

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;

Seasonal Dwelling [D], subject to Section 11.19 and 11.20;

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.

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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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 4.3;

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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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];
 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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

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];
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;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
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.

- 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];

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:

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];

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;

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];

Governmental Service [D];

Park [D];

Inn [D], subject to Section 11.29;

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

Mortuary/Funeral Home, provided there is no on-site chemical preparation of bodies. [From Former Schedule B-1, Section 23, Amended Effective 1/1/96].

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;
Retail dealer's station for sale of motor vehicle fuels;
Motor vehicle service facility or repairers 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].
Yacht Club [D];
[Amended effective 4-1-09 to delete Adult Entertainment, subject to Section 11.24].

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.
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 repairers 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];

Governmental Service [D];

Park [D];

Inn [D] subject to Section 11.16;

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

Mortuary/Funeral Home, provided there is no on-site chemical preparation of bodies.

[From Former Schedule B-1, Section 23, Amended Effective 1/1/96].

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;
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:

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;
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;
 Laundry, dry cleaning and dyeing works, carpet or rug cleaning 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;
 A dog pound operating by the Town of Old Lyme 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]

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.

None.

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.
- c. Year Round Use: No new year-round use single family dwelling shall be constructed nor shall any seasonal use or seasonal dwelling be converted to year-round use except in compliance with Sections 11.19 and 11.20 of these Regulations.
- d. Non-residential uses may be changed to operate on a year-round basis if the applicant provides evidence that all Public Health and Building Codes are met, as such codes would apply to a new use, and without the application of any waivers or exemptions. The Commission may require reports from the Town Building Official and/or Sanitarian to confirm compliance with current Codes without waivers.

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 numbers 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. The conversion of an existing Seasonal Use, including mixed uses, to a Year Round Use or Uses.

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 non-residential 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. February 20, 2008 to add retail back into 5.10, C-30 District

SECTION 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