercial C-10 Districts, upon approval of the Commission as a Special Permit pursuant to Section 13B of these Regulations, there may be more than one (1) principal use on a lot, including a Dwelling Unit containing no more than 25% of the Floor Area of the commercial uses on the Lot and not to exceed one (1) Dwelling Unit per Lot, and, provided, that any Alteration, Enlargement, or Extension of any such uses shall require an amendment to such Special Permit. In Planned Residential Conservation Developments, there may be more than one principal use on one (1) lot, including one or more dwellings, upon approval of the Planning Commission pursuant to Sections 12 and 13 of these Regulations. In granting any Special Permit under this Section, the Commission may require that each additional Principal Use shall provide the parking required by Section 18 of these Regulations, increased by up to 20%, depending on the mix of uses and expected combined occupancy. See Section 6.8 (Prohibited Uses).

[First and third Sentences Added effective 3-7-08; Second Sentence From former Section 6.3.8, Amended Effective 3-7-08, added C-30S District Effective 6-1-11]

SECTION 5 - USE REGULATIONS

- 5.0 **Use Categories.** The land use designations contained in this Section shall be construed in accordance with Section 3 of these Regulations, Definitions, where a term is defined in that Section. For land use designations which are not defined in Section 3, the term shall be defined in accordance with its ordinary, common meaning, the intent of the Zoning Commission as expressed by said Commission in the past or the present and the intent of these Regulations as stated in Section 1, Preamble. Any decision of the Zoning Enforcement Officer relative to the scope of any land use category may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

Any Use not indicated as permitted shall be deemed prohibited. In addition, see Section 6 of these Regulations for Uses which are expressly prohibited, even in conjunction with a Use listed in this Section 5 or arguably similar to such a Use.

Defined use categories are identified by the notation, “[D]”. For Area, Location and Bulk Requirements, see Section 8, Area, Location and Bulk Requirements. Note that portions of any zoning District may, in addition, be covered by one or more overlay zones as described in Section 2.4.2 of these Regulations. Note also that certain Uses are subject to special requirements in Section 11, Special Regulations, or other Sections of these Regulations. Where a Use is subject to such special requirements, the appropriate Section or subsection will be indicated.

[Added effective 3-7-08.]

5.1 **Rural Residence RU-80 District (RU-80).**

- 5.1.1 **Permitted Uses, Certificate of Zoning Compliance only.** The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Farm [D];
Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

- 5.1.2 **Permitted Uses, Subject to Site Development Plan Review, Per Section 13A.** The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

- 5.1.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
Commercial Cattery [D], subject to Section 11.16;
Commercial Kennel or Veterinary Hospital, subject to Section 11.16;
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Alternative Energy Systems, subject to Section 11.13 [D]

[added effective 6-1-10]

- 5.1.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Accessory Apartments, subject to Section 7.8.2;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Bed & Breakfast [D], subject to Section 7.8.4;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D] as Accessory to a House of Worship;
Private Boathouse or dock, subject to Section 4.3;

Signs, Subject to Section 19;
Off-Street Parking [D].

5.1.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.2 Rural Residence RU-40 District (RU-40).

5.2.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Farm [D];
Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

5.2.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.2.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
Commercial Cattery [D], subject to Section 11.16;
Commercial Kennel or Veterinary Hospital, subject to Section 11.16;
Commercial Livery and Boarding Stables, Riding Academies capable of housing six (6) horses or more, subject to Section 11.17;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14; Nursing Home [D], subject to Section 11.14;

Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Alternative Energy Systems, subject to Section 11.13 [D]

[added effective 6-1-10]

- 5.2.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to
Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Accessory Apartments, subject to Section 7.8.2;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Bed & Breakfast [D], subject to Section 7.8.4;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];
Private Boathouse or dock, subject to Section 4.3; Signs, Subject to Section 19;
Off-Street Parking [D].

- 5.2.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.3 Residence R-20 District (R-20).

- 5.3.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to
Section 11.4
Farm [D];

Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

- 5.3.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

- 5.3.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;

- 5.3.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];

Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
 Customary Home Occupation, subject to Section 7.8.1;
 Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
 Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
 Tag Sale [D];
 Private Dog Kennel [D];
 Memorial Garden [D];
 Private Boathouse or dock, subject to Section .3;
 Signs, Subject to Section 19;
 Off-Street Parking [D].

5.3.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.4 Residence R-15 (R-15).

5.4.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
 Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
 Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
 Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
 Farm [D];
 Commercial Logging, subject to Section 11.23;
 Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

5.4.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.4.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
 Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
 Convalescent Home [D], subject to Section 11.14;
 Nursing Home [D], subject to Section 11.14;

Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.;
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.4.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D]
Private Boathouse or dock, subject to Section 4.3; Signs, Subject to Section 19;
Off-Street Parking [D].

5.4.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.5 Residence R-10 District (R-10).

5.5.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Farm [D];

Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

- 5.5.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

- 5.5.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17;

- 5.5.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;

Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];
Private Boathouse or dock, subject to Section 4.3; Signs, Subject to Section 19;
Off-Street Parking [D].

5.5.5 Eligibility for Planned Residential Cluster Development: Not eligible.

5.6 Multi-Family Residence MFR-80 District (MFR-80).

5.6.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Farm [D];
Commercial Logging, subject to Section 11.23;
Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

5.6.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.6.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12; Two Family Dwelling [D]
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];

Cemetery [D];
 More than three Electric Vehicle Charging Stations, subject to Section 11.28;
 Governmental Service [D];
 Park [D];
 Supervised Group Quarters [D];
 Golf Courses [D], subject to Section 11.2;
 Public [D] Utility substation, transformer, or other facility.
 Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
 Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.
 Multiple Dwellings – Multiple Dwelling Project, subject to Section 11.28.

[added effective 6-1-11]

- 5.6.4 Accessory Uses: The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
 Accessory Uses;
 Accessory Uses to a Farm, subject to Section 7.9;
 Family Day Care Home [D];
 Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
 Customary Home Occupation, subject to Section 7.8.1;
 Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
 Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
 Tag Sale [D];
 Private Dog Kennel [D];
 Memorial Garden [D];
 Private Boathouse or dock, subject to Section 4.3;
 Signs, Subject to Section 19;
 Off-Street Parking [D].

- 5.6.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.7 Multi-Family Residence MFR-40 District (MFR-40).

- 5.7.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
 Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
 Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;

Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
 Farm [D];
 Commercial Logging, subject to Section 11.23;
 Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
 Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

- 5.7.2 Permitted Uses, subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

- 5.7.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
 Two Family Dwelling [D];
 Private School, profit or non-profit;
 Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
 Convalescent Home [D], subject to Section 11.14;
 Nursing Home [D], subject to Section 11.14;
 Club [D];
 Cemetery [D];
 More than three Electric Vehicle Charging Stations, subject to Section 11.28;
 Governmental Service [D];
 Park [D];
 Supervised Group Quarters [D];
 Golf Courses [D], subject to Section 11.2;
 Public [D] Utility substation, transformer, or other facility. Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15. Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.
 Multiple Dwellings – Multiple Dwelling Project, subject to Section 11.28.

[added effective 6-1-11]

- 5.7.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and

Structures), under the procedure specified when Accessory to a permitted Principal Use:

- Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
- Accessory Uses to a Farm, subject to Section 7.9;
- Family Day Care Home [D];
- Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
- Customary Home Occupation, subject to Section 7.8.1;
- Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
- Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
- Tag Sale [D];
- Private Dog Kennel [D];
- Memorial Garden [D];
- Private Boathouse or dock, subject to Section 4.3;
- Signs, Subject to Section 19;
- Off-Street Parking [D].

5.7.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.8 Multi-Family Residence MFR-20 District (MFR-20).

5.8.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

- Single Family Dwelling [D], subject to Section 11.19;
- Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
- Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
- Commercial propagation and growing of flowers, plants, nursery stock, and berries, without sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
- Farm [D]
- Commercial Logging, subject to Section 11.23;
- Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
- Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

[Amended to delete reference to seasonal dwelling effective 9-16-11]

5.8.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

- Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.8.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Two Family Dwelling [D];
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
More than three Electric Vehicle Charging Stations, subject to Section 11.28;
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility.
Commercial propagation and growing of flowers, plants, nursery stock, and berries, with sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.8.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7,
Accessory Uses;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D]
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.8.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.9 Waterfront Business District (WF-20).

5.9.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.9.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Marine Facility [D];
Boat livery;
Sale loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies; Marine research facility.

5.9.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08] but excluding Package Store (retail sale of alcoholic beverages) and excluding the manufacture or processing of materials; Business and professional offices;

Full Service Restaurants [D], not to exceed 5,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 but excluding entertainment. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08].

Club [D];

Cemetery [D];

More than three Electric Vehicle Charging Stations, subject to Section 11.28;

Governmental Service [D];

Park [D];

Public [D] Utility substation, transformer, or other facility.

5.9.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility.

Lavatory and/or laundry facilities to service occupants of boats only, accessory to a Marine Facility;

Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;

Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.9.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.10 Commercial C-30 District (C-30) and C-30S District (C-30S).

5.10.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18;
Temporary Storage Trailer [D], subject to Section 11.18;
Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28.

5.10.2 Permitted Uses, subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Banks and other financial institutions;
Adult Entertainment, subject to Section 11.24 [Added effective 4-1-09].

5.10.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation containing no more than 5,000 square feet of Total Floor Area on any Lot, including Package Store (retail sale of alcoholic beverages), subject to Section 14 and also including the manufacture or processing of materials Accessory to a permitted retail business or retail service occupation. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];

Marine Facility [D];

Boat livery;

Sail loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies;

Marine research facility

Package Store (retail sale of alcoholic beverages), subject to Section 14; Business and professional offices;

Full Service Restaurants [D], not to exceed 10,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 and including entertainment, subject to Section 11.24. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08]; Take-Out Restaurant [D];

Veterinary Outpatient Clinic [D], subject to Section 11.16;
 Club [D];
 Cemetery [D];
 More than three Electric Vehicle Charging Stations, subject to Section 11.28;
 Governmental Service [D];
 Park [D];
 Inn [D], subject to Section 11.29;
 Public [D] Utility substation, transformer, or other facility;
 Mortuary/Funeral Home, provided that all waste from chemical preparation of bodies is isolated from all other water/septic resources and all biohazard waste collected and properly removed from the site. Amended Effective 9/30/24].
 Public laundry establishments provided washing, drying, or dry-cleaning machines on the premises for rental use to the general public. [Added effective 3-7-08]
 Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
 Commercial Livery and Boarding Stables and Riding Academies, subject to Section 11.17.
 Assembly halls, dance halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities), provided no portion of any Building containing such Use shall no less than 100 hundred feet, measured horizontally, from any Residential or Rural District;
 Theaters for indoor motion pictures or for dramatic or musical productions subject to Section 11.24;
 Motor vehicle service facility or repairer's garage, including automobile, truck, trailer, bus and farm equipment repairing, painting and upholstery, subject to issuance of the appropriate repairer's license by the Connecticut Department of Motor Vehicles;
 Rental or leasing of automobiles, including trucks, trailers, buses and farm equipment, and including the storage of such vehicles but excluding maintenance facilities for such vehicles;
 Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
 Business Service Establishment [D]. [From former Schedule B-1, Section 24, amended effective 12/1/96];
 Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law [From former Schedule B1, Section 25, amended effective 3/3/97].
 Yacht Club [D];

 [Amended effective 4-1-09 to delete Adult Entertainment, subject to Section 11.24].
 [Deleted Self-Storage Unit Facility, effective 11/15/24]
 [Deleted Retailers dealer's station for sale of motor vehicle fuels, effective 08/11/25]

5.10.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Private Dog Kennel [D];
Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility;
Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
Signs, Subject to Section 19;
Off-Street Parking [D].

5.10.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.11 Commercial C-10 District (C-10).

5.11.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18;
Temporary Storage Trailer [D], subject to Section 11.18;
Permanent Storage Trailer [D], subject to Section 11.18;
Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17

5.11.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Banks and other financial institutions;
Adult Entertainment, subject to Section 11.24 [Added effective 4-1-09];
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less

5.11.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation containing no more than 5,000 square feet of Total Floor Area on any Lot, including Package Store (retail sale of alcoholic beverages), subject to Section 14 and also including the

manufacture or processing of materials Accessory to a permitted retail business or retail service occupation. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];

Full Service Restaurants [D], containing no more than 5,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 but excluding entertainment [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08];

Assembly halls, dance halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities), provided no portion of any Building containing such Use shall no less than 100 hundred feet, measured horizontally, from any Residential or Rural District;

Theaters for indoor motion pictures or for dramatic or musical productions, subject to Section 11.24;

Retail dealer's station for sale of motor vehicle fuels;

Motor vehicle service facility or repairer's garage, including automobile, truck, trailer, bus and farm equipment repairing, painting and upholstery, subject to issuance of the appropriate repairer's license by the Connecticut Department of Motor Vehicles;

Rental or leasing of automobiles, including trucks, trailers, buses and farm equipment, and including the storage of such vehicles but excluding maintenance facilities for such vehicles;

Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;

Business Service Establishment [D] [From former Schedule B-1, Section 24, amended effective 12/1/96];

Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law] [From former Schedule B-1, Section 25, amended effective 3/3/97].

Marine Facility [D];

Boat livery;

Sail loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies;

Marine research facility;

Retail business or retail service occupation containing more than 5,000 square feet of Total Floor Area but no more than 10,000 square feet of Total Floor Area on any Lot. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];

Package Store (retail sale of alcoholic beverages), subject to Section 14;

Business and professional offices;

Full Service Restaurants [D], not to exceed 10,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 and including entertainment, subject to Section 11.24. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08];

Take-Out Restaurant [D];

Veterinary Outpatient Clinic [D], subject to Section 11.16;

Club [D];
 Cemetery [D];
 More than three Electric Vehicle Charging Stations, subject to Section 11.28;
 Governmental Service [D];
 Park [D];
 Inn [D] subject to Section 11.16;
 Public [D] Utility substation, transformer, or other facility;
 Mortuary/Funeral Home, provided that all waste from chemical preparation of bodies is isolated from all other water/septic resources and all biohazard waste collected and properly removed from the site. Amended Effective 9/30/24].
 Public laundry establishments provided washing, drying, or dry-cleaning machines on the premises for the general public. [Added effective 3-7-08].
 Yacht Club [D];
 Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
 Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses.

[Amended effective 4-1-09 to delete Adult Entertainment, subject to Section 11.24].

5.11.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
 Tag Sale [D];
 Private Dog Kennel [D];
 Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility;
 Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
 Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
 Signs, Subject to Section 19;
 Off-Street Parking [D].

5.11.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.12 Light Industry LI-80 District (LI).

5.12.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations, and in compliance with all other applicable provisions of these Regulations:

Dwellings [D] existing on the effective date of this Regulation, 3-7-08;
 Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28;
 Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.12.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.12.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Animal Shelter located outside Conservation Zone [added 1-1-15]

Temporary Storage Trailer [D], subject to Section 11.18;

Permanent Storage Trailer [D], subject to Section 11.18; Business or professional office;

Banks and other financial institutions;

More than three Electric Vehicle Charging Stations, subject to Section 11.28;

Marine Research Facility;

Research Laboratory;

Truck terminals, school bus terminals located outside the Conservation Zone

Warehouses located outside the Conservation Zone;

Lumber and building materials yards located outside the Conservation Zone;

Dairy and bottling works, located outside the Conservation Zone;

Public utility buildings, including storage yards, located outside the Conservation Zone;

The manufacture, processing, assembly or packaging of goods located outside the Conservation Zone;

The manufacture and processing of concrete products located outside the Conservation Zone;

Commercial Services provided to customers, which customers are located and which services are provided off the Premises.

Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law. [From former Schedule B-1, Section 25, amended effective 3/3/97];

Septage Storage and Transfer Facility [D], including closed tanks, ancillary services and Structures, which have obtained all approvals required from such government agencies as have jurisdiction. [Added effective 6/1/98].

Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

Alternative Energy Systems, subject to Section 11.13 [D] [added effective 6-1-10]

Indoor Recreational Facility (including tennis, handball, paddleball, squash, swimming, skating, soccer, lacrosse, hockey, field hockey, and similar such activities) provided no portion of any building containing such Use shall be no less than 100 feet, measured horizontally, from any Residential or Rural District, subject to Section 11.27 [added effective 12-10-12]

Governmental Service [added effective 3-1-14]
Self-Storage Unit Facility subject to Section 11.29 [effective 11/15/24]

[deleted reference to dry cleaning, amended and effective 8-2-13]

- 5.12.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Motor Vehicle service facility or repairer's garage only when Accessory to permitted Use on the same Lot;

- 5.12.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.13 Sound View Village District (SVDD)

- 5.13.1 Statement of Purpose. The Sound View Area of Old Lyme is a compact, sea-side community with a mix of smaller-scaled residential and commercial activities focusing on the recreational uses of the beaches at the southern end of Hartford Avenue and serving as an entertainment and commercial center for the surrounding residential communities. Commercial activity is located primarily along the Hartford Avenue corridor, fronting on Hartford Avenue.

In accordance with Connecticut General Statutes Section 8-2j, the Sound View Village District (SVVD) is intended to retain and enhance the distinctive character and scale of this sea-side community within the capacity of the land to support such development. The area is characterized by a compatible mix of smaller-scale residential and commercial uses and a physical design that maintains an open, airy, light-filled sea-side community quality. These Regulations encourage safe and healthy use of the area by providing for limited recreational opportunities and quiet enjoyment of the area's natural resources by residents and visitors within a family atmosphere. Further, the intent of these Regulations is to preserve the basic mix of residential and non-residential uses within the SVVD, and, in accordance with Connecticut General Statutes Section 8-2 and 8-2g, to encourage the creation of additional dedicated affordable housing within the Town.

All development in the SVVD shall be designed to achieve the following compatibility objectives: (1) The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns, and the placement of buildings and included site improvements shall assure there is no adverse impact on the district; (2) proposed streets shall be connected to the existing district road network wherever possible; (3) open spaces within the proposed development shall reinforce open space patterns of the district in form and siting; (4) locally significant features of the site, such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design; (5) the landscape design shall complement the district's landscape patterns; (6) the exterior signs, site lighting, and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and, (7) the

scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

The creation of the SVVD does not supplant the variance process. The SVVD establishes an area of the Town where special land use and design provisions can be invoked by way of the Special Permit process. Where the accommodations possible under the SVVD Regulations are insufficient or not applicable, the variance process is still a viable alternative.

For uses within the SVVD, the Commission encourages applicants to consider the use of shared septic systems for the disposal of effluent as means to enhance land use flexibility.

5.13.2 District Boundaries. The Sound View Village District is the area bounded on the north by a line 100' north of the north side right-of-way boundary of Bocce Lane (aka Cross Road #2), on the east by the eastern side right-of-way boundary of the alleyway between Hartford and Swan Avenues, on the west by the western side right-of-way boundary of the alleyway between Hartford and Portland Avenues (the alleyways are in the SVVD), and on the south by Long Island Sound.

5.13.3 Applicability and Process: All uses and development applications within the SVVD shall be subject to all other applicable provisions of these Regulations, unless specifically exempted or supplanted by the provisions of this Section 5.13.

- a. new use or development in the SVVD and any full or partial demolition of any building or structure will require site plan review and approval by the Zoning Commission in accordance with Section 13A of these Regulations, unless such use or development is designated for Special Permit review in Section 13B.
- b. In addition to new uses, changes in use, demolition of buildings and new construction or development with the SVVD, the Commission shall have the authority to review substantial reconstruction and rehabilitation of properties within the District and in view from public roadways, including, but not limited to: (1) the design and placement of buildings, (2) the maintenance of public views, (3) the design, paving materials and placement of public roadways, including Town-owned alleys, and, (4) other elements that the Commission deems appropriate to maintain and protect the character of the Village District.
- c. This regulation places very high priority on the unambiguous demonstration through site investigation and design that a site is capable of safely accommodating the proposed use or development without causing adverse aquifer impact, adverse impact to public health or safety, or adverse impact to the quality of life of surrounding properties specifically or the Sound View area in general. The inability to provide an unambiguous demonstration of no adverse impact will authorize the Commission to deny all or part of any proposed use or development.
- d. All applications shall be referred for review and recommendations to the Architectural Reviewer designated by the Commission. Such Architectural Reviewer shall be an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners

selected and contracted by the Commission and designated as the SVVD consultant for such application. Alternatively, the Commission may designate as the Architectural Reviewer for such application an architectural review board whose members shall include at least one architect, landscape architect or planner who is a member of the American Institute of Certified Planners. The Architectural Review shall review an application and report to the Commission within thirty-five days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision. Failure of the village Architectural Reviewer to report within the specified time shall not alter or delay any other time limit imposed by these Regulations or the General Statutes.

5.13.4 Uses.

5.13.4.1 Permitted Uses, Certificate of Zoning Compliance only.

Three or fewer Electric Vehicle Charging Stations, subject to Section 11.28.

5.13.4.2 Permitted Uses, Subject to Site Development Plan Review,

Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

- a. Single family residences with not more than 2000 sq. ft of gross floor area.
- b. Accessory uses which are customary with and incidental to the permitted residential use, subject to the standards of Section 7 of these Regulations.

[Amended to delete reference to year-round use/seasonal use effective 9-16-11]

5.13.4.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

- a. Single family residences with more than 2000 square feet of gross floor area.
- b. Multi-family housing, based on the capacity of the existing soil to accept sanitary waste effluent in compliance with the Connecticut Public Health Code, and the provisions of Section 11.28 of these Regulations, except that in cases of inconsistency with the following requirements, the following requirements shall apply in the SVVD:
 1. The development shall contain no more than six (6) dwelling units.
 2. The minimum lot area per dwelling unit shall be 7,500 square feet for the first dwelling unit and 2,500 square feet for each additional dwelling unit. Therefore, at least 20,000 would be required for six (6) dwelling units.

3. Each dwelling unit shall contain a gross floor area of at least 800 square feet.
 4. If the multi-family development contains dedicated affordable housing units as defined in Conn. Gen. Stats. §8-30g, the required minimum lot area shall be reduced by 500 square feet for each dedicated affordable unit and the total allowable units shall be increased by one (1) for each three (3) affordable units in the development.
 5. In evaluating an application for multi-family housing, the Commission shall encourage the consolidation of small existing dwellings into a smaller number of units, and/or units with fewer bedrooms.
- c. Philanthropic, educational, recreational or religious non-residential use by a duly organized non-profit organization, non-profit corporation or governmental unit excluding correctional institutions and institutions for the insane.
 - d. Dedicated affordable housing, either to own or to rent, as defined in Conn. Gen. Stats. §8-30g.
 - e. Entertainment and recreational uses (e.g., rides, arcades) meeting the provisions of these Regulations and Town Ordinances.
 - f. Community buildings providing meeting and recreational space for civic activities, including their administrative offices.
 - g. Retail business or retail service occupations not exceeding 3,000 square feet of gross floor area per structure.
 - h. Professional or business office of a resident of a dwelling unit, subject to additional standards of 7.8.1 of these Regulations.
 - i. Customary home occupation, home industry and service occupations within a dwelling unit subject to additional standards of 7.8.1.2 of these Regulations.
 - j. Bed and Breakfast, generally in accordance with 7.8.4 and 11.29, except as provided below, and the following requirements:
 1. Each room shall be used to house no more than two (2) persons.
 2. Each Bed and Breakfast shall have no more than four (4) rooms to be let out to lodgers.
 3. Each room shall be at least 300 square feet of living space, exclusive of bathroom.
 4. Each room shall have a private en suite bathroom consisting of a toilet, lavatory and bath tub or shower.
 5. Each room shall not contain any provisions for the cooking or refrigerated storage of food.

6. The maximum length of stay by a lodger shall be 14 days with a prohibition from returning within 14 days.
 7. Parking for lodgers shall be on-site with the required number of spaces to be determined by the provisions of these Regulations.
 8. The separation requirements of Section 7.8.4(h) shall not apply in the SVVD.
- k. A Tourist Home subject to the provisions of these Regulations and Town of Old Lyme Housing Ordinance and the following requirements:
1. Each room shall be used to house no more than two (2) persons.
 2. Each Tourist Home shall have no more than six (6) rooms to be let out to lodgers.
 3. Each room shall be at least 200 square feet of living space, exclusive of bathroom.
 4. Each room shall have a private en suite bathroom consisting of a toilet, lavatory, and bath tub or shower.
 5. Each room shall not contain any provisions for the cooking or refrigerated storage of food.
 6. The maximum length of stay by a lodger shall be 30 days with a prohibition to return within 14 days.
 7. Parking for lodgers shall be on-site with the required number of spaces to be determined by the provisions of these regulations.
- l. Park, playground or open space operated by a non-profit organization or by the Town of Old Lyme.
- m. Full service restaurant not exceeding 3,000 square feet of gross floor area per lot.
- n. Take-out restaurants where the patrons pick up their food on foot, and there is no delivery service or drive-through service to persons located on or in vehicles.
- o. Shared Septic Systems, as a principal use.
- p. More than three Electric Vehicle Charging Stations, subject to Section 11.28;

[Amended to delete reference to seasonal/year round use effective 916-11]

5.13.5 Mixed Uses Where mixed uses are proposed for any lot, the Commission may, by Special Permit (if not otherwise required), permit such mix of uses where it finds that: (a) the proposed uses are compatible with each other as designed into the existing or proposed site and building(s); (b) the site can meet the parking

requirements of Section 18 of these Regulations, as the same may be modified by Section 5.13.8.7 of this SVVD Regulation; (c) the site demonstrates the ability to provide sufficient water supply and effluent disposal capacity to support the proposed uses; (d) the signs for the building are integrated into a single, unified sign plan which incorporates all proposed uses; (e) the mix of uses contributes to the purposes of the SVVD District as set forth in Section 5.13.1 of these Regulations. When the Commission approves a mixed use, there shall be no change of any such use to a different use without further review and approval by the Commission as an amendment to the Special Permit.

5.13.6 Prohibited Uses: Any use not listed or designated as a permitted use, Special Permit use or accessory use in this District is expressly prohibited. (See also, Section 17 – Water Resources Protection; and Section 6, Prohibited Uses).

5.13.7 Lot and Bulk Standards - All buildings, structures and uses in the Sound View Village District shall comply with the following table:

BULK STANDARDS IN THE SOUND VIEW VILLAGE DISTRICT (SVVD)

Line	District: SVVD	
1.	Minimum lot area (in square feet)	10,000 s.f.
2.	Minimum lot area for each dwelling (in square feet)	10,000 s.f. (3)
3.	Minimum dimension of a square on the lot	75'
4.	Wetlands/watercourse restriction (7.2.1)	0%
5.	Maximum number of stories	2 1/2
6.	Maximum height of building or structure	27' (1)
7.	Minimum setback from the street line	6' (2)
8.	Minimum setback from rear property line	10'
9.	Minimum setback from other property line	6' (2)
10.	Minimum setback from Residence and Rural Districts	N/A
11.	Maximum floor area as a percent of lot area	40%
12.	Maximum lot coverage by buildings and structures as a percent of lot area	30%
13.	Maximum total lot coverage as percent of lot area (Section 8.8)	75%

Notes:

1. The maximum height of new structures within the SVVD shall be 27' and shall be measured in the manner prescribed in Section 8.2. For existing structures within the SVVD, height shall be limited to their existing height or 27' whichever is the higher. This shall apply whether or not the use or structure is invoking any of the exemptions of the SVVD Regulations. Any increase in the height of any portion of any building or structure shall require a Special Permit in accordance with Section 13B of these Regulations.

2. For an existing or new use or structure, one (1) of the non-rear property line setbacks (e.g., front or side setbacks) may be reduced to 0' provided if it can be demonstrated this reduction will not adversely affect public health and safety or abutting uses.
3. Applies to new single-family dwelling units.

5.13.8 Design Standards: In addition to the standards and criteria of Section 13B for Special Permit uses, the site design, architectural design, scale and massing of buildings and other structures shall be of such character as to be harmonious and compatible with the existing character of the SVVD and the following guidelines shall apply to all uses in the SVVD and shall help govern the Commission's determination of the acceptability of a proposed use or structure:

5.13.8.1 General - All development should be compatible with the existing characteristics of a sea-side community which include a sense of openness to light and air, small scale architecture, and the absence of large unbroken facades. Development should be designed to encourage pedestrian use. Views of Long Island Sound should remain unobstructed to the greatest degree possible.

5.13.8.2 Site Development - Building setbacks from the street, side setbacks from adjacent buildings, and orientation of the axis of buildings shall be consistent with and recognize the rhythm, spacing and orientation of other adjacent buildings. The primary visual focus of the site shall be the front facade facing Hartford Avenue and the public sidewalk. Non-residential uses shall be designed to facilitate pedestrian movement within each site and among adjacent sites.

5.13.8.3 Building Form and Materials - New development shall be of such scale and character as to harmonize with adjacent buildings and the Hartford Avenue streetscape.

- a. Lengthy unbroken facades facing the Hartford Avenue side of the property are not permitted. The maximum horizontal length of an unbroken facade facing Hartford Avenue shall not exceed fifteen feet without an entrance, window, display window or facade offset. Facade offsets shall be of sufficient depth to create a strong shadow line.
- b. On lots where street frontage limits building width, and on other lots where appropriate, buildings shall be oriented so that the narrow end (short axis) is facing the Hartford Avenue side.
- c. In accordance with the existing character of the area, roof structures shall be generally hipped or gabled. Roofs shall project enough beyond the facade to create an overhang and cast a shadow.
- d. Mechanical equipment shall be concealed within the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential areas. Mechanical equipment located at ground level shall be screened and landscaped.

- e. Particular attention shall be given to architectural detail and landscaping on the side of the building facing Hartford Avenue, even if the primary building entrance is located on other than the Hartford Avenue side of the building.
- f. Open porches and porch entrances are encouraged and may be used as display areas for commercial and service uses located within a building, provided that such display does not impede access to the building or block the public sidewalk.
- g. Materials and colors used for construction or reconstruction of building facades shall be consistent and compatible with materials found throughout the SVVD and those that might be found in sea-side communities (e.g., sawn wooden shake siding, stucco, wood clapboards) and are subject to approval of the Commission.

5.13.8.4 Landscaping – In addition to the requirements of Section 13A of these Regulations, the following additional standards are required within the SVVD for all nonresidential development and substantial modifications to existing non-residential development:

- a. The area between the front of the building and the sidewalk shall be landscaped in a manner complementary to the scale and style of the building using salt-tolerant plant species appropriate for the coastal area.
- b. Front yards may be enclosed by a low ledge, board or picket fence, wrought iron fence, or stone wall, not more than 36 inches high.
- c. Window boxes, planters and flower beds are encouraged, but not within any public street right of way, including public sidewalks.
- d. All building foundations not directly abutting the sidewalk shall be landscaped with appropriate shrubs.
- e. All service areas, storage areas and trash receptacles shall be screened by fencing and planting.
- f. At the option of the Commission and with the advice of the Selectmen, planting of street trees may be required. Distance between trees, size of trees, type of trees and location of trees will be subject to Commission approval. Suitable existing trees may be used to meet this requirement.

5.13.8.5 Signage. In addition to the provisions of Section 19 of these Regulations, all signs within the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD Regulation, shall be designed to be compatible with the character of the Sound View area, including the site design and building architecture with which they are associated, in terms of location, scale, materials, color, texture and lettering. Signs shall be integrated with site landscaping in style and location. Signs shall be uncluttered and clearly legible and shall include only the minimum information necessary to direct the public. Ground signs (free-standing

signs) are prohibited. No sign shall project into or over the public street right of way, including public sidewalks.

5.13.8.6 Lighting - All exterior lighting shall be of a style and character that is harmonious with the character of the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD Regulation. Building mounted flood lighting and ornamental building lighting is prohibited within the District. All light sources shall be shielded so as to reduce glare onto adjacent properties. Lighting shall be properly scaled for pedestrians. Lighting structures shall not exceed 12 feet in height. Pedestrian walkways may be illuminated by light bollards or other low level lighting standards with shielded light sources. All lighting sources shall use bulbs that produce warm toned light, such as that produced by sodium vapor bulbs.

5.13.8.7 Parking Requirements - Parking and loading Spaces shall be governed by the requirements of Section 18 of these Regulations with respect to the size and number of required Parking Spaces, except as provided in this Section. The Commission shall have the authority, through the provisions of this Section 5.13, to approve exemptions from Section 18 where it can be demonstrated that these exemptions are justified and appropriate. The following provisions shall apply to parking requirements in the SVVD:

- a. Parking required for residential uses, including parking provisions for visitors, shall be accommodated on-site, i.e. on the lot where the use is located.
- b. Parking required for the owners and employees of non-residential uses shall be accommodated Off Street, i.e., on-site or off-site. "Off-site" parking shall be defined as Off-Street Parking that is not located on the subject Lot but is on private or public property upon which the proposed Use has the exclusive right by lease, easement, ownership, or otherwise, to utilize for parking.
- c. Parking required for the customers and patrons of non-residential uses may be met through a combination of on-street, off-site and on-site parking.
- d. In the case of parking required for non-residential uses, the applicant will be required to demonstrate to the Commission's satisfaction, the existence of sufficient parking through any combination of the following:
 1. Through formal written determination by the Board of Selectmen or their authorized agent (e.g., Sound View Parking Committee or its successor) that the required parking can be accommodated through on-street parking on Hartford Avenue during the proposed hours of operation. This provision does not apply to parking required for owners and employees.
 2. Through on-site parking, except that the on-site parking shall not abut or be visible from Hartford Avenue.

3. Through a combination of on-street and off-site parking, including parking formally dedicated to the use in parking lots within or outside the SVVD and on other parcels of non-residential property within the SVVD.
 4. In evaluating off-site parking, the Commission shall consider the proximity of such parking to the proposed use and the existence of sidewalks or other pedestrian walkways to provide safe passage between the off-site parking area and the proposed use.
- e. The Commission shall encourage the use of pervious pavers for parking areas that allow groundwater recharge while still providing adequate all-weather support for vehicles.
 - f. To the extent practical, the Commission will require that the access for delivery and service vehicles and loading for both residential and non-residential uses shall be from side streets and not from Hartford Avenue. However, in making their determination, the Commission will consider the potential impact that these vehicles will have on neighborhoods abutting the SVVD if Hartford Avenue is not used for this access.

5.13.8.8 Sidewalks

- a. Unless waived under this paragraph, all new development or enlargement of existing development shall include the installation of a sidewalk meeting the design and construction requirements of the Town unless a conforming sidewalk exists. In considering any request for waiver, the Commission, with the advice of the Selectmen, shall determine when enlargement of an existing development or use does not require the installation of a sidewalk.
- b. For all non-residential uses, sidewalks shall also be provided from the frontage sidewalk to the primary building entrance and from the parking area to the primary entrance and other entrances.
- c. Sidewalk Use: All sidewalks must be kept clear of parked vehicles and other materials which block the public right-of-way.
- d. Front Yard Use
 1. Establishments fronting on Hartford Avenue may provide seating for customers and public use of front yards with prior Commission approval by Special Permit and provided that pedestrian circulation and access to building entrances is not impaired. To allow for pedestrian circulation, a minimum of five feet of walkway shall be provided between the sidewalk and the building leading to the entrance of the establishment shall be maintained free of tables, chairs and other encumbrances. Establishments with outdoor seating shall be required to provide additional trash receptacles. Tables, chairs, planters, trash receptacles, and other street

furniture shall be compatible with the architectural character of the building where the establishment is located.

2. Extended awnings, canopies or large umbrellas may be permitted in connection with an application for Site Plan Review or Special Permit or modification thereof at the discretion of the Commission and shall be located so as to provide shade for patrons.
3. In connection with an application for Site Plan Review or Special Permit or modification thereof, the Commission may approve front yard displays directly in front of an establishment, provided that at least five feet of clearance is maintained at the storefront entrance for pedestrian access. Front yard displays shall be permitted only during normal business hours and shall be completely removed at the end of the business day. Cardboard boxes shall not be used for front yard displays. Failure to maintain a front yard display in a clean, litter-free condition at all times shall be grounds for revocation of Commission approval of the display.

5.13.8.9 Noise and Hours of Operation. Per Town Ordinance Chapter 95, Noise, no activities within the SVVD shall result in noise of such volume or duration as to interfere with normal use and enjoyment of property within the District. In connection with an application for Site Plan Review or Special Permit or modification thereof, the Commission may require reasonable hours of operation for non-residential uses so as to preserve the enjoyment of nearby residential uses.

5.13.8.10 Shared Septic Systems. In reviewing any application for a use of land in the SVVD, the Commission shall encourage the use of Shared Septic Systems. Shared septic systems need not be located on the Lot where the proposed Use is to be located.

5.13.8.11 Shared Septic Systems, WPCA Approval Required. If any applicant proposes to utilize a shared sewerage system, a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided.

5.13.8.12 Water Supply. In reviewing any application for a use of land in the SVVD, the Commission shall consider the demand for water created by such use, the sources of such water, the increase in demand over any existing use(s), the possible impact of any such demands on existing supplies including the potential for saltwater intrusion into subsurface waters and existing wells in the area of such use and the availability of water during periods of drought or fire-fighting emergencies. The Commission may require proposed uses to create water storage facilities to incorporate water conservation measures or to take such other measures as may be necessary to avoid shortages of water supply for existing and proposed uses.

[Foregoing Section 5.13 adopted effective 9-1-2005, amended effective 3-7-08]

Rev. Feb 20, 2008 to add retail back into 5.10, C-30 District

5.14 School District (SD)

5.14.1. Permitted Uses, Certificate of Zoning Compliance only.

None.

5.14.2. Permitted Uses, Subject to Site Development Plan Review, Per Section 13A.

None.

5.14.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Accredited public or private elementary or secondary schools or academies.

5.14.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Athletic fields and tracks, fitness centers, gymnasiums, indoor swimming pools, skating rinks, skating parks, and such other buildings or structures related to athletics and fitness and associated appurtenances including outdoor lighting structures and fixtures.

Outbuildings used for educational purposes such as observatories or planetariums.
Playgrounds.

Auditoriums.

Buildings containing offices and training facilities for school administration, faculty and staff.

Accessory buildings and garages for vehicles, equipment, tools and supplies related to maintenance of buildings and grounds and storage of school supplies and equipment.

Utility and maintenance buildings and structures.

5.14.5 Special Requirements and Design Standards

5.14.5.1 Building and structure heights- The maximum height of buildings is thirty-five feet but spires, cupolas, towers, flagpoles, outdoor lighting structures and fixtures, tanks, chimneys, penthouses for mechanical equipment, ventilators and other similar structural features occupying no more than ten (10%) percent of the building area and not intended for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height as determined by the Commission.

5.14.5.2 Parking- Off-street parking shall be provided in accordance with the provisions set forth in Section 18, except that aisles serving school parking areas are not subject to the setback requirements of section 18.3.8.

5.14.5.3 Lighting-

- a. Athletic field lighting: Outdoor lighting facilities intended for the illumination of athletic tracks or fields are not required to be shielded but shall be designed and operated to minimize trespass lighting.
- b. Lighting shall otherwise be subject to the requirements of Section 18.3.5 (Illumination) and Section 13A.3.10 (Site Development Plan, Lighting) of these Regulations.

5.14.5.4 Landscaping- Where a school abuts a residential zone, the Commission may, in its discretion, require a landscape buffer along the abutting property line in accordance with Sections 4.6 (Buffer Requirements for Non-Residential Uses) and 18.3.6 (Landscaping and Screening) of these Regulations.

Adopted 4/13/09, Effective 5/1/09

5.15 Moratoria - Purpose This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.
This temporary and limited term moratorium has been adopted to provide the Old Lyme Zoning Commission with the time necessary to review existing regulations.

- a. **Applicability.** During this temporary moratorium, no new applications for Self-Storage Unit Facilities shall be received or considered for any zoning district in the Town of Old Lyme.
- b. **Duration.** This Regulation shall remain in effect until December 31, 2024.

Adopted 9/9/24, Effective 9/30/24

SECTION 6 - PROHIBITED USES

- 6.1 **Prohibited Uses:** It is expressly understood that any use not listed and designated as permitted in the specified District in Section 5 of these Regulations is prohibited in such District. Nevertheless, due to their uniquely objectionable characteristics, certain uses are identified in this Section 6 for specific prohibition in any zone, as principal or accessory uses, and no use category set forth in Section 5 of these Regulations shall be deemed to include any use set forth herein. To assist in the interpretation of permitted uses, the following uses, the list of which is not intended to be exhaustive, are specifically prohibited:
- 6.1.1 No land in any district shall be used for a trailer, tent or similar structure to be occupied as a dwelling.
 - 6.1.2 No land in any district shall be used for a junkyard or a junk business of any description and no rubbish, machinery, broken glass, stumps, roots, garbage, trash, refuse, debris or junk motor vehicles shall be left or stored on any lot so as to be unsightly or detrimental to nearby property.
 - 6.1.3 No land in any district shall be used as the location for a Quonset hut or similar structure to be used for any purpose.
 - 6.1.4 No dumping or storage of refuse shall be permitted in the Conservation Zone other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition, nor shall any new public solid waste disposal facility, excluding sewage treatment facilities, be established or an existing facility be expanded in the Conservation Zone.
 - 6.1.5 Except as provided in connection with a licensed motor vehicle repair garage, not more than one currently unregistered motor vehicle shall be parked on any property, and said vehicle shall not at any time be in a state of major disassembly, disrepair, nor shall it be in the process of being stripped or dismantled.
 - 6.1.6 No land in any district shall be used for any of the following purposes: new or used motor vehicle dealer's establishment for the sale or storage of automobiles or other motor vehicles, including trucks, trailers, buses and farm equipment, motorcycles, snowmobiles, jet skis, all terrain vehicles or other unregistered offroad vehicles. [From former Section 6.3.6, Amended Effective 3-7-08]
 - 6.1.7 No commercial establishment may have more than two (2) pinball machines or other devices operated as a game of skill.
 - 6.1.8 No dwelling containing more than one (1) dwelling unit shall be constructed on any lot except as permitted by these Regulations in Sections 7.8 (Accessory Uses), and 13, and 11.28. [From former Section 6.3.8, Amended Effective 4/3/96 and 3-7-08]
 - 6.1.9 Anything in these Regulations to the contrary notwithstanding, no lot, or portion thereof, shall be used as a Public Parking Lot, except for Public Parking Lots under the management, supervision, and control of the Town of Old Lyme. The inclusion of this prohibition is for clarity only and does not amend the preexisting prohibition against Public Parking Lots which arose by virtue of Section 2.1 of these Regulations. See Section 3.2, Definition of "Public Parking Lot". [From former Section 6.3.9, added effective 6/1/99 and amended effective 3-7-08]
 - 6.1.10 Abattoir; distillation of bones, offal or rendering or dumping of dead animals; stock yards. [Added effective 3-7-08]
 - 6.1.11 Blast furnaces or smelting of copper, iron, lead, tin or zinc. [Added effective 3-7-08]

- 6.1.12 Potash, coal, coke, tar, oil or other petroleum product distillation, manufacture, or derivation of byproducts, including, but not limited to, refining or manufacture of products such as gasoline, lubricating oil, kerosene, naphtha, nitrates (natural and synthetic), synthetic resins, pyroxilin, rayon or nylon yard, and plastics. [Added effective 3-7-08]
- 6.1.13 Manufacturing uses involving the primary production of the following products from raw materials:
- asphalt, rubber (natural and synthetic), cement, charcoal, charcoal fuel briquetting, lime, gypsum, or plaster of paris;
 - aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, soap, paper, industrial alcohol;
 - carbolic, phosphoric, hydrochloric, nitric, picric, or sulfuric acid; and
 - linoleum, oil cloth, matches, paint, varnishes, turpentine and other solvents.
- [Added effective 3-7-08]
- 6.1.14 Manufacture or storage of explosives. [Added effective 3-7-08]
- 6.1.15 Fertilizer manufacture. [Added effective 3-7-08]
- 6.1.16 Fat rendering in the manufacture of tallow, grease, glue, gelatin and oil. [Added effective 3-7-08]
- 6.1.17 Refining and recovery of products from fish, wood or wood pulp or fiber, bones, fat and other animal refuse or offal. [Added effective 3-7-08]
- 6.1.18 Natural, propane, or other gas manufactured by other than a public utility, and natural, propane, or other gas storage as a principal use, except that the storage for distributing purposes and the distribution of liquified petroleum gas may be permitted as a permit by the Zoning Board of Appeals provided that there is compliance with all requirements of Connecticut General Statutes Chapter 541, Part II, and any regulations adopted pursuant thereto, as the same may be amended from time to time. This provision shall not be construed to prevent the storage for use on the premises of liquified petroleum gas when installed and used in accordance with applicable Connecticut State laws. [Added effective 3-7-08]
- 6.1.19 Bulk or wholesale storage of gasoline, fuel oil, and all other petroleum products above ground, excluding such storage for on-site consumption or otherwise accessory to the principal use of the property. [Added effective 3-7-08]
- 6.1.20 Operations involving the keeping, breeding and raising of mink or other raising fur-bearing animals other than rabbits; or primates for commercial or laboratory purposes; or the keeping, breeding and raising of pigs or swine as a principal use. [Added effective 3-7-08]
- 6.1.21 Any activities dealing with automobile racetracks, snowmobile racetracks, stock car racetracks, drag strips, off-road vehicle trail racing, and all other activities involving racing of, or competitions or spectacles involving, motorized vehicles of any kind. [Added effective 3-7-08]
- 6.1.22 Nitrating of cotton or other materials. [Added effective 3-7-08]
- 6.1.23 Itinerant peddling, sales or promotions conducted from vehicles or from any other mobile or portable facility, excluding: Vendors legally operating within a public

highway right-of-way; and permitted accessory uses in Section 7 (Accessory Uses, Buildings and Structures) of these Regulations. [Added effective 3-7-08]

- 6.1.24 Similar uses to the above (items 1-15) which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, vibrations or because of other objectionable features. [Added effective 3-7-08]
- 6.1.25 Helistops [D]. [Added effective 3-7-08]
- 6.1.26 Tea Rooms. [Added effective 3-7-08]
- 6.1.27 Billboards. Anything in these Regulations to the contrary notwithstanding, billboards shall be prohibited throughout the Town of Old Lyme. "Billboards" shall include, but not be limited to, any sign greater than 32 square feet which is a free-standing structure or any sign greater than 60 square feet which is mounted upon the roof or wall of a building and is visible from any public street or highway. "Billboard" shall expressly include any sign which is visible from a street from which the property on which the sign is located does not have direct vehicular access. "Billboard" shall not include any sign(s) approved pursuant to Section 19 of these Regulations or approved as part of a Site Plan Review or Special Permit per Section 13 of these Regulations. [From former Section 10.1, added effective 8/1/01 and amended effective 3-7-08]
- 6.1.28 Fast Food Restaurants [D]. [Added effective 3-7-08]
- 6.1.29 Drive-through service to patrons in vehicles as either a Principal Use or as an Accessory Use to a Full Service Restaurant. [Added effective 3-7-08]
- 6.1.30 As authorized by Section 148(b) of June Special Session, Public Act No. 21-1 (the "Act"), all cannabis establishments, as defined in Section 1(4) of the Act are prohibited uses and may not be established in the Town of Old Lyme. [added effective 10-12-21]
- 6.2 Pursuant to Connecticut General Statutes Section 8-6, as amended by Public Act 77-509, the Old Lyme Zoning Board of Appeals is prohibited from granting any variance which would permit any of the foregoing uses to be established, enlarged, extended, or intensified. [Added effective 3-7-08]

[Preceding from former Section 6, Amended Effective 3-7-08, except as otherwise noted]

SECTION 7 - ACCESSORY USES, BUILDINGS AND STRUCTURES

7.1 **Accessory Buildings - General Requirements.** Accessory Buildings customary with and incidental to a permitted use are subject to the securing of a Special Permit, Site Development Plan, or administrative approval, as required for the use to which they are Accessory and are subject to the following additional standards and conditions:

- a. the Accessory Use shall be located on the same Lot with the Use to which it is Accessory; and,

[From former Sections 21.2.3 and 22.2.3, Amended Effective 3-7-2008, Amended Effective 4-1-09]

- b. an Accessory Building attached or connected to the Principal Building by walls or roofs shall be considered a part of the Principal Building and limited by the Required Minimum Yard requirements of the Principal Building;

[Added effective 3-7-2008]

- c. ***Reduced setbacks in Residence Districts for some Accessory Buildings:***

(i) on any Lot in a Residence RU-40 District, or a Residence RU-80 District, one (1) detached Accessory Building not used for human occupancy or for the housing of animals and not exceeding fifteen (15) feet in height and 200 square feet in Floor Area may extend into the Required Side for Rear Yard (but not the Required Front Yard) by a distance equal to one-half of the Minimum Required Side Yard or Rear Yard for the District; and no such Accessory Building shall be any closer to the Streetline than the Principal Building.

(ii) on any Lot in a Residence R-20 District, or a Residence R-15 District, or Residence R-10 District, one (1) detached Accessory Building not used for human occupancy or for the housing of animals and not exceeding ten (10) feet in height and 100 square feet in Floor Area, may extend into the Required Side for Rear Yard (but not the Required Front Yard) by a distance of not less than five (5) feet from the rear or side boundary lines; and no such Accessory Building shall be any closer to the Streetline than the Principal Building.

[From former Section 7.4.4, Amended Effective 2-28-97, 3-7-08, and 3-1-12]

See, Section 7.9 for Buildings Accessory to a Farm.

- d. Accessory Buildings more than fifteen (15) feet in height and 200 square feet in Floor Area shall conform to the Required Minimum Side and Rear Yard requirements of Section 8 for Principal Buildings;

[Added effective 3-7-08]

- e. Accessory Buildings, other than Buildings Accessory to a Farm (see Section 7.9), shall not occupy more than the area of the Building Coverage of the Principal Building to which they are Accessory. For residential automobile garages, see Section 7.3.

[From former Section 9.1, Amended Effective 3-7-08]

7.2 **Accessory Buildings - Use.** Accessory Buildings shall be used only for Uses Accessory to a Principal Use permitted in the subject District, except for Nonconforming Uses as described in Section 9 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations. Except

as provided in Section 7.9 (Accessory Apartments), no Accessory Building shall be used for Dwelling purposes, except by employees or non-paying guests of the occupant of a Dwelling on the Lot, and there shall be no provision for cooking facilities in such Accessory Building or available to such employees or guests except the principal cooking facilities of the Dwelling. See Section 7.7, Accessory Uses.

[From former Section 22.2.3, Amended Effective 3-7-08]

7.3 Accessory Buildings - Specific Types.

- a. Roadside Shelters for School Children. In all Districts, roadside shelters for the use of school children may be permitted. Said shelter shall not exceed fifty (50) square feet in area, nor eight (8) feet in height. Its location shall be no closer than one (1) foot from the Front or Side Lot Line. Shelters may be located within the Street right-of-way with written approval of the Board of Selectmen and/or State of Connecticut Department of Transportation, as applicable; or with the right-of-way of private streets with written approval from the association having authority over it. In no case shall the shelter be located closer than ten (10) feet of the traveled portion of the Street. Said shelter shall be removed by the applicant if not used for its intended purpose for one (1) year or upon order of the Department of Transportation or the Board of Selectmen if the Building interferes with road rights-of-way.

[Added effective 3-7-08]

- b. Guest House. A Guest House is permitted in all Residential Districts by Zoning Compliance Permit Application. Regardless of the District, no Guest House shall be located on a Lot having an area of less than 30,000 square feet. A Guest House shall be used for occasional personal visitors only and shall not be rented on a commercial basis or otherwise made available for compensation in any form, including compensation for grounds maintenance or personal services to the Lot owner or occupant. A Guest House shall contain no more than fifty (50%) percent of the Floor Area of the Principal Dwelling on the Lot.

[Added effective 3-7-08, amended effective 8-2-13 to allow by Zoning Compliance Permit Application instead of Special Permit]

- c. Garage. Accessory Buildings in a residential District may include automobile garages either attached to or detached from the Principal Dwelling. For parking of vehicles over 7,500 pounds gross vehicle weight, see Section 7.7.

7.4 Accessory Structures - Location.

- 7.4.1 Signs. Certain permitted Signs as specified in Section 19 may extend within lesser distances of a Lot Line.

[From former Section 7.4.5, Amended Effective 3-7-08]

7.4.2 Fences, Walls and Terraces.

- a. Fences and walls four (4) feet or less in height and located in the area required for the Required Minimum Front Yard, and in other Required Minimum Yards, fences and walls six (6) feet or less in height may be located within such Minimum Required Yard. Similarly, necessary retaining walls, Terraces, and open, unroofed stairways to the ground floor or Basement or Cellar of a Building may be located in a Minimum Required Yard;

[From former Section 7.4.6, Amended Effective 4-3-95]

- b. the Zoning Commission may grant a Special Permit to allow a fence or wall up to a maximum of six (6) feet in height in the area of the Required Minimum Front Yard if there are special circumstances of the subject property which the Commission determines make a fence taller than four (4) feet in height appropriate. The Commission shall consider conditions unique to the property, such as, but not limited to, safety, privacy, topography, traffic, light trespass, noise and sight lines.

[Added effective 3-7-08]

7.4.3 Decks. Decks are a permitted Accessory Structure in all Districts, but Decks shall not occupy any portion of the Required Minimum Yard for any Lot.

[Added effective 3-7-08]

7.5 Accessory Structures - Use. Accessory Structures shall be Used only for Uses Accessory to a Principal Use permitted in the subject District or Zone, except for Non-conforming uses as described in Section 9 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations.

[Added effective 3-7-08]

7.6 Accessory Structures - Specific Types.

7.6.1 Handicapped Access to Residential Structures. Notwithstanding any other provision of these Regulations which would prohibit such a Structure, the Zoning Enforcement Officer may issue a Temporary Permit for a handicap access ramp to a residential structure under the following conditions:

- a. said access shall be of such size and configuration to involve the least amount of conflict with these Regulations which would otherwise be applicable;
- b. such size, location and configuration shall not be a hindrance or danger to public safety or welfare;
- c. requests for handicapped access ramps shall include written statement detailing the reason(s) why such ramp is required;
- d. said temporary permit shall be for a period of two (2) years but shall be automatically renewable by the Zoning Enforcement Officer, provided the circumstances initially requiring the handicap access still exist. When such circumstances cease to exist, the access will be removed by the end of the permit period or within sixty (60) days of notice to remove from the Zoning Enforcement Officer, whichever shall be sooner.

Preceding From former Section 7.7, Amended Effective July 3, 1995) and 3-7-08]

7.6.2 Structure- and Roof-top Mounted Antennas. Structure- or roof-mounted antennae may be considered as Accessory Uses subject to the following standards:

- a. roof-mounted antennae shall not exceed a height of fifteen (15) feet above the highest point of the structure or building;

- b. satellite and microwave dish antennae shall not exceed a diameter of six (6) feet in Commercial or Light Industrial Districts or four (4) feet in Waterfront or Residential Districts;

No Zoning Permit shall be required for antennae which are Accessory to residential uses and do not exceed fifteen (15) feet in height or four (4) feet in diameter in the case of satellite or microwave dishes.

[From former Section 6.2.8, Amended Effective 4-1-97 and 3-7-08]

7.6.3 Propane Tanks, Above-Ground Oil Tanks. Propane tanks thirty (30") inches or less in diameter may be located within a Required Rear and/or Other Yard, provided that they are located immediately adjacent to the Principal Building. Propane tanks more than thirty (30") inches in diameter shall conform to the Required Yard for the subject District. Above-ground oil tanks, central air compressor units and auxiliary electric generators shall conform to the Required Yard for the subject District except for the below exceptions. [Added Effective 4-1-09, Amended effective 9-13-21]

7.6.4 Central Air Compressors and Heat Pump Mechanicals. Central air compressors and heat pump mechanicals are eligible for a 75% reduction in the required rear and/or other yard setbacks in the R-10 Zones. Central air compressors and heat pump mechanicals are eligible for a 50% reduction in the required rear and/or other yard setbacks in the R-15 and R-20 Zones. [Added Effective 4-1-09, Amended effective 9-13-21]

7.6.5 Generators. Generators with a DBA 75 and under are eligible for a 75% reduction in the required rear and/or other yard setbacks in the R-10 Zones. Generators with a DBA 75 and under are eligible for a 50% reduction in the required rear and/or other yard setbacks in the R-15 and R-20 Zones. [Added Effective 4-1-09, Amended effective 9-13-21]

7.7 Accessory Uses. Accessory Uses customary with and incidental to a permitted Use are subject to the securing of a Special Permit or administrative approval of a Site Development Plan as required for the use to which they are Accessory and are subject to the following additional standards and conditions:

- a. the Accessory Use shall be located on the same Lot with the Use to which it is Accessory;
- b. except as provided in Section 7.8.2, no accessory building shall be used for dwelling purposes, except by employees or non-paying guests of the occupant of a Dwelling on the Lot, and there shall be no provision for cooking facilities in such Accessory Building or available to such employees or guests except the principal cooking facilities of the Dwelling; notwithstanding the provisions of Section 3, Definition of Accessory Building, the Building may be attached to the Principal Building;

[From former Section 21.2.6.b, Amended Effective 4/3/95, 6/1/98, 3-7-08 and 4-1-09]

- c. an Accessory off-street parking space outdoors or in a garage may be provided on any lot for only one (1) commercial vehicle, and such vehicle shall not exceed 7,500 pounds gross vehicle weight (weight empty plus rated load capacity), provided, however, that off-street parking spaces for more than one (1) such commercial vehicle and for greater gross vehicle weight may be provided on any lot containing one or more of the following:
 - (i) a permitted agriculture, farming, forestry, truck or nursery gardening use;

- (ii) a permitted earth excavation, removal or deposit activity authorized under Section 43;
 - (iii) a use or facility operated by the Town of Old Lyme, Regional School District No. 18, State of Connecticut, or the Federal Government;
 - (iv) a maintenance facility in support of a multiple dwelling project on the lot or in support of a Special Permit use if authorized under such Special Permit;
- d. no land in a Residence District shall be used for access to a Use permitted only in a Commercial or Light Industrial District.

[Except As Noted, From former Section 21.2.6, Amended Effective 3-7-08]

7.8 Accessory Uses - Specific Types.

7.8.1 Business Uses Accessory to A Dwelling.

7.8.1.1 Dwelling Unit – Professional or Business Office. A professional or business office in a dwelling unit located in a Residence District shall conform to the following standards and is an additional Use for which a Zoning Permit and Certificate of Zoning Compliance are required. The following requirements shall be met:

- a. the person or persons conducting the office shall occupy the Dwelling Unit as a permanent place of residence;
- b. there shall be no more than two (2) nonresident persons employed on the Premises in connection with such office;
- c. the Floor Area used for the office shall not exceed 25% of the floor area of the Dwelling Unit;
- d. the office and the conduct thereof shall not change or impair the residential character of the Premises, and there shall be no evidence of the office outside the Dwelling, except one (1) identification sign of the type permitted under Paragraph 19.5.1(a) identifying only the name of the office and the activity conducted.

[Preceding From former Section 21.2.1, Amended Effective 3-7-08]

7.8.1.2 Dwelling Unit – Customary Home Occupations. A customary home occupation conducted in a Dwelling Unit located in a Residence District shall conform to the following standards and is an additional Use for which a Zoning Permit and Certificate of Zoning Compliance are required:

- a. the Person or Persons conducting the customary home occupation shall occupy the Dwelling unit as permanent place of residence;
- b. the home occupation shall consist of preparation and sale of products customarily produced in the home, such as dressmaking, millinery, food products, and arts and crafts, or consist of the private workshop of a skilled trade or personal service, such as the workshop of a plumber, electrician, carpenter, watchmaker or televisions and radio repairer, but expressly excluding motor vehicle repair or service and the use or repair of internal combustion engines at such workshop;

- c. there shall be no more than two (2) nonresident persons employed on the Premises in connection with such occupation;
- d. the Floor Area used for the occupation shall not exceed 25% of the Floor Area of the Dwelling Unit but may also include Floor Area in an Accessory Building;
- e. no finished consumer goods shall be acquired outside the Dwelling Unit for sale on the Premises in connection with a home occupation, and the occupation shall not include the sale of food or beverages for consumption on the Premises. See Sections 7.8.4, Bed & Breakfast;
- f. the home occupation and the conduct thereof shall not change or impair the residential character of the Premises, and there shall be no evidence of the occupation outside the Dwelling or Accessory Building, except one (1) identification sign of the type permitted under paragraph 19.5.1(a) identifying only the name of the proprietor of the occupation and the activity conducted.
- g. home occupations may include sale of fruits, vegetables, landscape materials, flowers, or other farm products actually grown on the Lot, provided the total sales area, whether located inside or outside of the building, does not exceed four hundred (400) square feet in area.

[Preceding From former Section 21.2.2, Amended Effective 3-7-08, Amended Effective 4-1-09]

7.8.2 Accessory Apartments.

7.8.2.1 Purpose and Requirements. The purpose of this Section is to promote the general welfare of the Town by providing more affordable housing, both for older citizens who wish to live independently but in close proximity to family members and for younger citizens as they establish themselves in the community. The intent of the Section is to balance the need for affordable housing in Accessory Apartments with the need to preserve and protect the character of the Town's single family, residential neighborhoods by preventing the congestion and drain on community resources that may occur if Accessory Apartments are allowed to proliferate unregulated in single family neighborhoods.

One (1) Accessory Apartment may be created in either: (i) single family dwellings; or, (ii) in Accessory Buildings within the footprint of a Dwelling or Accessory Building which such footprint and Dwelling or Accessory Building were in existence on January 1, 1997, upon issuance of a Special Permit in accordance with Section 13 of the Regulations and subject to the following additional provisions:

- a. the Single Family Dwelling unit to which the Accessory Apartment is subordinate shall be located only on conforming Lots in Rural Residential Districts RU-40 and RU-80;
- b. the Single Family Dwelling Unit or Accessory Apartment shall be occupied by an owner of the Premises as that owner's principal residence except for bona fide temporary absences;

- c. the Accessory Apartment shall have a minimum living space of 500 square feet of Floor Area and a maximum living space of: (i) 800 square feet of Floor Area; or, (ii) 25% of the total living space of the Single Family Dwelling, whichever is less. No more than three (3) persons shall occupy the Accessory Apartment;
- d. the Accessory Apartment shall have a kitchen and complete bathroom separate from such facilities of the Single Family Dwelling unit. It shall have a separate outside door for ingress and egress. No Accessory Apartment and no part thereof shall be located in a Cellar or above the second Story;
- e. two (2) off-street Parking Spaces shall be provided in addition to the Parking Spaces required for the Single Family Dwelling. No Accessory Apartment shall be used for a professional office or home occupation;
- f. no alterations shall be made to the exterior of the Single Family Dwelling unit or to the Accessory Building to enable the Accessory Apartment to comply with these Regulations, except to provide the required means of egress. If the Accessory Apartment is contained within the Single Family Dwelling, there shall be only one (1) outside door along the front facade unless more than one (1) such door existed prior to the establishment of the Accessory Apartment. Stairways to an Accessory Apartment, other than handicapped access ramps, shall be located within the Dwelling or Accessory Apartment or fully enclosed and such stairway and any handicapped access ramp serving the Accessory Apartment shall be located on the side or rear of the Building. Such stairway shall not be included in the calculation of the Floor Area of an Accessory Apartment. All Building modifications and site development to accommodate the Accessory Apartment shall maintain the appearance of the Premises as a single family use;
- g. no Accessory Apartment shall be created or allowed in a Dwelling or Accessory Building which does not conform to all applicable setback and coverage requirements for the District in which the Lot is located;
- h. Applications for Special Permits shall comply with the requirements of Section 13 and the stated purposes of this Section.

[Preceding From former Section 21.2.7, Amended Effective 3-7-08]

7.8.2.2 Application Procedures.

- a. In addition to the requirements of Section 13, the application for Special Permit shall be accompanied by:
 - (i) an affidavit of ownership and occupancy signed by the owner of the Premises that the owner shall occupy one (1) of the Dwelling Units as the owner's principal residence except for bona fide temporary absences;
 - (ii) a floor plan showing proposed rooms and alterations to the Building, if permitted under this Section 7.8.2. The floor plan

shall show the living area of both the Accessory Apartment and the Dwelling Unit and the percentage difference between them;

- (iii) a site development plan showing all existing and proposed structures or renovations, off-street parking, and utility systems, in accordance with Section 13A.2, which may be waived in accordance with Section 13B.3.4;
- (iv) a certification from the Director of Health of the Town of Old Lyme or his/her Agent that the water supply and sewage disposal systems serving the premises, either existing, or as proposed with such modifications thereof, conform to current State Sanitary Code requirements and are adequate to serve both the single family dwelling unit and the Accessory Apartment;

[Preceding From former Section 21.2.7.1, Amended Effective 3-7-08, Amended Effective 4-1-09]

7.8.2.3 Issuance and Renewal of Certificate of Zoning Compliance.

- a. Upon satisfactory compliance with the requirements of these Regulations and upon approval of the Special Permit, the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance renewable as provided in paragraph (b) below.
- b. The continuing validity of the Certificate of Zoning Compliance is conditioned upon the following:
 - (i) on or before the fifth (5th) anniversary of the issuance of a Certificate of Zoning Compliance, the owner of the Premises shall file with the Zoning Enforcement Officer a new affidavit of ownership of the Premises and of occupancy of either the single family dwelling unit or the Accessory Apartment by such owner as required by Section 7.8.2.1(b);
 - (ii) The Commission shall terminate the Special Permit at any time that the then current owner ceases to occupy either the Accessory Apartment or the single family dwelling unit. Such termination shall be accomplished by holding a public hearing, with notice by certified mail, return receipt requested, to the current owner(s) and occupant(s) of the property. At the public hearing, the Commission shall receive evidence and testimony concerning the current ownership and occupancy of the Accessory Apartment and the single family dwelling unit. If, based on substantial evidence received into the record, the Commission determines, by vote, that the premises is in violation of the provisions of Section 21.2.7(b), it shall publish notice of its decision and provide notice to the owner in the same manner as an action on a Special Permit application and shall file a notice of such action in the land record of the Town.

[From former Section 21.2.7.2, Amended Effective 3-7-08, Amended Effective 4-1-09]

7.8.2.4 Existing Accessory Apartments.

[Intentionally blank.]

[Former Section 21.2.7.3, Deleted Effective 3-7-08]

7.8.3 Boarding House/Letting of Rooms.

The letting of rooms and/or furnishing of table board in a Single Family Dwelling Unit located in a Residence District shall conform to the following standards and is a use for which an Application for Zoning Permit and Certificate of Zoning Compliance are required:

- a. the Persons or Persons letting the rooms shall occupy the Dwelling Unit as a permanent place of residence;
- b. The letting of rooms in any Dwelling Unit shall be limited to not more than two (2) bedrooms;
- c. Except as provided in Section 7.8.2, no Accessory Building shall be used for rooms to let, and there shall be no provisions for cooking facilities in or available to such rooms except the principal cooking facilities of the Dwelling Unit.

[From former Section 21.2.3, Amended Effective 6/1/98 and 3-7-08]

7.8.4 Bed & Breakfast.

Bed & Breakfast shall be permitted as an Accessory Use to a Single Family Dwelling by Special Permit in Residence Districts subject to the following criteria, in addition to those of Section 13 (Special Permit and Site Development Plans):

- a. the use shall preserve the architectural style and integrity of the building as a dwelling and shall comply with all applicable fire and sanitary codes;
- b. The maximum occupancy per room shall be two persons;
- c. The maximum length of consecutive stay by any one patron shall be fourteen (14) days;
- d. The owner of the premises on which the use is conducted must reside on the premises: if the owner is a corporation, partnership, limited liability company or other entity, a natural person being the owner of not less than a 25 percent interest in the premises must reside on the premises and be actually in residence during any period when rooms are let;
- e. The area of the lot on which the use is to be conducted shall be not less than the minimum lot size permitted in the District for new construction;
- f. A minimum of two parking spaces for the owner(s) of the premises, plus one additional parking space for each bedroom proposed for Bed and Breakfast use, shall be provided on site. Parking areas and drives shall be reasonably screened so as to prevent glare from automobile headlights onto adjoining residential uses;
- g. Expansion of existing structures to accommodate additional bedrooms for the Bed and Breakfast use shall be prohibited and modifications of structures to comply with fire and building codes shall not adversely affect the architectural style, residential appearance or character of the dwelling. In an Historic District, modifications shall be in keeping with the character of the district, and in the case

of an historic structure, shall not preclude the structure's continued designation as an historic structure;

- h. There shall be a minimum separating distance of one thousand five hundred (1,500) feet between properties which contain Bed and Breakfast use;
- i. Bed and Breakfast use shall be prohibited on cul-de-sacs or dead-end streets;
- j. The foregoing criteria shall be deemed to be minimum requirements, and the Commission may deny, modify or condition an application for Special Permit for Bed and Breakfast use where necessary to ensure that the proposed use is in harmony with the existing neighborhood and with other applicable standards of these Regulations.

See Section 11.29, Special Regulations.

[From former Section 32.5.1, Amended Effective 4-1-09]

7.8.5 Boarding of Horses. Keeping of horses owned and used by the occupants of a Dwelling is a permitted Accessory Use. Such Use shall not include the renting of stalls or boarding of horses for compensation, nor the giving of lessons for compensation, nor other uses within the definition of the term, "Commercial Livery and Boarding Stables; Riding Academies." See Section 3 of these Regulations. [Added effective 3-7-08]

7.8.6 Recreational Trailers and Similar Vehicles or Vehicle Parts.

The parking or storage of a recreational camper trailer, motor home, camping tent-trailer, or other similar vehicle or device to be attached to a vehicle and used for camping or other recreational temporary occupancy, shall be permitted in all Residence Districts subject to the following conditions:

- a. there shall be no Use of such recreational vehicle as a Dwelling nor any other occupancy of the recreational vehicle on the subject Lot, be it transient or permanent;
- b. there shall be no more than one (1) such recreational vehicle stored outside on a Lot;

[Preceding Added effective 3-7-08]

7.8.7 Keeping of Pets as Accessory Use to a Dwelling

The keeping of customary pet animals is permitted as an Accessory Use to a Dwelling in any District. [Preceding Added effective 4-1-09]

7.9 Accessory Structures and Uses Accessory to a Farm.

7.9.1 Except as provided in Section 6 (Prohibited Uses), Farm Buildings Used for the storage, processing and manufacture of agricultural products, and the housing of animals, are permitted as an Accessory Use on a Farm.

7.9.2. Temporary roadside stands for the seasonal sale of Farm products and homemade articles are permitted when Accessory to the Principal Use of the premises on which they stand of not more than two hundred (200) square foot area with not more than two (2) Signs aggregating twelve (12) square feet in area advertising such produce. Such stand and Signs shall be not less than ten (10') feet from any Street Line and not less than fifty (50')

feet from any Street intersection. Their temporary permitted use shall not constitute the establishment of a Non-Conforming Use.

- 7.9.3 The slaughtering of livestock and poultry as an Accessory Use to a commercial Farm is permitted on a Farm, provided that in normal operation all stock slaughtered is raised on the Farm.
- 7.9.4 Buildings used for the storage on a Farm of any number of motor vehicles and equipment when Accessory to such Farm Use are permitted. Also permitted is the repair of such vehicles on a Farm, but this shall not permit operation of a repair garage for the general public.

[Preceding Added effective 3-7-08]

SECTION 8 - AREA, YARD, AND HEIGHT REQUIREMENTS

8.0 Purpose and General Provisions.

- a. General. The regulations which follow apply to the area, shape and Frontage of lots and the location and Bulk of Buildings and other Structures in the Districts specified in Section 2. Standards applicable in each district are specified on SCHEDULE A-2 and SCHEDULE B-2 in this Section.

[From former Section 7.1, Amended Effective 3-7-08, Amended Effective 4-1-09]

- b. Division or Conveyance of Land. No Lot or Parcel of land as defined in these Regulations existing on the effective date of these Regulations shall be divided nor shall any easement be granted to any private person which has the effect of creating a new parcel which will be non-conforming under the provisions of these Regulations. Similarly, no Lot or Parcel shall be decreased in size by sale, gift, devise, descent or otherwise so that it or any part of it will be non-conforming under the provisions of these Regulations. See, Section 9 (Non-Conforming Lots, Uses, Buildings, and/or Structures).

[Added effective 3-7-08]

- c. Yards and Lot Coverage. Except as provided for non-conforming uses in Section 9 no land, Building, or Premises, or part thereof, or other Structure shall be constructed, reconstructed, Extended, Enlarged, moved or Altered, except in conformity with the Regulations herein prescribed for the District in which it is located. No part of any Yard or other Open Space required about any Building may be counted as part of a Yard or other Open Space required for any other Building.

[Added effective 3-7-08, Amended 4-1-09]

8.1 Permitted Area, Frontage, Yards or Lot Coverage; Measurement.

Building Bulk and Coverage. The total Floor Area of all Buildings and other Structures on any Lot, the aggregate ground coverage of all Buildings and other Structures on any Lot, and the total ground coverage on any Lot shall not exceed the percentages of the Lot Area as specified in the District. The following exceptions and limitations are also applicable to Building bulk and coverage:

- 8.1.1 Measurement of Total Floor Area. In determining total Floor Area of Buildings and other Structures, measurements are taken to the outside surfaces of exterior walls enclosing the Floor Area. Floor area of Attics less than six (6') feet in height and of Cellars used solely for storage, mechanical equipment and services in support of uses on other floors of the Building shall not be counted in total Floor Area. Basements shall be included in the calculation of Total Floor Area. That portion of an Attic or Half Story which is over six (6') feet in height shall be included in the calculation of Total Floor Area. Covered porches, whether or not enclosed, will be included in the calculation of Total Floor Area. Any portion of the floor area having a height greater than twelve (12') feet shall be considered as two Stories for measurement of Total Floor Area. [From former Section 7.5.1, Amended Effective 3-7-08, Amended Effective 4-1-09]
- 8.1.2 Measurement of Building Coverage. The ground coverage of a Building or Structure is measured from the outermost edge of the Building or Structure projected to nadir but excluding any architectural projections of the type that are permitted under Paragraph 8.2.3 to extend into the area required for setback and also excluding

Buildings and Structures that are completely below the finished Grade of the Lot. Building Coverage shall also include a Deck, but not a Terrace. [From former Section 7.5.2, Amended Effective 3-7-08]

8.1.3 Measurement of Total Ground Coverage. Total ground coverage on a Lot consists of the aggregate ground coverage of all Buildings and Structures, outside storage areas, mechanical equipment on permanent foundations, all areas of off-street parking and loading spaces and access aisles and circulation driveways, and Terraces consisting of asphalt, concrete, or other Impervious materials; but excluding pedestrian sidewalks, Decks and Terraces, ornamental plazas and Terraces consisting of paver blocks or other pervious materials, signs and landscaped islands within parking areas, and, for residential uses, excluding off-street parking or driveway areas. [From former Section 7.5.3, Amended Effective 9/1/96 and 3-7-08]

8.1.4 Wetlands and Water Course Restriction. Areas consisting of Wetlands and Watercourses shall be excluded from Lot Area when computing eligible total floor area and eligible Total Ground Coverage of Buildings and other Structures. [From former Section 7.5.4, Amended Effective 3-7-08]

[Preceding From former Section 7.5, Amended Effective 3-7-08, except as otherwise noted]

8.2 Permitted Area, Frontage, Yards or Lot Coverage; Building Projections; Height Requirements; Minimum Floor Area.

8.2.1 Lot Area, Shape and Frontage. Each Lot shall have at least the minimum area as specified in the District. In a PRCD, each Lot to be used for a Dwelling Unit shall have at least the minimum area for each Dwelling Unit specified in Section 12, Planned Residential Cluster Development. Each Lot shall be of such shape that a square having the minimum dimension specified in the District will fit on the Lot. Each Lot shall have a minimum Lot Frontage of 25 feet. The following exceptions and limitations are also applicable to Lot area, shape and frontage:

[From former Section 7.2, Amended Effective 7/3/95 and 3-7-08]

- a. Wetlands and Water Course Restriction. Area consisting of Wetlands and Watercourses may be used for compliance with minimum Lot Area and minimum Lot shape requirements only to the percent specified in the District. See Section 5, Use Regulations.
- b. Rights-of-Way and Easements. Land subject to Easements for drainage facilities, underground public utilities and above-ground public utility distribution lines may be included in determining compliance with minimum Lot Area and shape requirements, but no Street, Easement of vehicular access, private right-of-way for vehicles or Easement for above-ground public utility transmission lines may be included.

[Preceding from former Section 7.2, amended Effective 3-7-08, except as otherwise noted]

8.2.2 Height. No Building or other Structure shall exceed the number of Stories and the maximum height specified in the District. The following exceptions and limitations are also applicable to height:

- 8.2.2.1 Building Height. No Building or other Structure shall be constructed, reconstructed, Enlarged, Extended, moved or Altered in such a manner as to exceed the maximum Building Height specified in the District.

[From former Section 7.3.1, Amended Effective 3-7-08]

8.2.2.2 Measurement of Height.

- a. Within the Conservation Zone the height of a Building or Structure is measured as the vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, and the lowest point of a Building or Structure which is visible above existing natural Grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the natural grade shall be included as a part of the measured height. The foregoing shall not apply in a Planned Residential Conservation Development. See Section 4.10, Conservation Zone, of these Regulations.
- b. Outside the Conservation Zone the height of a Building or Structure is measured as the vertical distance between a horizontal plane drawn through the average elevation of the existing natural Grade prior to site grading, measured at the base of the Building, and its uppermost point, excluding chimneys. The foregoing shall apply in a Planned Residential Conservation Development.

[From former Section 7.3.2, Amended Effective 3-7-08]

- 8.2.2.3 Ornamental and Mechanical Features. Spires, cupolas, towers, chimneys, flagpoles, tanks, chimneys, accessory antennas, penthouses for mechanical equipment, ventilators and other similar structural features occupying no more than ten (10%) percent of the Building Floor Area and not intended for human occupancy may be constructed, reconstructed, Enlarged, Extended, moved or Altered to a reasonable and necessary height, provided, however, that for residential uses such structures shall not exceed eight (8') feet above the maximum Building Height for the subject District and shall require the issuance of a Certificate of Zoning Compliance from the Zoning Enforcement Officer; for non-residential uses, any such structure which exceeds the maximum Building Height for the subject District shall require the granting of a Special Permit by the Zoning Commission after due notice and public hearing as required by law.

[From former Section 7.3.3, Amended Effective 2/28/97 and 4/1/99 and 3-7-08]

- 8.2.3 Setbacks, Required Yards. No Building or other Structure shall extend within less than the minimum distances of any Required Yard as specified in the District nor shall any commercial use extend within less than the minimum distance from a Residential District boundary line, provided, however, that pilasters, columns, belt courses, sills, cornices, marquees, canopies, Awnings, eaves and similar architectural features may project into the area required for a Required Yard or Residence District boundary line for not more than one (1) foot. Terraces may project into Required Yard by no more than fifty (50%) percent of the requirement for the District.

[From former Sections 7.4 and 7.4.1, Amended Effective 3-7-08, Amended 4-1-09]

- 8.2.3.1 Special Setbacks within the Conservation Zone. See Section 4.10, Conservation Zone, of these Regulations.

- 8.2.4 Minimum Floor Area- Dwelling Unit. Except as otherwise provided in Multiple Family Dwellings in the MFR District, no Building intended for Dwelling purposes shall be constructed or occupied unless the living space is not less than 800 square feet if on one floor or 1,200 square feet if on two (2) floors. Enclosed rooms shall not be included as living space unless the height from floor to ceiling averages at least seven (7) feet, and, where located above the first floor, only if accessible by a permanent stairway complying with the State Building Code. Porches, Cellars, garages, utility rooms or other attached Accessory Buildings, shall not be included as living space. Basements shall be included. Existing Buildings in use for Dwelling purposes at the effective date of this Paragraph which have less than the required living space may only be Extended, Enlarged, moved and/or Altered in order to increase the size of the living space provided that the Lot meets the minimum area required in the District where located and that the other Bulk requirements of these Regulations are met. [From former Section 7.6, Amended Effective 3-7-08]
- 8.2.5 Total Ground Coverage: In addition to the requirements of Section 17A pertaining to the Water Resource District, total ground coverage as defined in Paragraph 8.1.3 of these Regulations shall not exceed the percentage of the lot area specific as follows for each district:

	<u>District</u>	<u>% of Lot Area</u>
*	Residence	30%
**	Rural	30%
	WF-20	60%
	C-30S	55%
	C-30	55%
	C-10	60%
*	Residence Districts include Multi-Family Residence Districts.	
**	Rural Districts include Multi-Family Rural Districts.	

The Zoning Commission or other agency responsible for approval of a SITE DEVELOPMENT PLAN pertaining to a lot located in the C-30 and C30S District may, after due notice and public hearing as required by law, grant a SPECIAL EXCEPTION authorizing increase in total ground coverage from the 55% specified to not more than 75% of the area of the lot when the Commission or other agency finds that: 1) the additional coverage is provided in units or areas set apart from other covered areas in an effective manner by natural or landscaped areas or buildings so that the appearance of a continuum of covered area is mitigated; 2) the additional coverage includes sidewalks and other paved areas for use by pedestrians; 3) provision is made on the lot for storm water detention; and, 4) all specific landscaped area requirements of Section 13A.3.17 are met. Such additional total ground coverage shall not be deemed to authorize building floor area or ground coverage by buildings and structures in excess of the percent of lot area specified therefor in the C-30 and C-30S Districts. [From former Section 31.3.15, Amended Effective 4-1-99, 8-1-01, and 3-7-08].

- 8.2.6 Residential Structures in the Gateway Conservation Zone. See Section 4.10

8.3 Multiple Frontage (Corner Lots).

Each Lot shall meet the minimum Lot Frontage on at least one Street and Front Yard requirements on each Street, and a Building or Structure thereon shall be set back the required distance from each Street. [Added effective 3-7-08]

8.4 Minimum Area of Buildable Land.

In order to reduce the threat of pollution to the surface and ground waters of the Town and to protect the public health and safety of present and future residents, no Lot as defined in Section 3 of these Regulations (hereinafter in this Section 8.4 called a "Lot") shall, after June 15, 1990, be created by the division of any Lot or Parcel, unless such resulting Lot(s) contains a Minimum Area of Buildable Land as defined in Section 8.4.a, provided, however, that this restriction shall not apply to new Lots created in any Waterfront Business District. Lots created on or prior to June 15, 1990, shall not be subject to the restrictions of this Section. The following are applicable to requirements for Minimum Area of Buildable Land:

[Amended Effective 4/3/95 and 3-7-08]

- a. Definition. The term "Minimum Area of Buildable Land" is hereby defined to mean an area within a Lot ("the MABL Area") which contains at least 30,000 square feet of contiguous land which meets all of the following criteria:
 - (i) the MABL Area shall be capable of containing within its boundaries a piece of land in the shape of a square no less than 125 feet long on a side;
 - (ii) the MABL Area shall not include any land determined by a certified soils scientist to be Inland Wetlands, Watercourses, or Tidal Wetlands or any land located in a Special Flood Hazard Area as identified on the latest Flood Insurance Rate Map [2 year flood reference removed effective 6-1-11];
 - (iii) no more than 15% of the MABL Area shall be comprised of topography exceeding a 20% slope in grade as measured in 40-foot increments throughout the Area;
 - (iv) the MABL Area shall not include any land having ground water higher than 18 inches below the undisturbed ground surface as determined by mottling or seasonal high water, whichever is higher; [This subsection amended effective January 1, 1996, and 3-7-08]
 - (v) the MABL Area shall not include any land where soil test holes indicate the presence of ledge rock located within 24 inches below the undisturbed ground surface; [This subsection amended effective January 1, 1996, and 3-7-08]
 - (vi) a total of no more than 10% of the MABL Area shall be encumbered by Easements, including, but not limited to, Easements for vehicular access, drainage and utilities; and,
 - (vii) the MABL Area may include land within Required Yard areas.
- b. Determination of Ground Water and Ledge Rock Elevations. The depth of ground water and ledge rock below the surface of the ground shall be determined by soil test holes. At least five (5) test holes (exclusive of deep test holes and percolation test holes required for septic suitability determination and septic system design) shall be dug in a dispersed pattern within the MABL Area for each proposed Lot in order to accurately characterize the depth to ground water and ledge rock on the Parcel. The

Planning Commission may require that additional soil test holes be dug to facilitate characterization of the Parcel;

- c. Determination of Compliance. For all Lots created after June 15, 1990, except in Waterfront Business Districts, the Planning Commission shall determine compliance with the requirements of this Section 8.4 relating to Minimum Area of Buildable Land. Such Lots shall include any Lots created under a plan of subdivision approved by the Planning Commission, and, also, any Lot created by the division into two parts of a Lot or Parcel in existence prior to the date of adoption of the Town's Subdivision Regulations;
- d. Authorization of Additional Easements. In connection with approval of a Lot in a subdivision or at any time after granting such approval, the Planning Commission may authorize the establishment of additional Easements affecting such Lot which encumber more than 10% of its area but do not interfere with the ability of the land to: 1) provide adequate absorption and dispersal of anticipated sewage effluent generated on the Lot; and, 2) otherwise support planned building development on the Lot;
- e. Location of Septic Systems. The primary and reserve septic system leaching fields shall be located within the identified MABL Area as approved by the Planning Commission.

See special provisions in Section 8.7.2.

[Preceding From former Section 7.2.4, Amended Effective 3-7-08, except as otherwise noted]

8.5 Lots in More Than One Zone.

8.5.1 Satisfaction of Bulk Requirements. Land in two or more zoning Districts may be used to satisfy a minimum Lot area or shape requirement, but no land in a Residence District may be used to satisfy a Lot area or other Bulk requirement in any other District. [From former Section 7.2.3, Amended Effective 3-7-08]

8.5.2 District Regulations to Apply to Portions of Lots in Each Zone.

Each portion of any Lot or Parcel shall be governed by the provisions of these Regulations which are applicable to the District in which that portion is located.

8.6 Lots on Narrow Streets.

The required Minimum Front Yard setback from a Street Line of a town road or state highway having a width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the Street. [From former Section 7.4.2, Amended Effective 4/3/95, 3-7-08, 4-109; amended effective 5-1-12]

8.7 Reductions in Required Yards for Lots Adjacent to Railroad Lines or Limited Access Highways; and Lots in the WF-20 (Waterfront Business) Zone.

8.7.1 Lot Adjacent to Railroad. Where a Lot in a Commercial or Light Industry District is adjacent to a railroad right-of-way, no setback is required from such right-of-way for a Building or Structure that is used for loading or unloading of materials from railroad cars. [From former Section 7.4.3, Amended Effective 3-7-08]

8.7.2 Lot Area, Shape and Frontage in WF-20. The Commission acting on a Site Development Plan or Special Permit submission in the Waterfront Business District (WF-20) may authorize a reduction in the required setback from a Required Rear

Yard to not less than 20 feet or to zero if the rear of the Lot abuts on navigable waters and/or a reduction in the Required Yard to not less than 10 feet when the Commission determines that all of the following criteria are met:

- a. such reduction would further the policy of the plan of development to seek improved public access to beach and riverine resources in the Town and encourage water-dependent uses at appropriate locations;
- b. such reduction would not result in Building Coverage on the Lot in excess of 25%;
- c. such reduction would not cause an adverse impact on abutting property owners as to such owner's rights to adequate light, air and privacy; and,
- d. the required setback from a Residence District is not reduced.

[Preceding From former Section 31.4, Amended Effective 3-7-08]

8.7.3 Lot Adjacent to a Limited Access Highway. Where a lot located within the LI80 District abuts the right of way for Interstate 95, excluding access ramps, the Commission may allow, by Site Development Plan Review under Section 13A of these Regulations, the reduction in the Required Yard abutting said highway to 25% of the Required Yard under these Regulations, but in no event less than ten (10') feet. In considering an application under this Section, the Commission shall consider:

- a. The use, architecture, illumination, height, and overall character of the building or site for which the reduction in Required Yard is sought in order to protect the character of Old Lyme as viewed from the highway and to prevent glare or blight. The Commission may require screening, such as landscaping, fences, berms, or other combination thereof; shielding of light fixtures; modifications or upgrades to existing or proposed buildings or structures; or other conditions or modifications to protect the character of Old Lyme.
- b. Emergency access to the site and building, especially with regard to that portion of the site and building for which the reduction in Required Yard is sought. The Commission may request advisory reports from the Fire Chief or other public safety officials of the Town or the State.
- c. Signs: The Commission may prohibit, or limit the size, of any sign(s) proposed for the subject building which may be visible from the highway, even if such sign would otherwise be permissible under these Regulations. The intent of this provision is that buildings in proximity to limited access highways not be exploited to advertise goods or services to the general motoring public.

Where the subject site or building is subject to Site Plan Review or Special Permit under any other provision of these Regulations, the application under this Section may be heard concurrently with such Site Plan Review or Special Permit application.

[Preceding From former Section 7.4.3.1, Adopted Effective 2/1/07, Renumbered Only Effective 3-7-08]

8.8 Table of General Bulk Regulations, Residential Districts. For the Bulk required for each Residential District, see Schedule A-2.

8.9 Table of General Bulk Regulations, Non-Residential Districts. For the Bulk required for each Non-Residential District, see Schedule B-2.

Rev. February 20, 2008 to rename Section 8.7; add clarifying language to 8.2.2 about PRCD building height measurement.

Section 8.8:

SCHEDULE A-2: STANDARDS IN RESIDENCE AND RURAL DISTRICTS*

DISTRICT

Line		RU-80	RU-40	R-20	R-15	R-10	MFR-80	MFR-40	MFR-20
**1	Minimum lot area (in square feet)	80,000	40,000	20,000	15,000	10,000	80,000	40,000	20,000
2	Minimum lot area for each Dwelling (in square feet)	80,000	40,000	20,000	15,000	10,000	***	***	***
3	Minimum dimension of square on the lot	200	150	100	80	75	200	150	100
4	Wetlands/water course restrictions (8.2.1(a) & 8.1.4)	50%	35%	15%	10%	none	20%	15%	10%
5	Maximum number of stories for a building	2+1/2	2+1/2	2+1/2	2+1/2	1+1/2	2+1/2	2+1/2	2+1/2
6	Maximum height of building or structure	35'	35'	35'	35'	24'	35'	35'	35'
7	Minimum setback from street line	50'	50'	30'	30'	25'	50'	50'	30'
8	Minimum setback from rear property line	35'	35'	35'	30'	30'	35'	35'	35'
9	Minimum setbacks from other property line	35'	35'	20'	15'	12'	35'	35'	20'
10	Maximum floor area as a percent of lot area	15%	15%	20%	20%	25%	15%	20%	20%
11	Maximum lot coverage by buildings and structures as a percent of lot area	10%	10%	15%	20%	25%	10%	15%	15%
12	Maximum total ground coverage as percent of lot area (see also 8.2.5)	30%	30%	30%	30%	30%	30%	30%	30%

* See Paragraph 8.0 for provisions establishing Schedule A-2

** See also Paragraph 8.4 for Minimum Area of Buildable Land requirement.

*** See Section 13B for lot area standard for each dwelling unit

Section 8.9:

SCHEDULE B-2: STANDARDS IN COMMERCIAL AND INDUSTRIAL DISTRICTS*

DISTRICT

Line		WF-20**	C-10	C-30	C-30S	LI-80	SD****
**1	Minimum lot area (in square feet)	20,000	10,000	30,000	30,000	80,000	200,000
2	Minimum lot area for each Dwelling (in square feet)***	20,000	10,000	30,000	30,000	80,000	NA
3	Minimum dimension of square on the lot	100	100	150	150	200	200
4	Wetlands/water course restrictions (8.2.1(a) & 8.1.4)	15%	0%	20%	20%	50%	50%
5	Maximum number of stories for a building	2+1/2	2+1/2	2+1/2	2+1/2	2+1/2	2+1/2
6	Maximum height of building or structure	35'	35'	35'	35'	45'	35'
	6.1 when located in Conservation Zone	35'	35'	35'	35'	35'	35'
7	Minimum setback from street line	40'	30'	60'	60'	50'	50'
8	Minimum setback from rear property line	30'	30'	40'	40'	40'	35'
9	Minimum setbacks from other property line	20'	12'	20'	20'	40'	35'
10	Minimum setback from Residence and Rural District boundary line	40'	30'	40'	40'	50'	35'
11	Maximum floor area as a percent of lot area	25%	25%	20%	20%	20%	20%
12	Maximum lot coverage by buildings and structures as a percent of lot area	25%	25%	20%	20%	20%	20%
13	Maximum total ground coverage as percent of lot area (see also 8.2.5)	60%	60%	55%	55%	40%	40%

* See Paragraph 8.0 for provisions establishing Schedule B-2

** See also Paragraph 8.4 for Minimum Area of Buildable Land requirement.

*** See Section 13A.3.25 for lot area standard for each dwelling unit

**** See Section 5.14 for standards for School District (SD). effective 5/1/09

SECTION 9 - NON-CONFORMING LOTS, USES, BUILDINGS, AND/OR STRUCTURES

9.0 Intent and General Rules

- 9.01 **Intent:** It is the intent of these Regulations that non-conformities are not to be Expanded, Altered, or Enlarged, that they should be changed to conformity as quickly as the fair interest of the owners permits, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the approval of a variance for any other use, building or other structure or lot. (For the definitions of terms relative to this Section 9, see Section 3, Definitions). [From former Section 8.1, Amended Effective 3-7-08]
- 9.02 **Nonconformity:** Any Use, Building or other Structure, Lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these Regulations, or such amendment hereto, may be continued subject to the provisions and limitations of this Section 9. [From former Section 2.2]
- 9.03 **Casualty–Building or Structure:** If any Nonconforming Building or Structure, or Building or Structure on a Nonconforming Lot, shall be damaged or destroyed by fire or other casualty outside the control of the owner, such Building or Structure may be restored to the extent that such Building or Structure existed at the time of the casualty, provided that such restoration is completed within one (1)year from such casualty. In the event of failure to complete such restoration within the one (1) year period, or within such additional periods, not exceeding two (2) years, as the Zoning Commission may grant upon written application made to it. Upon a finding by the Zoning Commission, following a public hearing with notice to the property owner and occupant of the Premises, that such Nonconforming Building or other Structure, or Building or Structure on a Nonconforming Lot, has been abandoned, the right under this Paragraph to restoration of such Nonconforming Building or other Structure, or such Building or Structure on a Nonconforming Lot, shall be lost and terminated. Such restoration when made within the Zone A or Zones V 1V30 portions of the Flood Plain District shall conform to the requirements of Section 4.4 of these Regulations. To the extent said reconstruction does not conform to the standards set forth in Schedule A-2 of these Regulations or Schedule B-2 of these Regulations, as applicable, said reconstruction shall be allowed within such same Building footprint and preexisting actual cubic area occupied or less, with no increase in pre-existing nonconformities. [From former Section 8.4, Amended Effective 4/3/95 and 3-7-08]
- 9.04 **Casualty–Uses:** If any site development not involving a Building or Structure, or any Building or Structure containing a Nonconforming Use, shall be damaged or destroyed by fire or other casualty outside the control of the owner, any such Nonconforming Use may be resumed to the extent that such site development or use existed at the time of the casualty, provided that such restoration is completed within one (1) year from such casualty. In the event of failure to complete such restoration within the one (1) year period, or within such additional periods, not exceeding two (2) years, as the Zoning Commission may grant upon written application made to it. Upon a finding by the Zoning Commission, following a public hearing with notice to the property owner and occupant of the Premises, that said site development or Use has been abandoned, the right under this Paragraph to restoration of site development, and the right to resume any such Nonconforming Use, shall be lost and terminated.

Such restoration when made within the Zone A or Zones V 1V30 portions of the Flood Plain District shall conform to the requirements of Section 4.4 of these Regulations. To the extent said reconstruction does not conform to the standards set forth in Schedule A-2 of these Regulations or Schedule B-2 of these Regulations, as applicable, said reconstruction shall be allowed within such same Building footprint and preexisting actual cubic area occupied or less, with no increase in pre-existing nonconformities. [From former Section 8.4, Amended Effective 4/3/95 and 3-7-08]

- 9.05 Repair: Nothing in this Section shall be deemed to prohibit work on any Nonconforming Building or other Structure, or any Building or Structure on a Nonconforming Lot, or site development, when required by law to protect the public health or safety, provided that such work does not increase the Nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a Nonconforming Building or other Structure, or site development, or replacement of existing materials with similar materials. [From former Section 8.5, Amended Effective 4/3/95 and 3-7-08]
- 9.06 Title: No change of title, possession or right of possession shall be deemed to affect the right to continue a Nonconforming Use, Building or other Structure, or Building or Structure on a Nonconforming Lot, or site development. [From former Section 8.6, amended 4-3-95]

[From former Section 8.5, Amended Effective 4/3/95, 3-7-08; Amended Effective 4-1-09; Amended Effective 8-2-13; Amended to delete 'voluntary demolition' effective 9-13-2021]

9.1 Non-Conforming Lots

The following provisions and limitations shall apply to Nonconforming Lots, but not Parcels which are not Lots, except as otherwise noted: [From former Section 8.9, Amended Effective 4/3/95 and 3-7-08]

- 9.1.1 Use of Nonconforming Vacant Lots: Any vacant Nonconforming Lot, meaning a Lot upon which no Principal Building exists, having less than the minimum Lot Area required under these Regulations is not required to conform to such minimum Lot Area requirement and any permitted Building or other Structure may be erected or placed, and any permitted Use may be made thereon only if all of the following requirements are met:
- a. Such Lot shall have an area equal to or greater than 90% of the minimum Lot Area required under these Regulations, provided such lot is 18,000 square feet or larger; and
 - b. Such Lot has abutted no other Lot under the same ownership since the adoption of Zoning Regulations in the Town of Old Lyme (effective August 12, 1958). See Section 9.1.2. [From former Section 8.9.1.b, Amended Effective 3/1/98 and 3-7-08]
 - c. Except for Lot Area and Frontage, all other bulk requirements of Schedule A-2 or B-2, as the case may be (minimum setbacks, maximum coverage, etc.) shall apply, except as varied by the Zoning Board of Appeals. [From former Section 8.9.1.c, Amended Effective 3/1/98 and 3-7-08]
- 9.1.2 Merger of Non-Conforming Lots: If title to a non-conforming Parcel or Lot, whether improved or not, was, at any time after the adoption of Zoning Regulations in the Town of Old Lyme (effective August 12, 1958), or is now, vested in any person(s) that own(s) any Parcel or Parcels of land contiguous to it, then said contiguous land

together with the Non-conforming Parcel as is required to conform to these Regulations shall be deemed to be a single Lot or Parcel for zoning purposes, and thereafter may not be divided, sold, transferred, or improved in any manner which would create or result in a Non-conformity or in an increased or further Non-conformity. In the event that all contiguous lands of said person(s) are together insufficient to meet the minimum requirements of these Regulations, then all said contiguous land shall be considered as a single nonconforming Lot or Parcel for the purposes of this Section. The foregoing merger provisions shall not apply to any Lot approved pursuant to the Old Lyme Subdivision Regulations as in force at the time of such approval, pursuant to Connecticut General Statutes Section 8-26a(b), or to Parcels of land, each of which are improved with legal Principal Buildings existing prior to the effective dates of the regulations which rendered them Non-conforming.

The preceding provision is intended to continue and clarify the provisions of Section 9.1.1(b), requiring the merger of non-conforming parcels under single ownership. [From former Section 8.9.2, Amended Effective 3/1/98 and 3-7-08]

9.1.3 Expansion of Existing Building or Structure on Nonconforming Lot

9.1.3.1 General Rule. Except upon the issuance of a Special Permit as provided herein, or a Certificate of Zoning Compliance in accordance with Section 9.1.4 for properties outside the R-10 District or within the R-10 District but outside the 100-year flood zone as shown on the most current FEMA flood map, no Building or other structures shall be constructed on such Lot; nor shall any Building or Structure be Altered so as to increase the extent of its Nonconformity. [Amended 11/8/21]

These prohibitions specifically include the following: [From former Section 8.9.3, Amended Effective 7/1/96, 3-7-08, 4-1-09]

- a. The conversion of any garage, outbuilding or other Accessory Building or Structure to habitable living space. [From former Section 8.9.3(b), Amended Effective 6/1/96 and 3-7-08]
- b. The construction of any additional Building for habitable living space.

[Amended to delete seasonal use effective 9-16-11]

9.1.3.2 Exceptions to General Rule by Special Permit by the Commission. The Commission may issue a Special Permit for an Enlargement, Extension, or additional Building or Structure otherwise prohibited by this Section for a Lot containing a Single Family Dwelling and located within the R-10 District within the 100-year flood zone as shown on the most current FEMA flood map, provided that there is no new nonconformity, nor increase in any existing nonconformity, with respect to setback, coverage, and other Bulk requirements; and also provided that, in addition to the criteria of Section 13B, the Commission may consider:

[Amended Effective 4-1-09]

- a. the density or intensity of the Lot and the surrounding area, including the area and topography of the Lot, its coverage by Buildings, the height and volume of such Buildings, the number of Dwelling Units or bedrooms, and the ratio of impervious surfaces;

- b. the natural resources on the Lot and in the vicinity of the Lot which may be adversely impacted;
- c. the access to the Lot, including whether access roads are public or private, their surface condition, width, grade, flood hazard, drainage, existing traffic volume, and suitability for increased traffic or population to be served;
- d. Access to the existing or proposed Building(s) or Structure(s) on and Abutting the Lot for emergency vehicles and public safety personnel;
- e. the character of the neighborhood, including the scale of other Buildings or Structures in the area, the streetscape, impact on marine or coastal vistas as viewed from public Streets or other public viewing areas;
- f. the goals of the Connecticut Coastal Management Act, despite the exemption from such Act for Single Family Dwellings; and specifically including a consideration of the protection of the coastal resources on or adjacent to the site; and impacts to such coastal resources shall be found to be acceptable for the proposed application. Such review shall also include a recognition that many areas of the R-10 District are within coastal flood hazard areas and that the potential danger to life and property shall be reduced or minimized by the proposed application.

[Amended Effective 4-1-09]

- g. privacy, light, and air for the subject Lot and Abutting Lots;
- h. increased effluent disposal volumes, the condition of the existing septic system on the Lot, and the impact on potential future repair or expansion of any such septic system. The existing or proposed septic system shall be in compliance with the current Public Health Code without the use of any exceptions provided by such Code, unless the Commission determines that the proposed Enlargement, Extension, or additional Building or Structure creates no increase in effluent disposal volumes and that such Enlargement, Extension, or additional Building or Structure does not limit or impair the feasibility of installing such a compliant septic system in the future.
- i. An A-2 Survey shall be provided in support of any application under this Subsection.

[Amended effective 8-2-13]

9.1.3.3 Exceptions to General Rule by Certificate of Zoning Compliance by the Zoning Enforcement Officer. In addition to the preceding Section 9.1.3.2, the following may be permitted by Certificate of Zoning Compliance on a Nonconforming Lot in the R-10 District containing a Single family Dwelling only, provided all other setback and Building bulk and coverage requirements are met; and also provided that the septic system is in compliance with the current Public Health Code including the use of any exception provided by such Code. [From former Section 8.9.4, Amended Effective 10/6/95, 4-1-09]

- a. a detached Accessory Building not exceeding 100 square feet in size, 10 feet in height;
- b. a Deck.
- c. a Terrace.

[Added c. effective 4-1-09]

An A-2 Survey shall be provided in support of any application under this Subsection.

- 9.1.4 Exceptions of Single-Family Districts Not within the 100-year Flood Zone. For a lot containing a Single Family Dwelling and located in a single family zone other than the R-10 District, or within the R-10 District but outside the 100-year flood zone as shown on the most current FEMA flood map, the Zoning Officer may issue a Certificate of Zoning Compliance for an Enlargement, Extension, or additional Building or Structure, provided that the septic system is in compliance with the current Public Health Code without the use of any exceptions; and also provided that all other setback and Building Bulk and coverage requirements are met.

An A-2 Survey shall be provided in support of any application under this Subsection.

[Amended Effective 11/8/21]

- 9.1.5 No Reduction of Nonconforming Lot. No Lot or Parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any Structure or Building thereon, shall fail to comply with these Regulations or shall increase the extent of any non-conformity. [Added effective 3-7-08]

9.2 Non-Conforming Uses

The following provisions and limitations shall apply to a Nonconforming Use of land, Building or other Structure:

- 9.2.1 Enlargement: No Nonconforming Use of land shall be Enlarged, Extended or Altered, and no Building or other Structure or part thereof devoted to a Nonconforming Use shall be Enlarged, Extended, reconstructed or Altered, except where the result of such changes is to reduce or eliminate the Nonconformity. No Nonconforming Use of a Building or other Structure shall be extended to occupy land outside such Building or other Structure or space in another Building or other Structure. [From former Section 8.7.1, Amended Effective 3-7-08; Amended to delete reference to seasonal use effective 9-16-11]
- 9.2.2 Change: No Nonconforming Use of land, Buildings or other Structures shall be changed to any Use which is different in nature and purpose from the former Nonconforming Use except such Uses that are permitted uses in the District in which they are to be located. No Nonconforming Use of land, Buildings or other Structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. This Section shall not be construed to waive any Commission or administrative review (Site Development Plan, Special Permit, Certificate of Zoning Compliance, etc.) which any new or altered use would require under these Regulations. [From former Section 8.7.2]
- 9.2.3 Moving: No Nonconforming Use of land shall be moved to another part of a Lot or outside the Lot, and no Nonconforming Use of a Building or other Structure shall be moved or Extended to any part of the Building or other Structure not manifestly

arranged or designed for such Use at the time the Use became Nonconforming, and no Building or other Structure containing a Nonconforming Use shall be moved, unless the result of any such move is to terminate the Nonconformity. [From former Section 8.7.3 Amended Effective 3-7-08]

9.2.4 Performance Standards: Any Use of land, Buildings or other Structures, or site development, which does not conform to one or more of the performance standards of Section 4.5 shall not be changed to increase such Nonconformity but may be changed to decrease or eliminate such Nonconformity. Any such Nonconformity so reduced or eliminated shall not be resumed. [From former Section 8.7.4, Amended Effective 3-7-08]

9.2.5 Exceptions: Notwithstanding the above, a Structure devoted to a Nonconforming Use may be cosmetically changed or may be internally changed or remodeled if:

- a. In the case of a non-residential Use, the change/remodeling does not Expand, Extend, or Alter the Nonconforming Use, except to one that is permitted, and does not increase the level of permitted occupancy of the Nonconforming Use, and does not increase the area within the Structure devoted to the Nonconforming Use;
- b. In the case of a residential Use, the change/remodeling does not change the Use, except to one that is permitted, and does not increase the total number of rooms, and does not increase the number of bedrooms or rooms classifiable as bedrooms under state building or health codes, and does not increase the number of Dwelling Units.

Any such changes shall be allowed only within the existing Structure footprint and existing cubic area of the Structure or less, with no increase in existing Nonconformities.

[Preceding From former Section 8.7.5, Amended Effective 11/10/95 and 3-7-08]

9.3 Non-Conforming Buildings and Structures

The following provisions and limitations shall apply to Nonconforming Buildings and other Structures and site development:

9.3.1 Enlargement: No Building or other Structure which does not conform to the requirements of these Regulations regarding Height limitations, or Building bulk and coverage, or required setbacks shall be Enlarged or Extended unless such Enlarged or Extended portion conforms to these Regulations. [From former Section 8.8.1, Amended Effective 4-3-95, 3-7-08, Amended to delete reference to seasonal use effective 9-16-11]

9.3.2 Change: No Nonconforming Building or other Structure, or site development, if once Altered to conform or to more nearly conform to these Regulations shall thereafter be Altered so as to be Nonconforming or less conforming again. [From former Section 8.8.2, Amended Effective 3-7-08]

9.3.3 Moving: No Nonconforming Building or other Structure, or site development shall be moved unless the result of such moving is to reduce or eliminate the Nonconformity. [From former Section 8.8.3]

9.3.4 Signs: Signs of a size or type not permitted in the District in which they are situated, or which are improperly located or illuminated, or which are Nonconforming in any other way, shall be considered Nonconforming Structures under this Section, and any

increase in size, illumination or flashing of such Signs shall be deemed to be an Enlargement or Extension constituting an increase in Nonconformity. When the support structure, panel or illumination facility of a Nonconforming Sign is voluntarily Altered or removed, that element of the Nonconforming Sign is deemed to be discontinued or terminated. [From former Section 8.8.4, Amended Effective 3-7-08]

9.3.5 Off-Street Parking and Loading: Any Lot, Use, Building or other Structure, or site development, which does not conform to one or more of the Parking and loading provisions of Section 18 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any Use of land, Buildings or other Structures which does not conform to one or more of the provisions of Section 18 shall not be changed to a Use which would need additional off-street Parking or loading spaces to comply with the provisions of Section 18 unless such spaces are provided as required for the new Use under Section 18. [From former Section 8.8.5, Amended Effective 3-7-08]

9.3.6 Site Development and Landscaping: Site development, including landscaping, which fails to conform to requirements of these Regulations under Section 13 shall be deemed a Nonconformity. No Use for which such site development and landscaping are required shall be Enlarged, Extended, Altered or moved and no Building or other Structure for which such site development and landscaping are required shall be Enlarged, Extended, Altered, moved or reconstructed unless such Nonconformity is eliminated, provided that the Zoning Commission may, in accordance with action under the provisions of Section 13, authorize continuation or reduction of the Nonconformity. [From former Section 8.8.6, Amended Effective 1/1/96, 4/1/99, and 3-7-08]

[Preceding From former Section 8.8, Amended Effective 3-7-08, except as otherwise noted]

[Former Section 31.3.22, Section 9.4 – Modification of Non-Conformity to Achieve Improvement deleted in its entirety effective 8-2-13]

9.4 Illegal Use

Nothing in these Regulations, including the provisions of this Section 9, shall be interpreted as authorization for or approval of the continuation of the Use of land, Buildings or Structures which are in violation of any Zoning Regulations in effect prior to the effective date of these Regulations. [Added effective 3-7-08]

9.5 Zoning Permits, Certificates of Zoning Compliance, Special Permits and Variances, Amendments to Regulations or Zones

9.5.1 Approved Zoning Permits and Certificates: Unless otherwise specifically provided in this Section, nothing in these Regulations shall require any change in the Use of any land, Buildings or other Structures, or part thereof, in the area, location, Bulk or construction of any Building or other Structure or in site development for which an application for a Zoning Permit has been filed, even though such Use, Building or Structure or site development does not conform to one or more provisions of these Regulations or any amendment hereto. [From former Section 8.2, Amended Effective 3-7-08, Amended Effective 4-1-09]

9.5.2 Change of Regulations as They Affect Plans: Subject to the time limitations of Section 9.7.3, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, Building or other Structure, in the area, location, Bulk or

construction of any Building or other Structure, or as respects site development for which an application for a Zoning Permit has been filed, even though such proposed Use, Building or other Structure, or site development does not conform to one or more provisions of these Regulations or any amendment hereto. [From former Section 8.3, Amended Effective 3-7-08]

9.6 Expiration of Special Permits and Variances; Zoning Permit

For any Special Permit, or any Variance where filing of plans on the land records is a condition of such variance, final plans on mylar shall be submitted for signing by the Chairman of the Commission or the Board, as the case may be, no more than sixty-five (65) days after the approval of such Special Permit or variance; and such plans shall be filed with the Town Clerk no later than ninety (90) days after the signing thereof. Any plans not submitted or filed as provided herein shall be null and void.

9.6.1 Time Limit for Zoning Permits: An approved Zoning Permit authorizing a proposed Use, Building or other Structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Section 9.6, shall become null and void unless a) the Use authorized thereby shall have been established within one (1) year from the effective date of such Regulations or any amendment thereto when such Use does not involve the construction of a Building or other Structure for which a Building Permit must be approved or b) the construction and Use of a Building or other Structure, and its site development authorized thereby shall be established and completed within two (2) years from the effective date of such Regulations or any amendment thereto. The Zoning Commission may grant extensions of such period for additional periods not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of such Commission. [From former Section 8.3.1, Amended Effective 3-7-08]

9.6.2 Previous Regulations: The provisions of Sections 9.6 and 9.7 shall apply to Zoning Permits and Certificates of Zoning Compliance issued under the Zoning Regulations in effect prior to these Regulations. [From former Section 8.3.2, Amended Effective 3-7-08]

9.6.3 Commencement and Completion of Work on Site Development Plan Approvals:

9.6.3.1 Commencement of Work: Work in connection with an approved Site Development Plan shall be commenced within eighteen (18) months after approval of the Plan, or within a lesser period as may be determined by the Zoning Commission, at the time of such approval, to be necessary to protect the public health and safety or to carry out other purposes of these Regulations. "Commencement" of work shall mean excavation and preparation for the foundation of a Building and the issuance of a Zoning Permit and a Building Permit for Site Development Plans involving Building construction; or the issuance of a Zoning Permit and the excavation and grading for the installation of utilities and parking areas and other site work, for Site Development Plans not involving Building construction. Failure to commence the work within such eighteen (18) month period shall result in expiration of approval of the Site Development Plan following a hearing with notice to the owner and permit holder; provided, however, that the Zoning Commission may extend such approval for additional eighteen (18) month periods for good cause shown.

9.6.3.2 Completion of Work: Notwithstanding the provisions herein for renewal of any Site Development Plan, in accordance with Connecticut General Statutes §8-3(i), any such Plan issued under Section 13 of these Regulations after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the approval of such Plan except that, in the case of any site plan approved on or after October 1, 1989, the Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Plan, provided the total extension or extensions shall not exceed ten (10) years from the date of approval; provided, however, that, in accordance with §8-3(j) of the Connecticut General Statutes, for any such Plan issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the approval of such Plan; and further provided, however, that, in accordance with §8-3(j) of the Connecticut General Statutes, for any such Plan issued after October 1, 1988 for a project consisting of a commercial, industrial, or retail project having an area equal to or greater than four hundred thousand square feet shall become null and void unless all physical improvements required have been completed within no less than five (5) years, nor more than ten (10) years from the date of the approval of such Plan. The approval of the Site Development Plan, including any extension of time provided in this Subsection, shall state the date on which such five (5) year period or lesser period expires, but failure to specify such date shall not create any approval which exceeds the time limits contained in this Subsection. Failure to complete all work within the time limits set forth in this Subsection, or lesser period as may have been specified, results in automatic expiration of approval of the Site Development Plan, provided, however, that any such lesser period may, for good cause shown and for work progressing in accordance with these Regulations, be extended by the Zoning Commission for periods up to the aforesaid time periods. “Work” for the purposes of this Subsection 9.6.3 means all physical improvements required by the approved Plan.

[Preceding From former Section 31.5.8, Amended Effective 3-7-08]

9.6.4 Commencement and Completion of Work for Special Permit: Work in connection with the Special Permit shall commence within 18 months and shall be completed and the Use established within three (3) years from the date the Special Permit was granted, unless otherwise restricted by the Commission at the time of approval, or extended at the time of approval or thereafter. Failure to complete the work and establish the Use results in expiration of the Special Permit following a hearing with notice to the owner and permit holder, provided however that the Commission/Board may extend such period of 18 months to enable completion of work progressing in accordance with the Special Permit and these Regulations. “Commencement” of work shall mean excavation and preparation for the foundation of a Building and the issuance of a Zoning Permit and a Building Permit for Special Permits involving Building construction; or the issuance of a Zoning Permit and the excavation and grading for the installation of utilities and parking areas and other site work, for Special Permits not involving Building construction. “Work” for the purposes of this

paragraph means all physical improvements required under the Special Permit. [From former Sections 32.9.5 and 52.3, Amended Effective 3-7-08]

- 9.6.5 Commencement and Completion of Work for Variance: Work in connection with a variance shall be commenced with eighteen (18) months and substantially completed and the Use established within three (3) years of the date the variance was granted. Failure to complete the work and establish the Use results in expiration of the variance following a hearing with notice to the owner and permit holder, provided however that the Zoning Board of Appeals may extend such periods of three (3) years to enable completion of work progressing in accordance with the variance and these Regulations. “Commencement” of work shall mean excavation and preparation for the foundation of a Building and the issuance of a Zoning Permit and a Building Permit for variances involving Building construction; or the issuance of a Zoning Permit and the excavation and grading for the installation of utilities and parking areas and other site work, for variances not involving Building construction. “Work” for the purposes of this paragraph means all physical improvements required under the variance. See Section 21.3. [From former Section 52.3, Amended Effective 3-7-08]

Rev. February 20, 2008 to correct 9.1.3.f reference to CAM and add language requested by OLISP.

SECTION 10 – RESERVED

SECTION 11 - SPECIAL REGULATIONS

11.0 Special Regulations. The following uses may be allowed in the Zones indicated in Section 5 (Use Regulations) of these Regulations, only in accordance with the special conditions, requirements, or standards set forth in this section.

11.1 RESERVED

11.2 Golf Courses. The Commission may grant a Special Permit in accordance with Section 13.B (Special Permit) for a golf course, provided that all standards and requirements of that section are met, and, in addition, in compliance with the following provisions:

- a. golf Courses shall be approved only in those Zones where they are permitted in Section 5 (Use Regulations) of these Regulations;
- b. for purposes of these Regulations, compatible recreational facilities, such as outdoor swimming pools and tennis courts, may be considered accessory uses to a golf course, provided that such uses are of such character, size, and intensity as to conform to the definition of accessory uses as set forth in these Regulations;
- c. service of food and the sale of alcoholic beverages from a service bar only for consumption on the premises shall be considered accessory uses to a golf course, provided that such uses are of such character, size and intensity as to conform to the definition of Accessory Uses as set forth in these Regulations, and, provided further that such golf course consists of at least nine (9) holes;
- d. sale or rental of golf clubs, golf accessories, clothing, and similar items in a "pro shop" shall be considered accessory uses to a golf course, provided that such uses are of such character, size and intensity as to conform to the definition of Accessory Uses as set forth in these Regulations;
- e. in considering an application for a golf course, the Commission shall treat the use as a non-residential activity in a Residential Zone and shall take into consideration the size and location of the proposed use, the nature and intensity of the operations involved, the size of the site with respect to the existing or future street(s) giving access to it, and other factors, so as to insure that the proposed golf course shall be such that it will be in harmony with the orderly development of the area. The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent residential land and buildings for residential uses nor impair the value thereof;
- f. the applicant shall provide detailed information concerning the sources of irrigation waters, and volumes required, and the method of distribution and application. The applicant shall also provide detailed information concerning the fertilizers, herbicides, pesticides, and other chemicals to be employed in the facility, the quantities to be stored on site and the precautions to be taken in their storage and handling, the methods of application and a monitoring plan to ensure early detection of groundwater contamination. In considering an application for a golf course, the Commission shall consider: the potential impacts on the volume of surface and subsurface waters available to surrounding or down-gradient properties and shall require the efficient use of irrigation waters; the use of best management practices for the storage, handling, and application of lawn care chemicals to minimize adverse impacts to ground and surface waters; and, the adequacy of the applicant's long-term groundwater monitoring program.

[Added effective 3-7-08]

- 11.3 Community Residence for Mentally Ill Adults. A community residence as permitted by State Statutes which houses staff and not more than eight (8) mentally ill adults which is licensed as such by the Connecticut Commissioner of Health Services may be permitted in those Districts indicated in these Regulations upon receipt of a Certificate of Zoning Compliance and a Certificate of Use and Occupancy, provided:
- a. there is no other community residence within one thousand (1,000') feet of its location;
 - b. application has been made to the State Department of Health Services with copies to the Regional Mental Health Board, the Regional Mental Health Director, and the Old Lyme Board of Selectmen;
 - c. if there are other community residences in Town, the total population of such facilities shall not exceed one (1%) percent of the population of the Town;
 - d. All fire code requirements are complied with, including safe exit and fire alarm provisions as recommended by the Fire Marshal.

[Added effective 3-7-08]

- 11.4 Community Residence for Mentally Retarded Persons. A community residence as permitted under State Statutes which houses not more than six (6) mentally retarded persons and necessary staff persons which is licensed as such by the Connecticut Commissioner of Mental Retardation may be permitted in those zones indicated in these Regulations upon receipt of a Certificate of Zoning Compliance and a Certificate of Use and Occupancy, provided:
- a. all fire code requirements are complied with, including safe exit and fire alarm provisions;
 - b. there is no other community residence within one thousand (1,000') feet of its location;

[Added effective 3-7-08]

- 11.5 Vending Machines. In any application for Site Development Plan or Special Permit under these Regulations, there shall be no vending machines located outside of any principal building, except in a location or locations designated on the site plan submitted in support of such application and approved by the Commission or the Board, as the case may be. For all uses of land which have not received such Special Permit pursuant to these Regulations, no vending machine shall be located on any premises, except immediately adjacent to a principal building on the premises; "adjacent" being defined for the purposes of this subsection as not to exceed one (1') foot from such building. In addition, no vending machine shall have any form of internal illumination.

[Added effective 3-7-08]

- 11.6 Inns. An Inn shall be located on a lot having an area of at least 5,000 square feet of gross land area for each guest room, in addition to paragraph (b) below.

In addition to the requirements of Section 11.29 below, each Inn shall comply with the following requirements:

- a. the Commission may require or permit that an Inn have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility;

- b. the number of guest rooms permitted on a lot shall be determined as follows: 4,000 square feet of Buildable Land (see Section 8.4) per room if all rooms are on one (1) floor; 2,500 square feet per room if rooms are on two (2) or more floors. For Inns and other transient lodging facilities, a “room” shall be defined as a space separated by walls, full or partial, from other spaces and containing sleeping or sitting accommodations. A so-called “suite” shall be deemed to contain the number of “rooms” indicated on the floor plans and not as a single “room”;
- c. each room shall have a minimum livable floor area of two hundred seventy-five (275) square feet or, alternatively, two hundred twenty-five (225) square feet for fifty (50%) percent of the rooms, provided the remaining fifty (50%) percent contain a minimum of three hundred twenty-five (325) square feet;
- d. the application for Special Permit shall be accompanied by a written report from the Town Sanitarian indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed;
- e. the site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation;
- f. the site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities;
- g. parking and loading shall be in accordance with the requirements of Section 18 (Off-Street Parking and Truck Loading) of these Regulations;
- h. alcoholic beverages may be permitted in accordance with the requirements of Section 14 (Alcoholic Liquor) of these Regulations;
- i. the site shall be designed so as to protect bedroom windows from glare from automobile headlights, street lights, driveway/parking lot lighting, and other light sources on or off the site;
- j. accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping;
- k. all buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing. The objective of this Regulation is to allow new inns which are representative, in architecture, use, scale, and location, of traditional New England inns found in this region.

[From former Section 32.5.4, Amended Effective 3/1/05, and amended effective 3-7-08]

11.7 Reserved

- 11.8 Motor Vehicle Gasoline and Service Stations. Any retail dealer’s station for the sale of motor fuels, any motor vehicle service facility or repairer’s garage or any garage for more than five (5) motor vehicles, or any conversion of any Premises for such purposes or parking spaces accessory to such uses (hereinafter, “motor vehicle service or garage uses”) shall be established, except in accordance with the following requirements:

[From former Section 22.2.2, Amended Effective 3-7-08]

- 11.8.1 No motor vehicle service or garage uses shall be established on a Lot, any part of which is located within 200 feet, as measured by the shortest distance along the public

street right-of-way, of any public school or a duly organized school other than a public school, hospital, church, theater or public library.

[From former Section 22.2.2, Amended Effective 3-7-08]

11.8.2 No entrance or exit for motor vehicles in connection with such motor vehicle service or garage uses, and no parking space pertaining thereto, shall be located within 100 feet, as measured by the shortest distance along the public right-of-way, from any part of the residential property of another owner located on the same public street.

[From former Section 22.2.2, Amended Effective 3-7-08]

11.8.3 Any such motor vehicle service or garage uses, and parking spaces in connection therewith, conforming to the above provisions on the effective date of this provision or its predecessor Paragraph 22.2.2 (September 27, 1991), shall be considered conforming even though there may be subsequent establishment of such school, hospital, church, theater or library within the prescribed distances.

[From former Section 22.2.2, Amended Effective 3-7-08]

11.8.4 The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Sections 14-321 through 14-322. Such approval shall not be in lieu of the Special Permit required by these Regulations.

[Added effective 3-7-08]

11.8.5 No unregistered motor vehicle and no motor vehicle registered to a dealer shall be stored or parked nearer to the street line than the building line. No motor vehicle parts, wrecked or dismantled vehicles, or equipment, shall be stored outside.

[Added effective 3-7-08]

11.8.6 No gasoline pumps shall be located in front of the building line. All other structures, such as canopies and trash receptacles, but excluding signs, shall be set back at least twenty-five (25') feet from the street line, ten (10') feet from each side lot line, and twenty (20) feet from the rear lot line, unless the Commission shall require larger setbacks pursuant to Section 13.B (Special Permit). All buildings and structures shall be located at least fifty (50') feet from the side line of a contiguous lot in a Residential Zone. A landscaped buffer no less than ten (10') feet in width and a six (6') foot high wooden solid fence shall be placed along any lot line contiguous to a Residential Zone. All lighting on buildings or canopies shall be enclosed and recessed below a horizontal surface of the structure, with lenses or other measures to reduce the visibility of the light source and to prevent glare. No lighting shall be located on any vertical surface of a building or structure, nor directed upward or outward, horizontally, from any such vertical surface.

[Added effective 3-7-08]

11.8.7 Motor vehicle car washes shall be permitted as accessory uses, provided that:

- a. adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons and which prevent waiting traffic from extending into the street;
- b. the site is to be served by public sanitary sewers or approved wastewater recycling equipment, and there is no discharge of wastewater into or onto the ground or into the septic system;

- c. all site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town;
- d. no service bay shall face the street line, except on a corner lot where service bays may face one (1) street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

[Preceding Added effective 3-7-08]

11.8.8 Convenience store retail trade shall be permitted as an accessory use, provided that:

- a. adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with gasoline and service patrons;
- b. Adequate parking for the additional retail trade use is provided in accordance with Section 18 (Off-Street Parking and Truck Loading);
- c. to ensure adequate supervision for both the gasoline sale and retail trade uses, there shall be at least one (1) employee on duty for the sale of gasoline and one (1) additional employee for the retail trade use. Depending on the size of the facility and the anticipated volume of vehicular traffic and public activity the Commission may require additional security measures as a condition of the retail trade use;
- d. there shall be no seats, stools, tables, or other facilities for the onsite consumption of food;
- e. restroom facilities shall be provided for employees and may be required by the Commission for customers. To insure adequate supervision for both the gasoline sale and retail trade uses, there shall be at least one (1) employee on duty for the sale of gasoline and one (1) additional employee for the retail trade use;
- f. there shall be no overnight parking associated with the retail trade use, other than for employees.

[Preceding Added effective 3-7-08]

11.9 Motor Vehicle Limited and General Repair and Service.

- 11.9.1 The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Sections 14-51 through 14-55. Such approval shall not be in lieu of the Special Permit required by these Regulations.
- 11.9.2 No unregistered motor vehicle and no motor vehicle registered to a dealer shall be stored or parked within the Minimum Required Front Yard. No motor vehicle parts, wrecked or dismantled vehicles, or equipment shall be stored outside.
- 11.9.3 No vehicle entrance or exit to a site shall be located within two hundred (200') feet, measured along the Street, of any entrance to a public playground or a park.
- 11.9.4 No gasoline pumps shall be located in within the Minimum Required Front Yard. All other Structures, such as canopies and trash receptacles, but excluding Signs, shall be

set back at least twenty-five (25') feet from the Street Line, ten (10') feet from each Side Lot Line, and twenty (20) feet from the Rear Lot Line, unless the Commission shall require larger setbacks pursuant to Section 13B (Special Permit). All Buildings and Structures shall be located at least fifty (50') feet from the side line of a contiguous lot in a Residential District. A landscaped buffer no less than ten (10') feet in width and a six (6') foot high wooden solid fence shall be placed along any lot line contiguous to a Residential District. All lighting on Buildings or canopies shall be enclosed and recessed below a horizontal surface of the Structure, with lenses or other measures to reduce the visibility of the light source and to prevent glare. No lighting shall be located on any vertical surface of a Building or Structure, nor directed upward or outward, horizontally, from any such vertical surface.

11.9.5 Motor vehicle car washes shall be permitted as accessory uses, provided that:

- a. adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons and which prevent waiting traffic from extending into the Street;
- b. the site is to be served by public sanitary sewers or approved washwater recycling equipment and there is no discharge of washwater into or onto the ground or into the septic system;
- c. All site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town;
- d. No service bay shall face the street line, except on a corner lot where service bays may face one (1) street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

11.9.6 All driveways, outdoor storage areas, and other areas to be used by vehicles shall be paved with a Dustless Surface and shall be landscaped with perimeter and interior islands to direct traffic flow and screen working or storage areas.

[Preceding added effective 3-7-08]

11.10 Motor Vehicle and Motor Equipment Storage and Sales. Prohibited in all Districts. See Section 6.1.6 of these Regulations.

[Preceding added effective 3-7-08]

11.11 Reserved for Future Use

11.12 Restaurants.

11.12.1 Food service shall be primarily to customers seated at tables or at counters within an enclosed Building. There shall be no outdoor seating or eating, provided, however, that the Commission may permit outdoor café service as an Accessory Use to a Full Service Restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, unauthorized access or use, and where the site is suitable for such Accessory outdoor café service.

- 11.12.2 Drive-through service to patrons in vehicles, as either a Principal Use or as an Accessory Use to a Full Service Restaurant, is prohibited. See Section 6.1.29 of these Regulations.
- 11.12.3 Take-out service of food to be consumed off the premises may be permitted as an Accessory Use to a Full Service Restaurant, but, in no event, shall use be made of take-out windows to deliver food or beverages to persons in motor vehicles.

[From Former Section 22.2.1, amended effective 3-7-08]

- 11.12.4 No Full Service Restaurant located as the Principal Use of a Building on a separate Lot shall have fewer than thirty (30) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room. A Full Service Restaurant which is part of a unified shopping center or other multi-use (i.e., more than two Principal Uses) shall have no fewer than ten (10) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.
- 11.12.5 The foregoing restrictions shall not apply to a Take-Out Restaurant in which the retail sale of specialty foods to be consumed primarily off the premises, with only incidental on-premises consumption, such as ice cream and donut shops, delicatessens, gourmet and health food stores, and the like.
- 11.12.6 High volume, short duration Restaurants, usually referred to as "fast food" Restaurants, are prohibited. See Section 6.1.28 of these Regulations.
- 11.12.7 See Section 14, Alcoholic Liquors, regarding the service of alcoholic beverages in Full Service Restaurants.

[Except as noted, preceding added effective 3-7-08]

- 11.13 Alternative Energy Systems. The Zoning Commission, after due notice and public hearing as required by law, may grant a Special Permit authorizing alternate energy systems, such as solar collectors and wind turbines, to exceed maximum building height subject to the following considerations, standards and conditions:
 - a. the proposed alternate energy system shall not have a detrimental effect on present and future Dwellings in the vicinity;
 - b. the proposed site shall be of adequate size and location to accommodate the alternate energy system, exclusive of supporting guy wires, if any, without encroachment into open space setback requirements; and,
 - c. a single wind turbine shall be located on a Lot of 30,000 square feet or more, and furthermore, provided said wind turbine shall supply power for a single structure and/or accessory buildings: 1) the tower height shall not exceed 80 feet measured from its base (ground level) to the centerline of the wind turbine plus one blade length; 2) the tower shall be engineered and commercially available; 3) the wind turbine shall be commercially available; 4) the setback from any Lot Line shall be at least one tower height, which setback requirement pertains to the tower and not to any supporting guy wires; and, 5) such wind turbine shall not exceed 10 (ten) kilowatt generating capacity.
 - d. abandonment: the owner of the property where a wind turbine is located shall be required to lower or obtain a demolition permit to remove and properly dispose of the structure within one hundred and twenty (120) days of its abandonment, which shall be defined as the ceasing of continuous production of electricity for longer than six (6) months. If such

tower is not removed or lowered within the specified timeframe, the Town of Old Lyme may remove the structure at the owner's expense.

[From former Section 7.3.4, amended effective 6-1-10]

- 11.14 Hospital, Rest Home and Convalescent Home. The minimum Lot Area shall be five (5) acres, or one-fifth (1/5) of one (1) acre, for each person accommodated, whichever is greater. Required Yards shall be twice those applicable to single family dwellings in the Residence and Rural RU Districts.

[Added effective 3-7-08]

- 11.15 Commercial Propagation and Growing of Flowers, Plants, Nursery Stock and Berries; Commercial Greenhouses.

11.15.1 Minimum Parcel Size. A commercial greenhouse shall not be permitted on a Parcel less than three (3) acres in area.

11.15.2 Buffering. For the purposes of Section 4.6 (General Regulations), the uses specified in this Section 11.15 shall not be deemed to be non-residential Uses and need not comply with the buffering requirements of Section 4.6, provided, however, that the Commission may require screening and buffering of outdoor storage areas, parking lots, and other components of the Use which are commercial in character.

[Added effective 3-7-08]

- 11.16 Commercial Cattery, Dog Kennels, Veterinary Hospitals, Veterinary Outpatient Clinics, and Dog Training Facilities.

11.16.1 Commercial Cattery. A commercial cattery shall be located on a lot of not less than two (2) acres. Any Building or enclosure for cats shall be located within the Required Yard for the subject District. The cattery shall meet all of the requirements for operation of a pet shop under State and local law.

[From former Section 32.5.1, amended effective 3-7-08]

11.16.2 Commercial Kennel or Veterinary Hospital. A Commercial Kennel, or a Veterinary Hospital where animals are given medical or surgical treatment and may be boarded and cared for overnight, shall be located on a lot of not less than 15 acres. Any Building or enclosure for dogs shall be located not less than 200 feet from any Lot Line or Street Line. In the case of a Commercial Kennel, the operator of the Kennel shall reside on the Lot where the Kennel is located and enclosed runs shall be provided when site conditions would not restrict noise as a possible nuisance condition affecting another Lot.

[From former Section 32.5.2, Amended Effective 3-7-08]

11.16.3 Veterinary Outpatient Clinic. A veterinary outpatient clinic shall be a Use where small animals are given medical or surgical treatment and such clinic shall be located completely within an enclosed Building with no outside facilities or Accessory Structures for animals. The clinic shall provide no boarding of animals except as required for medical treatment, and the boarding so provided shall be Accessory to the Principal Use as a clinic, shall occupy no more than 20% of the Total Floor Area of the Use, shall provide space for no more than 14 animals, shall be soundproofed and mechanically ventilated to preclude objectionable noise from being audible from off the premises and shall have floor drains, if any, that connect

to a sewage disposal system of adequate capacity and not to a storm drain. No Building other Structure or Use shall be considered a permitted Veterinary Outpatient Clinic if it has obtained a commercial kennel license issued by the State of Connecticut.

[From Former Section 32.5.8, amended effective 3-7-08]

- 11.16.4 Dog Training Facilities. In the C-30 Districts, a Dog Training Facility as defined in these Regulations shall be permitted by Special Permit. Dog owners shall accompany their dogs at all times, and no dogs shall be boarded on the Premises. The Building or that portion of the Building in which the Use is conducted shall contain a minimum of 600 square feet of Total Floor Area as defined in these Regulations with no less than 100 square feet of Total Floor Area for each dog on the Premises at any given time.

[From Former Section 32.5.9, added effective 9/1/99, and amended effective 3-7-08]

11.17 Commercial Livery and Boarding Stables; Riding Academies.

- 11.17.1 Minimum Parcel Size. Commercial livery and boarding stables and riding academies shall be permitted on a parcel of five (5) acres or more in area.
- 11.17.2 Setback. All areas where horses are to be pastured, exercised, or otherwise maintained shall be fenced so as to contain the horses within the property.
- 11.17.3 Waste Control. All manure and stable sweepings from horses in Buildings shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests. Such container shall be emptied regularly or otherwise disposed of so as to control odor or risks to the public health. No such container shall be located less than one hundred (100') feet from any property line or from any Inland or Tidal Wetland or Watercourse.
- 11.17.4 Maximum Resident Horses. The maximum number of resident horses shall be thirty (30).
- 11.17.5 Use of Buildings. The use of temporary Buildings, Trailers, or tents for the stabling of horses is prohibited. All materials, supplies, and feed, excluding hay, shall be enclosed within a permanent Building.
- 11.17.6 Noise. The premises shall be designed and used so as to avoid noise levels which are a nuisance to surrounding property owners. Public address systems are prohibited.
- 11.17.7 Lighting. There shall be no floodlighting which transmits light outside the Lot upon which it originates.
- 11.17.8 Fire. All Buildings and Structures shall be reviewed and approved by the Fire Marshal to insure the adequacy of fire prevention measures.

[Added effective 3-7-08]

11.18 Trailers, Offsite Construction Storage and Staging Areas.

- 11.18.1 No occupancy of Trailer. No Trailer or recreational vehicle may be Occupied as a Dwelling or Used for human habitation on any Lot in any District.
- 11.18.2 Storage Trailers, Permanent.

- 11.18.2.1 Any Storage Trailer located on the same lot for more than 90 consecutive or non-consecutive days in a calendar year shall be considered a Permanent Storage Trailer.
- 11.18.2.2 In any Commercial, Light Industry, or Waterfront Business District, a Site Development Plan for the Use of a Permanent Storage Trailer may be granted by the Zoning Commission when found to be in compliance with the following provisions:

[From Former Section 49.2.2, amended effective April 1, 1999]:

- a. Permanent Storage Trailer(s) must be located on the same lot as the Principal Structure and no more than one (1) Storage Trailer in the Commercial and Waterfront Business Districts and two (2) Trailers in the Light Industry Districts will be allowed on any Lot.
- b. A Zoning Permit is obtained pursuant to the conditions of Section 20 of these Regulations, Administration and Enforcement.
- c. Proposed Trailer(s) must be suitably screened so as not to be visible from any Lot Line or Street Line, must meet all the Required Yard requirements and must be located to the rear of the Principal Building. Should suitable screening not be possible, a Permanent Storage Trailer may be enclosed with walls and a roof of a design which is weatherproof, structurally sound, and complementary to the Principal Structure.
- d. In no case shall a Permanent Storage Trailer be located in any Residential District.
- e. In no case shall Permanent Storage Trailers be used for human habitation.

11.18.3 Storage Trailer, Temporary.

- 11.18.3.1 In any Commercial, Light Industry, or Waterfront Business District, a Site Development Plan for a temporary storage Trailer may be granted by the Zoning Commission when found to be in compliance with the following provisions:

[From Former Section 49.3.1, amended effective April 1, 1999]:

- a. One (1) temporary storage Trailer may be located on the same lot as the main structure in the Commercial, Light Industry, or Waterfront Business Districts;
- b. A temporary storage Trailer may not be located on the same lot for a period exceeding 90 days in a calendar year;
- c. Application must be accompanied by a drawing to scale of not more than 40 feet to an inch showing all existing structures, proposed location of temporary Trailer, and the location of buildings on neighboring lots;
- d. Adequate screening must be provided such that the temporary storage Trailer will not create an unsightly condition that would set it apart in its surroundings or reduce property values in the neighborhood;

- e. In no case shall a temporary storage Trailer be located in a Residential District;
- f. In no case shall a temporary storage Trailer be used for human habitation;

11.18.4 Storage Trailers, Construction/Office. In any District, a Zoning Permit for a construction storage or construction office Trailer may be granted by the Zoning Enforcement Officer when found to be in compliance with the following provisions:

- a. Trailer(s) must be located on the project site;
- b. Application must be accompanied by a drawing to a scale of not more than 40 feet to an inch showing all existing and proposed structures, proposed location of Trailer(s) and the location of buildings on neighboring lots;
- c. No Trailer shall be placed in a manner which would create a hazardous or unsafe condition;
- d. No construction Trailer shall be placed at an approved location prior to 2 weeks before the start of construction or site development nor shall it remain for a period greater than 2 weeks after completion of construction or site development;
- e. The Zoning Enforcement Officer may require the relocation or removal of a Trailer(s);
- f. In no case shall a construction storage/construction office Trailer be used for human habitation.

[From former Section 49, Adopted Effective April 3, 1995, Amended Effective 3-7-08 except as otherwise noted]

[Section 11.19, from former Section 21.2.5, Amended Effective June 5, 1995, further Sections revised through 12/31/09 DELETED in its entirety including Table 11.19.A.3 effective 9-16-11]

[Section 11.20, from former Section 21.2.4, Amended Effective June 5, 1995 DELETED in its entirety effective 9-16-11]

[Section 11.21, Former Section 32.5.3, deleted effective 3-7-08]

11.18.5 Offsite Construction Storage and Staging Areas. In any district except for light industrial, a special permit from the Zoning Commission shall be required for any construction involving the storage, staging or screening of construction materials or machinery off site of an approved project for any given period of time. A special permit is not required if all property owners who have a habitable building or commercial business within 200 ft radius of the property line give written consent giving permission for the described work.

- a. A statement of use for the property must be submitted describing timeframe of site usage, types and amounts of equipment and material stored, and reasons for needing an offsite area for construction activities.
- b. Application must be accompanied by a drawing to scale of not more than 40 feet to an inch showing all proposed storage and access to the site. The plan should also show mitigation efforts to reduce adverse impacts on

surrounding properties, and location of buildings or businesses described in 11.18.15.

- c. Adequate screening must be provided such that construction storage does not create any unsightly conditions that could affect the surrounding properties and the commission can set conditions on the site storage to reduce this.
- d. Construction storage material and machinery can be limited by the amount, scope, and type by the commission to ensure surrounding neighborhood impact is minimal. Dust and erosion controls must always be maintained onsite.
- e. No crushing or screening of material will be allowed at the offsite construction staging area unless it is in the LI-80 zone and approved by the commission, regardless of neighbor consent.
- f. Hours of operation and duration of the area shall be determined by the commission.

[added effective 10-12-21]

11.19 Telecommunications Facilities.

Purpose. The intent of this section is to provide, to the extent permitted by current law, for the location of wireless telecommunications facilities which shall consist of towers, antennae and accessory telecommunications equipment buildings within the Town of Old Lyme while protecting neighborhoods and minimizing the adverse visual, environmental and operational effects of towers and antennae through careful design, siting and screening. Its purpose is also to provide guidance to the Connecticut Siting Council in its review of wireless telecommunications facilities.

11.19.1 General Standards – Towers.

- a. Towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted a non-contrasting blue, gray or black;
- b. No signs shall be permitted on any tower or antenna;
- c. No tower, antenna or other accessory structures or equipment shall exceed the height requirement of the district unless the applicant can demonstrate to the satisfaction of the Commission that such service can only be provided at the location and at the height requested, but in no event shall the total height exceed 199 feet. Further, any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional personal wireless service as defined in Section 704 of the Telecommunications Act users if the tower is over 100 feet or for at least one additional user if the tower is over 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights;

[From Former Section 22.2.5.1(c), amended effective September 15, 1997]

- d. No lights or illumination shall be permitted unless required by the FCC or FAA;

- e. Towers shall be set back at least five hundred (500) feet from any existing residential structure and shall be set back at least seventy-five (75) feet from a property line, or such greater distance as may be determined necessary for safety by the Commission in accordance with fall-zone analysis information provided for the structure proposed;
- f. Monopoles shall be encouraged over lattice structures;
- g. Satellite and microwave dishes attached to monopoles may be permitted only when providing a service to a public agency or when the applicant can demonstrate to the satisfaction of the Commission that such placement shall not have an adverse visual, environmental or operational effect on the neighborhood. In no instance shall any such dish exceed six (6) feet in diameter;
- h. Telecommunication Tower sharing shall be encouraged. Applicants shall provide a description of existing telecommunication towers in the service area and a statement indicating why their telecommunication antennae cannot be mounted on these towers. Such documentation shall include demonstration that the shared use is not technically, legally, or environmentally feasible; or, for telecommunication towers constructed prior to the effective date of this section, that shared use is not economically feasible or that the owner of such facility/facilities has/have refused permission for the shared use. The owner of any telecommunication tower approved under this Section 11.2.5 shall be required to make space available for additional telecommunication antennas to the maximum feasible number of other users, including competitors. Such availability shall be made under commercially reasonable terms and conditions;

[From Former Section 22.2.5.1(h), amended effective September 15, 1997]

- i. Telecommunication facilities shall be placed on existing structures such as building and/or communication towers, or upon the telecommunications equipment building itself, unless the applicant can demonstrate that such placement is not feasible;
- j. Telecommunications facilities shall be placed in locations on the lots where the existing topography, vegetation, buildings or other structures provide adequate screening as determined by the Commission;
- k. Amateur radio operators' equipment as licensed by the Federal Communications Commission (FCC) shall be exempt from this regulation.

11.19.2 General Standards – Antennae.

- a. Antennae shall be attached to a building or structure which is the principal building or structure on the lot or to a tower which has been constructed in accordance with these regulations for such a purpose;
- b. Satellite and microwave dish antennae shall not exceed a diameter of six (6) feet.

11.19.3 General Standards – Telecommunications Equipment Buildings.

- a. No such equipment building shall exceed seven hundred fifty (750) square feet gross floor area;

- b. All such equipment buildings shall comply with all setback and buffer requirements for the district in which they are located;
 - c. All such equipment buildings shall be designed so as to be compatible with other buildings in the area;
 - d. Multiple equipment buildings for a shared facility shall be attached structures or shall be clustered around the facility;
 - e. An equipment building located on the roof of a building shall not occupy more than 15% of the roof area.
- 11.19.4 The Commission may request the applicant to provide both a description and a map of the provider's proposed network within the Town and in adjacent towns, including the area served by this facility, the location of other facilities, and the overall coverage plan.
- 11.19.5 All applications shall include a statement as to whether alternative sites were considered and why this site was selected.
- 11.19.6 If required by the Commission, the applicant shall provide one or more of the following:
- environmental analysis of facility site;
 - environmental analysis of access road;
 - profile analysis;
 - balloon simulation;
 - radio frequency power density modeling and/or testing data;
 - analysis of facility compatibility;
 - fall-zone analysis;
 - propagation and antennae separation analysis.
- 11.19.7 All towers and antennae shall comply with the provisions of Section 46.9 of these Regulations and no location, or co-location for a shared tower, shall exceed interference levels established by the FCC.
- 11.19.8 As a condition of any Special Permit granted under the provisions of this section, the applicant shall be required to remove all towers, antennae and ancillary equipment within fifteen (15) months of the date of cessation of use of such equipment for transmission purposes. Upon removal of the equipment, and within six (6) months of said removal, the site shall be restored to such condition as has been approved by the Commission. Each application shall include a plan for such facility removal and site restoration for approval by the Commission as part of the Special Permit.

[From former Section 22.5, Added Effective March 3, 1997, Amended Effective September 15, 97 and 3-7-08, renumbered effective 9-16-11]

11.20 Commercial and Non-Commercial Cutting: Cutting and Removal of Forest Tree Species.

[From former Section 44, Effective 3-7-08, per Conn. Gen. Stats. § 23-65k]

- 11.20.1 General. Except as provided in Section 11.23.4 for Non-Commercial Cutting and forest practices as defined below, cutting or removal of forest tree species is permitted in the Town of Old Lyme only by Site Development Plan in accordance

with Section 13A and in accordance with the provisions of this Section. In the administration of this Section, the Commission and the applicant may consult with the Tree Warden of the Town of Old Lyme. Special definitions applicable under this Section are as follows:

- a. Commercial Cutting. Any cutting or removal of forest tree species which is not covered under the definition of “noncommercial cutting,” or any cutting or removal of forest tree species which constitutes a “forest practice,” as defined in Conn. Gen. Stats. §23-65f if the Connecticut Department of Environmental Protection has promulgated forest practices in accordance with Conn. Gen. Stats. §23-65j. Upon the promulgation of such forest practices, forest practices shall be under the exclusive jurisdiction of the Old Lyme Inland Wetlands and Watercourses Commission, per Conn. Gen. Stats. §23-65k. Until such forest practices have been promulgated by the Connecticut Department of Environmental Protection, forest practice as defined in Conn. Gen. Stats. §23-65f shall be governed by this Section 11.23.
- b. Commercial Cutting Plan. A plan showing the applicant’s property and the abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester acceptable to the Commission that the plan is consistent with the “Minimum Standards for the Cutting of Timber” set forth in Paragraph 11.23.3;
- c. Non-Commercial Cutting. The minimum cutting or removal of forest tree species on a Lot necessary for the purpose of preparing a site for the construction. Sale of cordwood or other incidental forest products resulting from such maintenance and Lot improvement shall not constitute “commercial cutting.”
- d. Non-Commercial Cutting Plan. A plan containing the information set forth in Section 11.23.4.
- e. Slash. The residual tree tops and branches left on the ground after logging.

11.20.2 Commercial Cutting Permit. Commercial cutting is permitted only after a commercial cutting plan therefor has been submitted to and Site Development Plan approval obtained from the Commission. The cutting or removal activities in connection with the following are exempt from the requirement to obtain a permit:

- a. land used for agricultural purposes and cultivation of crops other than forest products;
- b. thinning and clearing in connection with public improvements;
- c. land used for access to abutting land;
- d. cultured Christmas tree area; and
- e. as noted above, cutting or removal of forest tree species which constitutes a “forest practice,” as defined in Conn. Gen. Stats. §23-65f, if the Connecticut Department of Environmental Protection has promulgated forest practices in accordance with Conn. Gen. Stats. §23-65j.

11.20.3 Minimum Standards for Commercial Cutting. Approval for commercial cutting may be granted by the Commission after the commercial cutting plan has been

submitted, has been found to be consistent with the following minimum standards and has been approved by the Commission:

11.20.3.1 Stream Protection.

- a. All possible care will be taken to protect continuously flowing streams (which are defined as perennial streams indicated on U.S.G.S. Topographic Maps, scale 1:24,000) and other Inland Wetlands and Watercourses from siltation and other damage during harvest operations. Partial cutting, designed to create uneven-aged stands, will normally be used within 100 feet of these areas. No more than 5% of the merchantable volume will be removed, taking care in the selection of leaf trees to minimize water temperature increases and visual impact; Care should be taken not to fall trees into or across Watercourses. Logging debris accidentally dropped into Watercourses shall be promptly removed;
- b. Harvesting equipment will not ordinarily be allowed in a Watercourse, and the channel should not be altered. All Inland Wetlands and Watercourses crossing shall be as close to a right angle as possible;
- c. After the completion of a harvest operation, banks at Inland Wetlands and Watercourses crossing will be graded and restored to approximately their original condition. Re-seeding with an appropriate grass mixture may be required;
- d. Any and all temporary structures in or across Inland Wetlands and Watercourses shall be removed upon completion of operations.

11.20.3.2 Haul Roads. Careful consideration should be given to the planning and location of main haul or skid roads. All road locations, including alternate routes where advisable, shall be planned prior to harvesting operations. Outstanding considerations are the following:

- a. Location so as to minimize construction or use impact on the land;
- b. Grades in excess of 10%, or 0% gradients, shall be avoided except for short distances;
- c. For each road, landing or skid trail, drainage control systems or stabilization shall be provided and maintained to control water flow;
- d. Unless otherwise stipulated, all roads, main skid trails, landings and sawmill sites shall be stabilized. Temporary culverts shall be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned;
- e. Where required for erosion control, or were desirable for wildlife conservation, major skid roads, landings and/or sawmill sites shall be limed, fertilized and seeded with an appropriate mixture of grass and legumes.

11.20.3.3 Border Strips.

- a. Within approximately 100 feet of any automobile road, recreation trail or other recreation area, or lot line in proximity to any dwelling,

harvesting of trees shall be partial cuttings. Not more than 50% of the merchantable volume should be removed, except in salvage operations, to open up scenic vistas, or in forestry demonstration areas. In high-visibility areas, it will be desirable to create uneven-age stands to provide change and variety in scenery;

- b. Special attention shall be given to leaving unique tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for wildlife;
- c. Undesirable sprout growth or brush may be controlled using approved herbicide treatments. Chemicals used in performing this practice must carry a Federal registration and be applied strictly in accordance with authorized uses, label directions, and Federal and state regulations;
- d. Special consideration shall be given to those border strips in the following situations:
 - (i) Screen clear-cuts, shelterwood cuttings or other heavy cuts that would be deleterious to the natural landscape aesthetics;
 - (ii) Screen yarding and loading areas. Debris removal or control is especially important to these locations.

11.20.3.4 Slash.

- a. No slash will be left within 25 feet of any automobile road, established recreation trail, pond, lake or stream;
- b. Within the remaining width of a border strip, all slash shall be chipped or lopped and scattered, and severely bent, or broken trees shall be dropped and/or lopped so that they do not exceed a height of four (4) feet;

On all other harvest areas, slash, severely bent, or broken trees shall be cropped and/or lopped to a height not to exceed six (6) feet.

11.20.3.5 Harvest Methods.

- a. Because of the wide variation in forest types, stand size classes, stocking levels and timber volumes which exist in Connecticut woodlands, there are a variety of methods that can be used either singly or in combination in harvesting and reforestation to meet the stated purpose. These methods include clear-cutting with natural reproduction; direct seeding or planting; seed-tree cutting; selection cutting, including diameter limit harvesting, shelterwood cutting, and such other methods as shall be consistent with good forestry practice;
- b. Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method. Therefore, clear cutting will have the following restrictions:
 - (i) maximum of five (5) acres in size;

- (ii) irregular in shape – avoid linear cutting bounds;
- (iii) soften edges by partial cutting within 50 to 100 feet of clear-cut boundaries;
- (iv) leave ridge tops uncut, which areas are the most visible; and,
- (v) in most cases, even-aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

11.20.3.6. Wildlife. The applicant shall evaluate the impact on observed wildlife, especially for any species identified as “threatened,” “endangered,” or “of special concern” by the Connecticut Department of Environmental Protection. The Zoning Enforcement Officer may require special measures to be taken to protect wildlife, including the restriction or prohibition of activities during certain seasons of the year, in certain portions of the site, or in proximity to particular breeding, foraging, or nesting sites.

11.20.3.7 Tree Reproduction. Harvest procedures, properly applied and executed, shall provide for adequate tree reproduction. However, there will be instances where regeneration may be deficient or there are undesirable tree species. In these cases, steps should be taken to provide the desired stocking.

11.20.3.8 Access Roads.

- a. Access roads and fire lanes shall be left clear of slash when a cutting job is completed. Designated roads shall be graded so as to be passable by fire suppression equipment;
- b. Where access road construction is included in a harvest operation, considerations should be given to construction of loading docks and fire water-holes at strategic locations.

11.20.4 Non-Commercial Cutting. No non-commercial cutting shall be conducted until the approval of a non-commercial cutting plan in accordance with this Section 11.23.4. Non-commercial cutting in connection with a Use for which a Site Development Plan or Special Permit is required shall include a non-commercial cutting plan in accordance with this Section 11.23.4. See Sections 13A.2.3(l) and 13B.3.3(b). No Zoning Permit shall be issued in connection with a use for which a Site Development Plan or Special Permit is *not* required unless a non-commercial cutting plan showing the following information has been submitted to and approved by the Zoning Enforcement Officer:

- a. the existing mix of forest tree species and their approximate height, age and density;
- b. the approximate location (estimated dimensions are satisfactory) of each tree proposed to be cut which is nine (9) inches or more in diameter, measured at a point on trunk four (4) feet above ground;
- c. a description of the cutting or removal activity to be undertaken; and,
- d. any other information that may be necessarily and reasonably required by the Zoning Enforcement Officer.

[From former Section 44, Amended Effective 3-7-08, renumbered effective 9-16-11]

11.21 Adult Entertainment.

11.21.1 Purpose and Intent. The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, particularly when concentrated under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Persons under the age of eighteen may be attracted to adult oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians. Closed booths, cubicles, studios and rooms within adult-oriented establishments have been used by patrons, clients and customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.

It is not the intent of the Zoning Commission, in enacting these Regulations, to deny any person rights to speech protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor is it the intent of the Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, video, tapes, books and/or other materials protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute or exhibit such materials. These Regulations prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Old Lyme.

11.21.2 Definitions.

- (i) “Adult entertainment business” shall mean any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or a combination of the following types of businesses: adult amusement machine, adult arcade, adult bookstore, adult cabaret, adult entertainment enterprise, adult machine, adult motion picture theater, adult novelty business, adult-oriented establishment, adult personal service business;
- (ii) “Adult amusement machine” shall mean any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined below, for observation by patrons therein;
- (iii) “Adult arcade” means any establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons, each are used to show films, motion pictures, video cassettes, slides or other photographic

reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

- (iv) “Adult bookstore” means an establishment which has as a principal activity the sale of books, magazines, newspapers, periodicals or other printed matter or photographs, videotapes, video discs and motion picture films, slides, or other photographic reproductions which are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy or any other “specified sexual activity” or “specified anatomical area”, as defined below, or devices or paraphernalia that are designed for use in connection with “specified sexual activities” defined below;
- (v) “Adult cabaret” means a cabaret which features nude partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age;
- (vi) “Adult entertainment enterprise” means any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which have as a significant or substantial portion of such performances any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas” defined below;
- (vii) “Amusement machine” means any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated;
- (viii) “Adult motion picture theater” means any establishment having as a principal activity displaying motion pictures, video cassettes, slides or other photographic reproductions characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age;
- (ix) “Adult novelty business” means a business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age;
- (x) “Adult-oriented establishment” means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, when such establishment is operated or maintained for a profit, direct or indirect;
- (xi) “Adult personal service business” means a business having as a principal activity a person, while nude or partially nude providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to,

and in accordance with, licenses issued to such persons by the State of Connecticut;

- (xii) “Partially nude” means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts;
- (xiii) “Specified anatomical areas” means less than completely or opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) female breasts below a point immediately above the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely opaquely covered;
- (xiv) “Specified sexual activities” means: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse, or sodomy; (c) fondling or erotic touching of human genitals, pubic region, buttock or female breasts;
- (xv) “Specified anatomical areas” and “specified sexual activities” as used in these Regulations do not include materials depicted in any medical publications, or films, in any bona fide educational publications or films, in any art or photography publications which devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events in which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of news, or in publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population;
- (xvi) “Principal activity” means a use accounting for more than 10 percent of a business’ gross revenues, stock in trade, display space, floor space, or movie display time per month.

11.21.3 Specific Conditions. An adult entertainment business may be approved in the Commercial District only, provided the following standards and criteria are met in addition to any other applicable standards, criteria and requirements of these Regulations:

- (i) No such adult entertainment business shall be located within 300 feet of a residential use or district which, pursuant to these Regulations and the Zoning Map of the Town of Old Lyme, is classified R, MFR, RU or MFRU. If the adult entertainment business is within a shopping plaza, having a developed building of 5,000 square feet in size or larger, then the distance shall be measured from all entrances to such shopping plaza;
- (ii) No such adult entertainment business shall be established within 1,000 feet of another such business;
- (iii) No such adult entertainment business shall be established within 1,000 feet of the property line of any public, private or parochial school, day care center, library, museum, park, playground or other recreational facility, whether commercial or nonprofit, or any other area where numbers of minors regularly travel or congregate, in any zone. Nor shall any such adult entertainment business be located within 1,000 feet of the property line of any church, convent, monastery, synagogue, or similar place of worship, or cemetery;

- (iv) For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the property containing or proposing to contain an adult entertainment use to the nearest boundary of the uses specified in (i), (ii) and (iii) above;
 - (v) No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business;
 - (vi) No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting or describing any sexually explicit activities or anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening;
 - (vii) In accordance with Connecticut General Statutes Section 86, these adult entertainment business regulations shall not be varied by the Zoning Board of Appeals to permit an adult entertainment business nor shall such a use be permitted by way of variance;
 - (viii) No adult entertainment business shall include the installation of any enclosed booths, cubicles, rooms or stalls within such adult entertainment business for the purpose of viewing adult entertainment;
 - (ix) Any adult entertainment business shall state on any Site Plan submitted that any room or other area used for the purpose of viewing adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.
- 11.21.4 Application Procedure. Application for a permit for an adult entertainment business shall be made to the Zoning Commission demonstrating compliance with this adult entertainment business regulation. Such permit may expire upon any of the events listed in subsection 11.24.5 below, unless and until such permit is renewed as provided.
- 11.21.5 Required Renewal. Renewal of a permit for an adult entertainment business must be obtained under the following circumstances:
- (i) Purchasers of buildings that have had permits for adult entertainment businesses who want to continue such permits, must obtain a Zoning Permit by demonstrating that all conditions prerequisite to obtaining the original permit continue to be met;
 - (ii) Any such renewal must be referred to the Zoning Commission for consideration. Where a change in circumstance is identified which may create a noncompliance with these Regulations or any permit issued hereunder, the Zoning Commission may require a new application and a demonstration of compliance with all conditions necessary for a approval hereunder.
- 11.21.6 Savings Clause. Should any court of competent jurisdiction declare any section, clause or provision of these Regulations to be unconstitutional or statutorily illegal, such decision shall affect only such section, clause or provision so declared unconstitutional or illegal and shall not affect any other section, clause or provision of these Regulations.

[From former Section 22.2.4, Adopted Effective July 3, 1995, Amended Effective 3-7-08, renumbered effective 9-16-11]

11.22 Septage Storage and Transfer Facility.

- 11.22.1 The maximum on-site storage capacity of a septage waste transfer station shall not exceed 100,000 gallons.
- 11.22.2 The operator of a Septage Storage and Transfer Facility shall provide a cash bond of at least \$10,000 (which amount may be increased at the discretion of the Planning Commission) to benefit the Town in the event that the operator shall default in the requirements of this section or applicable law.
- 11.22.3 All septage storage shall be permitted only in sealed in containers with intake and outlet valves designed to prevent any release of odors or uncontrolled release of effluent.
- 11.22.4 The site shall provide landscaping and ground cover satisfactory to the Planning Commission to minimize any adverse effect on surrounding properties. The Applicant's plans shall depict precautions to be taken to control accidental spills of effluent, either directly, or through the washing of trucks and equipment, and other potential sources of contaminated discharge.
- 11.22.5 A Septage Storage and Transfer Facility shall not operate unless the facility has all licenses and permits required by the Public Health Code, the DEP, the OLWPCA, or other cognizant governmental agency having jurisdiction over such facility.
- 11.22.6 All applications shall include a plan for site restoration and the removal of storage tanks should either of the following conditions occur:
 - (i) Violation of the provisions of this regulation so that the site is closed for septage waste storage or transfer; or,
 - (ii) closing of the site for septage waste storage and transfer.

[From former Section 22.2.6, Adopted Effective June 1, 1998, renumbered effective 9-16-11]

11.23 Assembly Halls, Dance Halls, Bowling Alleys and Other Indoor & Outdoor Recreation Uses. Any building or structure used for assembly halls, dance halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities) shall be located not less than 100 feet from any Residence or Rural District.

[From former Schedule B-2, Item #7, Amended Effective 3-7-08, renumbered effective 9-16-11]

11.24 Outside Storage of Goods. Outside storage includes the following when not located within an enclosed building: sales, storage and/or display of merchandise, supplies, equipment or machinery; storage of wastes; and manufacture, processing or assembling of goods; but not including the parking of registered motor vehicles in daily use. Outside storage provided in connection with a use for which a Site Development Plan, Special Permit, or a Zoning Permit is required to be submitted under these Regulations shall be located in areas on the lot as shown on such the approved site plan and shall be limited and screened as follows:

- a. No outside storage area shall extend into the area required for building setback from a street line, property line or Residence or Rural District boundary line;

- b. Outside storage areas shall be limited in extent on any lot, either as a percent of the area of the lot or as a percent of the ground floor area of all buildings on the lot, in accordance with the district where located, as follows:

<u>District</u>	<u>% of Lot Area</u>	<u>% of Ground Floor Area of Buildings</u>
* Residence	-	10%
** Rural	-	10%
WF-20	25%	-
C-30	-	10%
C-10	-	10%
LI-80	25%	-

- c. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot, from any street and from any portion of a Residence or Rural District, provided, however, that the Board/Commission, in connection with approval of a Site Development Plan or Special Permit under its jurisdiction, may determine that such enclosure is not necessary for all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

[From former Section 31.3.14, Amended Effective 3-7-08, renumbered effective 9-16-11]

11.25 Special Standards for Multiple Dwellings.

Special Standards – Multiple Dwellings. Multiple dwellings and multiple dwelling projects in Multi-Family Residence, and the buildings, structures and site development proposed in connection therewith, shall also conform to the following SPECIAL STANDARDS: [reference to MFRD deleted effective 6-1-11]

- 11.25.1 Number of Units. No multiple dwelling building shall contain more than six (6) dwelling units, and no multiple dwelling project shall contain more than a total of 24 dwelling units.

[From Former Section 32.6.1.a, amended effective July 3, 1995]

- 11.25.2 Minimum Lot Area. The minimum lot area per dwelling unit in a multiple dwelling project shall be 20,000 square feet for each of the first six (6) dwelling units and 15,000 square feet for each additional dwelling unit, exclusive of any wetlands and watercourses, any areas of impervious paving, or any land having a topography exceeding a 30% slope in grade as measured in 40-foot increments.

[From Former Section 32.6.1.b, amended effective July 3, 1995, renumbered effective 9-16-11]

- 11.25.3 Number of Projects. No Multi-Family or Multi-Family Rural District, regardless of the number of lots, parcels or tracts that may be encompassed by such District, shall contain more than one (1) multiple dwelling project.

[From Former Section 32.6.1.c, amended effective July 3, 1995]

- 11.25.4 General Setback Requirements. Except for roadways covered in Section 11.28.5, no Structure, parking or service area within a multiple dwelling project shall be located within 100 feet of the multiple dwelling project boundary line, unless said multiple dwelling project boundary line is contiguous to another multiple dwelling project in another Multi-Family District, in which event the minimum setback shall be thirty (30) feet. The Zoning Commission may increase the 100 foot setback requirement where additional setback is required to avoid a significant adverse effect on adjacent property or on public health and safety. Where conditions exist which affect the subject land and are not generally applicable to other land in the area, a reduction of the 100 foot setback requirement of up to 25 feet may be granted by the Zoning Commission. No reduction may be granted if it has a significant adverse effect on adjacent property or on public health and safety.

[From Former Section 32.6.1.d, amended effective July 3, 1995; effective April 1, 1999; and effective 3-708]

- 11.25.5 Setback Requirements for Roadways. No roadway, including means of ingress and egress within a multiple dwelling project shall be located within fifty (50) feet of the multiple dwelling project boundary line (except where said roadway accesses a public highway) unless the multiple dwelling project is contiguous to another multiple dwelling project in another Multi-Family District, in which event there shall be no roadway setback. The Zoning Commission may increase the fifty (50) foot setback where additional setback is required to avoid adverse impact on adjacent property or on public health and safety. Where conditions exist which affect the subject land and area not generally applicable to other land in the area, a reduction of the 50 foot setback requirement of up to 25 feet may be granted by the Zoning Commission. No reduction may be granted if it will have an adverse impact on adjacent property or on public health and safety.

[From Former Section 32.6.1.e, amended effective July 3, 1995; effective April 1, 1999; and effective 3-708]

- 11.25.6 Setback Design Requirements. For the purposes of maximizing the effectiveness of the setbacks specified in Sections 11.28.4 and 11.28.5., the following requirements shall be met:

[From Former Section 32.6.1.f, amended effective July 3, 1995]

- a. At least 75 feet of the setback specified in Section 11.28.4 and 35 feet of the setback specified in Section 11.28.5 shall be left in its natural state, if wooded, or landscaped for visual buffering is not wooded. However, in order to promote sound forest management, clearing of dead or dying trees will be permitted;
- b. In the event that setback areas are disturbed during construction, they shall be restored and supplemented with natural screening;
- c. The Zoning Commission shall require the submission of a landscape plan which demonstrates the visual impact of the project on adjacent dwellings has been minimized.

[From Former Section 32.6.1.f(iii), amended effective April 1, 1999]

- 11.25.7 Minimum Floor Area. Each dwelling unit in a multiple dwelling shall have a minimum floor area for dwelling purposes of 500 square feet for a one-bedroom

unit, plus 120 square feet for each additional bedroom, which floor areas expressly exclude halls, stairways, foyers, closets, porches, bathrooms and basements from eligibility to be counted. The number of bedrooms in each dwelling unit shall not exceed two (2). No floor space having a floor level above the second floor level above the finished grade shall be used for dwelling purposes and no floor space having a floor level below the finished grade shall be used for dwelling purposes except as a recreation, storage or utility room.

11.25.8 Occupancy Limitations. No more than two (2) persons shall occupy any Dwelling Unit consisting of only one (1) room (a so-called “efficiency apartment”) as a regular place of abode. In addition, no more than two (2) persons shall occupy any dwelling unit containing only one (1) bedroom as a regular place of abode, and no more than a single Family, as defined in these Regulations, shall occupy a Dwelling Unit as a regular place of abode. In determining whether or not a Dwelling Unit consists of only one (1) room or bedroom, halls, stairways, foyers, closets, porches, bathrooms and basements shall not be counted as rooms or bedrooms.

11.25.9 Storage Space. In addition to closet space in a Dwelling Unit, each Dwelling Unit shall be provided with usable enclosed storage space having a minimum floor area equal to 10% of the Dwelling Unit. Hall stairways, foyers, closets, porches, bathrooms and basements shall not be counted in determining floor area for computation of the 10%.

11.25.10 Service Area. Service areas and other service facilities shall be provided as follows:

- a. One (1) or more paved service areas for use as a drying area and for temporary storage of garbage and rubbish shall be provided at the rear of each multiple dwelling. Such areas shall be enclosed and protected by suitable fencing or shrubbery;
- b. Storage of rubbish and garbage shall be in one or more suitable vermin and rodent proof containers having at least a 40-gallon capacity per each Dwelling Unit;
- c. Radio and television facilities shall be served by a master antenna only. No external individual radio or television antennae shall be permitted;
- d. The distance between each Dwelling Unit and the nearest driveway, parking space and garage serving such unit, shall in each instance be not more than 100 feet.

11.25.11 Water Supply. Each Dwelling Unit shall be connected to a water supply meeting the requirements of Section 13A.3.11 and furnishing a minimum daily supply of not less than 450 gallons under adequate pressure. Conn. Gen. Stats. § 16-262m shall be complied with if the water is furnished by a “water company” as defined in that Section.

11.25.12 Garages, Parking Areas, Driveways and Access Roads. Parking, driveway and access facilities shall be provided as follows:

- a. At least one (1) parking space, 11 feet by 22 feet, shall be provided in an enclosed garage for each dwelling unit;
- b. In addition, paved parking areas shall be provided to accommodate one (1) automobile for each dwelling unit, but no single parking area continuum shall contain more than eight (8) parking spaces;

- c. One-way access aisles in a parking area shall have a width of not less than 12 feet, and two-way access aisles in a parking area shall have a minimum width of 24 feet;
 - d. Parking areas and driveways serving parking areas and garages shall be suitably paved with a two (2) inch thickness of dense graded bituminous concrete placed on two (2) four-inch layers of compacted gravel sub-base, or equivalent paving;
 - e. Bituminous concrete lip curbing or other curbing similar in quality shall be used on all parking areas and driveways where necessary for drainage;
 - f. The main access road or roads leading to the multiple dwelling or multiple dwelling project shall be planned and designed in accordance with the "Design and Construction Standards, Town of Old Lyme, Connecticut" and any applicable provisions of the Subdivision Regulations of the Town of Old Lyme.
- 11.25.13 Minimum Distance Between Dwellings. The minimum distance between any two (2) multiple dwellings shall be 60 feet.
- 11.25.14 Open Space: The preservation or creation of Open Space (as applied to Use of land for public benefit), as defined in Section 3 of these Regulations, shall be provided by a unified design which:
- a. protects flood plains, inland and tidal wetlands, watercourses, ponds, future public water groundwater sources, steep slopes, and the coastal resources identified in Section 22a-97(7) of the Connecticut General Statutes and preserves, where practicable, unusual rock formations and tree stands;
 - b. preserves sites of historic, archeological or scenic value;
 - c. promotes the open space programs of the Town Plan of Conservation and Development, the Connecticut River Gateway Commission, the Coastal Area Management Act, the recommendations of the Planning Commission and those private organizations which are acceptable to the Zoning Commission; and
 - d. fosters opportunities for formal and informal recreational activities.
- Land to be kept as open space, including but not limited to land to be used for parks, playgrounds and recreation areas, shall be provided and reserved in conformity with Section 5.10 of the Subdivision Regulations except that (i) the quantity of land to be devoted to such purpose shall be as stated below, and ii) at least 25% of the open space land shall be part of the Net Buildable Area within the tract as determined by the Zoning Commission pursuant to the provisions of Section 12.8.2. The Zoning Commission shall require that a land area be set aside for open space equal to or greater than a) 40% of the entire area covered by a multiple dwelling development located in one or more underlying Zoning Districts classified as MFR-80 or MFRU-80 and b) 30% of the entire area covered by a multiple dwelling development located in one or more Underlying Zoning Districts classified as MFR-40 or MFRU-40. The required amount of land area to be devoted to open space for a development located partially in one or more of the Zoning Districts listed in the former group and partially in one or more Zoning Districts listed in the

latter group shall be computed separately for the development area located in each of the foregoing two (2) groups of Zoning Districts and the required amounts of open space land areas so obtained added together to determine the total quantity of land area within the boundaries of the development to be set aside for open space.¹

[Added effective 3-7-08]

11.25.15 Multiple Dwellings for Non-Profit Elderly Housing. The standards of Paragraph 11.28.1 through 11.28.12 are applicable to Multiple Family Dwellings for non-profit elderly housing except as follows:

- a. The limitations on number of Dwelling Units in a Multiple Family Dwelling and Multiple Family Dwelling project and the number of Multiple Dwelling projects in a Multi-family Residence or Multi-Family Rural District are not applicable. For Non-Profit or Subsidized Elderly Housing in a Planned Residential Cluster Development in a MultiFamily Residential Zone, reference Section 12, Planned Residential Cluster Development, for the allowable number of Dwelling Units;
- b. Each Dwelling Unit shall be occupied by no more than two (2) persons, at least one of whom is 62 years of age or older;
- c. Each one-bedroom dwelling unit shall contain not less than 550 square feet of enclosed floor space and each two bedroom dwelling unit shall contain not less than 650 square feet of enclosed floor space, including the space used for halls, stairways, foyers, closets, and bathrooms, but excluding covered porches and other roof portions and basements;
- d. The Multiple Family Dwelling Unit may include accessory community rooms and facilities for the use of the occupants of the Multiple Family Dwellings, as well as utility and maintenance buildings and facilities necessary for support of the Multiple Family Dwellings on the lot;
- e. Enclosed garages are not required. If no garages are included, one and one-half (1.5) paved off-street parking spaces shall be provided for each dwelling unit;
- f. The storage space requirements of Paragraph 11.28.9 are not applicable;
- g. The water supply requirement of Paragraph 11.28.11 may be reduced to 160 gallons per day under adequate pressure to each dwelling unit.
- h. The open space requirements of Section 11.28.14 shall not apply. [Added effective 3-7-08]

[From former Section 32.6, Amended Effective 3-7-08, except as otherwise indicated, Section renumbered effective 9-16-11]

11.26 Special Regulations for Transient Lodgings. The following regulations shall apply to any Inn, Bed & Breakfast, or other lodging for Transients:

¹ This is taken from Section 36.14, except that I changed references to the "Planning Commission" to the "Zoning Commission;" references to the "PRCD" to "the development;" I deleted references to the "Underlying" Zoning District (since this is a multifamily district already); and I deleted references to zones other than MFR zones.

- a. Limitation on Occupancy. The purpose of Transient lodging is to provide lodging for Transients, not to constitute *de facto* Dwelling Units. Transient occupancy shall be limited to no more than two (2) weeks followed by absence from the Transient lodging by no less than two (2) weeks. The Zoning Enforcement Officer may require Transient lodgings to maintain and disclose records of occupancy sufficient to demonstrate compliance with this provision; provided such records need not disclose the name of the occupant(s), but only a numeric or other identification to distinguish among occupants;
- b. No Cooking Facilities. No guest room, or portion thereof, shall have any facilities for cooking of food, specifically including stoves, ovens (microwave or otherwise), hot plates, or the like; provided, however, that a room may have a single refrigerator having a capacity of no more than five (5) cubic feet;
- c. Definition of "Guest Room". A "guest room" shall be defined as a space separated by walls, full or partial, from other spaces and containing sleeping or sitting accommodations. A so-called "suite" shall be deemed to contain the number of "guest rooms" indicated on the floor plan, and not shall not deemed to be a single "guest room";
- d. Minimum Lots Size. The Lot shall contain no less than 5,000 square feet of land for each guest room;
- e. Accessory Restaurants and Entertainment Areas. Restaurants and rooms for public entertainment shall have an aggregate capacity at one time not in excess of four (4) times the number of guest rooms.

[Preceding from former Section 32.5.4, amended effective 3/1/05, and renumbered and further amended effective 3-7-08, renumbered effective 9-16-11] Rev. February 20, 2008 to remove reference to LI-80S in 11.27.b.

- 11.27 Indoor Recreational Facility in LI-80 Zone District. Recreational activities allowed are limited to tennis, handball, paddleball, squash, swimming, skating, soccer, lacrosse, hockey, field hockey, and similar such activities. The following conditions shall be imposed:
1. Driveway and parking layout shall be designed to minimize the necessity for buses to back up;
 2. Hours of operation shall be 7:00 a.m. to 9:00 p.m.
 3. There shall be adequate areas inside the building(s) to accommodate athletes and spectators;
 4. The number of parking spaces must be proposed, explained, and justified by the applicant at the time of submission for the special permit; all uses on the premises shall be listed and described in the Statement of Use; the adequacy of the parking proposed shall be determined by the Commission.
 5. At a minimum one (1) parking space shall be provided for each four (4) occupants; maximum occupancy as determined by the Fire Marshal based on plans;
 6. No liquor/alcohol beverages to be served, sold or consumed on the premises;
 7. An adequate buffer is required to protect near-by residential properties;
 8. Fencing is required to prevent trespassing onto abutting residential properties;
 9. Private security plan is required for all hours when patrons are present on site;

10. Any outdoor environmental systems or exterior commercial vehicle noise shall be minimized to the maximum extent;
11. Truck delivery times shall be restricted to hours of operation;
12. All accessory uses require approval by the Zoning Commission.

[added effective 12-10-12]

11.28 Electric Vehicle Charging Stations. The following regulations apply to any electric vehicle charging stations in the commercial, industrial, waterfront business, multi-family residence or Sound View Village District zones.

11.28.1 Applicability. Any vacant lot or portion thereof that is proposing new development requiring more than thirty (30) parking spaces and within one of the applicable zones in Section 11.28 shall be required to meet the requirements of this section. Any previous development proposing to demolish existing structures and redevelop the site shall be required to meet the requirements of Section 11.28.

11.28.2 Required number of spaces. Applicable developments as described in 11.28.1 shall allocate a minimum of two (2) fully equipped and operational Electric Vehicle Charging Stations. These charging stations shall count towards parking requirements for number of spaces for a use or uses as defined in Section 18.4 of the Old Lyme Zoning Regulations. Required Electric Vehicle Charging Stations shall meet the following requirements:

- a. Charging Level. Required Electric Vehicle Charging Stations for residential uses shall be equipped with a minimum voltage of 110. Required Electric Vehicle Charging Stations for all other uses shall be equipped with a minimum voltage of 220.
- b. Maintenance. Electric Vehicle Charging Stations must be maintained in all respects, including the functioning of equipment, parking surface and striping of lanes.
- c. Signage. Electric Vehicle Charging Stations shall be posted with signage indicating spaces are only for electric vehicles that are actively charging. Days and hours of operation must be posted according to approval given by the Commission, and hours of operation is to be enforced by the owner. Information identifying voltage and amperage levels as well as safety information must be posted. All directional and advertising signs for the charging stations shall meet the requirements of Section 19 of the Regulations, as well as any signage post on the street shall be in the vicinity of the development's signage.
- d. Parking space size, striping and mounting. Parking spaces shall be sized to accommodate automobiles as set forth in Section 18.2.1 (a). The striping should be of a unique color to identify that these spaces are for electric vehicle charging stations. Mounting of charging stations shall be proposed to the Commission and accepted at its discretion.
- e. Setbacks. Electric Vehicle Charging Station setbacks can be reduced up to five (5') feet from the required parking setbacks set forth in Section 18.3.8.

1. A reduction in the setbacks may be obtained from the Commission for charging station setbacks for existing non-conforming parking lots that the Commission determines are adequately screened and will not negatively affect surrounding properties.
- f. Accessibility. Electric Vehicle Charging Stations shall be incorporated into the overall site development as to not interfere with pedestrian or vehicular circulation. The Commission shall decide the number of handicap-accessible parking spaces required for each proposal. At a minimum one (1) handicap charging station shall be provided per public charging area.
 1. Handicap spaces should be van-accessible and have a five (5') buffer surrounding the front and five to eight (5' – 8') foot buffer on the side of the perimeter of the parking space to allow for wheelchair turnaround and access to the charging apparatus.
- g. Screening. The Commission may require landscape screening at its discretion depending on location, scope, and intensity of Electric Vehicle Charging Station proposal.
- h. Lighting. All Electric Vehicle Charging Stations shall have lighting as deemed appropriate by the Commission and must meet Section 18.3.5.
- i. Residential Exemption. Section 11.28 does not apply to single-family residences that have non-commercial charging stations although they must meet all other applicable requirements. All other uses in a residential zone other than single-family residential are not exempt and must meet the requirements of this section and require a special permit approval.

[Section 11.28 added effective 1-9-23]

11.29 Self-Storage Unit Facility in LI-80 Zoning District

Section 11.29.1: The purpose of these Regulations is to allow the development of self-storage facilities in the LI-80 Zoning District in a way that is compatible with the overall character of the neighborhood in which it shall be located and the Town of Old Lyme, and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

Section 11.29.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 13A, and compliance with all local, State and Federal Regulations.

- a. The use shall be limited to individual storage compartments, not to exceed 15' in length x 10' in width, one hundred fifty square feet (150 sq. ft.), and shall specifically exclude any commercial use, retail use, or activity otherwise permitted in the zone.
- b. A fence must be provided around the entire inside perimeter of the landscaped property. Said fence shall be a minimum of eight feet (8') in height and shall be constructed of opaque materials that will prevent the passage of light and debris. The entire facility requires a

fence.

- c. No self-storage facility shall exceed two stories and thirty-two feet (32') in height, including any decorative elements (e.g., awnings, cupola, etc.).
- d. No self-storage unit opening or door to the unit shall exceed 8 feet (8') in height, including any decorative elements.
- e. No outside storage or outside overnight parking is permitted within the facility. No visitor parking, or beach parking is permitted.
- f. Entire facility must incorporate controlled access. Access shall be limited to between the hours of 6:00 a.m. and 12:00 a.m. (midnight) daily.
- g. No individual utility service shall be provided to any individual storage units.
- h. No unit may be subdivided or sublet.
- i. No vehicles will be allowed to be washed or maintained on site or in any unit.
- j. No portable storage containers are allowed on the facility property at any time (i.e., pods, bags, or any on demand type storage).
- k. All exterior lighting and illuminated signs shall be designed, located, arranged, installed and directed in such a manner as to avoid objectionable light at, and glare across, the property lines and shall be compatible with the surrounding area. All lighting must meet all lighting Regulations.
- l. Any signage must be in compliance with Section 19 of the Town of Old Lyme Zoning Regulations.
- m. No flammable, explosive, toxic, hazardous or noxious items or materials shall be stored in any unit at any time. No explosives, weapons of any kind, radioactive materials are permitted.
- n. No vehicles or marine vessels are permitted to be stored at the facility, unless appropriate fire preventive controls are approved by the Fire Marshall.
- o. No perishable food, or live animals are permitted.
- p. No one may live in the unit or stay overnight in any unit at any time.
- q. No storage of solid waste, medical waste, construction debris, demolition debris, recyclable materials.

(1) The Commission reserves the right to preclude storage and/or require the removal of any material or products it deems inappropriate for safe storage in such units.

(2) The ZEO or Fire Marshal, or their authorized agents, shall make unannounced periodic inspections of the premises to determine compliance with these Regulations.

[Section 11.29 added effective 11/15/24]

SECTION 12 - PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT

- 12.1 General. The regulations which follow establish the procedures, standards and conditions for establishment of “Planned Residential Conservation Developments” (PRCD) in the MFR-80, MFR-40, RU-80, and RU-40 Districts. [From former Section 36.1, Amended Effective 3-7-08]
- 12.2 Definitions. The following terms for purposes of this Section 36 shall have the meanings specified as follows:
- 12.2.1 Planned Residential Conservation Development (hereinafter called “PRCD”) means the development, maintenance and use, in compliance with the provisions of this Section and pursuant to a Special Permit granted by the Planning Commission, of an area of land (hereinafter called a “PRCD Area”) in the Town as a single entity for Dwelling Units according to a plan which does not conform in one or more respects to the standards governing the size and dimensions of lots and the type of improvements that may be constructed thereon as provided for in other sections of these Regulations.
- 12.2.2 Net Buildable Area means the number of square feet of ground area within the perimeter of the land covered by a PRCD determined by the Planning Commission pursuant to the provisions of Paragraph 12.8.2. of this Section to be suitable for use as a building site.
- 12.2.3 Underlying Zoning District means the zoning district classification shown on the Zoning Map for the land or for segments of the land within the PRCD area.
- [From former Section 36.2, Amended Effective 3-7-08]
- 12.3 Objectives. The purpose of this Section is to permit a PRCD providing Dwelling Units in detached, semi-detached or attached structures (or a combination thereof) not more than 35 feet in height located on a tract of land having the capability of supporting such structures and of achieving the following objectives in a mode consistent with the Plan of Conservation and Development:
- 12.3.1 The creation of common open space for recreation or visual benefits or both.
- 12.3.2 The location of such units in an imaginative and not stereotype manner in harmony with natural site features and so as to promote the preservation of agricultural, forest, conservation and coastal resources and the avoidance of an adverse impact on water resources and other features of the natural environment.
- 12.3.3 The achievement of architecture and site development of design merit enhancing the appearance and beauty of the Town.
- 12.3.4 The creation of a building and site layout contributing to the convenience of residential living and having a relationship to adjoining properties and neighborhoods which is harmonious with their character and serves to protect their values.
- 12.3.5 The establishment of PRCD structures in districts where authorized, each limited to a single detached dwelling for one (1) family except in Multi-Family Districts, where structures containing up to, but not more than, three (3) Dwelling Units may be permitted subject to the provisions of this Section.
- 12.3.6 The fostering of a method of land development permitting a variation in lot lines and the reduction of lot area, lot widths, setbacks (front, side and rear) and building coverage restrictions without increasing the number of units that could be legally constructed on a particular tract of land under these Regulations as read without this Section 36 and

taking into account i) the Underlying Zoning District or Districts wherein such tract lines, ii) the Subdivision Regulations, and iii) any and all other regulations affecting the PRCD tract.

[From former Section 36.3, Renumbered but not revised effective 3-7-08]

- 12.4 Special Permit. No PRCD shall be built or its Dwelling Units occupied unless its construction has been approved by the Planning Commission as evidenced by the granting of a Special Permit. To be eligible for such approval, a proposed PRCD shall a) meet the objectives specified in Section 12.3. and b) comply with all of the requirements, standards, criteria and conditions set forth in this Section for such a project. [From former Section 36.4, Renumbered but not revised effective 3-7-08]

- 12.5 Permitted Location of PRCDs. PRCDs may be constructed only within the boundaries of the following classes of Underlying Zoning Districts:

The following Residence Districts: RU-80 and RU-40

Multi-Family Residence Districts: MFR-80 and MFR-40

[From former Section 36.5 Amended Effective 3-7-08]

- 12.6. Permitted Uses Within PRCD Areas. PRCD Areas shall be used only for the following purposes:

12.6.1 Residential use, including a PRCD designated for Non-Profit Elderly or Subsidized Elderly Housing.

12.6.2 Accessory uses and structures customary with and incidental to residential use, including a private garage for each Dwelling Unit, but excluding the following:

[Amended Effective April 3, 1995]

- a. buildings for home occupations; and
- b. storage of commercial vehicles other than one (1) commercial vehicle of not more than 7,500 pounds gross vehicle weight for each Dwelling Unit.

12.6.3 The construction, maintenance and use of supporting facilities approved by the Planning Commission of the following types designed to serve the residents of the PRCD:

- a. recreational facilities for residents of the PRCD; and
- b. facilities providing community services such as meeting rooms, administrative office space for PRCD associations, storage space for recreational equipment, trash removal facilities, and school bus pickup shelters.
- c. the construction of fire ponds for public safety, recreational use, and wildlife habitat;
- d. trails and walkways as an integral part of the overall design of the PRCD.

It is the intent of this Paragraph to permit recreational and service facilities which do not adversely affect neighboring properties to the extent required to meet the needs of the particular PRCD being proposed based on its location, overall size and ultimate number of residents.

[From former Section 36.6, Renumbered but not revised effective 3-7-08]

12.7 Types of Dwellings Allowed Within PRCD. The following types of Dwelling Units are permitted within PRCDs:

- 12.7.1 Within Underlying RU-80 and RU-40 Districts, each separate and detached PRCD building providing residential living space shall contain only one (1) Dwelling Unit, shall be a separate structure detached from any other dwelling structure, and shall not exceed 35 feet in height.
- 12.7.2 Within Underlying MFR-80 and MFR-40 Districts, each separate and detached PRCD building providing residential living space may contain up to but not more than three (3) Dwelling Units. In the case of attached or semi-detached PRCD buildings providing residential living space, the total number of Dwelling Units in each structure composed of such attached or semi-detached buildings shall likewise be limited to three (3) Dwelling Units. All such separate and detached, attached, and semi-detached buildings shall not exceed 35 feet in height. The placement of multi-family dwellings in the Underlying Zoning Districts listed at the beginning of this paragraph shall be subject to the restriction imposed by Paragraph 11.28.3 of these Regulations that no multi-family district shall contain more than one (1) multiple dwelling project.

[From former Section 36.7, Amended Effective 3-7-08]

12.8 Area Requirements. A proposed PRCD shall conform to the following area requirements:

- 12.8.1 A PRCD shall be located on a single tract of contiguous, predominantly undeveloped land of not less than 20 acres, provided, however, that the Planning Commission may, if it deems the location and terrain suitable and does not find that there are any factors making such use inappropriate for the neighborhood, permit a PRCD to be built upon a parcel of at least 10 acres situated in an Underlying RU-80 Zoning District.
- 12.8.2 A PRCD tract shall contain a Net Buildable Area determined by the Planning Commission as being not less than 25% and not more than 75% of the total area of such tract. In determining Net Buildable Area, the Planning Commission shall exclude i) water bodies, both inland and tidal; wetlands, both inland and tidal; and special flood hazard areas; ii) all planned and existing paved and graveled areas; iii) ledge outcrops; iv) land having topography exceeding a 30% slope in grade as measured in 40-foot increments; v) landfill areas and former dumps (including stump dumps unless the stumps and other material so disposed of have been thoroughly removed); and vi) any land which if included would result in a Net Buildable Area larger than 75% of the total PRCD tract. The following sources shall be availed of by the Planning Commission in applying the provisions of this paragraph:
 - a. Soil Survey of New London County, Connecticut, U.S. Soils Conservation Service, U.S. Department of Agriculture; as amended;
 - b. Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency;
 - c. Tidal Wetlands Maps prepared by the Connecticut Department of Environmental Protection;
 - d. Old Lyme Inland Wetlands Map;
 - e. Maps and data prepared by Coastal Area Management and the Connecticut River Gateway Commission;
 - f. Other sources which reveal the environmental characteristics of the proposed site; and

g. Easements.

[From former Section 36.8, Amended Effective 3-7-08, Amended Effective 6-1-11 to add g. easements]

- 12.9 Density. Eligible density of Dwelling Units shall be based on the number of Dwelling Units that could feasibly be constructed in a conventional subdivision under the applicable provisions of these Regulations for the Underlying Zoning District, which shall be determined by the Planning Commission in accordance with Section 12.9.4.b below.

[From former Section 36.9.2.a, Amended Effective 3-7-08]

12.9.1 RESERVED

12.9.2 RESERVED

- 12.9.3 Application of Provisions. Irrespective of the number of dwelling or Dwelling Units allowed in any PRCD, each lot containing a PRCD structure providing residential living space shall conform to the requirements set forth in Paragraph 12.11.1. of this Section, including, but not limited to, minimum lot area and minimum lot area per Dwelling Unit. [From former Section 36.9.3, Amended Effective 3-7-08]

- 12.9.4 Alternative Conceptual Site Plans – Preliminary and Formal Submissions. Submission of conceptual and alternative plans is recommended and required as follows:

- a. It is recommended that before submitting a formal application for a PRCD Special Permit the applicant prepare and present to the Planning Commission for informal review at least two (2) alternative conceptual site plans. One plan shall show the proposed PRCD project and at least one shall show how the same land might be developed as a standard subdivision under the Subdivision Regulations without use of a PRCD Special Permit. These conceptual plans should show the lots that can reasonably be created on the tract, the location of proposed roads complying with Town ordinance, regulations and standards, and the proposed location of all open space areas. The purpose of this informal review is to provide guidance to the applicant on the best approach to meet the objectives of the Subdivision Regulations and this Section 12. Preliminary plans have no official status, and an opinion expressed by the Planning Commission that a conceptual plan appears to be feasible in no way implies approval of a formal plan.
- b. As part of the formal application, the applicant shall submit alternative plans as described in Paragraph 12.9.4a. above. The Planning Commission shall have the right to verify whether the building lots shown on the standard subdivision plan can in fact be legally and feasibly used for construction of buildings. For purposes of determining the suitability of the lots so shown for the installation of subsurface sewage disposal systems, the Planning Commission may require the applicant to make soil tests and submit the results of such tests to the Commission. The number of Dwelling Units that may be permitted within the boundaries of a proposed PRCD shall be limited to the number of such units that can reasonably be built on the applicant's tract pursuant to a standard subdivision as shown on the conceptual plan for that type of development after the Planning Commission shall have eliminated any lots it finds to be unsuitable for building purposes.

[From former Section 36.9.4, Amended Effective 3-7-08]

12.10 Design Standards of General Application. In addition to the standards of Sections 13A and 13B of these Regulations, the following standards are of general application to PRCD projects:

- 12.10.1 Implementation of Objectives. Each PRCD shall have a design which conforms to and implements the objectives set forth in Paragraph 12.3 of this Section.
- 12.10.2 Provision for Open Space. The preservation or creation of open space shall be accomplished by a unified design which:
 - a. protects flood plains, inland and tidal wetlands, watercourses, ponds, future public water groundwater sources, steep slopes, and the coastal resources identified in Section 22a-93(7) of the Connecticut General Statutes and preserves, where practicable, unusual rock formations and tree stands;
 - b. preserves sites of historic, archeological or scenic value;
 - c. promotes the open space programs of the Town Plan, the Connecticut River Gateway Commission, the Open Space Plan of 1997, as amended, and plans of private organizations which are acceptable to the Planning Commission; and
 - d. fosters opportunities for formal and informal recreational activities.
- 12.10.3 Site Layout and Architecture. Site layout and architectural design shall take advantage of topography, furnish visual and acoustic privacy between Dwelling Units and provide for landscaping of all areas disturbed by the project. Consistency of scale and architectural design throughout the various structures of the PRCD shall be maintained.

[From former Section 36.10, Amended Effective 3-7-08]

12.11 Specific Design Criteria. The following specific design criteria are applicable to PRCD projects:

- 12.11.1 Lot Size, etc. Unless the entire PRCD is developed pursuant to the Common Interest Ownership Act (Conn. Gen. Stat. 47-200 et seq.) (8/1/97), each PRCD structure providing residential living space (whether separate and detached from any other dwelling structure or composed of attached or semi-detached buildings containing separate Dwelling Units) shall be situated on a separate lot. In approving a PRCD plan, the Planning Commission, if it determines that the total plan complies with the spirit and intent of this Section, may reduce to the extent it deems advisable the requirements under these Regulations pertaining to minimum lot area, minimum dimension of square on the lot, minimum lot area per Dwelling Unit, minimum setbacks, and maximum allowable building coverage percentage, applicable to the Underlying Zoning District or Districts wherein the proposed PRCD buildings are to be located insofar as they relate to such structures, provided, however, that such requirements shall not be reduced below those indicated in the following table for structures providing residential living space located in the Underlying Zoning Districts listed in the left column:

Underlying Zoning District	Min.* Lot Area Sq. Feet	Minimum Dimension Of Square on Lot	Min. Lot Area Per Dwelling Unit Sq. Feet	Minimum Setback From Street Line	Minimum Setback From Side Property Line	Minimum Setback From Rear Property Line	Maximum Bldg. Coverage of Lot
RU-80, RU-40	30,000	100'	30,000	30'	20'	35'	10%
MFR-80, MFR-40	40,000 30,000**	100'	20,000 10,000**	30'	20'	35'	10%

* All new building lots created after June 15, 1990, shall comply with the requirements of Section 8.4 Minimum Area of Buildable Land.

** For Non-profit elderly or Subsidized Elderly Housing only. [re-added Effective 6-1-11]

[From former Section 36.11, Amended Effective 3-7-08, Amended Effective 6-1-11 eliminated references to R-80, R-40, MFRU-80 and MFRU-40 & max. bldg. coverage from 15% to 10%]

If a PRCD is developed pursuant to the Common Interest Ownership Act on a single lot, the PRCD shall comply with the spirit and intent of this section and the requirements set forth in the table below as well as other applicable requirements hereunder.

[Amended effective 8/1/97, 3-7-08, 6-1-11]

Underlying Zoning District	Min.* Lot Area Sq. Feet	Density	Minimum. Setback from Interior Property Line	Minimum Setback From Interior Street Line	Minimum Distance Between Buildings	Maximum Building Coverage of Lot	Minimum Building Area of Cluster
RU-80, RU-40	Section 12.3	Section 12.9	100'	30'	40'	10%	5 acres

12.11.2 [Reserved.]

12.11.3 Other Design Requirements: The following design requirements are also applicable to PRCDs:

- a. No Building within a PRCD Parcel shall be located within 100 feet of the boundary of I) any inland or tidal wetland, ii) any electrical or gas transmission line easement, or iii) the PRCD Parcel on which it is situated, nor shall such a structure be located within 200 feet of any single-family dwelling located outside such PRCD tract.
- b. The minimum distance between detached Dwelling Buildings shall not be less than 40 feet.
- c. PRCD Dwelling Buildings each of which is located within 200 feet of another such Dwelling Building shall be deemed to comprise a cluster of such Buildings. Any such cluster shall contain no more than 10 Dwelling Buildings, and shall be located at least 200 feet from any other such cluster within the

PRCD as measured in a straight line between the exteriors of the Dwelling Buildings in neighboring clusters which are located the closest to each other.

- d. Each group of Building lots containing a cluster of up to 10 Dwelling Buildings, each of which is located within 200 feet of another such structure, shall be surrounded on all sides by a strip of land which measures 100 feet or more in width throughout and does not constitute part of any building Lot, provided, however, that the presence of such a strip shall not be required on any such side marked by a Lot line coinciding with a boundary of the PRCD tract. Any such strip of land may be used for roads, sidewalks, or other types of installations which would be part of the common facilities serving the residents of the PRCD.
- e. The architectural designs of Buildings and other Structures, including the building materials, color and exterior elevations, shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect and enhance property values in the neighborhood, and to preserve and enhance the appearance and beauty of the community.

12.11.4 Design Requirements Specific to Non-Profit or Subsidized Elderly Housing in a PRCD:

- a. Each Dwelling Unit shall be occupied by no more than two (2) persons, at least one of whom is either 62 years of age or older.
- b. Each Dwelling Unit shall contain only one bedroom and not more than 800 square feet of enclosed floor space, including the space used for halls, stairways, foyers, closets and bathrooms, but excluding covered porches and other roof portions, basements, and common areas within the structure. Typical floor plans shall be provided as part of the PRCD submission.
- c. The multiple Dwelling Unit may include accessory community rooms and facilities for the use of the occupants of the multiple dwellings, as well as utility and maintenance buildings and facilities necessary for support of the multiple dwellings on the lot.
- d. Enclosed garages are not required. If no garages are included, one and one-half (1½) paved Off-Street Parking spaces shall be provided for each Dwelling Unit.
- e. The storage space requirements of paragraph 11.28.9 are not required.
- f. The water supply requirement of Paragraph 11.28.11 may be reduced to 160 gallons per day under adequate pressure to each Dwelling Unit.
- g. A deed restriction requiring said Dwelling Unit to be limited to one bedroom and no more than two occupants, as provided in a. and b. above, and used for Subsidized Elderly Housing in perpetuity shall be recorded on the Land Records. Such deed restriction shall be subject to the review and approval of the Planning Commission's legal counsel prior to filing of the Special Permit or the deed restriction.
- h. For Subsidized Elderly Housing in a PRCD, the boundary setback may be reduced to no less than 30 feet with the approval of the Planning Commission when it determines that such reduction would result in a development plan

which better meets the specific needs of future elderly residents while preserving the intent and purpose of the PRCD regulations.

[Preceding From former Section 36.11, Amended Effective 3-7-08]

- 12.12 Authority to Increase Setbacks or Require Screening. For the purpose of ensuring privacy for dwellings adjoining the PRCD tract, the Planning Commission in approving a PRCD plan is hereby authorized to increase setback distances beyond those provided for in these Regulations or to require natural screening, but such increased setback or screening shall no exceed 100 feet in depth. [From former Section 36.12, renumbered but not revised effective 3-7-08].

- 12.13 Zoning and Subdivision Regulations – General Applicability.

12.13.1 Zoning Regulations. All of the other Sections of these Regulations are applicable to a PRCD except insofar as the Planning Commission, pursuant to express authority granted it in this Section 12, may modify, reduce or relax their requirements in approving a proposed PRCD plan. Particular attention is called to the following provisions of these Regulations: Section 11.28, Special Standards – Multiple Dwellings; Paragraph 13B.5, Action on Special Permit Applications, Section 13 – Site Development Plans and Section 8.2., Minimum Floor Area – Dwelling Unit.

12.13.2 Subdivision Regulations. The Subdivision Regulations shall apply to a proposed PRCD to the same extent as to a proposed subdivision except insofar as express authority is granted in this Section to the Planning Commission to approve a proposed PRCD which does not in certain respects conform to the requirements, standards and criteria set forth in the Subdivision Regulations.

12.13.3 Possible Conflicts. If the requirements of this Section 12 are in conflict with other Sections of these Regulations, the requirements of this Section shall prevail. In the event of a conflict between any provision of these Regulations and any provision of the Subdivision Regulations, these Regulations shall take priority as respects a PRCD.

[Preceding From former Section 36.13, renumbered but not revised effective 3-7-08]

- 12.14 Open Space. Land to be kept as open space, including but not limited to land to be used for parks, playgrounds and recreation areas, shall be provided and reserved in each PRCD in conformity with Section 5.10 of the Subdivision Regulations except that i) the quantity of land to be devoted to such purpose shall be as stated below, and ii) at least 25% of the open space land shall be part of the Net Buildable Area within the PRCD tract as determined by the Planning Commission pursuant to the provisions of paragraph 12.8.2. The Planning Commission shall require that a land area be set aside for open space equal to or greater than a) 40% of the entire area covered by a PRCD located in one or more underlying Zoning Districts classified as RU-80 or MFR-80 and b) 30% of the entire area covered by a PRCD located in one or more Underlying Zoning Districts classified as RU40 or MFR-40. The required amount of land area to be devoted to open space for a PRCD located partially in one or more Underlying Zoning Districts listed in the former group and partially in one or more Underlying Zoning Districts listed in the latter group shall be computed separately for the PRCD area located in each of the foregoing two (2) groups of Underlying Zoning Districts and the required amounts of open space land areas so obtained added together to determine the total quantity of land area within the boundaries of the PRCD to be set aside for open space. [From former Section 36.14, revised effective 3-7-08]/

- 12.15 Access, Circulation, Streets and Parking.

12.15.1 Access. The PRCD area shall be served from, and have access to, an accepted, improved Town road or State highway which provides adequate access to other

sections of the Town. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow shall be of prime importance.

- 12.15.2 Circulation. Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds, and provide for adequate circulation within the PRCD and to its facilities and open space. Walkways, courts and paths shall provide pedestrian access to and between residential structures, supporting facilities and community open space and shall be separated from vehicular traffic wherever reasonably possible.
- 12.15.3 Interior Streets. All interior streets and roads within a PRCD tract shall be either public streets planned and designed in accordance with the “Design and Construction Standards of the Town of Old Lyme, Connecticut”, as amended, or private roads complying with the requirements of Sections 5.1.3. through 5.1.7. of the Subdivision Regulations pertaining to streets within a subdivision, provided, however, that a private road providing access to more than 30 Dwelling Units shall be surfaced with bituminous concrete or other suitable hard surface material acceptable to the Planning Commission. The Planning Commission in approving a proposed PRCD may require that there be installed in conjunction with any street or road in the PRCD a foot path running parallel thereto and located from six (6) to 10 feet from the edge of the pavement and that deciduous shade trees be planted at intervals of from 50 to 60 feet wherever feasible in the area between the street or road and the footpath. Any permitted cul-de-sac shall have an open, unpaved planted area in its center.
- 12.15.4 Parking. Off-Street Parking spaces shall be provided at the rate of not less than 1.5 nor more than 3.5 spaces per Dwelling Unit, subject to the limitation that no lot in an Underlying RU-80 or RU-40 Zoning District shall contain more than two (2) such parking spaces per Dwelling Unit which are located outside an enclosed garage. Parking may be provided beneath Dwelling Units, in separate parking garages, or in open parking areas. For permitted supporting facility uses, Off-Street Parking shall be provided at a minimum of one (1) space for each 200 square feet of Public ground floor area and one (1) space for each 400 square feet of Public second floor area. Parking facilities shall be designed as an integral part of the site development design and arranged to avoid undue concentration of parking facilities and shall be screened through ample use of trees, shrubs, hedges or walls. Access to Dwelling Units from parking facilities shall be by walkway or within structures.

[Preceding From former Section 36.15, revised effective 3-7-08]

12.16 Sewage Disposal and Water Supply.

- 12.16.1 Sewage Disposal. Each PRCD Building or parcel providing residential living space shall be served by an on-site sub-surface disposal system. The design, construction and program for the operation of such sewage disposal system shall meet the requirements of the Connecticut Public Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the Town Sanitarian to protect public health and safety. If the applicant proposes to utilize a community sewage system, as defined in Connecticut General Statutes 7-245, the applicant shall submit a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied; and absent such report, no development utilizing community sewerage disposal system shall be approved by the Commission. Said report shall address, among other things: easements of rights of way in favor of

the Town which assure the Authority of the right to access the community sewerage system when and if necessary to perform inspections, maintenance, repairs, or other work necessary to assure the continued operation of the system; authority to compel the performance of any maintenance, repairs, or replacements deemed required by the Authority; creation by the applicant and control by Authority of sufficient cash reserves to assure that any system is capable of normal repair, maintenance, and long-term capital replacement or repair; replenishment of such capital reserves following the expenditures from such fund; authority to enforce repair or maintenance orders, to perform such work by the Authority, if required, and the authority to obtain reimbursement for any costs incurred by the Authority, including, but not limited to, consulting and legal fees; provision for assignment of the obligations imposed by any such agreement and continuity of that obligation upon the assignee(s); maximum annual assessments to be imposed upon unit owners to insure adequate funds for routine maintenance and to provide capital reserves as recommended by the Authority's consulting engineer; authority to adjust and, if necessary, require an increase in any such minimum annual assessment. [From former Section 36.16.1, Revised effective 8/1/97, renumbered only effective 3-7-08.]

- 12.16.2 Water Supply. Each PRCD building providing residential living space shall have a potable water supply on a continuous long-term basis meeting the requirements of the Connecticut Public Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the Town Sanitarian to ensure the public health and safety. Act. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any PRCD development providing water by means of a "water company," as that term is defined in C.G.S. Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or in the alternative, a certified copy of the resolution from the Board of Selectmen waiving such Certificate and agreeing that the Town of Old Lyme shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers. [From former Section 36.16.2, Revised effective 8/1/97, renumbered only effective 3-7-08.]
- 12.17 Lighting. All outdoor illumination facilities shall be designed to prevent light from intruding directly into Dwelling Units, and no exterior lighting facility shall be placed so as to shine directly outside the PRCD area. Street lighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for vehicular and pedestrian safety. All lighting shall be in compliance with "Dark Sky" specifications. [From former Section 36.17, renumbered only effective 3-7-08.]
- 12.18 Signs. Sign designs shall be compatible with the PRCD design concept and shall be approved by the Planning Commission. A sign complying with the restrictions applicable to land development signs set forth in Section 19. of these Regulations may be constructed at the entrance road to a PRCD tract. [From former Section 36.18, renumbered only effective 3-7-08.]
- 12.19 Management of PRCDs.
- 12.19.1 General. Each PRCD shall be established with suitable legal organization and arrangements for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance. The management system shall be established prior to the filing of the Special Permit

on the Land Records; shall be reviewed and approved by the Planning Commission's legal counsel; and shall support the criteria for the issuance of a Special Permit under this Section.

- 12.19.2 Method of Ownership: Dwelling Units may be for sale or rental, in individual, public, cooperative, or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Planning Commission for approval. All open space and supporting facilities of the type described in Section 12.6.3. shall be owned in fee by an association of lot owners incorporated under Connecticut law, with provision in form acceptable to the Planning Commission for maintenance, liability, financing, and rights of access and use by residents of the PRCD, except as certain open spaces may be conveyed to the Town or a nonprofit corporation approved by the Planning Commission or as facilities may be conveyed to the Town. Any open space to be retained by an association of lot owners shall be subject to a conservation easement in favor of the Town of Old Lyme, which easement shall contain provisions granting the Town the right to inspection the open space from time to time, with reasonable notice, to ensure compliance with the terms of the conservation easement. All documentation of ownership association shall be reviewed and approved by the Planning Commission's legal counsel prior to the filing of the Special Permit on the Land Records.

[From former Section 36.19, Revised effective 3-7-08]

- 12.20 Authorization Procedures. Every proposed PRCD plan shall be brought before the Planning Commission for its approval. The Planning Commission shall hold a public hearing before granting or denying the proposed PRCD Special Permit in accordance with these Regulations. Appropriate conditions and safeguards in addition to those provided by these Regulations may be specified by the Planning Commission to promote public health, safety, convenience, welfare and the property values of surrounding areas. The application requirements, standards and procedures shall be in accordance with Section 13B – Special Permits and Planning Commission requirements for approval of a subdivision. [From former Section 36.20, renumbered only effective 3-7-08]

Rev. February 20, 2008

SECTION 13 - SITE DEVELOPMENT PLANS AND SPECIAL PERMITS

13. Site Development Plans and Special Permits

13.A Site Development Plans

13A.1 **General.** Certain Uses of Premises, Buildings and other Structures, and the construction, reconstruction, Expansion, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are permitted under these Regulations subject to the submission of a SITE DEVELOPMENT PLAN and approval of the PLAN by the Zoning Commission under this Section. In any instance involving a Use or Uses requiring a SITE DEVELOPMENT PLAN as set forth in Section 5 of these Regulations, no land or water areas shall be Used, nor Uses Altered or Expanded in space, time, or intensity, nor Buildings or Structures erected, Altered, Enlarged, or Used until the Commission shall grant such SITE DEVELOPMENT PLAN in accordance with this Section 13A, except as provided in Section 13A.4.11.

Current Regulations require such review by the Zoning Commission, but may be modified to allow review by the Planning Commission, the Zoning Board of Appeals, or some other agency. Thus, wherever the “Zoning Commission” or “the Commission” is referenced, it shall be deemed to read, “the Zoning Commission or other agency having approval authority in connection with the SITE DEVELOPMENT PLAN.”

The provisions which follow establish the SITE DEVELOPMENT PLAN submission requirements and the GENERAL STANDARDS and SPECIAL STANDARDS for site development. The provisions which follow also establish the procedures for Zoning Commission administrative approval of SITE DEVELOPMENT PLANS for uses, other than Special Permit uses, for which such a PLAN is required to be submitted and approved. [From former Section 31.1, Amended Effective 4/3/95, 1/1/96, 4/1/99 and 3-7-08]

13A.2 **Submission Requirements.** The SITE DEVELOPMENT PLAN submission shall consist of the following:

13A.2.1 **Application Form and Fee.** The completed SITE DEVELOPMENT PLAN application form as adopted by the Zoning Commission, and the payment of the application fee as provided by Town Ordinance. [Added effective 3-7-08]

13A.2.2 **Statement of Use.** a written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; six (6) copies shall be submitted;

- a. a detailed narrative description as to the nature and extent of the proposed use or occupancy;
- b. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;
- c. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;

- d. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
- e. the equipment or other methods to be established to comply with required performance standards; and
- f. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

[Preceding From former Section 31.2.1, Amended Effective 3-7-08]

13A.2.3 Site Plan. a site plan prepared in accordance with the specifications and showing the information hereinafter required; six (6) copies shall be submitted.

- a. Preparation. The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.
- b. Size and Scale. The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Old Lyme Town Clerk shall be prepared on sheet sizes 36"x24", 24"x18" or 18"x12", and shall be printed on material acceptable for such filing.
- c. Information on Plans. The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with Sections 13A.3 and 13A.4 of these Regulations, unless, in accordance with Paragraph 13A.2.14 a determination is made by the Zoning Commission or other agency responsible for review of the site plan that the particular information is not required or is deferred. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other. [Amended Effective 4/3/95 and 1/1/96]
- d. General Information, as follows:
 - (i) title of development.
 - (ii) name and address of applicant and owner.
 - (iii) north arrow, numerical and graphic scale.
 - (iv) date of plan and revision dates with each revision identified.

- (v) a location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
 - (vi) a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.
- e. Property Information, as follows:
- (i) the boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a “Class A-2” type survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-00b, as amended
 - (ii) the names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.
 - (iii) any line delimiting a portion of the Lot to be used under the Application and any zoning District boundary on the Lot.
 - (iv) location, width and purpose of all existing and proposed Easements and other encumbrance lines.
 - (v) existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site.
 - (vi) location of all Wetlands, Watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.
 - (vii) U.S.D.A. Soil Conservation Service soils type boundaries and codes.
 - (viii) the Zoning Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas (as defined in “Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, New London County, Connecticut”, dated 1986).
- f. Location of Existing and Proposed Buildings and Uses, as follows:
- (i) The Height, bulk, Use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the Building;.

- (ii) Signs.
 - (iii) fences, walls including retaining walls, including details.
 - (iv) Outside storage areas.
 - (v) supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated above ground equipment.
- g. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:
 - (i) The site plan shall include all information necessary to establish conformance with the requirements of Section 18 of these Regulations, Off-Street Parking and Truck Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
 - (ii) The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.
 - (iii) For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it Building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.
 - (iv) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.
 - (v) sidewalks and other pedestrian ways.
 - (vi) fire access lanes.
 - (vii) specifications for parking, loading and circulation improvements.
 - (viii) off-site roadway improvement and traffic management facilities.
- h. Signs and Outdoor Illumination, as follows:
 - (i) location, size, height, character and illumination of project Signs.
 - (ii) location, size and message of traffic management Signs.
 - (iii) location, height, intensity and design of outdoor luminaries, including manufacturer's specifications. [Amended Effective 4/3/95]
- i. Landscaping and Open Spaces, as follows:
 - (i) location of existing trees of 6" caliper or more, excepting densely wooded areas shown under the requirements of Paragraph 13A.2.3e (vi) above.

- (ii) location, arrangement, type and size of planting for all landscaped areas.
 - (iii) trees required for Parking areas and landscape strip along Street Lines.
 - (iv) lines delimiting areas not to be disturbed and the top and toe of graded slopes.
 - (v) materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.
 - (vi) ornamental paved areas, plazas and courts.
 - (vii) a schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
 - (viii) methods of planting.
 - (ix) provision to preserve existing trees, vegetation, wetlands and water courses.
 - (x) methods to protect plantings from vehicles.
 - (xi) special natural features identified for preservation under Paragraph 13A.3.19 and Lot requirement modification therefor.
 - (xii) significant archeological sites identified under Paragraph 13A.3.20.
- j. Existing and proposed drainage, utilities and related facilities and services, as follows:
- (i) electric, telephone and cable television lines (underground and aboveground).
 - (ii) storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts therefor. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
 - (iii) facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
 - (iv) well locations and facilities for water supply.
 - (v) underground storage for fuel or other liquids and fill facilities and connecting lines.
 - (vi) base flood elevation and floor elevation data, as specified in Section 4.4 of these Regulations, based on the datum identified in paragraph 13A.3.3e(v).
- l. Non-Commercial Cutting Plan. For wooded sites, a non-commercial cutting plan in accordance with Section 11.23.4.
- m. Measures for soil erosion and sediment control in accordance with Section 16 of these Regulations.

- n. A signature block for approval by the Zoning Commission or other agency responsible for review of the site plan and date of signing.
 - o. The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on _____, 20 __."
- 13A.2.4 Sanitary Waste Disposal Plan. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. The applicant shall provide a sanitary waste disposal plan which shall include, at a minimum, the following:
- a. Report of Soil Test and Percolation Data. A Report of Soil Test Data signed by the Town Sanitarian or his representative which shall be in conformance with Section 19-13B20J (classification of soil) of the Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Special Permit Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one (1) observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field. Observation test pits for groundwater/ledge shall be conducted during the months of February through May only, and the results of tests conducted during those months may be rejected by the Town Sanitarian if groundwater levels are unseasonably low; and percolation tests may be taken during any month of the year. The Sanitarian may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.
 - b. Soils with Severe Limitations. If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for on-site sewerage treatment, as set forth in the current Soil Interpretation Record of the U.S. Department of Agriculture, Soil Conservation Service, New London County (also known as "SCS Soils-5 Form"), as the same may be amended from time to time, and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. In addition to the requirements of the preceding paragraph, said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer, and shall be accompanied by a written report of the Town Sanitarian or his representative certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with "severe" limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the

original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located in the immediate area of the percolation and deep test pits. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

[Preceding From former Section 32.2.3, Except as otherwise noted, Amended Effective 3-7-08]

13A.2.5 Protection of Surface and Ground Water Supply. Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for SITE DEVELOPMENT PLAN shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- a. A statement describing the nature of the Use of any Buildings or areas of the site and their method of solid and sanitary waste disposal.
- b. The nature of any discharges anticipated.
- c. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
- d. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
- e. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- f. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

[Preceding Added effective 3-7-08]

The SITE DEVELOPMENT PLAN shall also conform to the requirements of Section 17 of these Regulations (Aquifer Protection Regulations). Any Special Permit required under said Section for a proposed use or site development shall be obtained prior to approval of the SITE DEVELOPMENT PLAN. [From former Section 31.3.11, Amended Effective 3-7-08]

13A.2.6 Water Supply; Certificate for Community Wells. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for SITE DEVELOPMENT PLAN involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Old Lyme Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. [Added effective 3-7-08]

- 13A.2.7 Covenants and Restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved. [Added effective 3-7-08]

- 13A.2.8 Architectural Plans. Architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character and the interior uses of the floor area, and special exterior features, such as Building- mounted Signs, drive-in windows, Building or roof lighting, roof drainage/gutters, and features on the interior of the Building designed to be capable of being seen from the exterior all prepared, except for drawings for Signs, by an architect or professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted. [From former Section 31.2.3, Amended Effective 3-7-08]

- 13A.2.9 Soil Erosion and Sediment Control Plan: A Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 16 of these Regulations, which Plan may be combined with the site plan submitted under Paragraph 13A.2.3; six (6) copies shall be submitted. [From former Section 31.2.4, Amended Effective 3-7-08]

- 13A.2.10 Wetlands, Water Courses and Coastal Areas. If any part of the Lot affected by the SITE DEVELOPMENT PLAN is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Old Lyme, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Old Lyme concerning any regulated activity on the lot shall be submitted with the PLAN. Any plans submitted to the Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission. With respect to sites within the Coastal Boundary, the requirements of Section 4.2 (Coastal Boundary) of these Regulations shall be met. [From former Section 31.3.13, Amended Effective 3-7-08]

- 13A.2.11 Traffic Impact Report. for SITE DEVELOPMENT PLANS involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer,

indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; six (6) copies shall be submitted. [From former Section 31.2.5, Amended Effective 3-7-08]

- 13A.2.12 Additional Reports. the following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted;
- a. results of potable water supply analyses and tests required under Section 13A.3.9a;
 - b. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Section 13A.3.9b;
 - c. storm drainage study and runoff computations for design of storm drainage systems; and
 - d. identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for fire fighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.

[Preceding From former Section 31.2.6, Amended Effective 3-7-08]

13A.2.13 Other.

- a. Other Permits. a list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;
- b. Legal Documents. draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.
- c. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.
- d. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 13A.3 of these Regulations.

[Preceding From former Section 31.2.7, Amended Effective 1/1/96]

- 13A.2.14 Review and Modification of Submission. The Zoning Commission or other agency responsible for review of the SITE DEVELOPMENT PLAN submission, upon written request by the applicant, may by resolution a)

determine that the required submission of all or part of the information required under paragraph 13A.2.3 through 13A.2.13, except for Sections 13A.2.5, 13A.2.6, 13A.2.9 and 13A.2.10, is not necessary in order to decide on the application and need not be submitted or b) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations. [From former Section 31.2.8, Amended Effective 1/1/96 and 3-7-08]

13A.3 Criteria for Review of Site Development Plans. The Commission shall consider the following criteria in evaluating a SITE DEVELOPMENT PLAN. [Added effective 3-7-08]

- 13A.3.1 General Standards. The proposed Use, Buildings, Structures and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:
- a. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 1 of these Regulations) and Chapter 124 of the Connecticut General Statutes;
 - b. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;
 - c. to be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Old Lyme;
 - d. to protect nearby residential, historic, and environmentally fragile areas.
 - e. to show that reasonable consideration has been given to the matter of restoring and protecting the ecosystem and habitat of Long Island Sound and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.

[Preceding From former Section 31.3, Amended Effective 3-7-08]

13A.3.2 Complete Application. The application shall contain all information required by this Section 13A, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications. [Added effective 3-7-08]

13A.3.3 Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 9 of these Regulations. Further, the application shall conform to the Old Lyme Subdivision Regulations; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced

by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations. [Added effective 3-7-08]

13A.3.4 Plan of Conservation and Development. The SITE DEVELOPMENT PLAN shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

- a. the provision or improvement of streets in the area of the site which the Use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;
- b. the setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
- c. the preservation of natural land form features, wetlands and water courses;
- d. the provision, location and character of landscaping;
- e. the location, character and intensity of outdoor illumination; and
- f. the extent, character, purpose and location of signs.

[Preceding From former Section 31.3.1, Amended Effective 3-7-08]

13A.3.5 Neighborhood. The Use of Premises, Buildings and other Structures, the location and bulk of Buildings and other Structures and site development shall be of a character as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community. [From former Section 31.3.2, Amended Effective 3-7-08]

13A.3.6 Access and Circulation. Provision shall be made for vehicular access to the Premises and circulation upon the Premises in such a manner as to safeguard against hazards to traffic and pedestrians in the Street and upon the Lot, to avoid traffic congestion on any Street and to provide safe and convenient circulation upon the Lot and on the Street giving access to the Premises. Access and circulation shall also conform to the following:

- a. The Street giving access to the Lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed Use, taking into account access to existing uses along the Street and existing traffic projected to the date the proposed Use will be in effect. Roadway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the Street or other traveled way.
- b. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the Street.

- c. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any Street.
- d. Driveways into the Lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the Street Line and travel way of the Street in such a manner as to conform to the established cross section for the Street as may be specified by the Town or State of Connecticut.
- e. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- f. Where reasonable alternate access is available, the vehicular access to nonresidential use of a Premises shall be arranged to minimize traffic use of local residential Streets and other traveled ways situated in or bordered by residential districts.
- g. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Chief of Police and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a Street.
- h. There shall be no more than one (1) driveway connecting from any Lot to any Street, except that 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) additional driveway connections may be provided, particularly for but not limited to large tracts and Uses of extensive scope, if traffic flow in the Street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the Street Line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.
- i. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.

[Preceding From former Section 31.3.3, Amended Effective 3-7-08]

- 13A.3.7 Existing Streets. Along an existing Street where the Lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the Street. Provision shall be made for turning lanes and traffic controls within the Street as necessary to provide the access specified in Paragraph 13A.3.4. [From former Section 31.3.4, Amended Effective 3-7-08]

- 13A.3.8 Handicapped Persons. The site plan shall make proper provision for Buildings and site development that are accessible to and usable by physically handicapped persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and d) ground level Building entrances. [From former Section 31.3.5]
- 13A.3.9 Parking and Loading. Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 18 of these Regulations. [From former Section 31.3.6, Amended Effective 3-7-08]
- 13A.3.10 Lighting. Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Building-mounted floodlights shall be discouraged. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section. [From former Section 31.3.7, Amended Effective 3-7-08]
- 13A.3.11 Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:
- a. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of health Services, and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Director of Health.
 - b. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Environmental Protection (ConnDEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Director of Health, and by Conn DEP when applicable, prior to approval of the SITE DEVELOPMENT PLAN.
 - c. Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Director of Health. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Director of Health. Waste management shall include control of litter by means of receptacles, fences or other means.

[Preceding From former Section 31.3.8, Amended Effective 3-7-08]

- 13A.3.12 Storm Drainage. Provision shall be made on the Lot for the management of storm water, including collection and disposal thereof, in the following manner:
- a. to assure the usability of off-street Parking and loading spaces;
 - b. to avoid hazards to pedestrians and vehicular traffic on the Lot and in any Street;
 - c. to avoid storm water flow across sidewalks and other pedestrian ways;

- d. to protect Watercourses and Wetlands from pollution, erosion and sedimentation;
- e. to avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels; and
- f. to avoid downstream flooding.

Provision shall also be made for the protection or improvement of existing water courses, channels and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located. Provision shall also be made on the SITE DEVELOPMENT PLAN for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24-hour duration, Type III distribution storm shall be used for runoff calculations.

[From former Section 31.3.9, Amended Effective 3-7-08]

- 13A.3.13 Utilities. Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the SITE DEVELOPMENT PLAN. Lines when necessary to be installed aboveground shall be located, landscaped or screened in a manner to harmonize with the design of the Premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of Buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the Building. [From former Section 31.3.10, Amended Effective 3-7-08]
- 13A.3.14 Emergency Services. Suitable provision shall be made on the lot for access to Lots, Buildings and other Structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection. [From former Section 31.3.12, Amended Effective 3-7-08]
- 13A.3.15 Outside Storage. See Section 11.27, Special Regulations. [From former Section 31.3.14, Amended Effective 3-7-08]
- 13A.3.16 Total Ground Coverage. See Sections 8.2.5, and 8.8 and 8.9, Table of General Bulk Regulations. [From former Section 31.3.15, Amended Effective 3-7-08]
- 13A.3.17 Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 18 (Off-street Parking and Truck Loading). and to the following:
 - a. In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.

- b. All portions of the Lot not covered by Buildings and other Structures, outside storage areas, areas for off-street Parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the Premises.
- c. For setbacks and buffering from residential districts (including Multi-family Residence Districts), see Section 4.6, General Regulations.
- d. Any parking area accommodating 20 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent Lot. Landscaped areas within the interior of the Parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and 10 feet in height when planted. Landscaping required under the following paragraph (e) may, if appropriately located, be counted to satisfy this requirement. Islands within the Parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Zoning Commission or other agency responsible for approval of a SITE DEVELOPMENT PLAN may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this Paragraph for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph. (Revised 4/3/95)
- e. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in C-10 Districts and 30 feet in width in all other Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the SITE DEVELOPMENT PLAN. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
- f. All off-street loading bays or docks visible from any Street or Residence District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.

- g. Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- h. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in Paved Areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Zoning Commission.
- i. Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these Regulations.

[Preceding From former Section 31.3.16, Amended Effective 3-7-08, except where otherwise noted]

13A.3.18 Signs. All Signs shall conform to the standards of Section 19 of these Regulations.

The following are also applicable to Signs:

- a. Signs installed on or at the Lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
- b. The Commission, in connection with approval of a SITE DEVELOPMENT PLAN under its jurisdiction, may 1) approve an overall Sign design program for the Premises establishing, in advance, the area, location and character of Signs and avoiding need to submit in the future each Sign for individual review and approval, and/or 2) approve a Sign program for additional Signs attached to buildings and designed to be read only by Persons who are pedestrians on the Lot, as such Signs may be needed to identify the location of particular stores, offices or other occupancies.

[From former Section 31.3.17, Amended Effective 3-7-08]

13A.3.19 Preservation of Natural Features. The SITE DEVELOPMENT PLAN, including proposals for the location and arrangement of Buildings, Structures, driveways, landscaping, drainage, wetlands protection, Paved Areas and other development, shall be prepared with consideration for preservation of the natural assets of the Lot and to minimize changes in the elevation of existing topography. When the Zoning Commission finds that there exist on the Lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Permit reducing by not more than 25% the minimum Lot shape and/or the Building Setbacks specified in these Regulations,

or modifying the required location of the square on the Lot, provided that the following requirements are met:

- a. The reduction or modification shall be only to the degree necessary to achieve such preservation;
- b. The features to be preserved shall be clearly and accurately shown on the site plan element of the PLAN and their significance described in writing as part of the PLAN submission;
- c. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
- d. The reduced Lot shape and/or Building setback requirements and modified location of square shall be shown on such site plan and reference made to this Section of the Regulations by notation thereon; and
- e. The total Lot Area required by the Zoning Regulations remains the same.

[From former Section 31.3.18, Amended Effective 3-7-08]

- 13A.3.20 Significant Archeological Sites. When a Lot or Premises for which a SITE DEVELOPMENT PLAN is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the SITE DEVELOPMENT PLAN submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource. [From former Section 31.3.19, Amended Effective 3-7-08]
- 13A.3.21 Soil Erosion and Sediment Control. Provision shall be made in the SITE DEVELOPMENT PLAN for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with Section 16 of these Regulations. [From former Section 31.3.20, Amended Effective 3-7-08]
- 13A.3.22 Surface and Groundwater Protection. In reviewing any site plan or use, the Zoning Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the SITE DEVELOPMENT PLAN. [Added effective 3-7-08]
- 13A.3.23 Water Supply. No SITE DEVELOPMENT PLAN depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 13A.2.6 of these Regulations. [Added effective 3-7-08]
- 13A.3.24 Buildings and Structures. The overall architectural character of the Premises and Building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and Building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and Buildings which are visible from the exterior of any Building on the site or from Abutting Lots or Streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:

- a. Buildings and other Structures shall have an exterior design, including finish and color, that conforms to Paragraphs 13A.3.1. and 13A.3.4. The exterior walls of any Buildings that are visible from any Street or any other Lot shall present a finished appearance by means of materials consistent with the design of the Building as a whole.
- b. No mechanical equipment shall be located on the roof of a Building, or on the ground, if visible from any Street or from any Residence District unless such equipment is housed or screened from view in a manner consistent with the architectural design of the Building.

[From former Section 31.3.21 , Amended Effective 3-7-08]

13A.3.25 Special Standards for WF-20 Zones. See the Special Standards for WF-20 Zones in Sections 8, including 8.4 and 8.9, Area, Yard, and Height Requirements.
[From former Section 31.4, Amended Effective 3-7-08]

13A.4 Procedures When Commission Action on Site Development Plan is Required. No Use shall be established, Altered, Expanded, or Extended until approval of a SITE DEVELOPMENT PLAN, except as provided in Section 13A.4.11. When a Use, other than a SPECIAL PERMIT USE, is permitted in a District subject to administrative approval of a SITE DEVELOPMENT PLAN by the Zoning Commission, the following procedures, standards and conditions are applicable
[From former Section 31.5, Amended Effective 4/1/99]:

13A.4.1 Preliminary Consideration. Prior to filing of an application for approval of a SITE DEVELOPMENT PLAN, the future applicant is invited to prepare and present for informal discussion with the Zoning Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than 1" = 40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and water courses, test holes and percolation tests and data therefor, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application. [From former Section 31.5.1, Amended Effective 4/1/99 and 3-7-08]

13A.4.2 Application and Fee. Application for approval of the SITE DEVELOPMENT PLAN shall be submitted in writing to the Zoning Enforcement officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall be accompanied by the following:

- a. an application for approval of the SITE DEVELOPMENT PLAN on forms approved by the Zoning Commission and an application fee as set

by such Commission pursuant to Town Ordinance and Section 20 of these Regulations.

- b. The following persons may apply for a SITE DEVELOPMENT PLAN: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
- c. SITE DEVELOPMENT PLAN submission documents as specified in Section 13A.2.

[From former Section 31.5.2, Amended Effective 4/1/99 and 3-7-08]

- 13A.4.3 Application Review. When received, the Zoning Commission shall review the application and SITE DEVELOPMENT PLAN submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 13A.2.14. Incompleteness of a SITE DEVELOPMENT PLAN submission is cause for disapproval. The Commission shall consider 1) whether a SITE DEVELOPMENT PLAN meets the General and Special Standards set forth in Section 13A.3; and 2) the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound. [From former Section 31.5.3, Amended Effective 4/1/99 and 3-7-08]

13A.4.4 Notices of Consideration.

- 13A.4.4.1 Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any SITE DEVELOPMENT PLAN application in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. Gen. Stats. §8-3i, in any SITE DEVELOPMENT PLAN application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

- 13A.4.5 Public Hearing. The Zoning Commission may hold a public hearing regarding any SITE DEVELOPMENT PLAN submission if, in its judgment, circumstances warrant such hearing. The Zoning Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits. (Conn. Gen. Stats. §8-3c.)

[From former Section 31.5.4, Amended Effective 4/1/99 and 3-7-08]

In the event that public hearing is scheduled, the applicant shall also notify all Abutting landowners of record of the date, time and place of the public hearing of the Commission at which said SITE DEVELOPMENT PLAN is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened. [Added effective 3-7-08]

- 13A.4.6 Action and Notice. The Commission shall review the application for conformance with the criteria of this Section 13A. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 13A. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as tag sales, outdoor events, and the like), the Commission may grant a SITE DEVELOPMENT PLAN which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Zoning Commission to the Zoning Enforcement Officer. [From former Section 31.5.5, Amended Effective 4/1/99 and 3-7-08]

- 13A.4.7 Filing of Site Plan. A copy of the site plan element of an approved SITE DEVELOPMENT PLAN, and as such PLAN may have been required by the Zoning Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the Zoning Commission for endorsement of its approval within sixty-five (65) days of such approval. The following are applicable to endorsement and filing of the site plan:

- a. Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Section 13A.4.9, the Chairman, Vice Chairman, or Secretary of the Zoning Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 13A.4.8, the date of expiration of the period allowed for completion of the work. The applicant

shall then be notified by the Zoning Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.

- b. The applicant shall then file in the office of the Old Lyme Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Zoning Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.
- c. Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Zoning Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No ZONING PERMIT shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.

[From former Section 31.5.7, Amended Effective 4/1/99 and 3-7-08]

13A.4.8 Commencement and Completion of Work. See Section 9.7, Nonconforming Lots, Uses, Buildings, and/or Structures, concerning expiration of Site Plan Approvals. [From former Section 31.5.8, Amended Effective 3-7-08]

13A.4.9 Posting of a Completion Bond. The Zoning Commission as a condition of approving a SITE DEVELOPMENT PLAN may require that the applicant, within 90 days from the date of the endorsement approving the site plan element of such Plan, file with the Treasurer of the Town of Old Lyme a completion bond in an amount approved by the Zoning Commission as security for the satisfactory completion of all of the work shown on such site plan element.

- a. Term and Form of Bond. Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Zoning Commission. The form of the bond shall be satisfactory to legal counsel for the Zoning Commission.
- b. Continuing Effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Zoning Commission. The site plan element filed in the office of the Old Lyme Town Clerk shall so state. Where the Zoning Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the SITE DEVELOPMENT PLAN have been met. [Amended Effective 4/3/96]
- c. Prerequisite to Field Work. No field work implementing an approved SITE DEVELOPMENT PLAN shall commence until the required completion

bond in content and form acceptable to the Zoning Commission shall have been filed with the Town Treasurer.

[From former Section 31.5.9, Amended Effective 4/1/99 and 3-7-08, except as otherwise noted]

13A.4.10 Minor Changes to Site Development Plans. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Development Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Development Plan as approved, and such changes are in conformity to the requirements of these Regulations. [From former Section 31.5.10, Amended Effective 9/1/96 and 3-7-08]

13A.4.11 Major Changes to Site Development Plans. If the Zoning Enforcement Officer determines that changes in the Site Development Plan, or any change of Use within a Building or Structure or on a Lot, may alter the overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Development Plan as approved, said modification shall be made only after approval thereof by the permitting agency. The permitting agency may determine that the modifications are so substantial as to require a new application. [Amended Effective 9/1/96]

13.B Special Permits

13B.1 General. Certain uses of land, Buildings and other Structures, and the construction, reconstruction, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are, as specified in Section 5 of these Regulations, permitted in a District subject to the securing of a Special Permit from the Zoning Commission, Planning Commission or Zoning Board of Appeals as designated on such SCHEDULES. The provisions which follow establish the application and submission requirements, the GENERAL STANDARDS and SPECIAL STANDARDS applicable to Special Permits and the procedures to be followed by such Commission or Board, hereinafter referred to, for simplicity, as “the Commission.” [From former Section 32.1, Amended Effective 1/1/96, 4/1/99 and 3-7-08]

13B.2 Purpose and Requirement; Waiver.

13B.2.1 Purpose. Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this Section. Special Permit uses that may be permitted in a District are unusual uses which under favorable circumstances will be appropriate, harmonious and desirable uses in the District but that possess such special characteristics that each use must be considered as an individual case. [From former Section 32.2, Amended Effective 3-7-08]

13B.2.2 Special Permit Requirement; Waiver. In any instance involving a Use or Uses requiring a Special Permit as set forth in Section 5 of these Regulations, no land or water areas shall be Used, nor Uses Altered or Expanded in space, time, or intensity, nor Buildings or Structures erected, Altered, Enlarged, or Used until the Commission shall grant a Special Permit in accordance with this Section 13B, or amend a previously granted Special Permit.

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit Use is being substituted for another similar Use on

the same Lot which was previously granted a Special Permit by the Commission; (b) The new Use will require no greater parking or loading than the original, as set forth in Section 18 of these Regulations; (c) The new use shall entail no exterior change to the Building or Premises; and (d) The new Use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 13B.4 of these Regulations.

[Added effective 3-7-08]

13B.3 Application Procedure.

13B.3.1 Informal Discussion. Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit. [Added effective 3-7-08]

13B.3.2 Who May Apply. The following Persons may apply for a Special Permit: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

13B.3.3 Application. Application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall also be accompanied by the following:

- a. Application and Fee. an application for approval of a Special Permit on forms approved by the Commission or Board having jurisdiction and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission or Board pursuant to Town Ordinance and Section 20.11. [From former Section 32.3.1, Amended Effective 3-7-08]
- b. Site Development Plan. A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic Impact Report and other reports and lists as specified in Section 13A.2 of these Regulations for Site Development Plans. Six (6) copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan & Zoning

Commission 211 Conn. 331, 334 (1989). The reference herein to Section 13A.2 is for convenience only to avoid the repetition of the information contained there, and shall not be construed as creating a separate application or request for Site Development Plan review. The materials required to be submitted in connection with a Special Permit application are to allow the Commission to evaluate the Special Permit and determine compliance with the standards of this Section 13B. [From former Section 32.3.2, Amended Effective 3-7-08]

- 13B.3.4 Review and Modification of Submission. The Commission, upon written request by the applicant, may by resolution 1) determine that the required submission of all or part of the information required under Section 13A.2. is not necessary in order to decide on the application and need not be submitted or 2) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations. [From former Section 32.3.3, Amended Effective 3-7-08]
- 13B.3.5 Complete Application. A complete application shall consist of the application form and fee, together with the required information set forth in this Section 13B. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following, the submission of such application, whichever shall first occur. [Added effective 3-7-08]
- 13B.3.6 Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in accordance with Conn. Gen. Stats. § 8-3h.
- In accordance with Conn. Gen. Stats. § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.
- 13B.3.7 Notice to Abutting Owners. The applicant shall also notify all Abutting landowners of record, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said Special Permit is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened. [Added effective 3-7-08]
- 13B.3.8 Submission for Review. In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations. Any application reviewed by the Zoning Commission or the Zoning Board of Appeals may be referred to the Planning Commission for review and report. [From former Section 32.9.1, Amended Effective 3-7-08]

- 13B.3.9 Time Limits. The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations. [From former Section 32.9.2, Amended Effective 3-7-08]
- 13B.4 General Standards. The proposed SPECIAL PERMIT Use, Buildings and other Structures and site development shall conform to all of the requirements of these Regulations including the following GENERAL STANDARDS and any SPECIAL STANDARDS that may be contained in Section 11 (Special Regulations) for particular Uses:
- 13B.4.1 Complete Application. The application shall contain all information required by this Section 13B, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications. [Added effective 3-7-08]
- 13B.4.2 Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 9 of these Regulations. Further, the application shall conform to the Old Lyme Subdivision Regulations; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations. [Added effective 3-7-08]
- 13B.4.3 Conformance with Criteria of Section 13A.3. Any application for Special Permit shall, at a minimum, conform to all of the GENERAL STANDARDS for SITE DEVELOPMENT PLANS of Section 13A.3. Those standards and criteria are considered the basic ones for all Uses and Premises in Old Lyme, other than Uses permitted as of right, with the criteria of this Section 13B.4 being over and above those of Section 13A.3. [From former Section 32.4.5, Amended Effective 3-7-08]
- 13B.4.4 Character. The location, type, character and extent of the Use and of any Building or other Structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the

Town and the neighborhood and shall not hinder or discourage the appropriate development and Use of adjacent property or impair the value thereof. [From former Section 32.4.1]

- 13B.4.5. Lot Size. The Lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the Use and provision of Buildings, other Structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property. [From former Section 32.4.2]
- 13B.4.6 Landscaping. The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood. [From former Section 32.4.3]
- 13B.4.7 Access. The traffic to be generated by the Use and the provision to be made for vehicular access to the Lot shall assure safety and convenience on the Street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the Use, Buildings, Structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways. [From former Section 32.4.4, amended effective 3-7-08]
- 13B.4.8 Traffic Access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable. [Added effective 3-7-08].
- 13B.4.9 Water Supply. No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 13A.2.6 of these Regulations. [Added effective 3-7-08]

- 13B.4.10 Public Health and Safety; Environmental Protection. The site and Building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; Flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound; avoidance of glare visible from Streets or adjacent properties. [Reference to Long Island Sound from former Section 32.9.1; balance added effective 3-7-08]
- 13B.4.11 Appropriateness of Use. The proposed Use shall be appropriate for the designated location with regard to: The size and intensity of the proposed Use, and its relation to existing land Uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential Streets; the development will not hinder or discourage the appropriate development and use of adjacent land and Buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of Use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the Use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the Use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site. [Added effective 3-7-08]
- 13B.4.12 Architectural Character, Historic Preservation, Site Design. The overall architectural character of the site and Building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings and Structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and buildings which are visible from the exterior of any Building on the site or from adjoining properties or Streets, or which may impact the character or quality of life on Abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

In multi-building commercial or industrial developments, all Buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

[Added effective 3-7-08]

13B.4.13 Uses In, Adjacent to, or Impacting Residential Areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential District or area of residential uses, the Commission shall find that:

- a. The location and size of such Use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the Use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, Signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
- b. Where any Lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of Section 4.6 (General Regulations) (concerning buffering) shall apply. In addition, the Commission may require additional setbacks or buffers for Uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.
- c. The location and height of Buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the Premises shall be such that the Use will not hinder or discourage the appropriate development and Use of adjacent land and Buildings or impair the value thereof.
- d. No Use shall be permitted which does not meet the requirements of Section 4.5 (General Regulations) (dealing with Performance Standards) of these Regulations.
- e. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
- f. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

[Preceding Added effective 3-7-08]

13B.4.14 Specific Recommendations and Requirements for Sites and Buildings. The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

- a. Mechanicals. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed Building.

- b. Lighting. Lighting shall be limited to that required for basic security and protection of the Premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one-half footcandle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Section 18, Off-Street Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted flood-lights, and ornamental Building lighting are discouraged.
- c. Walkways. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required.
- d. Landscaping and Screening. All Parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

[Preceding Added effective 3-7-08]

- 13B.4.15 Special Standards – Various. The proposed SPECIAL PERMIT use, and the Buildings, Structures and site development proposed in connection therewith, shall also conform to any SPECIAL STANDARDS contained in Section 11, Special Regulations; or any other applicable standards of these Regulations. [From former Section 32.5]
- 13B.4.16 Special Standards - Planned Residential Cluster Development. Planned Residential Cluster Development (PRCD's), and the Buildings, Structures, and site development proposed in connection therewith, shall also conform to the

provisions of Section 12, Planned Residential Cluster Development. [From former Section 32.8, Amended Effective 3-7-08]

13B.4.17 Special Standards – Sewage Pumping Station in Coastal High Hazard Area (see section 4.4.3.f) shall be resilient to flooding, Sea Level Rise (SLR), and increased rainfall intensity association with climate change, and shall comply with design criteria in the latest version of following technical resources, as amended.

- a. Technical Resource 16 (TR-16) by the New England Interstate Water Pollution Control Commission (NEIWPCC), Revised 2016 (as amended). Vulnerable electrical components shall be designed for installation at an elevation of the 1 percent change flood plus a minimum of 36-inches, the recommended design elevation of critical centralized pump station components pursuant to Section 1.2.1.h. Design pumping station in accordance with Chapters 1,3,10,13.
- b. Protecting Building Utility Systems From Flood Damage; Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems FEMA P-348, Edition 2 / February 2017 (as amended). Design pumping station in accordance with Chapter 5.0 - Mitigation Measures for Non-residential Buildings.
- c. Further consideration of accommodation for wave action and coastal erosion should be made as necessary, based on current Connecticut Institute for Resilience and Climate Adaptation (CIRCA) recommendations from studies conducted for Long Island Sound, as applicable.
- d. System shall provide a series of check-valves to ensure no back-ups into homes in case of catastrophic system failures.

[Added effective 5/1/2019]

13B.5 Action on Applications

13.B.5.1 Time Limits. The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations. [From former Sections 32.9.2 and 32.9.3, Amended Effective 3-7-08]

13B.5.2 Action. The Commission shall review the application for conformance with the criteria of this Section 13B. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year

of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 13B. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

[Preceding From former Section 32.9.3, Amended Effective 3-7-08]

- 13B.5.3 Endorsement and Filing. Within sixty-five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission/Board in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 13B.6 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a ZONING PERMIT for the proposed Use. The Commission may establish an effective date for the SPECIAL PERMIT, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk. [From former Section 32.9.4, Amended Effective 3-7-08]

- 13B.6 Bond. If the Zoning Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Old Lyme, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on

any site plan element of the approved Special Permit. The form of the bond shall be satisfactory to the legal counsel to the issuing agency. The approved plans shall be cited in the bond agreement. The Bond may be released only after written certification, that all of the requirements of the Special Permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be. [From former Section 32.9.6., Amended Effective 4/1/99 and 3-7-08]

- 13B.7 Commencement and Completion of Work. See Section 9.7, Expiration of Special Permits and Variances; Zoning Permit. [From former Section 32.9.5, Amended Effective 3-7-08]
- 13.B.8 Conformance to Approved Plans, Specifications, and Representations; Changes; Enforcement. See Section 20, Administration and Enforcement, of these Regulations.

SECTION 14 - ALCOHOLIC LIQUOR

- 14.1 **General.** The Regulations which follow pertain to the use of land, Buildings or other Structures or Premises as a “liquor establishment”. Special definitions applicable under this Section are as follows:
- 14.1.1 **Alcoholic Liquor and Permits.** “Alcoholic Liquor” (alcohol, beer, spirits and wine) and the various types or classes of liquor permits referred to in this Section are as defined in Chapter 545 of the Connecticut General Statutes, as amended, known as the “Liquor Control Act”.
- 14.1.2 **Liquor Establishment.** Any land, Building or other Structure or Premises where the sale of alcoholic liquor is authorized by a permit issued by the Liquor Control Commission of the State of Connecticut.
- 14.2 **Special Permit.** Liquor establishments and a change in type or class of liquor permit applicable to an existing liquor establishment are permitted only after a Special Permit therefore has been secured from the Commission. Requirement to secure such Special Permit is in addition to other requirements of these Regulations such as, but not limited to, submission and approval of a Site Development Plan for the Premises. Application for such Special Permit shall be made and the Commission act on the application as provided in Section 13B. In addition to the standards and criteria of Section 13B, the Commission:
- a. shall determine whether or not particular requirements of this Section applicable in the various districts are met;
 - b. shall give consideration to the effect of the proposed use on present and future residential, commercial or waterfront uses in the vicinity, to objectionable noise, to the manner and schedule of liquor service, to architectural features including signs, to the site plan, including landscaping, to the provision of off-street parking and to traffic safety; and,
 - c. may grant the Special Permit subject to conditions deemed necessary by the Commission to protect the public health, safety and welfare and property values under the purposes of these Regulations; or
 - d. may disapprove the application if found contrary to the purposes of the Regulations. No Special Permit shall be granted authorizing a liquor establishment to operate under a café permit as defined by the State Liquor Control Commission, nor shall any provision of these Regulations be construed to permit such use. [Amended Effective 2/28/97]
 - e. Consumption of alcohol that is Accessory to Full Service Restaurant or a Full Service Restaurant that is Accessory to a Hotel/Motel, Inn, Country Club or Golf Course shall be by a service bar only and not by a bar at which patrons may stand or sit to be served alcoholic beverages. A “service bar” shall be defined as an area for the preparation of alcoholic beverages which are then taken by wait persons employed by the facility and delivered to customers seated at tables or other seating areas.
- 14.3 **Residence and Rural Districts.** Within a Residence or Rural District (R, MFR, and RU Districts), no land, Building or other Structure, or Premises, shall be Used as a liquor establishment except as follows:
- 14.3.1 A dining room in a permitted Inn or a permitted Full Service Restaurant for consumption of alcoholic liquor on the Premises under a restaurant permit, provided that the Use is located on a lot of five (5) acres or more and having not less than 3,000

square feet of lot area for each seating accommodation in the dining room or restaurant and provided further that all Buildings Used for such purpose shall be located not less than 100 feet from any property line and 50 feet from any Street Line; and such Building, if constructed after September 1, 1958 and Used for such purpose, shall not be within a 1,500 foot radius from any other Building Used for such purpose in any District.

14.4 Waterfront Business and Light Industry Districts. Within a Waterfront Business District (WF-20 District) and Light Industry District (LI-80 District), no land, Building or other Structure, or Premises, shall be Used as a liquor establishment.

14.5 Commercial Districts: Within a Commercial District (C-30, C-30S, and C-10 Districts), land, Buildings and other Structures, or Premises, may be Used as a liquor establishment subject to the following requirements:

14.5.1 Spacing from House of Worship or School. No Building, other Structure or Premises shall be Used as a liquor establishment if any entrance to such liquor establishment is located within a 200 foot or less radius from property containing a House of Worship or school building provided, however, that a Building, Structure or Premises is eligible to be used as a liquor establishment within such distance if the House of Worship or school was erected on such property after the lawful commencement of the liquor establishment Use.

14.5.2 Spacing Between Establishments. No Building, other Structure or Premises shall be Used as a liquor establishment as follows:

- a. Within a C-30S Commercial District. For the sale of alcoholic liquor for consumption on the Premises if located within a 750-foot radius of any other premises selling alcoholic liquor for consumption on the Premises, provided that all sales of alcoholic liquor allowed under this Section shall be as an accessory use to the principal use of the serving of meals at a full service restaurant, with alcohol served only to dining patrons.
- b. Within a C-10, C-30 or C-30S Commercial District: For the sale of alcoholic liquor for consumption on the premises if located within a 1500- foot radius of any other Premises used for the sale of alcoholic liquor for consumption on the Premises, except as permitted in 14.5.2a above. [Amended Effective 3/1/01 and 3-7-08].
- c. Within a C-10, C-30 or C-30S Commercial District: For the sale of alcoholic liquor for consumption off the premises if located within a 1500-foot radius of any other premises used for the sale of alcoholic liquor off the premises, which spacing requirements shall not apply to establishments having a grocery store permit for the sale of beer only. [Amended Effective 3/1/01 and 3-7-08].

The 1,500 foot and 750 foot radius requirements are measured in a straight line from any entrance of the liquor establishment to the entrance of any other liquor establishment. [Amended Effective 3/1/01 and 3-7-08].

14.5.3 Increase in Nonconformity. No Building, other Structure or Premises located within less than the 750 foot radius and the 1,500 foot radius specified in paragraph 14.5.2 and used as a liquor establishment under a permit authorizing the sale of beer only shall be changed in use to be a liquor establishment having any other type or class of liquor permit.

- 14.6 Termination of Liquor Establishment. If any Building, other Structure or Premises has ceased to be used as a liquor establishment, such Building, other Structure or Premises shall not again be used as a liquor establishment until a Special Permit therefor has been secured as provided in this Section, unless within 365 days the Building, other Structure or Premises shall again be occupied and actually used for a period of four (4) consecutive weeks as a liquor establishment under a liquor permit of the same type or class issued by said Liquor Control Commission and permitted by these Regulations.

[From former Section 45, Amended Effective 3-7-08, except as otherwise noted]

Rev. February 20, 2008 to add reference to C-30S in Section 14.5.

SECTION 15 - EXCAVATION AND FILLING OF EARTH PRODUCTS

- 15.1 General, Definitions. Except as provided in this Section, there shall be no excavation, removal or deposit of Material, as defined herein, from or on any Site, as defined herein, in any District of the Town. Special definitions applicable under this Section are as follows:
- 15.1.1 Material. earth, topsoil, loam, peat, sand, gravel, clay, stone or other earth or mineral material.
- 15.1.2 Affected Area. the ground or the surface of ground which is to be removed, moved, covered over or otherwise disturbed by the excavation, removal or deposit of “material” from or on any lot or parcel in any District of the Town.
- 15.1.3 Site. the lot or parcel within which the “affected area” lies.
- [From former Section 43.1, Amended Effective 3-7-2008]
- 15.2. Exemptions. The following activities are exempt from the provisions of this Section:
- 15.2.1 excavation, removal or deposit of Material reasonably necessary in connection with the bona fide construction, alteration or repair of a Building, other Structure, a paved area or site development for which a ZONING PERMIT shall have been issued by the Zoning Enforcement Officer.
- 15.2.2 bona fide landscaping operations, provided that no more than 100 cubic yards of material is to be removed from, placed on, or re-graded within the Site.
- 15.2.3 the construction of improvements, and the changing of contours, including, but not limited to, the creation of water bodies, in accordance with subdivision construction plans and grading plans approved by the Old Lyme Planning Commission under the provisions of the Subdivision Regulations, Town of Old Lyme, Connecticut.
- 15.2.4 deposits resulting in the storage on the site of not more than 200 cubic yards of material.
- 15.2.5 normal maintenance and repair of roads and driveways.
- 15.2.6 normal excavation and filling of silage, manure and similar farm materials when Accessory to a Farm.
- 15.2.7 replenishing or adding to the sand on the beaches used for recreational purposes provided, however, that any such operation shall be subject to the Coastal Site Plan Review requirements of Section 42, the Old Lyme Inland Wetlands and Watercourses Regulations, and the issuance of any required State and Federal permits.
- 15.2.8 except for operations and facilities of the following types located in the Conservation Zone, any sanitary landfill operations of the Town approved by the State Department of Environmental Protection or any other facility for the disposal of solid or liquid waste approved by such Department and operated on land owned by or leased to the Town or operated under contract with the Town for the exclusive use of the Town or persons authorized by the Town to use such facility.
- 15.2.9 stockpiling of street maintenance material required by the Town.
- 15.2.10 underground installation of transmission wires and utility lines for which any required State and local permits shall have been issued.

[From former Section 43.2, Amended Effective 3-7-08]

- 15.3 Special Permits: Eligible Locations. The Zoning Commission, by Special Permit, granted pursuant to the provisions of this Section which follow, may permit the excavation, removal or deposit of material from or on any lot or parcel in any District of the Town provided, however, that no such Special Permit shall be issued if the affected area is in any of the categories specified in Paragraph 15.3.1. but the exclusions of paragraph 15.3.1. are not applicable to the grant of a Special Permit for the limited excavation, removal or deposit specified in Paragraph 15.3.2:

15.3.1 Locations Excluded. A Special Permit shall not be granted for excavation, removal or deposit if the affected area is in any of the following categories:

- a. the Affected Area is located in the Conservation Zone, in a Residence (R) or Multi-Family Residence (MFR) District, or within 1,500 feet of a Residence (R) or Multi-Family Residence (MFR) District.
- b. the Affected Area is located at a distance of 1,500 feet or less from the nearest boundary line of:
 - i. a lot situated outside the applicant's property containing a dwelling which is a) either occupied or fit for occupancy, not located in a Light Industry (LI) District; or
 - ii. a parcel of land which has been subdivided within the past five (5) years in accordance with the Subdivision Regulations, Town of Old Lyme, Connecticut, and pursuant to a plan providing for the creation of lots to be used for residential purposes.

Distances to be determined as required above shall be measured in a straight line along the shortest distance between the edge of the Affected Area and the boundary line of the Zoning District, Lot, or Parcel of land involved in the measurement.

15.3.2 Limited Activity in Excluded Locations. A Special Permit, however, may be granted for limited excavation, removal or deposit in locations excluded under Paragraph 15.3.1. when the activity meets the following requirements:

- a. is located outside the Conservation Zone and will not take more than three (3) months to complete and is not one of a series of such projects on the same Lot which will take more than the aforesaid number of months to complete; or
- b. is located outside the Conservation Zone and will not result in the excavation, removal or deposit from or on the Lot of more than 1,000 cubic yards of material; or
- c. is located inside the Conservation Zone and the excavation, removal or deposit is in connection with the landscaping and grading of land for a purpose for which a Building Permit is not required and not more than 300 cubic yards of material will be excavated, removed or deposited.

[From former Section 43.3, Amended Effective 3-7-08]

- 15.4. Application for Special Permit. Application for a Special Permit to excavate, remove or deposit material from or on any lot in any district of the Town shall be made to the Zoning Commission by the owner of the lot on forms provided by or acceptable to the Commission and signed by the owner or owner's authorized agent. The application shall be submitted to the Zoning Enforcement Officer and shall be accompanied by the following:

15.4.1 Statement. A written statement signed by the applicant a) identifying the site by its location on the Town Map and by the name(s) and address(es) of its owner(s), b) stating the names and addresses of abutting owners as shown in the most recent Grand List, c) providing a description of the nature and an estimate of the quantity of the material to be excavated, removed or deposited, d) setting forth the estimated starting and completion dates of the work and the intended hours and days of the week during which operations will be conducted, and e) listing the estimated number and types of trucks and pieces of machinery to be used in such operations.

15.4.2 Maps, Plans and Other Data. Four (4) copies of each of the following prepared by a professional engineer or land surveyor, as required by law and licensed to practice in the State of Connecticut:

- a. a drawing drawn to a scale of 1" = 100' showing i) the boundaries and dimensions of the site and of the Affected Area, ii) means of access to the site such as roads and driveways, iii) buildings and other structures and improvements on the site, and iv) easements and utility lines within the site. The Commission may require that such drawing meet the requirements of a Class A2 transit survey;
- b. a survey drawn to a scale of 1" = 100' showing the existing topography of the site drawn with two-foot contour intervals and disclosing all surface drainage, wetlands, water bodies and other natural features such as rock outcroppings and wooded areas;
- c. a report containing an analysis and showing the location of soil borings taken to the depth of any proposed excavation; the Commission may require additional borings if it deems the number taken to be insufficient or not properly spaced;
- d. a drawing and narrative description of measures to be taken to control erosion and sedimentation and which show i) the drainage and estimated runoff of the area to be served by any existing drainage facilities, and ii) all proposed drainage facilities and protective devices to be constructed for the purpose of preventing the collection and stagnation of water and any harmful effects upon surrounding properties from water, erosion or sedimentation in accordance with the criteria of Section 16 of these Regulations;
- e. a topographical map of the same scale and having the same contour intervals as provided for in subparagraphs a. and b. above, showing as of the time when the operation is completed, the final grades, surface drainage facilities, and landscaping, including planting and vegetation to be provided or retained;
- f. a drawing showing proposed vehicular access to the site for use in the proposed operation and proposed work roadways therein, and the location, size and type of any structures to be erected on the site; and
- g. detailed plans for any proposed blasting or storage of explosives in connection with the proposed operations.
- h. The applicant shall submit a re-use plan which will indicate the final land configuration of the parcel. In order to encourage land aesthetics, final slopes may consist of variations of 3:1 and 4:1 ratios. Said plan, subject to approval of the Commission, shall also include provision for ground cover, including

top soil, reforestation and seeding. Said re-use plan shall indicate: a) Proposed final condition of the land and its usefulness for development in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration; b) Improvements to the land resulting from the excavation operation; and c) Evidence (such as borings) that adequate cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage, septic systems, and other utility installation.

- i. The applicant shall submit the anticipated haul pattern for the operations, which shall be approved or modified and approved by the Commission. If such haul pattern creates traffic safety hazards, and cannot be modified to remove such conditions, the Commission may deny the application.
- j. Evidence of the approval of the Excavation Operation, where required, by the Old Lyme Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by Connecticut General Statutes §8-3c.

15.4.3 Additional Information. The Zoning Commission may request the submission of such additional information as it may deem necessary in order to determine whether the public health, safety and general welfare may be endangered by the proposed operation.

15.4.4 Modification of Submission. The Commission may, by resolution, upon written request by the applicant, determine that the required submission of any part of the information required in Paragraphs 15.4.1. and 15.4.2. is not necessary in order for it to decide on the application and need not be submitted.

[From former Section 43.4, Amended Effective 3-7-08]

15.5 Procedure and Conditions for Approval. The Zoning Commission, after due notice and public hearing as required by law, may grant a Special Permit authorizing the excavation, removal or deposit of material as requested in the application, with such conditions or modifications as the Commission may require per Sections 15.6 and 15.7 below, if the Commission finds that the following standards and conditions will be met:

- 15.5.1 The excavation, removal or deposit of material will not substantially or permanently injure or detract from the appropriate use of adjacent or nearby property or substantially or permanently impair the future usefulness of the affected area after completion of the proposed operations.
- 15.5.2 The excavation, removal or deposit of material will not detract from the public health, safety, convenience or property values.
- 15.5.3 The distances between the area or areas of the proposed excavation, removal or deposit operations and nearby properties containing dwellings are sufficient so that persons living in such dwellings will not be unduly disturbed by noise and dust emanating from such operations.
- 15.5.4 The affected area will be excavated and graded or filled and graded in accordance with the final drawings and plans submitted by the applicant including any modifications made to meet Commission requirements.
- 15.5.5 Slopes resulting from the excavation, removal or deposit to be undertaken will not exceed one (1) foot of rise for three (3) feet of horizontal distance, or such lesser

slope as the Commission may specify as necessary for the public health or safety, soil stability, or for the reasonable use of the property after completion of the excavation, removal or deposit. Slopes will be maintained during operations so as not to exceed one (1) foot of rise for two (2) feet of horizontal distance whenever the site is unattended for more than two (2) weeks.

- 15.5.6 No fixed machinery will be erected or maintained on the site.
- 15.5.7 There will be no excavation or removal within 100 feet of any lot line unless such excavation or removal would result in finished grades at or above the elevation of the adjoining street or lot or the owner of the property abutting such lot line shall have consented to such excavation or removal by instrument recorded in the office of the Old Lyme Town Clerk before the approval of such Special Permit.
- 15.5.8 There will be maintained an undisturbed strip of land at least 100 feet wide between any excavated area and any inland wetlands and watercourse and at least 50 feet wide between any excavated area and any tidal wetlands or waterways.
- 15.5.9 There will be no sharp declivities, slopes, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution. Any surface water flowing from an excavated area will flow through appropriate sediment control devices before leaving the site.
- 15.5.10 At no time shall more than five (5) acres, or ten (10%) percent of the premises, whichever is less, be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site conditions.
- 15.5.11 As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil, of a quality approved by the Zoning Enforcement Officer, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of four (4") inches. The areas shall be mulched and seeded in accordance with current recommendations of the Soil Conservation Service. The cover vegetation shall be stabilized and maintained for a period of twenty-four (24) months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for recreation or agriculture.
- 15.5.12 No on-site processing of material may be permitted unless such use is expressly requested in the application, and approved by the Commission as part of the Special Permit issued hereunder. The plan submitted in support of the Special Permit shall depict the proposed location of such processing. In any event, no rock crushing or other processing of material shall occur within five hundred (500') feet of any property line or of any street. The Commission may increase or decrease such minimum setback depending on the projected lifespan of the Excavation Operation; the character and use of adjacent or nearby properties; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation.
- 15.5.13 The applicant shall make provision for such highway warning signs as are reasonably required by the Commission and authorized by the State Traffic Commission or the Board of Selectmen, as the case may be.

- 15.5.14 After excavation, removal or deposit, the site will be cleared of debris and equipment removed within the time provided in the Special Permit. The site will be left in such condition that natural storm drainage will leave the property at the original natural storm drainage points and so that the area of drainage to any one point is not increased.
- 15.5.15 In the case of excavation or removal, the top layer of soil for a depth of at least four (4) inches will be set aside and retained on the site and will be re-spread over the affected area at the conclusion of the operation and, in the case of deposit, at least four (4) inches of topsoil will be spread over the affected area. No loam shall be sold from any permit premises unless the applicant can conclusively establish that the required four (4") inches of loam would remain to provide the cover specified in the preceding paragraph for all disturbed areas. Deposited soil will have the proper additions of lime and fertilizer as recommended by the New London County Soil and Water Conservation District, Inc. A suitable ground cover will be planted and grown to an erosion resistant condition upon completion of the work in accordance with the approved contour lines. Such work will be completed within the time provided for in the Special Permit.
- 15.5.16 No excavation shall occur within less than four (4') feet of the seasonal high water table. The Commission may require test borings or monitoring wells in order to determine the seasonal high water table both prior to the commencement of excavation and during the period of any SPECIAL EXCEPTION.
- 15.5.17 The affected area or an appropriate portion thereof will be enclosed within a fence of such type, height and location as the Commission may specify, if deemed necessary to meet the purpose of these Regulations.

[From former Section 43.5, Amended Effective 3-7-08]

- 15.6 Alterations of Conditions. The Zoning Commission may adjust any standards or conditions provided in Paragraph 15.5. if in its judgment such adjustment is necessary to maintain the purpose and intent of this Section. [From former Section 43.6, renumbered only Effective 3-7-08]
- 15.7 Additional Conditions. The Commission may establish such reasonable additional standards as it deems necessary to satisfy the purpose of this Section, including but not limited to a) limitations on the days of the week or the hours of the day during which any work, including any blasting, may be performed, b) limitations as to size and type of mobile machinery to be used, c) limitations on the place and manner of disposal of excavated material, d) requirements as to the control of dust, noise and lighting, and e) limitations on the type of fill material permitted for deposit. [From former Section 43.7, renumbered only Effective 3-7-08]
- 15.8 Bond. When a Special Permit is approved under this Section, the applicant shall post a bond or otherwise provide suitable security acceptable to and to be held by the Treasurer of the Town of Old Lyme, in form approved by Town Counsel and in an amount approved by the Commission as sufficient to guaranty compliance with the provisions of the Special Permit. [From former Section 43.8, renumbered only Effective 3-7-08]
- 15.9 Periodic Reports. The Commission may require the holder of the Special Permit issued under this Section to submit periodic reports, prepared by and bearing the seal of a Connecticut licensed land surveyor or professional engineer, showing the status and progress of the excavation, removal or deposit. [From former Section 43.9 renumbered only Effective 3-7-08]

15.10 Duration of Special Permit. Any Special Permit issued under this Section on or after March 7, 1988, shall be valid for a period of two (2) years or for such shorter period as may be requested by the applicant or fixed by the Commission. At the expiration of the period for which a Special Permit has been issued, or at the expiration of any extension of such Special Permit, and after a public hearing, the Commission may extend, or further extend, such Special Permit upon and subject to the terms and conditions of this Section for up to another two (2) year period if the applicant and his property meet the requirements then prevailing for the issuance of a Special Permit under this Section and provided the applicant can show that the operations undertaken on his property relating to the excavation, removal or deposit of material conform to the provisions of the Special Permit last granted the applicant. The Commission shall be empowered to grant such a extension upon and subject to the terms and conditions of this Section notwithstanding the fact that the affected area is located as follows:

- a. in a Rural (RU) District which the Commission has found to have become residential in character, or
- b. at a distance of 1,500 feet or less from the nearest boundary line of a lot containing a dwelling, or
- c. at a distance of 1,500 feet or less from the nearest boundary line of a parcel of land subdivided for residential purposes, if the applicable state of facts described opposite subparagraphs a., b. or c. above shall have come into existence after the Special Permit sought to be extended was first granted.

[From former Section 43.10, renumbered only Effective 3-7-08]

15.11 Expansion of Existing Operations. The expansion or proposed expansion of any operation involving the excavation, removal or deposit of material into any area beyond the boundaries of the lot owned by or leased to the person, firm or other entity conducting such operation at the time of the adoption of this Section shall be subject to all of the provisions of such Section as respects the area of such expansion. Excavation or removal operations which are being conducted at the time of the adoption of this Section shall not be extended within the lot where conducted in a manner which would contravene the restrictions set forth in Paragraph 15.5.7 and 15.5.8 of this Section except as allowed by permits issued prior to such adoption while they remain in force. [From former Section 43.10, Amended Effective 3-7-08]

15.12 Termination of Existing Operations. In the interest of public safety and the protection of the environment, the area affected by any excavation, removal or deposit operation which is being conducted at the time of the adoption of this Section shall at the conclusion of such operation be placed by the owner of such property in a condition as follows:

- a. the area shall be free of debris and equipment;
- b. proper drainage shall have been provided for the area to prevent water stagnation, soil erosion or water pollution from occurring;
- c. no slope within the area shall exceed one (1) foot of rise for two (2) feet of horizontal distance;
- d. the area shall have been, or will be, shielded from public view from nearby streets as a consequence of appropriate landscaping such as the planting of trees or bushes on the periphery of the area;

- e. and whenever soil conditions permit, or if the owner's permit in force at the time of the adoption of this Section so requires, a suitable ground cover shall have been planted within the area and grown to an erosion resistant condition.

Any excavation, removal or deposit operation which has not been actively conducted for a period of one (1) year shall be deemed to have been terminated and the owner of the property within which such operation was conducted shall comply with the provisions of this Paragraph 15.12 and complete the work of so doing within nine (9) months from the end of such one (1) year period. The Zoning Commission may, upon written request, modify any of the requirements of this Paragraph 15.12 if, in its judgment, compliance would place an undue burden upon the property owner. However, the provisions of this Paragraph shall not be deemed to relieve such owner of the duty of complying with the provisions of any Special Permit in force regarding site restoration following termination of any excavation, removal or deposit operation.

[From former Section 43.12, renumbered only Effective 3-7-08]

- 15.13 Permits for Existing Operations. ZONING PERMITS will be required for the continuation of any excavation, removal or deposit operation not exempted by Paragraph 15.2 which is legally in existence at the time of the adoption of this Section and for which a ZONING PERMIT or Special Permit shall not have been issued. Such operations shall not, however, be subject to the restrictions on land use imposed by this Section except that they shall comply with the requirements of Paragraphs 15.11 and 15.12 (including Paragraphs 15.5.7 and 15.5.8 to the extent incorporated in Paragraph 15.11). Such PERMITS will be authorized by the Zoning Commission for periods of up to two (2) years, shall not require a public hearing, and shall be renewable. A presently existing permit or Special Permit issued before March 7, 1988, for an excavation, removal or deposit operation shall be valid until its expiration date, but the holder thereof shall comply with the requirements of Paragraph 15.11 and 15.12 (including Paragraphs 15.5.7 and 15.5.8 to the extent incorporated in Paragraph 15.11.) in addition to any other requirements set forth in such existing permit or Special Permit, provided, however, that if such a permit contains requirements respecting site restoration to be undertaken when such permit and/or the operations conducted thereunder terminate, the permittee, upon complying with such requirements, shall be relieved of the obligation of complying with the site preservation and restoration requirements of Paragraphs 15.11 and 15.12. [From former Section 43.13, Amended Effective 3-7-08]

- 15.14 Extension of Permits Issued Under Repealed Art. III, Sec. F.16, Expanding the Scope of an Earlier Permit. Upon written request of the permittee, the Zoning Commission, after due notice and public hearing, may extend or further extend for up to two (2) years any permit in effect at the time of such request which expanded the scope of a permit issued before March 7, 1988, pursuant to Section F.16 of Article III of the Zoning Regulations in effect immediately prior to the effective date of these Regulations, any such extension to be upon and subject to the same terms and conditions as are set forth in the permit sought to be extended except as respects its termination date and except as the Commission may, in its discretion, desire to otherwise modify or supplement such terms and conditions in order to satisfy the terms of this Section. In determining whether to grant such an extension, the Commission shall be guided by the standards set forth in Paragraphs 15.5.1 through 15.5.3 of this Section. [From former Section 43.14, Renumbered only Effective 3-7-08]

- 15.15 Date of Adoption of this Section. References herein to the time of adoption of this Section 15, or its predecessor Section 43, and similar references shall be deemed to refer to March

7, 1988, when this Section, prior to codification and subsequent amendment, became effective. [From former Section 15.15, Amended Effective 3-7-08]

SECTION 16 - EROSION AND SEDIMENTATION CONTROL

- 16.1 **General.** The purpose of this Section 16 is to establish minimum standards for soil erosion and sediment control for all development within the Town of Old Lyme, and also to require long-term treatment of stormwater to improve the quality of discharges from developed sites.

The goal of an erosion and sedimentation control plan is to prevent erosion during and immediately after construction, and to trap sediment before it is discharged to natural wetlands, streams, Long Island Sound, and other bodies of water. A soil erosion and sediment control plan shall be in effect in connection with any construction of buildings and other structures, site development, subdivision improvements and any other development activity when the disturbed area of such development activity is cumulatively more than one-half (1/2) acre and, otherwise, when erosion or sedimentation from a disturbed area, regardless of size, may, as determined by the Zoning Enforcement Officer, have an effect on a wetland, water course, drainage system, building, structure or street or on property adjoining the lot where the disturbed area is located. The soil erosion and sediment control plan shall be prepared in accordance with the requirements specified in this Section and the Connecticut Guidelines for Soil and Erosion and Sediment Control, as amended, and such plan shall have been certified by the Zoning Enforcement Officer in connection with any activity for which such Officer has sole responsibility under these Regulations and otherwise by the Old Lyme Planning Commission (hereinafter referred to as the "Commission").

The goal of stormwater quality management is to provide long-term treatment of stormwater discharges in order to compensate for the effects of land development and protect the quality of natural bodies of water. Land development increases the percentage of impervious surfaces on a site, and also introduces potential contaminants into the stormwater runoff, depending on the type of development. All development plans requiring an erosion and sedimentation control plan under this Section shall also include measures for stormwater quality management in accordance with the Connecticut Stormwater Quality Manual.

[From former Section 47.1, Amended Effective 4-1-99 and 3-7-2008]

- 16.2 **Special Definitions.** Special definitions applicable under this Section are as follows:

16.2.1 **Certification.** a signed, written approval by the Old Lyme Planning Commission or Zoning Enforcement Officer that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations. [Amended Effective 4-1-99.]

16.2.2 **Connecticut Stormwater Quality Manual.** That document published by the Connecticut Department of Environmental Protection in 2004, as the same may be amended from time to time. [Added effective 3-7-2008]

16.2.3 **County Soil and Water Conservation District.** the New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.

16.2.3 **Development.** any construction or grading activities to improved or unimproved real estate.

16.2.4 **Disturbed Area.** an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

16.2.5 **Erosion.** the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

- 16.2.6 Grading. any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavation or filled condition.
- 16.2.7 Inspection. the periodic review of erosion and sediment control measures shown on the certified plan.
- 16.2.8 Sediment. solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 16.2.9 Soil. any unconsolidated mineral or organic material of any origin.
- 16.2.10 Soil Erosion and Sediment Control Plan. a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative

[Preceding from former Section 47.2, Renumbered only Effective 3-7-2008, except where noted otherwise.]

- 16.3 Basic Requirement. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. All stormwater management systems shall be designed in accordance with the Connecticut Stormwater Quality Manual. [From former Section 47.3, Amended Effective 4-1-99 and 3-7-2008]
- 16.4 Control Plan. The soil erosion and sediment control plan shall contain, but not be limited to, the following:
- 16.4.1 A narrative describing the following:
- a. the development;
 - b. the schedule for grading and construction activities, including:
 - i. start and completion dates;
 - ii. sequence of grading and construction activities;
 - iii. sequence for installation and/or application of soil erosion and sediment control measures; and
 - iv. sequence for final stabilization of the project site.
 - c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

[Preceding from former Section 47.3, Renumbered only Effective 3-7-2008, except where noted otherwise.]

16.4.2 A site plan map at a scale of not less than 1"=100' sufficient to show the following, which plan may be combined with a Plot Plan, SITE DEVELOPMENT PLAN, or other plan otherwise required to be submitted:

- a. the location of the proposed development and adjacent properties;
- b. the existing and proposed topography, including soil types, wetlands, watercourses and water bodies;
- c. the existing structures on the project site, if any;
- d. the proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
- e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- f. the sequence of grading and construction activities;
- g. the sequence for installation and/or application of soil erosion and sediment control measures;
- h. the sequence for final stabilization of the development site.

16.4.3 Documentation, in the form of plans, narrative, or any other combination thereof, that the stormwater management system complies with the Connecticut Stormwater Quality Manual.

[Added Effective 3-7-2008]

16.4.4 Any other information deemed necessary and appropriate by the person, firm or corporation proposing to conduct the activity or requested by the Commission or its designated agent.

[Preceding from former Section 47.4, Amended Effective 3-7-2008.]

16.5 Minimum Acceptable Standards. All of the following standards are applicable:

16.5.1 Plans for soil erosion and sediment control shall be developed in accordance with this Section using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sediment during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

16.5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

16.5.3 The minimum standards for stormwater management systems are those set forth in the Connecticut Stormwater Quality Manual. [Added effective 3-7-2008]

[Preceding from former Section 47.5, Amended Effective 3-7-2008.]

- 16.6 Procedures for Certification. The following are applicable to issuance or denial of certification:
- 16.6.1 The Commission or Zoning Enforcement Officer shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Section or deny certification when the development proposal does not comply with this Section.
 - 16.6.2 Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
 - 16.6.3 Prior to certification, any plan submitted to the Town may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.
 - 16.6.4 The Commission or Zoning Enforcement Officer may forward a copy of the development proposal to the Town of Old Lyme Conservation Commission or other review agency or consultant for review and comment.
- [Preceding from former Section 47.6, Renumbered only Effective 3-7-2008.]
- 16.7 Conditions. The following are conditions applicable for all certified soil erosion and sediment control plans:
- 16.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered in a completion bond or other assurance acceptable to the Commission.
 - 16.7.2 The site development activity shall not be commenced unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
 - 16.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
 - 16.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- [Preceding from former Section 47.7, Renumbered only Effective 3-7-2008.]
- 16.8 Inspection. Inspection shall be made by the Zoning Enforcement Officer or by the Commission or its designated agent during development to determine compliance with the certified plan and ensure that control measures and facilities are properly performed or installed and maintained. The Commission or Zoning Enforcement Officer may require the person, firm or corporation conducting the activity to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. [From former Section 47.8, Renumbered only Effective 3-7-2008.]
- 16.9. Fees. The Commission may establish fees to cover the cost of its certification and inspection and the Zoning Commission may establish fees to cover the cost of certification and inspection by the Zoning Enforcement Officer, such fees to be established in accordance with the provisions of the Town ordinance entitled “Ordinance Establishing Procedure for Fee

Schedules in Processing Land Use Applications.” [From former Section 47.9, Amended only Effective 3-7-2008.]

SECTION 17 - AQUIFER PROTECTION REGULATIONS

Purpose. The purpose of this Section 17 is to protect the public health by preventing contamination of current or potential potable water supplies within the Town of Old Lyme. As ground waters can be easily and, in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal and material storage be conscientiously exercised to (1) protect those surficial aquifers within the Town that currently provide, or have the potential to provide, water in sufficient quantities to support public or community wells; (2) protect the quality of those aquifers, including bedrock aquifers, that currently provide, or have the potential to provide, water for individual private wells; and (3) protect the quality of the surface and subsurface waters that replenish these aquifers or flow into the ponds, streams, rivers, wetlands, and watercourses of the Town and thence to Long Island Sound. [Added effective 3/7/08. Revised Effective 6/1/2018]

17A Aquifer Protection Zones

17A.1 **General.** Two Aquifer Protection Zones have been established as overlay zones to protect the two types of aquifers that exist in Old Lyme. The zoning restrictions applied to each Aquifer Protection Zone were established to address the specific contamination risks for each type of aquifer based on their individual properties. [Revised effective 6/1/2018]

17A.1.1 **SURFICIAL AQUIFER PROTECTION ZONE.** The Surficial Aquifer Protection Zone is established as provided in Section 2.4 to protect deposits of coarse-grained stratified drift that currently provide sufficient flow, or have the potential to provide sufficient flow, to support public or community wells. Due to their high flow, these ground water resources are highly susceptible to non-point contamination by many land uses and activities. It is therefore necessary that specific controls over land use be exercised within these areas and associated recharge areas to protect ground water quality, now and in the future. [Added effective 6/1/2017, Revised effective 6/1/2018.]

17A.1.2 **WATER RESOURCE ZONE.** The Water Resource Zone is established as provided in Section 2.4 to protect potable water supplies in areas of Town that fall outside of the Surficial Aquifer Protection Zone, including the bedrock aquifers that supply water for many individual, private wells in Old Lyme and which are highly susceptible to point contamination. [Revised effective 6/1/2018.]

[Preceding from former Section 34.1, Revised Effective 3-7-08, except as otherwise noted]

17A.2 **Special definitions** applicable within the Aquifer Protection Zones are as follows:

17A.2.1 **Aquifer.** A geological formation capable of yielding usable amounts of water to wells. [Added effective 6/1/2018.]

17A.2.2 **Bedrock Aquifer.** One of two types of aquifers in Old Lyme; it is comprised of fractured crystalline-rock, which is highly susceptible to point sources of contamination. [Added effective 6/1/2018.]

17A.2.2 **Ground water.** Water held underground in the soil or in pores and crevices in rock. [Added effective 6/1/2018.]

17A.2.3 **Hazardous Material.** Any substance which because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the Town of Old Lyme; any substance designated a Hazardous Material by any federal, state or local agency having

jurisdiction shall also be deemed a Hazardous Material for purposes of these Regulations. [Revised 4-3-1995.]

- 17A.2.4 Impervious. Impenetrable by surface water. [Revised effective 3-7-2008]
- 17A.2.5 Induced Infiltration means the process by which water in a stream or lake, or nearby salt water, moves into an aquifer because of a hydraulic gradient from the surface water toward a pumping well or wells. [Added effective 6/1/2018.]
- 17A.2.5 Recharge Area. Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any surface drains into an aquifer and includes any wetland or body of surface water surrounded by or adjacent to any such area. [Added effective 6/1/2018.]
- 17A.2.6 Secondary Recharge Area. The watershed of any recharge area, extending to the boundaries of the topographical divide, which delineates such watershed. [Added effective 6/1/2018.]
- 17A.2.7 Stratified Drift. Predominantly sorted sediment deposited by glacial meltwater consisting of gravel, sand, silt or clay in layers of similar grain size. Course-grained stratified drift at depths of greater than 50 feet have the greatest potential to be a high yield aquifer and a potential public water source. [Added effective 6/1/2018.]
- 17A.2.8 Surficial Aquifer. One of two types of aquifers in Old Lyme; it is comprised of primarily of coarse-grained stratified drift and is highly susceptible to non-point contamination due to its high hydraulic conductivity and proximity of water table to land surface. [Added effective 6/1/2018.]

[Preceding from former Section 34.1, Revised Effective 3-7-08, except as otherwise noted.]

- 17A.3 Permitted and Prohibited Uses. Within the Surficial Aquifer Protection Zone and the Water Resource Zone, land, Building and Structures may be used for one or more of the permitted uses in the underlying Districts, provided, however, that the regulated Uses, facilities and activities listed in **Schedule A-3** in this section are either prohibited (Code N) or are permitted subject to the securing of a Special Permit from the Zoning Commission (Code SP) as provided in Section 13B and this Section 17A. [Revised effective 6/1/2018]

[Preceding from former Section 34.2, Revised Effective 3-7-08, except as otherwise noted.]

- 17A.4 Application for Special Permit. The application for a Special Permit under this Section 17A shall be accompanied by those materials specified in Section 13B.3.3 of these Regulations and by the following:
 - 17A.4.1 Complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion and leakage, and to provide for control of spills;
 - 17A.4.2 Description of all potentially hazardous wastes to be generated on the premises, including provisions for storage and disposal methods as provided in Section 17A.4.1;

- 17A.4.3 Description of above-ground storage of hazardous materials or wastes, evidence of professional supervision of design and installation of such storage facilities or containers;
- 17A.4.4 Description of underground piping of hazardous materials or wastes, the construction details and specifications which will allow failure determination without need for substantial excavation;
- 17A.4.5 Calculation of runoff from impervious surfaces greater than thirty percent (30%) of total lot area, evidence that such runoff will be recharged on site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible; dry wells shall be used only where other methods are infeasible and shall be preceded in the course of flow by oil, grease, and sediment traps to facilitate removal of contaminants;
- 17A.4.6 Description of disposal on site of domestic wastewater, other than from a single-family dwelling, having an estimated sewage discharge greater than fifteen hundred (1,500) gallons per day, evidence of qualified professional supervision of design and installation, including a narrative assessment of nitrate, coliform, and hazardous material impact on groundwater quality; and
- 17A.4.7 Any additional information deemed necessary by the Zoning Commission.

[Preceding from former Section 34.3, Amended effective 6/1/11 to be Zoning Commission, not Planning Commission.

17A.5 Criteria for Special Permit. After due notice and public hearing as required by law, the Special Permit under this Section 17A shall be granted only if the Zoning Commission determines that the purpose and intent of the Aquifer Protection Regulations has been met and that groundwater quality resulting from the proposed use, facility or activity, including on-site wastewater disposal may not or will not fall below State of Connecticut standards for drinking water, as defined by the requirements of Section 22a-426 of the Connecticut General Statutes and Public Health Code Section 19-13-B102. If existing ground water quality is not suitable for drinking water purposes as of the date of the Special Permit application, on-site disposal or operations on-site shall cause no further deterioration. In making its determination, the Zoning Commission shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality that would result if the proposed control measures failed. [From former Section 34.4, Amended Effective 6-1-11 to change to Zoning Commission, Amended effective 6/1/2017, Amended effective 6/1/2018]

17A.6 Non-conformity. The provisions of Section 9 of these Regulations shall apply to uses, facilities and activities which fail to conform to Section 17A.3, or its predecessor Section 34, but which were legally and actually existing on January 4, 1988, the initial effective date of this Section. [From former Section 34.5, Amended Effective 3-7-2008, Revised effective 6/1/2017, Revised effective 6/1/2018]

17B Town-wide Regulations for the Protection of Surface and Ground Water

17B.1 Purpose. No use of land, Building or Structure shall be permitted which could pose a threat to the quality of the Town's surface waters, its ground water, or its aquifers as identified by the U.S Geological Survey and classified G.A. and G.A.A. under Connecticut's water quality standards as stated in Section 22a-426 of the Connecticut General Statutes, as amended. [From former Section 48.1.]

17B.2 Prohibited Hazardous Materials. Manufacture, use, above-ground or underground storage or disposal of hazardous materials in significant quantities is prohibited, except

as allowed in Section 17.B.4, below. For the purpose of this regulation, hazardous materials are defined above in Section 17.A.2 and include those substances identified by the U.S. Environmental Protection Agency in Table 302.4 as listed in 40 C.F.R. Section 302.4 (1981) as amended. The amount of any such substance which shall constitute a “significant quantity” of such substance is set forth in said Table 302.4. [From former Section 48.2, Amended effective 3-7-2008]

17B.3 Prohibited Outdoor Above and Below Ground Storage of Oil and Oil-Based Derivatives. The outdoor above-ground or below-ground storage of oil and oil-based derivatives as defined in 40 C.F.R. Section 112.2 (1981) as amended, is prohibited, except as provided in Section 17.B.4, below. [From former Section 48.3]

17B.4 Installation or Replacement of Heating Oil and Motor Vehicle Fuel Storage Tanks.

17B.4.1 Non-residential underground storage tanks for heating oil and motor vehicle fuels as regulated by Section 22a.-449 of the Connecticut General Statutes and Section 22a.-449(d)1 of the Regulations of the Connecticut Department of Energy and Environmental Protection (DEEP) may be installed or replaced with approved double-wall storage tanks, when the installations are designed and constructed in conformity with said DEEP regulations and when a permit for such work is issued by the Old Lyme Building Official.

17B.4.2 Existing residential and non-residential underground and outdoor above-ground fuel storage tanks, not regulated under 17B.4.1, above, may not be replaced. Below-ground and outdoor above-ground storage tanks must be replaced with storage tanks located in the basement, garage or similar part of a building, provided such structure has a concrete floor. If it is demonstrated to the satisfaction of the Zoning Enforcement Officer that this required placement is not feasible, existing residential and non-residential outside above-ground fuel storage tanks not larger than 330 gallons may be replaced, provided that they are located on a solid concrete slab. The concrete slab must extend one (1) foot beyond all sides of the tank and must be sufficient to bear the weight of the filled tank.

All fill and vent piping shall connect to the top of the fuel oil tank, and valves shall not be installed on return piping. The system shall be designed for the maximum pressure required by the fuel oil burning equipment. All work may only commence after the issuance of a permit by the Old Lyme Building Official.

[Preceding from former Section 48.4., Amended effective 6/1/2018]

17B.5 Failures. Whenever a failure of a fuel oil tank is discovered, such failure shall be reported to the DEEP, the Old Lyme Fire Marshal and the Town Building Official and shall have its contents emptied into an approved container within twenty-four (24) hours. Replacement of a failed fuel oil tank must be completed within thirty (30) days. Replacement shall include the removal and disposition of all contaminated materials and/or soils. [Former Section 48.5]

17B.6 Abnormal Change in Tank Contents. Any abnormal loss, gain or use of stored materials shall require the immediate testing of the installation. [Former Section 48.6, amended effective 3-7-2008, Amended effective 6/1/2017]

[Preceding Section 17B from former Section 48, revised effective April 3, 1995; Amended Effective 3-7-08, Amended effective 6/1/2018]

Section 17A.3, Schedule A-3: Permitted and Prohibited Uses in Aquifer Protection Zones			
	<u>Regulated Use, Facility, Activity</u>	<u>Codes: N = prohibited, SP = Special Permit required</u>	
		<u>Surficial Aquifer Protection Zone</u>	<u>Water Resource Zone</u>
17A.3.1	The manufacture, use, storage, transport or disposal of Hazardous Material as a principal activity.	N	N
17A.3.2	A sanitary landfill, septage lagoon or wastewater treatment facility for municipal or industrial wastes. Wastewater treatment facility includes any municipal or community wastewater sewer system that features any component which relies on discharges of wastewater into the ground. Transportation of wastewater in a properly sealed and constructed piping underground is not a discharge.	N	SP
17A.3.3	Any exposed road salt storage.	N	N
17A.3.4	A truck terminal with more than 10 trucks.	N	SP
17A.3.5	A retail dealer's station for the sale of motor fuels; motor vehicle service facility or repairer's garage having either a limited or a general repairer's license issued by the State of Connecticut; or car wash.	N	SP
17A.3.6	Marine repair shop or facility for storage or sale of marine fuels	SP	SP
17A.3.7	On-site Dry-cleaning shop or other on-site dry-cleaning facilities	N	N
17A.3.8	Photography processing	N	SP
17A.3.9	Underground storage of fuel oil, gasoline, or other Hazardous Material, except as may be permitted under Section 17B of these Regulations. [Revised 4-3-1995]	N	N
17A.3.10	Above-ground storage of Hazardous Material in quantities greater than associated with normal household use, other than fuel storage for building heating purposes.	N	SP
17A.3.11	Any use generating hazardous wastes in quantities greater than associated with normal household use.	SP	SP
17A.3.12	A parking area for more than 200 cars.	SP	SP
17A.3.13	Rendering impervious more than thirty percent (30%) of the total area of any lot, regardless of size.	SP	SP
17A.3.14	Any use resulting in less than thirty percent (30%) of the total area of any lot being retained in its natural vegetative state except for minor removal of existing trees and vegetation.	SP	SP
17A.3.15	Any use, other than for a single-family dwelling, generating an estimated sewage discharge greater than fifteen hundred (1,500) gallons per day.	SP	SP

SECTION 18 - OFF-STREET PARKING AND LOADING

18.1 **General.** All Off-Street Parking and loading spaces shall conform to the standards hereinafter specified. For any permitted use hereafter established, Parking Spaces and loading spaces shall be provided off the street for each use of land, buildings and other structures in accordance with the standards hereinafter specified. The following general requirements are also applicable:

18.1.1 **Duration.** Off-Street Parking and loading spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. Required spaces and access thereto shall not be encumbered by storage or display of materials or vehicles.

18.1.2 **Change in Use.** If any existing use of land, building or other structures is changed to a use requiring additional Off-Street Parking and/or loading spaces to comply with this Section, the additional Parking Spaces shall be provided for the new use in accordance with the standards hereinafter specified.

18.1.3 **Nonconformity.** Any use already existing shall continue to conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this Section shall not be changed to a use which would need additional Off-Street Parking and loading spaces to comply with the standards herein unless Off-Street Parking and loading spaces are provided for such new use as required by this Section.

[From former Section 41.1, Renumbered Only Effective 3-7-08]

18.2 **Standards for Spaces.** For the purpose of this Section, a Parking Space and a loading space shall consist of the following:

18.2.1 **Parking Spaces.** a space of such shape as to contain a rectangle having the following minimum dimensions and having vertical clearance, access and slope as to accommodate one (1) automobile as follows:

- a. 9.0' by 18.0' to accommodate an automobile 18' in length.
- b. 8.0' by 15.0' to accommodate an automobile 15' in length, when authorized under Paragraph 41.8.2.
- c. 15.0' by 18.0' to accommodate an automobile 18.0' in length and reserved for use by physically handicapped persons, which width may be reduced to 12.0' when the space is at the end of a row of spaces or is one of two or more such reserved spaces side by side in a row.
- d. 8.0' by 22.0' to accommodate an automobile parked parallel with and along an access or circulation driveway.

18.2.2 **Loading Spaces.** A space of such shape as to contain a rectangle not less than 12 feet in width and 40 feet in length and having a vertical clearance of not less than 15 feet and such access and slope as to accommodate a truck having an overall length of 40 feet, provided, however, that the space shall have greater dimensions for the type of trucks serving the premises as determined in connection with a SITE DEVELOPMENT PLAN submission.

[From former Section 41.2, Renumbered Only Effective 3-7-08]

- 18.3 Design and Construction Standards. All Off-Street Parking and loading spaces shall be designed and constructed in accordance with the following standards:
- 18.3.1 Turning. Each Parking Space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 18 feet without need to use any part of a public street right-of-way and so that each vehicle crossing the street line is traveling in a forward direction, except that this provision shall not apply to spaces provided in connection with a detached dwelling for one (1) or two (2) families when the sole driveway access to such spaces does not connect to a State Highway. No loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way to enter, back into and/or exit from such space.
- 18.3.2 Improvement, Surfaces, etc. All Off-Street Parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street right-of-way. Except for driveways or Parking Spaces serving one (1) or two (2) families, or unless waived per Section 18.8.4, all Off-Street Parking lots shall be surfaced with a Dustless Surface. Except for necessary driveway entrances, and except for Parking Spaces provided in connection with a detached dwelling for one (1) or two (2) families, all Off-Street Parking and loading spaces located within 20 feet of any street or property line shall be separated from such line by a curb, a fence or wall or an embankment. Parking Spaces adjacent to sidewalks shall be provided with a curb or similar device so that cars will not overhang the sidewalk.
- 18.3.3 Layout. All Off-Street Parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each required Parking Space. Provision shall be made for safe and convenient use of Parking Spaces and for circulation within parking areas as follows:
- a. by provision of suitable circulation driveways giving access to parking aisles and provision of suitable access aisles serving Parking Spaces;
 - b. by provision for safe pedestrian circulation within parking areas;
 - c. by providing for channelized traffic flow within parking areas; and
 - d. by suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each Parking Space.
- All off-street loading spaces shall be provided with a suitable angle of approach and sufficient width and length to accommodate the types of trucks expected to use the space. No loading space shall be arranged in such a manner as, when the space is in use, to block use of required Parking Spaces or block traffic along circulation driveways and access aisles.
- 18.3.4 Drainage. For uses of land other than single-family dwellings, all parking areas shall provide for proper drainage, efficient maintenance, and snow removal. In accordance with the applicable provisions of Section 4.13 (General Regulations, Stormwater Runoff Control) of these Regulations, stormwater drainage systems shall produce no increase in peak runoff by means of man-made detention ponds or existing natural areas on the site. All stormwater drainage systems shall provide for the trapping and removal of road sand and other water-borne debris. All drainage systems shall be designed to prevent the flow of stormwater onto Town or State roads.

[Added effective 3-7-08.]

- 18.3.5 Illumination. In accordance with Section 13A.3.10 (Site Development Plan, Lighting) of these Regulations, for uses of land other than single-family dwellings, all parking areas shall be illuminated to an average level of one-half footcandle per square foot. Lighting standards in parking areas shall not exceed sixteen (16') feet in height or the height of the tallest roofline of any building on the site, whichever is less. No lighting shall create glare, nor the unshielded light source be visible from any property line of the site. The same standards shall apply to maneuvering lanes and access drives. Pedestrian ways shall be illuminated by light bollards or other low-level standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.

[Added effective 3-7-08.]

- 18.3.6 Landscaping and Screening. Landscaping shall be provided in accordance with Section 13A.3.17 and/or 13B.4.14(d) (Special Permit/Exception, Landscaping and Screening) of these Regulations. Specifically, all parking and loading areas shall utilize landscaped islands to define and separate parking rows, maneuvering lanes, and access driveways to prevent random vehicular movement and the appearance of large areas of uninterrupted pavement. Capacity of any parking area shall not exceed seventy-five (75) spaces, and where more parking is required, two (2) or more parking areas shall be provided, separated by a minimum of fifteen (15') feet of landscaped area. Loading areas shall be screened by fences, walls, or landscaped screens. Non-residential parking and loading areas shall be screened from adjacent residential uses in accordance with the provisions of Section 4.6 (General Regulations, Buffer Requirements for Non-Residential Uses) of these Regulations; provided, however, that required screening along streets may be modified where required to provide safe sight lines.

[Added effective 3-7-08]

- 18.3.7 Location – Loading. No off-street loading space or access aisles in connection therewith shall be located in the area required for setback from a Street Line, property line or Residence or Rural District boundary line.

[From former Section 41.3.4, Renumbered Only Effective 3-7-08]

- 18.3.8 Location – Parking. No Parking Space or access aisle in connection therewith shall extend within less than the following distances of a street line, property line or Residence or Rural District boundary line:

	<u>Street Line</u>	<u>Property Line</u>	<u>Residence/Rural Boundary</u>
WF-20	30'	10'	40'
C-30	30'	12'	25'
C-30S	30'	12'	25'
C-10	20'	12'	25'
LI-80	50'	20'	40'

In Residence and Rural Districts, Parking Spaces and access aisles in connection therewith, except spaces and aisles provided in connection with a detached dwelling

for one (1) or two (2) families, shall have the same setback from a Street Line and property line as specified for buildings and other structures in the District. In any District, an access aisle that is a driveway to a street or to another lot and has no Parking Spaces adjacent to it may cross the area required for setback.

[From former Section 41.3.5, Renumbered Only Effective 3-7-08; added C-30S district effective 4-1-09]

- 18.4 Number of Parking Spaces. It is the purpose and intent of this Section to assure that Off-Street Parking Spaces are provided to accommodate the automobiles of all persons normally using or visiting a use, building or other structure at any one time. Off-Street Parking Spaces shall be provided in numbers as follows and on the same lot with the use, unless a greater number is determined necessary in connection with a SITE DEVELOPMENT PLAN submission:

	Use Classification	Standards
18.4.1	Detached dwelling for one or two families	2 spaces for each family
18.4.2	Multiple dwellings	Per Section 11.28.12
18.4.3	Professional, business office or customary home occupation in a dwelling unit	2 spaces in addition to those required by Paragraph 18.4.1. above
18.4.4	Retail stores, business and professional offices, banks and other financial institutions, medical and dental clinics, and veterinary hospitals	1 space for each 200 square feet of gross floor area
18.4.5	Office buildings not serving the public on the premises	3.25 spaces for each 1,000 square feet of gross floor area
18.4.6	Restaurants and other food and beverage service establishments	1 space for each 3 seats plus 1 space for each 2 employees
18.4.7	Theaters and assembly halls having fixed seats	1 space for each 4 seats
18.4.8	Places of public assembly or public recreation (apart from Paragraph 18.4.7.) including libraries, museums and art galleries	1 space for each 4 legal occupants under the State Fire Safety Code
18.4.9.	Marinas rental boat or mooring	.5 space for each boat slip

	Use Classification	Standards
18.4.10	Manufacturing establishments, warehouses and wholesale businesses	1 space for each 1.5 employees or 1 space for each 500 square feet of floor area, whichever is greater
18.4.11	Hotels, motels and rooms to let in a dwelling	1 space for each room plus 1 space for each employee
18.4.12	Mortuary/Funeral Home	1 space for every 25 square feet of floor area devoted to assembly rooms. [Rev. 1-1-96]
18.4.13	<u>Other Uses:</u> sufficient Parking Spaces shall be provided in connection with any use not listed in paragraph 18.4.1 through 18.4.12 to preserve the purpose and intent of this Section.	

[From former Section 41.4, Renumbered Only Effective 3-7-08]

- 18.5 Loading Space Standards. Each building, other than a dwelling or a farm building, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

[From former Section 41.5, Renumbered Only Effective 3-7-08]

- 18.6 Classification of Uses. Whenever two or more use classifications listed above shall be applicable to a use of land, buildings or other structures, the standard requiring the larger number of Parking Spaces shall apply. Where separate parts of a Building or Structure are used for different use classifications, the number of required spaces shall be the sum of the number of spaces required for each type of use.

[From former Section 41.6, Renumbered Only Effective 3-7-08]

- 18.7 Joint Use. Joint parking areas and loading spaces may be established by the owners of adjacent lots in order to provide the total number of Off-Street Parking and loading spaces required for the uses for each lot, when such owners demonstrate, in connection with a SITE DEVELOPMENT PLAN submission, that mutual access to such spaces is assured for the duration of the use for which the spaces are required.

[From former Section 41.7, Renumbered Only Effective 3-7-08]

- 18.8 Modification of Standards. The Zoning Commission or other agency responsible for review of a SITE DEVELOPMENT PLAN submission may in connection with review and action on such submission and after due notice and public hearing required by law, grant a Special Permit authorizing modification of Off-Street Parking and/or loading standards as follows:

- 18.8.1 Number. The Zoning Commission or other agency may, by Special Permit, authorize Off-Street Parking and/or loading spaces less in number than specified in paragraph 18.4 and 18.5 if the Zoning Commission or other agency determines that the following standards and conditions are met:

- a. the number of spaces provided on the SITE DEVELOPMENT PLAN are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the APPLICATION for a ZONING PERMIT;

- b. there is sufficient and suitable area on the lot to provide the full number of spaces specified in paragraph 18.4. and 18.5.; and
- c. the Special Permit shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the APPLICATION and such Special Permit and any CERTIFICATE OF ZONING COMPLIANCE issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

18.8.2 Small Automobiles. The Zoning Commission may authorize a reasonable number of Off-Street Parking Spaces required in connection with a use specified in Sections 18.4.5. and 18.4.10. to conform to the dimension specified in Sections 18.2.1b. when the following standards and conditions are met:

- a. the use shall consist of a single proprietorship and the number of Off-Street Parking Spaces required is 100 or more; and
- b. there is sufficient and suitable area on the lot to provide the full number of Off-Street Parking Spaces to conform to the dimensions specified in Paragraph 18.2.1a.

18.8.3 Shared Parking. The Zoning Commission or other agency may authorize a particular number of Parking Spaces on a lot to be counted for compliance with the required number of spaces for more than one (1) use on the lot or on another lot when the Commission or agency determines that a) such spaces will be occupied by cars of persons using or visiting two (2) or more such uses on the same trip to the Parking Space, and/or b) such spaces will serve uses having substantially different hours or days of operation.

[From former Section 41.8, Amended Effective 3-7-08]

18.8.4 Alternative Surfaces. The Commission, as part of a Special Permit (but not the Board), may waive the requirement for a Dustless Surface, curbing and painted lines, and permit alternative surfacing with washed gravel, stone dust, or similar materials, provided that:

- a. The Town Engineer shall approve the design and alternative surfacing of the parking area.
- b. Wheel stops shall be provided by anchored timbers, stone, or similar methods.
- c. The applicant shall be responsible for regular maintenance of the surface such that it remains free of puddles, icing, potholes, erosion, dust, and similar defects, and is usable by the public during all weather conditions. Failure to comply with this provision shall constitute a violation of these Regulations, and subject the owner or occupant of the property to the penalties provided by law.
- d. The Commission finds that the character of the neighborhood, the projected intensity of use, the overall size of the parking area, and the nature of the proposed alternative surface make such a waiver appropriate.

[Added effective 3-7-08.]

Rev. February 20, 2008 to correct cross reference in Sec. 18.3.6.

SECTION 19 - SIGNS

- 19.1 **General.** All Signs in all Districts in the Town of Old Lyme shall conform to the following standards and, except as may be otherwise provided for in this Section 19, no sign shall be established, constructed, reconstructed, Enlarged, Extended, moved or Altered unless and until an application for a Zoning Permit has been approved by the Zoning Enforcement Officer. The following Signs and no others shall be permitted and all permitted Signs shall conform to the provisions hereinafter specified. These provisions are deemed to be minimum requirements, and subject to any additional conditions or limitations that may be imposed by the Zoning Commission in connection with the approval of a Site Development Plan or a Special Permit. [From former Section 42.1, amended effective 7-3-95 and effective 3-7-08.]
- 19.2 **Purpose.** It is the purpose of this Section 19:
- 19.2.1 To insure against the placement of Signs which are of such size, height or character, are so located or illuminated, or are so numerous as to be inconsistent with the public health, general welfare or safety of the community; and
 - 19.2.2 To prevent the placement of Signs for commercial purposes which are detrimental to property values and the orderly development of land in the Town; and
 - 19.2.3 To protect, preserve, and enhance the historic character of the Town of Old Lyme as a traditional New England community.
- [From former Section 42.2, amended effective 7-3-95 and effective 3-7-08.]
- 19.3 **Definitions.** See the definition of terms in Section 3, Definitions, of these Regulations. [From former Section 42.3, amended effective 7-3-95 and effective 3-7-08.]
- 19.4 **Standards – All Zoning Districts.** The following standards apply to Signs in all zoning Districts:
- 19.4.1 **Signs on Buildings or Lots.** Any Identification Sign affixed to a Building, including Wall Signs or Overhanging Signs, shall only identify the enterprise located on the interior side of the wall upon which the Identification Sign is located. Free-Standing Signs shall only identify the enterprise(s) located on the Lot on which such Sign is located. [From former Section 42.4.1 and 42.4.2, amended effective 7-3-95 and effective 3-7-08.]
 - 19.4.2 **Location of Signs.** The following rules govern the placement of Signs:
 - a. Roof Signs are prohibited, and no Sign shall be located on the slope of a mansard facade nor extend above the top of the wall of a Building or the top of the face of any overhang or marquee to which it is affixed.
 - b. All Wall Signs shall be affixed to and be mounted parallel with either a wall of the Building or the face of an overhang or marquee projecting from the Building and shall not project more than twenty-four (24) inches from the wall of the building. Wall Signs may project into the area required for Yards, however, no part of the Sign or any of its supporting structure shall be closer than five (5) feet from any Street or Property Line except for temporary signs permitted under Paragraph 19.4.8.
 - c. All Overhanging Signs shall hang at a ninety (90) or forty-five (45) degree angle from the front or side of the Building.
 - d. No Sign shall project over or hang over any sidewalk, driveway, walkway, roadway, parking area, or access way, except that Overhanging Signs may

project not more than twenty-four (24) inches into such sidewalk, driveway, walkway, roadway, parking area, or access way, provided that such projection does not occur within eight (8) feet vertical clearance of the ground.

- f. No Free-Standing Sign shall be located within or hang over the right-of-way of any Street.

[Preceding from former Section 42.4.2, amended effective 7-3-95 and 3-7-08.]

19.4.3 Height of Free-Standing Signs. Neither the top of any Free-Standing Sign nor the top of any structure supporting such a Sign shall be higher than 10 feet above the Grade measured vertically. Grade shall be measured from the existing natural Grade prior to site grading. [From former Section 42.4.2, amended effective 7-3-95]

19.4.4 Measurement of Sign Area. Any Sign may be double-faced and, when a double-faced Sign is a Free-Standing Sign, only one (1) Sign Face shall be counted in determining conformity to Sign Area. [From former Section 42.4.2, amended effective 7-3-95 and 3-7-08]

19.4.5 Motion and Illumination. The following rules govern motion and illumination of Signs:

- a. Illuminated Signs shall be limited to:
 - i. Indirectly Illuminated Signs; and
 - ii. Directly Illuminated Signs shall be limited to (1) illuminated letters against an opaque background; or “channel letters” in which the light source is concealed within the rear of an opaque letter, which letter is illuminated it by silhouette against a non-illuminating background surface. Exposed lamp signs, luminous tube signs, and plastic or glass covered internally illuminated signs and letters are prohibited.
- b. Light emanating from or used for illumination shall not be intense or glaring.
- c. The light source for Indirectly Illuminated Signs shall be shielded or directed so as not to be visible to persons traveling on nearby Streets and so as to minimize sky glow and avoid trespass lighting on adjacent properties.
- d. Colored lights shall not be used for Indirectly Illuminated Signs.
- e. Illuminated Signs used in connection with a business establishment shall not be lit during the hours between 10:00 p.m. and 6:00 a.m. unless the establishment is legally open for business.
- f. Flashing Signs, strobe lights, Moving Signs (including, but not limited to, banners, posters, pennants, ribbons, streamers, spinners, strings of lights and similar devices), Roof Signs, and Sky Signs, are prohibited except to the extent expressly permitted by this Section.
- g. Continuous strip lighting of Buildings and other Structures Lots is prohibited, except as seasonal decoration in November and December.

[Preceding from former Section 42.4.5, amended effective 7-3-95 and 3-7-08.]

19.4.6 Obstructions. No Sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health and safety. [From former Section 42.4.6, amended effective 7-3-95.]

19.4.7 Portable Signs. Portable Signs shall be prohibited in all Districts except as specifically permitted by this Section 19 in Commercial Districts.

- a. Said Sign shall not exceed 3 feet in width and 5 feet in height. The Sign Area of said Sign shall not exceed 12 square feet. Said Sign may be double-faced and, for the purpose of area computation, only one Sign Face shall be counted in determining conformity with the area requirements of this paragraph.
- b. Only one Portable Sign shall be allowed per Lot, except that if the Lot has more than 400 feet of Street frontage in the District, then one additional Portable Sign shall be permitted.
- c. Said Sign shall describe or display only current factual information concerning present activities (including retail sales or services) on the subject Lot.
- d. Said Sign shall not be attached to the ground and shall not extend into the Street Line or sidewalk on said Lot. It also shall not impede sight lines or ingress and egress to said Lot.

[Preceding from former Section 42.4.7, amended effective 7-3-95 and 3-7-08.]

19.4.8 Temporary Signs. Temporary Signs shall be permitted in the zoning Districts specified below subject to the requirements and restrictions on Signs set forth in this Section 19.4.8:

- a. No zoning permit shall be required for the following Signs:
 - i. In Commercial, Industrial and Business Districts only, Temporary Signs may be attached to the inside of a window or placed so as to be seen primarily through a window subject to the restriction that the combined area of such Signs shall not exceed 40% of the area of the window to which they are attached or through which they may be seen; provided, however, that in determining the permissible size of such Signs there shall not be taken into account any signs determined to be exempt under this Section 19. Such Signs shall not remain in place for more than 30 days without being changed.
 - ii. In all zoning Districts, there may be posted on premises which are for sale or rent, one (1) Temporary Sign so stating which is not illuminated and does not exceed six (6) square feet in area.
 - iii. In all zoning Districts, there may be posted on property that is undergoing land development one (1) Temporary Sign so indicating which is not illuminated and does not exceed 12 square feet in area.
 - iv. In all zoning Districts, there may be posted on property where construction, repair or remodeling is in progress one (1) Temporary Sign which is not illuminated and does not exceed 12 square feet in area identifying any one or more of the architects, designers, engineers, construction managers, building contractors or major subcontractors engaged in the project.
 - v. In all zoning Districts, banners, pennants and flags giving notice of events sponsored by governmental units, schools or non-profit organizations may be displayed on the property where the event is to

take place during a period beginning 30 days before the start of such an event and ending 72 hours after the close of the event.

- vi. In all zoning Districts, no more than eight (8) directional signs, each no larger than six (6) square feet, announcing and/or directing the public to events sponsored by governmental units, schools, or non-profit organizations may be posted on or off the property where the event takes place. Such signs shall not be erected more than 10 days before such an event begins and shall be removed within 48 hours after the end of the event.
- vii. In all zoning Districts, no more than four (4) real estate open-house signs, each no larger than six (6) square feet, may be posted on or off the property on which the open house is held no earlier than the day of the open house. Such signs must be removed within four (4) hours after the close of the open house.
- b. The following signs shall require permits:
 - i. In all zoning Districts, there may be posted on property that is undergoing land development one (1) temporary sign so indicating which is not illuminated and which does not exceed 32 square feet in area.
 - ii. In all zoning districts, there may be placed on property where construction, repair or remodeling is in progress one (1) temporary sign which is not illuminated and which does not exceed 32 square feet in area identifying any one or more of the architects, designers, engineers, construction managers, building contractors or major subcontractors engaged in the project.
 - iii. Notwithstanding the provisions of this Section, and upon written application to the Zoning Enforcement Officer, authorization for the establishment of temporary signs for periods not exceeding ten (10) consecutive days, and totaling not more than thirty (30) days in any calendar year, for the purpose of announcing special events not sponsored by governmental units, schools, or non-profit organizations may be given where: (1) the sign face does not exceed 12 square feet in area; (2) No more than one (1) such sign shall be allowed; (3) the sign shall not be illuminated or move; (4) the sign shall be no more than eight (8') feet in height; and (5) the sign shall not obstruct any driveway or street sight line(s) . Any temporary signs exceeding these limits shall require the approval of the Zoning Commission. In a Residential District, any such sign shall pertain only to a use permitted in such District. Approval of signs for special events by the Zoning Enforcement Officer does not absolve the applicant from obtaining other permits as may be required by State and Local agencies.
- c. Unless otherwise specified in Section 19.4.8, all Temporary signs shall be erected no earlier than 30 days prior to the even to which the sign relates and must be removed no later than 72 hours after the completion of the even to which the sign relates.

[Preceding from former Section 42.4.8, amended effective 7-3-95 and 3-7-08.]

19.4.9 Exempt Signs. The following types of signs shall be exempt from regulation under this Section 19:

- a. Any sign required or authorized under State or Federal law or by the Town of Old Lyme including, but not limited to, traffic and directional signs.
- b. Any flag, pennant or insignia which is the symbol of any governmental unit or non-profit organization or which is displayed for a strictly noncommercial purpose.
- c. Posters or announcements of a governmental unit, school or non-profit organization displayed as a community service.
- d. House numbers and mailbox identifications.
- e. Bulletin boards.
- f. On any premises, one historical plaque not exceeding two (2) square feet in area.
- g. On any premises, one or more of the following, provided each such notice shall not exceed one (1) square foot in area:
 - i. a single notice announcing business hours;
 - ii. a single notice indicating acceptable credit cards;
 - iii. a single notice describing security protection;
 - iv. a single notice respecting membership in trade associations.

[Preceding from former Section 42.4.9, amended effective 7-3-95; and renumbered only effective 3-7-08.]

19.4.10 Miscellaneous. The following miscellaneous provisions shall apply. Awning Signs: Notwithstanding any other provision of this Regulation, awning signs shall be permitted in Commercial and Business Districts provided, however, that the area of said sign shall be computed as part of the total sign area for the subject building and lot.

- a. Time and temperature signs (without advertising) and with or without illumination shall be permitted in all Commercial Districts, provided that the size (sign face, height, and location) shall conform to all other applicable provisions of these Regulations and provided, however, that the area of said sign shall be computed as part of the total sign area for the subject building and lot.
- b. There shall be allowed one sign near each exit ramp of expressways and each major highway at Town Lines serving as a common directory for non-profit organizations located in Old Lyme. Sign area permitted shall not exceed 6 square feet per organization nor shall it exceed 40 square feet total area.

[Preceding from former Section 42.4.10, amended effective 7-3-95 and 3-7-08.]

19.4.11 Prohibited Signs. The following types of signs are prohibited in all zoning districts:

- a. Any sign so designed and so oriented as to be primarily visible from Interstate No. 95.
- b. Any sign attached to any tree, fence or utility pole and any sign painted directly upon the roof of any building.
- c. Any vehicle or trailer exhibiting any sign and parked in such a location and manner as to indicate that such vehicle is being used for the basic purpose of advertising products sold or directing people to a business or activity located on or near the place where such vehicle is parked.
- d. Any sign painted on the roof of a building.
- e. Portable Signs, such as “A-frame” signs and “Sandwich” signs, except as may be specifically permitted by this Section 19 as “temporary signs” in Section 19.4.8.
- f. Advertising Signs, also known as “Billboards.” See Section 6.1.27 of these Regulations.
- g. Flashing Signs.
- h. Moving Signs.
- i. Roof Signs.
- j. Sky Signs.

[Preceding from former Section 42.4.11 and Section 10.1, amended effective 7-3-95 and 3-7-08.]

19.4.12 Removal of Signs. Any sign advertising, identifying or calling attention to the use of property shall be removed therefrom within 30 days after the discontinuance of such use unless such discontinuance is temporary, in which case such use shall either be resumed no later than six (6) months after such discontinuance or such sign shall be removed within such six (6) month period.

[From former Section 42.4.12, amended effective 7-3-95; and renumbered only effective 3-7-08.]

19.5 Standards – Residence or Rural Districts. In addition to the sign prohibitions and restrictions set forth in the preceding paragraphs, the following standards shall apply to signs in Residence and Rural Districts.

19.5.1 Permitted Signs and Their Sizes. Signs in Residence and Rural Districts are limited to the signs listed below in this Section 19.5.1. A sign of a type listed in items a. through b. below may be installed without a sign permit.

- a. On each premises, one (1) sign, not exceeding two (2) square feet in area, identifying the occupant of the premises including any professional or business office or customary home occupation conducted in a dwelling unit.
- b. On private premises, signs intended primarily as warning or traffic signs with no advertising thereon and not exceeding two (2) square feet in area.
- c. At each entrance to a residential development containing one or more multiple dwellings, a planned residential cluster of dwelling units, or a residential subdivision, one (1) sign, not exceeding 12 square feet in area, giving the name of the development.

- d. On property containing one or more multiple dwellings or a farm, church, school or other non-residential facility or use permitted in the zoning district, one (1) sign, not exceeding 12 square feet in area, identifying the facility or use.
- e. Temporary signs to the extent permitted under Paragraph 19.4.8. of this Section 19.

[From former Section 42.5, Renumbered only Effective 3-7-08]

- 19.5.2 Signs in the Sound View Village District. Recognizing that the Sound View Village District consists of a mix of residential and commercial uses, the following shall apply: Any Use other than a Single Family Dwelling shall be governed by the Sign requirements of Section 19.6.2 below; and Single Family Dwellings shall be governed by the Sign requirements of Section 19.5.1 above; provided however, that the size, number, height and other requirements of Section 19.5.1 shall be deemed to be maximums, and all signs shall be subject to the design requirements of Section 5.13 of these Regulations.

[Preceding Section added effective 4-1-09.]

- 19.6 Standards – Commercial, Industrial Business and Sound View Village Districts. In addition to the preceding paragraphs of this Section, the following additional standards shall apply to signs in Commercial, Industrial and Business Districts:

19.6.1 Permitted Signs and Their Sizes:

- a. Wall Signs attached to one (1) wall of a building, excluding Overhanging Signs, may have a total area up to, but not exceeding, twenty percent (20%) of the surface area of such wall or 60 square feet, whichever is smaller. Signs attached to any second wall of any such building shall not exceed five percent (5%) of the area of such second wall or 15 square feet, whichever is smaller. No portion of a wall affected by this Section in excess of twelve (12) feet in height above ground level shall be included in the computation of the maximum sign area for such wall. On lots which have road frontage on more than one (1) street, and where a building on said lot has exterior walls facing more than one (1) street, the five percent (5%) area requirement recited above may be increased to not more than ten percent (10%), or 60 square feet, whichever is smaller, for the side of the building facing such additional street.
- b. The total area of Overhanging Signs shall not exceed 10% of the area of the wall upon which they are mounted, or 60 square feet, whichever is the smaller area. No single Overhanging sign shall exceed 10 square feet in area.
- c. On any lot there may be only one (1) Free-Standing sign; provided, however, that for lots having multiple occupancies one (1) additional Free-Standing Directory Sign may be maintained at a principal access way to such lot identifying the occupants with lettering of uniform size. On a single lot, duplicate directory signs may be maintained at other access points only if such access point is at least 300 feet distance from the nearest other access point having a Directory Sign.
- d. No free-standing Sign, including a Directory Sign, shall have an area greater than 32 square feet, nor a height greater than 10 feet.

- e. Any insignia, logo, icon, trademark, or picture shall be included within the calculation of Sign Area.

[Preceding from former Section 42.6, amended effective 7-3-95, 8-1-97, and 3-7-08.]

- 19.7 Applications for Sign Permits. In accordance with Section 13A and 13B of these Regulations, any application for Site Development Plan or Special Permit shall include all information concerning Signs. Any amendment to the Signs approved by the Zoning Commission (or, under prior Regulations, the Planning Commission) in connection with the Site Development Plan or Special Permit shall require an application for an amendment to such approval to the Zoning Commission. Such amendments to a Special Permit shall require a public hearing in accordance with Section 13B of these Regulations. Only for sites that have not been approved by the Zoning Commission (or the Planning Commission under prior Regulations) as a Site Development Plan or Special Permit, applications for sign permits shall be made to the Zoning Enforcement Officer on forms provided by or acceptable to the Zoning Commission and shall contain or be accompanied by the following information and drawings:

- 19.7.1 Name and address of the owner of the property or premises where the Sign is to be installed and of the applicant if someone else.
- 19.7.2 Drawing to scale of the proposed Sign showing its Sign Area, height, details of construction and location on the lot or building where it is to be placed.
- 19.7.3 Drawing showing the location and size of existing Signs presently on the same Lot or Premises.
- 19.7.4 Details concerning the method of illumination of the Sign, if any; designation of any moving parts, flashing lights, changeable text, or physical features; such other information as the Zoning Enforcement Officer may require in order to determine compliance with these Regulations.

[Preceding from former Section 42.7, amended effective 7-3-95 and 3-7-08.]

- 19.8 Applications for Temporary Sign Permits. Applications for Temporary Sign permits, in addition to providing the information and drawings required by the immediately preceding paragraph 19.7, shall include the following data:
 - 19.8.1. The dates of the start and end of the period during which the Sign or Signs are to be displayed.
 - 19.8.2. The name and address of the person responsible for posting and removing the Sign or Signs.

[Preceding from former Section 42.8, amended effective 7-3-95 and renumbered only effective 3-7-08.]

- 19.9 Signs Within the Historic District. Signs located within the Old Lyme Historic District No. 1, in addition to being subject to these Zoning Regulations, are, as respects their style, material, number, size and location, under the control of the Old Lyme Historical District Commission as provided for in Section 7-47d. of the General Statutes of the State of Connecticut. All such signs must comply with the Commission's policy respecting Signs and are subject to its criteria for the issuance of a Certificate of Appropriateness with respect thereto. [From former Section 42.9, amended effective 7-3-95 and renumbered only effective 3-7-08.]
- 19.10 Special Permits and Site Development Plans. Provisions respecting signs which may be imposed in connection with a Special Permit or approval of a Site Development Plan are in addition to the provisions of this Section 13. [From former Section 42.9, amended effective 7-3-95 and renumbered only effective 3-7-08.]

[Preceding from former Section 42, revised effective 7-3-95, 8-1-97, and 3-7-08, except as otherwise noted.]

Rev. February 20, 2008 to measure sign height from existing grade.

SECTION 20 - ADMINISTRATION AND ENFORCEMENT

20.0 Intent

It is the intent of this Section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Old Lyme. [Added effective 3-7-08]

20.1 Zoning Enforcement Officer

The provisions of these Regulations shall be enforced by the Zoning Enforcement Officer who shall be appointed by and shall be the agent of the Zoning Commission. The Zoning Commission may appoint deputies to assist and act for the Zoning Enforcement Officer and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this Section, it shall be presumed to include all those individuals so designated by the Commission. No Zoning Permit, Certificate of Zoning Compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or such deputy zoning enforcement officer. [From former Section 51.1, Amended Effective 3-7-08]

20.2 Enforcement and Penalties

20.2.1 Penalties. Any Person who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut, in addition to any remedies or penalties provided in these Regulations. [From former Section 53.1, Amended Effective 3-7-08]

20.2.2 Remedies. The Zoning Enforcement Officer shall be empowered to cause any Building, Structure, or Premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued under these Regulations. The owner or agent of a Building, Structure, or Premises where such violation has been committed or exists, or the lessee or tenant of an entire Building or an entire Premises where such violation has been committed or exists, or the agent, architect, builder, contractor or any other Person who commits, takes part, or assists in such violation, or who maintains any Building or Premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. The Zoning Enforcement Officer, the Zoning Commission or other proper authority of the Town of Old Lyme, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, correct or abate any violation of these Regulations, and to collect those civil penalties and costs authorized by the Connecticut General Statutes. [From former Section 53.2, Amended Effective 3-7-08]

20.2.3 Revocation of Zoning Permits, Special Permits, Site Plan Approvals, and Variances. See Sections 20.3.6.9 and 20.7 hereinbelow. [Added effective 3-7-08].

20.2.4 Rules, Policy and Procedure. The Zoning Commission may from time to time by resolution adopt administrative rules, policies, procedures and forms for the enforcement of these Regulations. [From former Section 51.9, Amended Effective 3-7-08]

20.3 Zoning Permit and Certificate of Zoning Compliance

20.3.1 Zoning Permit. No Premises, Building or other Structure, or part thereof, shall be Used, or changed in Use, and no Building or other Structure, or part thereof, shall be constructed, reconstructed, extended, moved or altered until an application for Zoning Permit therefor has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefore has been issued by such Officer. No site development that is subject to these Regulations shall be constructed, reconstructed, established, Extended, moved or Altered, nor shall any such site development be commenced, until an Application for Zoning Permit therefor has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefor has been issued in accordance with the provisions of this Section. As used in this paragraph, the phrase “site development” shall include, but not be limited to, activities such as land clearing, grading or excavation, except that land clearing may be performed in the immediate area of the proposed Building or Structure, and any well to serve such Building or Structure. Where provided by these Regulations, a Zoning Permit may be temporary and limited to a specified period of time. [From former Section 3.1, Amended Effective 3-7-08]

20.3.2 Certificate of Zoning Compliance. No Premises, Building or other Structure, or part thereof, shall be Used or occupied, or changed in Use, until a Certificate of Zoning Compliance therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. All Certificates of Zoning Compliance shall be issued in accordance with the provisions of this Section. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

[From former Section 3.2, Amended Effective 3-7-08]

20.3.3 Change in Occupant. No Zoning Permit or Certificate of Zoning Compliance is required.

20.3.4 Application for Zoning Permit. Application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer per Section 20.3.1. The Application shall be accompanied by fees as specified in Section 20.11 and by a Plot Plan as follows [From former Section 51.2, Amended Effective 3-7-08]:

20.3.4.1 Plot Plan. The Plot Plan shall show the following information to the extent occurring on or applicable to the particular lot and shall be prepared by and bear the name and seal of a land surveyor, professional engineer, architect and/or landscape architect licensed to practice in the State of Connecticut:

- a. the following information based on survey meeting or exceeding a “Class A-2” type survey specified in the “Code of Recommended Practice for Standards of Accuracy of Surveys and Maps”, State Board of Registration for Professional Engineers and Land Surveyors:

- (i) all Lot lines, the dimensions, radii and angles or bearings for such lines, and the area of the Lot;
- (ii) the location of monuments, which shall be set at all Lot corners, and iron pins or pipes, which shall be set at all angle points on lot lines;
- (iii) the location and elevation of a bench mark for elevation control on the Lot;
- (iv) existing contours at an interval of two (2) feet, unless the Zoning Enforcement Officer determines that such contours are not needed on all or part of the Lot to determine compliance with these Regulations;
- (v) the High Tide Line (HTL), the Mean High Water Line, referenced to the National Geodetic Vertical Datum (NGVD); and the location of all Tidal Wetlands, delineated in accordance with Conn. Gen. Stats. §22a-29(2); and the location of all Inland Wetlands and Water Courses. Such information shall be depicted both on and within 100 feet of the Lot, or contain a certification that no such Tidal or Inland Wetlands or Water Courses exist; and
- (vi) the location of existing and proposed Buildings and Structures, and with at least two (2) survey dimensioned tie lines from monuments, pins, lot lines or other identified points to each such Building or Structure;
- (vii) the Height, dimensions, Use, Total Floor Area and Total Coverage of all Buildings and other Structures, whether existing or proposed;
- (viii) the location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
- (ix) the location of any existing or proposed on-site sewage disposal systems and water supply wells;
- (x) the location, area and dimensions of any Signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations;
- (xi) a statement as to the Flood Insurance Rate Map (FIRM) Map Panel and Flood Zone in the Flood Plain District, the flood plain boundary and elevation data as specified in Paragraph 4.4.5;
- (xii) provision for soil erosion and sediment control in accordance with Section 16;

- (xiii) the signatures, seals, and certifications (as the case may be) of the land surveyor, professional engineer, soils scientist, architect, or other licensed professional involved in the preparation of the plan;
 - (xiv) such additional information as may be necessary to determine compliance with the provisions of these Regulations.
- b. The Zoning Enforcement Officer may waive, in whole or in part, the requirement for monuments and corners pins set forth in paragraph ii above where such field identification of boundaries is not necessary to identify such boundaries, such as along highway rights of way or other public land; where stone walls or other permanent physical features correctly identify a boundary; or where lots are under unified ownership and control. [Added Effective 3-7-08]

[Preceding From former Section 51.2.1, Amended Effective 3-7-08]

20.3.4.2 Modified Plot Plan. For Applications involving only minor improvements or interior alterations, the Zoning Enforcement Officer may determine that a Plot Plan drawn to scale but not certified as provided in Section 20.3.4.1. is sufficient to meet the requirements for the Application. [From former Section 51.2.2, Amended Effective 3-7-08]

20.3.5 Additional Application Requirements. The Application for a Zoning Permit shall also be accompanied by the following when required by these Regulations [From former Section 51.3.1, Amended Effective 3-7-08]:

20.3.5.1 Approval of Special Permit. When a Use, Building, Structure or site development is permitted in a District subject to the securing of a Special Permit from the Zoning Commission, Planning Commission or Zoning Board of Appeals, as the case may be, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The site plan required for a Special Permit by Section 13 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan. [From former Section 51.3.1 Amended Effective 3-7-08]

20.3.5.2 Site Development Plan Submission. When submission of a Site Development Plan is required under these Regulations, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The Site Plan required for a Site Development Plan by Section 13 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan. [From former Section 51.3.2, Amended Effective 3-7-08]

20.3.5.3 Coastal Site Plan Submission. When a Use, Building, Structure or site development is proposed within the Coastal Boundary

established under the provisions of Chapter 444 of the Connecticut General Statutes, a Coastal Site Plan submission shall be made for review and action in accordance with Section 4.2 unless exempted thereunder. Evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The Site Plan required for a Coastal Site Plan by Section 4.2 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan [From former Section 51.3.3, Amended Effective 3-7-08]

- 20.3.5.4 Application for Flood Hazard Area Permit. When development, including new construction, substantial improvement and the placement of prefabricated buildings is to be made within a Special Hazard Area, application for a Flood Hazard Area permit shall be made in accordance with Section 4.4. [From former Section 51.3.4, Amended Effective 3-7-08]

[Former Section 51.4 Deleted Effective 3-7-08]

- 20.3.6 Approval and Issuance. The Zoning Enforcement Officer shall issue a Zoning Permit to authorize the construction, reconstruction, Extension, Expansion, moving or Alteration of a Building, other Structure or site development and shall issue a Certificate of Zoning Compliance for the Use or occupancy of land, Buildings, other Structures, or site development when such Officer determines that all of the requirements of these Regulations have been met. No Zoning Permit or Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists. No Zoning Permit and no Certificate shall be considered issued unless signed by the Zoning Enforcement Officer. One (1) copy of the approved Plot Plan shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the issuance of Zoning Permits and Certificates [From former Section 51.5, Amended Effective 3-7-08]:

- 20.3.6.1 Staking of Improvements/Certified Plot Plan. No Zoning Permit shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has caused stakes or markers to be placed on the lot indicating the proposed location of footings, foundations and other construction and the location of lot lines. Such stakes or markers shall be set by a Connecticut Licensed Land Surveyor in accordance with the plot plan, and marking at least four (4) corners of the Building foundation and also the same corner stakes appropriately offset to avoid disturbance during construction. The Zoning Enforcement Officer may require additional stakes where required to determine compliance with these Regulations. As a condition to the issuance of a Zoning Permit authorizing buildings and structures upon the footing and foundations, the Zoning Enforcement Officer may require a certified copy of the Plot Plan for the lot showing the actual location of such footings and foundations with at least two (2)

survey dimensioned tie lines from monuments, pins, lot lines, or other identified points. The staking, markers, survey and Certified Plot Plan shall conform to standards for accuracy specified in Section 20.3.4.1. [From former Section 51.5.1, Amended Effective 3-7-08]

- 20.3.6.2 Sanitation. Where a proposed use of proposed Building or other Structure or Use involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system:
- a. No Zoning Permit shall be issued until plans for such system have been approved by the Health Officer.
 - b. No Certificate of Zoning Compliance shall be issued until such septic system has been completed, inspected and approved for use by the Health Official, and certification thereof has been provided to the Zoning Enforcement Officer; and
 - c. Prior to the issuance of any Zoning Permit, the applicant shall install any private well to serve such Building or Structure, and have the same approved by the Health Official, and certification thereof has been provided to the Zoning Enforcement Officer.

[Preceding From former Section 51.5.2, Amended Effective 3-7-08]

- 20.3.6.3 Soil Erosion and Sediment Control. When a Soil Erosion and Sediment Control Plan is required by these Regulations, in connection with a proposed Use, Building, other Structure or site development, no Zoning Permit therefor shall be issued until the Control Plan has been certified in accordance with Section 16 and no Certificate of Zoning Compliance therefor shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Control Plan. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Permit or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. [From former Section 51.5.3, Amended Effective 3-7-08]

- 20.3.6.4 Conditions. Any maps, plans, documents, statements and stipulations submitted to and approved by the Zoning Commission, Planning Commission or Zoning Board of Appeals in connection with any action of such Commission or Board under these Regulations, and any conditions of approval attached by the Commission or Board, shall be conditions for issuance of a Zoning Permit and a Certificate of Zoning Compliance by the Zoning Enforcement Officer. [From former Section 52.5.4]

20.3.6.5 Conditional Certificate. Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Conditional Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved Zoning Permit. If any off-street parking and loading, driveways, drainage, sewage disposal, sidewalks, landscaping or similar site improvements, in connection with a use for which a Site Development Plan has been approved, or a Special Permit granted, are incomplete, the Zoning Enforcement Officer may issue such Conditional Certificate of Zoning Compliance only after the applicant has filed a completion bond, as provided in Paragraph 13.11 or otherwise as the Zoning Enforcement Officer deems sufficient to guarantee completion of the approved site improvements and in form acceptable to the Town Counsel. [From former Section 51.5.5, Amended Effective 37-08]

20.3.6.6 As-Built Site Plans.

- a. Requirement by the Zoning Enforcement Officer. As a condition to the issuance of a Certificate of Zoning Compliance for a Use, Building, other Structure or site development that has not been subject to submission and approval of a Special Permit, or Site Development Plan under Section 13, the Zoning Enforcement Officer may require the owner to submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice in the State of Connecticut showing the location of improvements as built in accordance with a survey of "Class A-2" accuracy as specified in Section 20.3.4.1 and, if so required, the owner shall file a copy of such as-built site plan in the Office of the Zoning Enforcement Officer. If such as-built plan depicts substantial departures from the plan approved in accordance with Section 13, the Zoning Enforcement Officer may, in addition to other remedies, require that an as-built plan be filed with the Town Clerk. [From former Section 51.5.6, Amended Effective 3-7-08]
- b. By the Zoning Commission, Planning Commission, or Zoning Board of Appeals. For any Use, Building, other Structure or site development that has been subject to submission and approval of a Special Permit, or Site Development Plan under Section 13 or Planned Residential Cluster Developments under Section 12, the owner shall submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice in the State of Connecticut showing the location of improvements as built in accordance with a survey of "Class A-2" accuracy as specified in Section 20.3.4.1. If such as-built plan depicts substantial departures from the plan

approved in accordance with Section 13, the Zoning Enforcement Officer may, in addition to other remedies, require that an as-built plan be filed with the Town Clerk. The Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, may waive the requirement for an as-built plan. [From former Section 51.5.6, Amended Effective 3-7-08]

20.3.6.7 Other Permits. Issuance of a Zoning Permit or issuance of a Certificate of Zoning Compliance shall not be construed to constitute compliance with any regulation, ordinance or law other than as expressly indicated by such Permit or Certificate, nor to relieve the applicant from responsibility to obtain any required permit thereunder. The Zoning Enforcement Officer may, at his/her discretion, withhold issuance of a Zoning Permit or Certificate of Zoning Compliance until any such permit has been approved and obtained by the applicant. [From former Section 51.5.7]

20.3.6.8 Time Limits. Any Zoning Permit issued under these Regulations shall expire 12 months from the date of issuance unless a valid Building Permit for the Use, construction and site development authorized by the Zoning Permit is in effect. Furthermore, any Certificate of Zoning compliance may be issued for a specified time period where authorized by these Regulations, or where appropriate to the nature of the particular use. (See, e.g., Section 7.6.1). [From former Section 51.5.8, Amended Effective 12-1-98 and 3-7-08]

20.3.6.9 Compliance with Application; Revocation. All work performed pursuant to a Zoning Permit issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Certificate.

In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Permit, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Zoning Permit should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Permit issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes. [Added effective 3-7-08]

20.3.7 Inspections and Display of Permit. The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any Building, Structure, Lot or Premises to determine compliance with these Regulations. No Zoning Permit and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the Building, Structure, Lot or Premises involved to determine that the Use, Building, other Structure and site development conform to these Regulations. During construction of any kind, Zoning Permits shall be displayed on the Premises. By filing an application for a Zoning Permit or Certificate of Zoning Compliance, the owner and occupant of any Premises shall be deemed to have consented to inspection

at reasonable times by the Zoning Enforcement Officer in order to enforce these Regulations and any permits or approvals issued hereunder. [From former Section 51.6, Amended Effective 3-7-08]

20.3.8 Orders. The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if the use of Premises, Buildings and other Structures or the construction, reconstruction, Extension, moving or Alteration of a Building, other Structure or site development are not being carried out in compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer shall withdraw such ORDER when there is compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations. [From former Section 51.7]

20.3.9 Records. The Zoning Enforcement Officer shall keep records of a) all permits and certificates issued by his/her office, including Zoning Permits and Certificates of Zoning Compliance, the applications therefor, and the fees paid for them, b) all identifiable complaints of any violation of these Regulations, c) all inspections made under these Regulations, and d) all notices of violation and the action taken thereon. [From former Section 51.8]

20.4 Building Permit.

20.4.1 Issuance. In accordance with Connecticut General Statutes §8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Zoning Permit indicating that the plans submitted to the Building Official conform to these Regulations and any Special Permit or variance. Any construction activity which is found to be in violation of the Zoning Permit, or any documents or representations submitted in support thereof, or of these Regulations or Special Permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer and/or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Old Lyme free access to the site. [Added effective 3-7-08; Amended effective, 9-13-21]

20.4.2 Amendments. Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Zoning Permit has been issued prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 20.3.6. See Sections 20.7 and 20.8 for special provisions regarding Special Permits and variances.

20.5 Certificate of Occupancy. No Building or Structure shall be occupied or Used, nor any Use of land established, nor shall any addition, extension, or Alteration of any Building, Structure, or Use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes §8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any Building, Use or Structure without the prior issuance of a Certificate of Zoning Compliance indicating that the Use, Building, or Structure, as actually established or constructed, conforms to these Regulations and any Special Permit or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. The Building Official

may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 20.8. [Added effective 3-7-08]

- 20.6 Appeals of Decisions. Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of thirty (30) days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty- day period. [Added effective 3-7-08]

20.7 Site Development Plans, Special Permits, Planned Residential Cluster Developments, and Variances: Deviations, Amendments, Misrepresentations.

- a. In accordance with §8-3d of the Connecticut General Statutes, no variance or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or Special Permit, including the Regulation which is varied in its application or to which a variance or Special Permit is granted, copies of all plans, specifications and conditions approved by the Commission/Board, and stating the name of the owner of record, is recorded in the Land Records of the Town of Old Lyme. The same requirement shall apply to Planned Residential Cluster Developments and Site Development Plans, regardless of the agency approving them, and to decisions under these Regulations which are made by the Planning Commission. [Added effective 3-7-08]
- b. No person who has obtained a Site Development Plan approval, Special Permit, Planned Residential Cluster Developments, or variance shall attempt to erect any Building or Structure, or establish any Use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Zoning Commission, Planning Commission, or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations. Likewise, no person who has obtained a Site Development Plan approval, Special Permit, Planned Residential Cluster Developments, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, to void said Site Development Plan, Special Permit, Planned Residential Cluster Developments, or variance, following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Site Development Plan, Special Permit, Planned Residential Cluster Developments, or variance and the conditions attached thereto.

[Added effective 3-7-08]

- c. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Site Development Plans, Planned Residential Cluster Developments, and Special Permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances and Special Permits. Likewise, the

Planning Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Planned Residential Cluster Developments. The Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met. [Added effective 3-7-08]

- d. Major and/or substantial changes to Site Development Plans, Special Permits, Planned Residential Cluster Developments, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations. [Added effective 3-7-08]
- e. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Site Development Plan, Special Permit, Planned Residential Cluster Developments, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record. [Added effective 3-7-08]

20.8 Performance Bonds.

- 20.8.1 In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond, in the form of cash, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. Such estimate of construction costs shall consist of an itemized list of the items remaining to be completed, the unit cost including both materials and labor, and the total cost for each item. The Zoning Enforcement Officer shall have the authority to approve, or modify and approve, the estimate and the resulting bond amount. All public health and safety components of a project must be completed prior to occupancy or Use of any Premises, Building, or Structure, and may not be bonded. [Added effective 3-7-08]
- 20.8.2 In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Zoning Commission, Planning Commission, Zoning Board of Appeals, or the Zoning Enforcement Officer, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements. [Added effective 3-7-08]
- 20.8.3 All bonds posted in accordance with these Regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Old Lyme or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require. [Added effective 3-7-08]

- 20.9 Curb Cuts. No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road without the approval of the Board of Selectmen or its agent, which approval shall be evidenced by a permit from the Board or its agent. The Board or its agent may require additional improvements to ensure emergency access to any lot or parcel, to prevent hazards to the users of Town highways, and to prevent drainage, sight line, or other hazards on adjoining properties. All plot plans submitted in accordance with this Section 20 shall show the exact location of the driveway and all associated or related work to be performed, including all measurements, topography within the public right-of-way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this Section. [Added effective 3-7-08]
- 20.10 Certificates for a Use Subject to Performance Standards. An application for a Zoning Permit or a Certificate of Zoning Compliance for a Use which is subject to the Performance Standards of Section 4.5 of these Regulations shall include such information as is necessary to establish that the Use as proposed (at the time of application for a Building Permit) and as constructed or established (at the time of application for a Certificate of Occupancy) complies with the Performance Standards of these Regulations. The applicant shall further provide an affidavit acknowledging the applicability of the Performance Standards, stating that the use as designed or built/established is capable of complying with the Performance Standards, and agreeing to comply with the Performance Standards in the future. No applicant shall be required to reveal any proprietary information or trade secret, and any information provided in compliance with this Section may be treated as confidential upon the request of the applicant, in accordance with Connecticut General Statutes §1-19(b), as the same may be amended from time to time. [Added effective 3-7-08]
- 20.11 Fees: Any Person submitting to the Zoning Commission, Planning Commission or Zoning Board of Appeals, or its agent, or other board or commission having jurisdiction, an application or petition pursuant to these Regulations shall pay to the commission or board, or its agent, to which application or petition is made the application, petition and/or processing fees in the amount established by such commission or board in accordance with the Town ordinance entitled "Ordinance Establishing Procedure for Fee Schedules in Processing Land Use Applications". [From former Section 51.10]

SECTION 21 - ZONING BOARD OF APPEALS

21.1 **General.** The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut. The powers and duties of the Zoning Board of Appeals include the following:

- 21.1.1 to hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission, or any other official charged with the enforcement of these Regulations;
- 21.1.2 to hear and decide all matters including Special Permits in which it is required to pass by the specific terms of these Regulations; and
- 21.1.3 to determine and vary the application of provisions of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values, solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is located, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare preserved.

[From former Section 52.1, Renumbered Only Effective 3-7-08]

21.2 **Policy for Grant of Variances.** It shall be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Paragraph 21.1.3., to make all of the following findings:

- 21.2.1 that there exist conditions, fully described in the findings, especially affecting the parcel of land for which a variance is sought, as a result of which conditions a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship;
- 21.2.2 that such conditions do not affect generally the district in which the parcel is situated;
- 21.2.3 that, for reasons fully set forth in the findings, the variance is necessary to relieve the exceptional difficulty or unusual hardship and is the minimum necessary to accomplish such purpose; and
- 21.2.4 that the variance will be in harmony with the purpose and intent of these Regulations and will conserve the public health, safety, convenience, welfare and property values.
- 21.2.5 where a variance application is predicated upon the American with Disabilities Act, that the variance sought constitutes a “reasonable accommodation,” as that term has been applied by the courts of the United States for needs of a “disabled person,” as that term is defined in the American with Disabilities Act.

[From former Section 52.2, Amended Effective 3-7-08]

21.3 **Conditions: Expiration Date.** The Zoning Board of Appeals may in its discretion require any application for a variance or Special Permit under this Section to be accompanied by certification of the Director of Health of the Town of Old Lyme that the proposed provisions for water supply and sewage disposal comply with all sanitary codes, rules and regulations. Applications for Special Permits and variances granted by the Zoning Board of Appeals shall be subject to such terms and conditions as may be prescribed by the Board, but no Building or Use which has or may be authorized by said Board shall be commenced more than eighteen (18) months after the effective date of granting of such Special Permit or variance, and no

such use or occupancy shall be permitted unless the same has been substantially completed within three (3) years of said date.

[From former Section 52.3, Revised Effective 3-7-08]

- 21.4 Use Variances. The Zoning Board of Appeals shall adhere to the following when application is made for a variance of use permitted or prohibited under these Regulations:

21.4.1 Where a use of land, buildings or other structures is permitted in a district subject to administrative approval of a SITE DEVELOPMENT PLAN in accordance with Section 13A of these Regulations, a variance in connection with such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the agency designated by these Regulations to review such applications.

21.4.2 Where a use of land, buildings or other structures is prohibited in a district but is permitted in another district subject to administrative approval of a SITE DEVELOPMENT PLAN in accordance with Section 13A of these Regulations, a variance to permit such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the agency designated by these Regulations to review such applications.

21.4.3 No variance shall be granted which would permit a use of land, buildings or other structures prohibited in all districts in the Town.

21.4.4 Where a use of land, buildings or other structures is subject to approval of a SPECIAL PERMIT in accordance with Section 13B of these Regulations, a variance of any required conditions in connection with such use IS PROHIBITED

[From former Section 52.4, Amended Effective 3-7-08; added Section 21.4.4 Amended Effective 8-2-13]

- 21.5 Appeals and Variances in Flood Plain District. These Regulations impose special requirements applicable in the Flood Plain District as set forth in Section 4.4. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the Flood Plain District requirements as follows:

21.5.1 to hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement and administration of Section 4.4;

21.5.2 to issue variances from the standards of Section 4.4 taking into account the general considerations and conditions for variance specified in Paragraph 21.6; and

21.5.3 to issue variances for the repair or rehabilitation of historic structures without regard to the provisions of Paragraph 21.6 upon a determination that i) the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

- 21.6 Considerations and Conditions for Variance in Flood Plain District. The following considerations and conditions are applicable to action on applications for and grant of variances in the Flood Plain District:

21.6.1 Considerations of Variance: When acting on applications for variance of the special requirements of Section 4.4, the Zoning Board of Appeals shall consider a) the technical evaluations and studies that are the basis of Section 4.4, b) the standards of Section 4.4, and c) the following:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
- d. the importance of the services provided to the community by the proposed facility;
- e. the necessity of a waterfront location for the function of the facility;
- f. the availability of alternative locations for the proposed facility which are not subject to flooding or erosion damage;
- g. the compatibility of the proposed use with existing and anticipated other development;
- h. the relationship of the proposed use to the plan of development for the Town and the flood plain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

21.6.2 Conditions for Variance. The following are conditions applicable to the issuance of variance of the special requirements of Section 4.4:

- a. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Otherwise, variances may be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation provided that the following criteria are met:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing Town laws, ordinances and regulations.

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this Regulation.

21.6.3 Residential Floodproofed Basements. A variance may be issued for residential basements below the base flood elevation provided the following conditions are satisfied, in addition to the other standards normally required for granting a variance.

- a. Fully-Enclosed Areas Below Base Flood Elevation: New construction or substantial improvements of buildings that include fully-enclosed areas formed by foundation and other exterior walls below the base flood elevation shall have at least one side at or above grade and shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. the bottom of all openings shall be no higher than one foot above grade; and
 - iii. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer and approved by the Building Official.
 - iv. electrical, plumbing and other utilities are prohibited below the base flood elevation; and
 - v. use of the enclosed area shall be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises or entry to the living area (via stairway or elevator).
- b. The Zoning Enforcement Officer shall give each applicant for variance written notice specifying the difference between the base flood elevation and the elevation to which the applicant's structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
- c. The Zoning Enforcement Officer shall maintain documentation on file of the form certifying the degree of floodproofing, and record the elevation of the first floor, the elevation to which the structure is floodproofed, and the base flood elevation. This official shall also maintain a record that the applicant was advised of the insurance ramifications of building floodproofed basements.

21.6.4 Notices and Records. The Zoning Enforcement Officer shall notify the applicant for variance in writing that a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance, and b) such construction below the base flood elevation increases risks to life and property. The

Zoning Enforcement Officer shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance and shall report such variance issue in an annual report to the Federal Insurance Administration.

[From former Section 52.6, Renumbered Only Effective 3-7-08]

21.7 Procedures.

- 21.7.1 The Board shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed by these Regulations and the Connecticut General Statutes as amended.
- 21.7.2 In accordance with Connecticut General Statutes Section 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.
- 21.7.3 The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by Section 87d of the Connecticut General Statutes. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only in accordance with Connecticut General Statutes §8-7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to ensure that the granting of the application or petition shall be in harmony with the purposes of these Regulations, as set forth in the Preamble to these Regulations, and as set forth in Section 8-2 of the Connecticut General Statutes. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.
- 21.7.4 In accordance with Public Act 05.287, §46, the Board shall record by a sound-recording device or competent stenographer each meeting at which the Board deliberates on a formal petition, application, request or appeal.
- 21.7.5 Any conditions or restrictions imposed upon the granting of any application or petition, as set forth in the preceding paragraph, shall be completed within ninety (90) days of the granting thereof, unless the Board, upon the request of the applicant, grants a single extension of ninety (90) additional days, with the total extension not to exceed one hundred eighty (180) days.
- 21.7.6 Any variance in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Old Lyme by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General Statutes as amended, provided that any such filing shall be done no later than ninety (90) days after the approval thereof. Any variance not so recorded shall be null and void.
- 21.7.7 Any variance shall be deemed to incorporate the contents of any site or building plans or other documentation submitted in connection with any variance application, such

that there shall be no change or Alteration in such plans or documents without the consent of the Board.

21.7.8 The Board shall adopt such procedure as may be necessary to carry out the provisions of this Section.

[From former Section 52.7, Amended Effective 3-7-08]

21.8 Appeal to Court. Any party aggrieved by any decision of the Zoning Board of Appeals may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the manner as provided under Section 8-8 of the General Statutes of the State of Connecticut. [From former Section 52.8, Amended Effective 3-7-08]

SECTION 22 - PLANNING COMMISSION

- 22.1 **General.** The Planning Commission shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut. The powers and duties of the Planning Commission include the following:
- 22.1.1 to adopt and amend the Plan of Conservation and Development in accordance with Conn. Gen. Stats. §8-23;
 - 22.1.2 to adopt and amend Subdivision Regulations in accordance with Conn. Gen. Stats. §8-25 *et. Seq.*, and to hear and act upon applications for Subdivision and Resubdivision under such Regulations in accordance with Conn. Gen. Stats. §8-26, *et. Seq.*;
 - 22.1.3 to hear and decide all matters including Special Permits in which it is required to pass by the specific terms of these Regulations;
 - 22.1.4 to hear and decide all matters including SITE DEVELOPMENT PLANS in which it is required to pass by the specific terms of these Regulations;
 - 22.1.5 to provide reviews and reports on those actions of the Town of Old Lyme specified in Conn. Gen. Stats. §8-24; and
 - 22.1.6 to provide advisory reports to the Zoning Commission on any amendment to these Regulations or to the Zoning Map which is a part hereof, in accordance with Conn. Gen. Stats. §8-3a.
- [Added Effective 3-7-08]
- 22.2 **Conditions: Expiration Date; Record of Proceedings.** The Planning Commission may in its discretion require any application for a Special Permit or SITE DEVELOPMENT PLAN under this Section to be accompanied by certification of the Director of Health of the Town of Old Lyme that the proposed provisions for water supply and sewage disposal comply with all sanitary codes, rules and regulations. Applications for Special Permits or SITE DEVELOPMENT PLANS granted by the Planning Commission shall be subject to such terms and conditions as may be prescribed by the Commission, but no building or use which has or may be authorized by said Commission shall be commenced more than six (6) months after the effective date of granting of such Special Permit or SITE DEVELOPMENT PLAN, and no such use or occupancy shall be permitted unless the same has been substantially completed within 12 months of said date. In accordance with Public Act 05.287, §46, the Board shall record by a sound recording device or competent stenographer each meeting at which the Commission deliberates on a formal petition, application, request or appeal.
- [Added Effective 3-7-08]
- 22.3 **Effective Date and Filing.** A Special Permit or SITE DEVELOPMENT PLAN issued under this Section shall become effective at such time as is fixed by the Planning Commission, provided a copy thereof shall be filed in the Office of the Old Lyme Town Clerk and in the Land Records of the Town of Old Lyme.
- [Added Effective 3-7-08]
- 22.4 **Appeal to Court.** Any party aggrieved by any decision of the Planning Commission on a Special Permit or SITE DEVELOPMENT PLAN may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the manner as provided

under Section 8-8 of the General Statutes of the State of Connecticut. Decisions on SITE DEVELOPMENT PLANS shall not be to the Zoning Board of Appeals, but shall directly to the Superior Court.

[Added Effective 3-7-08]