SECTION 8
AREA, YARD, AND HEIGHT REQUIREMENTS

8.0 Purpose and General Provisions.

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

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

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

[Added effective 3-7-08]

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

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

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

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

8.1.1 Measurement of Total Floor Area. In determining total Floor Area of Buildings and other Structures, measurements are taken to the outside surfaces of exterior walls enclosing the Floor Area. Floor area of Attics less than six (6') feet in height and of Cellars used solely for storage, mechanical equipment and services in support of uses on other floors of the Building shall not be counted in total Floor Area. Basements shall be included in the calculation of Total Floor Area. That portion of an Attic or Half Story which is over six (6') feet in height shall be included in the calculation of Total Floor Area. Covered porches, whether or not enclosed, will be included in the calculation of Total Floor Area. Any portion of the floor area having a height greater than twelve (12') feet shall be considered as two Stories for measurement of Total Floor Area. [From former Section 7.5.1, Amended Effective 3-7-08, Amended Effective 4-1-09]

8.1.2 Measurement of Building Coverage. The ground coverage of a Building or Structure is measured from the outermost edge of the Building or Structure projected to nadir but excluding any architectural projections of the type that are permitted under Paragraph 8.2.3 to extend into the area required for setback and also excluding Buildings and Structures that are completely below the finished Grade of the Lot. Building Coverage shall also include a Deck, but not a Terrace. [From former Section 7.5.2, Amended Effective 3-7-08]

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

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

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

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

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

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

a. Wetlands and Water Course Restriction. Area consisting of Wetlands and Watercourses may be used for compliance with minimum Lot Area and minimum Lot shape requirements only to the percent specified in the District. See Section 5, Use Regulations.

b. Rights-of-Way and Easements. Land subject to Easements for drainage facilities, underground public utilities and above-ground public utility distribution lines may be included in determining compliance with minimum Lot Area and shape requirements, but no Street, Easement of vehicular access, private right-of-way for vehicles or Easement for above-ground public utility transmission lines may be included.

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

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

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

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

8.2.2.2 Measurement of Height.

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

b. Outside the Conservation Zone the height of a Building or Structure is measured as the vertical distance between a horizontal plane drawn through the average elevation of the existing natural Grade prior to site grading, measured at the base of the Building, and its uppermost point, excluding chimneys. The foregoing shall apply in a Planned Residential Conservation Development.

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

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

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

8.2.3 Setbacks, Required Yards. No Building or other Structure shall extend within less than the minimum distances of any Required Yard as specified in the District nor shall any commercial use extend within less than the minimum distance from a Residential District

boundary line, provided, however, that pilasters, columns, belt courses, sills, cornices, marquees, canopies, Awnings, eaves and similar architectural features may project into the area required for a Required Yard or Residence District boundary line for not more than one (1) foot. Terraces may project into Required Yard by no more than fifty (50%) percent of the requirement for the District.

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

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

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

8.2.5 Total Ground Coverage: In addition to the requirements of Section 17A pertaining to the Water Resource District, total ground coverage as defined in Paragraph 8.1.3 of these Regulations shall not exceed the percentage of the lot area specific as follows for each district:

	District	% of Lot Area
*	Residence	30%
**	Rural	30%
	WF-20	60%
	C-30S	55%
	C-30	55%
	C-10	60%

* Residence Districts include Multi-Family Residence Districts.
** Rural Districts include Multi-Family Rural Districts.

The Zoning Commission or other agency responsible for approval of a SITE DEVELOPMENT PLAN pertaining to a lot located in the C-30 and C30S District may, after due notice and public hearing as required by law, grant a SPECIAL EXCEPTION authorizing increase in total ground coverage from the 55% specified to not more than 75% of the area of the lot when the Commission or other agency finds that: 1) the additional coverage is provided in units or areas set apart from other covered areas in an effective manner by natural or landscaped areas or buildings so that the appearance of a continuum of covered area is mitigated; 2) the additional coverage includes sidewalks and other paved areas for use by pedestrians; 3) provision is made on the lot for storm water detention; and, 4) all specific landscaped area requirements of Section

13A.3.17 are met. Such additional total ground coverage shall not be deemed to authorize building floor area or ground coverage by buildings and structures in excess of the percent of lot area specified therefor in the C-30 and C-30S Districts. [From former Section 31.3.15, Amended Effective 4-1-99, 8-1-01, and 3-7-08].

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

8.3 Multiple Frontage (Corner Lots).

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

8.4 Minimum Area of Buildable Land.

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

[From former Section , Amended Effective4/3/95 and 3-7-08]

a. Definition. The term "Minimum Area of Buildable Land" is hereby defined to mean an area within a Lot ("the MABL Area") which contains at least 30,000 square feet of contiguous land which meets all of the following criteria:

(i) the MABL Area shall be capable of containing within its boundaries a piece of land in the shape of a square no less than 125 feet long on a side;

(ii) the MABL Area shall not include any land determined by a certified soils scientist to be Inland Wetlands, Watercourses, or Tidal Wetlands or any land located in a Special Flood Hazard Area as identified on the latest Flood Insurance Rate Map for the area in which it is located or that floods frequently as a result of tides or streams or other watercourses overflowing their banks, where frequent is defined as at least once every two (2) years;

(iii) no more than 15% of the MABL Area shall be comprised of topography exceeding a 20% slope in grade as measured in 40-foot increments throughout the Area;

(iv) the MABL Area shall not include any land having ground water higher than 18 inches below the undisturbed ground surface as determined by mottling or seasonal high water, whichever is higher; [This subsection amended effective January 1, 1996, and 3-7-08]

(v) the MABL Area shall not include any land where soil test holes indicate the presence of ledge rock located within 24 inches below the undisturbed ground surface; [This subsection amended effective January 1, 1996, and 3-7-08]

(vi) a total of no more than 10% of the MABL Area shall be encumbered by Easements, including, but not limited to, Easements for vehicular access, drainage and utilities; and,

(vii) the MABL Area may include land within Required Yard areas.

b. Determination of Ground Water and Ledge Rock Elevations. The depth of ground water and ledge rock below the surface of the ground shall be determined by soil test holes. At least five (5) test holes (exclusive of deep test holes and percolation test holes required for septic suitability determination and septic system design) shall be dug in a dispersed pattern within the MABL Area for each proposed Lot in order to accurately characterize the depth to ground water and ledge rock on the Parcel. The Planning Commission may require that additional soil test holes be dug to facilitate characterization of the Parcel;

c. Determination of Compliance. For all Lots created after June 15, 1990, except in Waterfront Business Districts, the Planning Commission shall determine compliance with the requirements of this Section 8.4 relating to Minimum Area of Buildable Land. Such Lots shall include any Lots created under a plan of subdivision approved by the Planning Commission, and, also, any Lot created by the division into two parts of a Lot or Parcel in existence prior to the date of adoption of the Town's Subdivision Regulations;

d. Authorization of Additional Easements. In connection with approval of a Lot in a subdivision or at any time after granting such approval, the Planning Commission may authorize the establishment of additional Easements affecting such Lot which encumber more than 10% of its area but do not interfere with the ability of the land to: 1) provide adequate absorption and dispersal of anticipated sewage effluent generated on the Lot; and, 2) otherwise support planned building development on the Lot;

e. Location of Septic Systems. The primary and reserve septic system leaching fields shall be located within the identified MABL Area as approved by the Planning Commission.

See special provisions in Section 8.7.2.

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

8.5 Lots in More Than One Zone.

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

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

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

8.6 Lots on Narrow Streets.

The required Required Front Yard from a Street Line of a Street having a width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the Street. [From former Section 7.4.2, Amended Effective 4/3/95, 3-7-08 and 4-1-09]

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

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

8.7.2 Lot Area, Shape and Frontage in WF-20. The Commission acting on a Site Development Plan or Special Permit submission in the Waterfront Business District (WF-20) may authorize a reduction in the required setback from a Required Rear Yard to not less than 20 feet or to zero if the rear of the Lot abuts on navigable waters and/or a reduction in the Required Yard to not less than 10 feet when the Commission determines that all of the following criteria are met:

a. such reduction would further the policy of the plan of development to seek improved public access to beach and riverine resources in the Town and encourage water-dependent uses at appropriate locations;

b. such reduction would not result in Building Coverage on the Lot in excess of 25%;

c. such reduction would not cause an adverse impact on abutting property owners as to such owner's rights to adequate light, air and privacy; and,

d. the required setback from a Residence District is not reduced.

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

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

a. The use, architecture, illumination, height, and overall character of the building or site for which the reduction in Required Yard is sought in order to protect the character of Old Lyme as viewed from the highway and to prevent glare or blight. The Commission may require screening, such as landscaping, fences, berms, or other combination thereof; shielding of light fixtures; modifications or upgrades to existing or proposed buildings or structures; or other conditions or modifications to protect the character of Old Lyme.

b. Emergency access to the site and building, especially with regard to that portion of the site and building for which the reduction in Required Yard is sought. The

Commission may request advisory reports from the Fire Chief or other public safety officials of the Town or the State.

c. Signs: The Commission may prohibit, or limit the size, of any sign(s) proposed for the subject building which may be visible from the highway, even if such sign would otherwise be permissible under these Regulations. The intent of this provision is that buildings in proximity to limited access highways not be exploited to advertise goods or services to the general motoring public.

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

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

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

8.8

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

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

12.	Maximum total ***ground*** coverage as percent of lot area (see also Paragraph 8.2.5)	30%	30%	30%	30%	30%	30%	30%	30%

* See Paragraph 8.0 for provisions establishing Schedule A-2
** See also Paragraph 8.4 for Minimum Area of Buildable Land requirement.
*** See Section 13B for lot area standard for each dwelling unit.

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

8.9
SCHEDULE B-2: STANDARDS IN COMMERCIAL AND INDUSTRIAL DISTRICTS*

		DISTRICT					
Line		WF-20**	C-10	C-30	C-30S	LI-80	SD****
**1.	Minimum lot area (in square feet)	20,000	10,000	30,000	30,000	80,000	200,000
2.	Minimum lot area for each Dwelling (in square feet)	20,000	20,000	30,000	30,000	80,000	NA
3.	Minimum dimension of square on the lot	100	100	150	150	200	200
4.	Wetlands/water course restrictions (8.2.1(a) and 8.1.4)	15%	0%	20%	20%	50%	50%
5.	Maximum number of stories for a building	2+1/2	2+1/2	2+1/2	2+1/2	2+1/2	2+1/2
6.	Maximum height of building or structure	35’	35’	35’	35’	45’	35’
	6.1 when located in Conservation Zone	35’	35’	35’	35’	35’	35’
7.	Minimum setback from street line	40’	30’	60’	60’	50’	50’
8.	Minimum setback from rear property line	30’	30’	40’	40’	40’	35’
9.	Minimum setbacks from other property line	20’	12’	20’	20’	40’	35’

10.	Minimum setback from Residence and Rural District boundary line	40’	30’	40’	40’	50’	35’
11.	Maximum floor area as a percent of lot area	25%	25%	20%	20%	20%	20%
12.	Maximum lot coverage by buildings and structures as percent of lot area	25%	25%	20%	20%	20%	20%
13.	Maximum total lot coverage as percent of lot area (see also Paragraph 8.2.5)	60%	60%	55%	55%	40%	40%

* See Paragraph 8.0 for provisions establishing Schedule B-2
** See also Paragraph 8.4 for Minimum Area of Buildable Land requirement.
*** See Section 13A.3.25 for lot area standard for each dwelling unit.

****SD effective 5/1/09

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