

## Old Lyme Zoning: Summary of Phase 1 Amended Regulations

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12/9/25

The Phase 1 amended regulations seek to address multiple issues and limitations of the existing Zoning Regulations. As the first of two phases, Phase 1 is intended to restructure the regulations in a coherent and effective format while also addressing a range of issues including conflicts with Connecticut General Statutes. This Phase 1 rewrite is focused on “non-substantive changes” other than those required by statute or as deemed appropriate to this phase of work by the Zoning Commission. This means that with few exceptions the amended zoning regulations are not intended to be stricter or more permissive or to change zoning districts, density of development allowed, permitted uses, permit requirements, or other aspects of the regulations that may be impactful to property owners. Where such changes have been made, they are noted here. Phase 2 of the zoning rewrite is intended to explore these substantive issues and recommend amendments as appropriate following the adoption of the Phase 1 amendments.

The Phase 2 process, expected to begin in early 2026, will engage the community in substantive discussions about needed changes to the zoning regulations to support housing and economic development and better protect environmental and cultural resources. The Phase 2 process will include two public workshops intended to provide the community with a forum to identify needs and issues related to the zoning regulations or that might be addressed by zoning amendments. The Phase 2 process will revisit all aspects of the regulations including environmental regulations, residential zones, commercial and industrial zones, parking regulations, sign regulations, and site design and landscaping regulations. The process is expected to be completed by the end of 2026 and information regarding its status and public meeting dates will be posted on the Town’s website.

The Phase 1 amended zoning regulations document is comprised of 217 pages as compared to the existing regulations which span 292 pages. This reduction was accomplished through removal of redundant content and improved organization and formatting. Other than those sections omitted or content revised as documented in Appendix 1, no regulation was removed. All regulations that were previously in place and compliant with Connecticut General Statutes have been carried into the Phase 1 amended regulations although they may have been rewritten or reorganized to reduce redundancy and improve clarity.

### Issues Addressed by Amendments

The Phase 1 amended regulations address the following issues:

- Conflicts or inconsistencies with Connecticut General Statutes.
- Redundancies and inconsistencies in content.
- Unclear and conflicting permit requirements for accessory uses.
- Outdated references.
- Incorrect cross references.
- Incomplete list of definitions.
- Vague, overly complex language with excessively long sentences.
- Inconsistent nomenclature and formatting.
- Spelling and grammatical errors.
- Content that is redundant with and more appropriately regulated through the Town’s technical standards document(s).

## **Statutory Conflicts Addressed**

The following statutory conflicts were addressed:

- Minimum dwelling unit size regulations (former Section 8.2.4, 11.25.7, 11.25.15) are prohibited per CGS § 8-2(d)(7).
- Outdoor dining cannot be prohibited or excessively regulated (former Section 11.12.1) per CGS § 8-1cc.
- Community residences (supervised group quarters) cannot be regulated differently from single-family residences per CGS § 8-3e (multiple sections of the former regulations require a Special Permit for such use and former Section 11.3 and 11.4 provided other restrictions prohibited by statute).
- A time limit cannot be placed on resumption of nonconformity (former Section 9.03) if there is intent to resume the use per CGS § 8-2d(4) or on the restoration of non-conforming structure per CGS 8-2(d)(10).
- Auto sales and service establishment locations are now approved by ZEO (not ZBA) per CGS § 14-54.
- Gas station locations are now approved by the Zoning Commission (not ZBA) per CGS § 14-321.
- There is no specified authority under CGS § 8-6 to set an expiration date for variances (former Section 21.3).
- CGS § 8-6 does not grant the Zoning Board of Appeals broad and unconditional authority to issue use variances (former Section 21.4).
- Noticing requirements (former Section 13.A.4.4.1) were outdated, exceeding what is required per CGS § 8-3h.
- General references to "character" were replaced with specific criteria per CGS § 8-2 which prohibits the use of "character" alone as the basis for the denial of an application.

## **Reformatting and Reorganization of the Regulations**

The following formatting and reorganization were conducted:

- Organized similar content into Articles and Sections.
- Provided consistent formatting and nomenclature (section numbering).
- Provided more content in list form instead of long multiple sentence paragraphs.
- Organized uses permitted by zone and permit types into principal and accessory use summary tables.
- Provided header and footer identifying Article and Section.

## **Improvements for Readability and Clarity**

The following improvements were made to improve readability and clarity:

- Simplified language and writing structure for clarity and conciseness and replaced "legalese" with simple and direct language as recommended by the U.S. Plain Writing Act of 2010.
- Reduced use of capitalization for terms to improve readability. Capitalization is now only used for proper nouns, titles, departments, boards, commissions, and plan and permit types.
- Consistently provided numbers "one" and "two" in word form and numbers 3 and above in numeric form and removed redundant number references such as: one (1).
- Amended names and terminology for consistency such as "Planned Residential Conservation Development" instead of "Planned Residential Cluster Development".

## **Corrections**

The following corrections were made:

- Corrections of errors and inconsistencies.
- Corrections of grammatical errors and typos.



- Removed gender references.

### **Removal of Redundant Content**

Removed redundant content. Many sections of the regulations contained regulatory content that was repeated across multiple sections or within the same section. The redundancies are unnecessary, add to page length, and create the potential for inconsistencies across the regulations.

### **Savings Clause**

Provided a Savings (severability) Clause to the regulations as a whole, replacing use for individual sections. This stipulates that the regulations as a whole remain valid even if one section or item is established to be invalid.

### **Updated References and Cross References**

- Updated references to correct authorities such as replacing “Town Sanitarian” with “local or regional health authority”
- Updated references to current editions of guidance manuals.
- Corrected and updated statutory references.
- Corrected cross-references pointing to incorrect sections.

### **Removal of Unnecessary and Ineffective Content**

- Removed references to when a regulation was adopted or amended. These regulations will constitute a new edition by which all regulations will be treated as existing and only amendments going forward will be recorded. In the future, amendments will be recorded in a record of amendments in the appendix of the document.
- Removed boilerplate and explanatory content related to a regulation that provides no regulatory content and exceeds what is needed for a purpose statement (such as former Section 2.8 Abandonment of Seasonal Use Distinctions).
- Removed content outside of zoning authority and regulated by building, fire, or public health codes (such as former Section 11.22.5 Septage and Storage Transfer Facility).

### **Other Notable Amendments**

Other notable changes to the regulations include the following (see Appendix 1 for a comprehensive itemized list):

- Added gas stations to the list of prohibited uses.
- Removed detailed descriptions of zoning district boundaries (former Section 5.13.2). The official zoning map is sufficient for this purpose.
- Removed former Section 8.7.1 regulations for lots adjacent railroads as no such condition exists in Old Lyme.
- Removed staffing and bathroom requirements for convenience stores (former Section 11.8.8). Staffing requirements are outside of the scope of zoning control and bathroom requirements are established by building code.
- Consolidated adult entertainment regulations by removing definitions of specific sub-uses (former Section 11.21.2).
- Removed permit fee values from former Sections 16.9 and 20.11 since fees are established by ordinance and are best maintained outside of the zoning regulations.
- Established new standards for the parking of commercial vehicles (new Section 8.3.5).
- Provided accessible parking requirement reference to applicable standards (new Section 16.2.2)



- Provided an electric vehicle charging requirement that is compliant with Connecticut General Statutes (new Section 16.9).
- Added a prohibition on the planting of invasive species associated with any Site Development Plan (new Section 19.3.17).
- Provided new Section 23 for the posting of future moratoria.
- Removed former Section 22 which provides language stating authority of Planning Commission, which is not directly relevant to the Zoning Regulations and which is addressed by Statute.

### **Updated Definitions**

- Divided the use definitions and zoning terminology definitions into two separate sections: Zoning Terminology (new Section 25) and Use Definitions (new Section 26).
- Provided definitions for all principal and accessory uses including providing 57 new definitions and updating 9 existing definitions (new Section 26).
- Provided additional zoning terminology definitions including providing definitions for an additional 29 terms and modifying the definitions of two terms.
- Removed regulatory content from definitions.
- Removed definitions for common terms such as "acre".
- Removed unnecessary use of cross references in definitions such as "see also" references.

### ***Zoning Terminology: New Definitions***

- |                                    |                      |                       |
|------------------------------------|----------------------|-----------------------|
| • Accessory                        | • Commercial Vehicle | • Motor Vehicle       |
| • Accessory Farm Building          | • Cul-de-Sac         | • Overlay Zone        |
| • Addition                         | • Detached Dwelling  | • Parking Area        |
| • Adjoining                        | • Detached Structure | • Porch               |
| • Caliper                          | • Drainage           | • Residence           |
| • Certificate of Occupancy (CO)    | • Expansion          | • Retaining Wall      |
| • Certificate of Zoning Compliance | • Finished Grade     | • Screen or Screening |
| • Change of Use                    | • Floor              | • Setback             |
| • Class A-2 Survey                 | • Ground Cover       | • Shrub               |
|                                    | • Landscaping        |                       |
|                                    | • Loading Space      |                       |

### ***Zoning Terminology: Modified Definitions***

- District
- Subdivision



***Use Definitions: New Definitions***

- Accessory Alcohol Sales
- Accessory Farm Buildings
- Accessory Motor Vehicle Service
- Adult Entertainment
- Affordable Housing
- Boarding of Horses
- Boat Livery
- Building Materials Yard
- Central Air Compressor and Heat Pump Mechanicals
- Commercial Cutting
- Commercial Vehicle Parking
- Commercial Nursery
- Community Building
- Community Residence
- Concrete Manufacturing and Processing
- Dairy and Bottling Works
- Farmstand
- Financial Institution
- Garage
- Generator
- Handicapped Access to Residential Structures
- Indoor Recreational Facility
- Institutional Use
- Keeping of Pets
- Laundromat
- Lavatory or Laundry Facilities Accessory to a Marine Facility
- Marine Related Sales
- Marine Research Facility
- Mixed-Use
- Mortuary or Funeral Home
- Motor Vehicle Service
- Multi-Family Housing
- Non-Commercial Cutting
- Outdoor Recreational Facility
- Outdoor Vending Machine
- Outside Storage of Goods
- Package Store
- Playground
- Private Boathouse or Dock
- Private School
- Propane Tanks or Above Ground Oil Tanks
- Public Utility Facility
- Recreational Entertainment Facility
- Recreational Vehicle or Camper Trailer Parking
- Rental or Leasing of Automobiles
- Research Laboratory
- Retail Establishment
- Roadside Shelters for School Children
- Sale of Fuels or Lubricants for Boats
- Self-Storage Facility
- Shared Septic System
- Single-Family Dwelling
- Structure or Rooftop Mounted Antenna
- Theater
- Tourist Home
- Truck, Bus, or Fleet Terminal
- Warehouse

***Use Definitions: Modified Definitions***

- Business Service Establishment
- Family Child Care Home
- Fence or Wall
- Group Child Care Home
- Home Occupation
- Planned Residential Conservation Development (PRCD)
- Professional Office
- Public School
- Veterinary Clinic

