

SECTION 2
AREA/USE CLASSIFICATION

2.1 **Codification.** The Zoning Commission, acting under authority of Chapter 124, Section 8-3 of the Connecticut General Statutes, hereby amends and codifies the "Zoning Regulations for the Town of Old Lyme" which were effective January 11, 1941, as amended, so that the same shall read as is set forth below. The provisions of said Regulations and the amendments thereto, insofar as they are consistent with these Regulations, are not repealed but are codified in these Regulations. Any and all provisions of said Regulations as amended which are inconsistent with these Regulations are hereby repealed, but such repeal shall not affect: (a) any violation which occurred before the date as of which these Regulations (or any amendments thereof) were adopted or exists on such date; or, (b) any penalty incurred, and any such violation may be prosecuted under said Regulations as amended.

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

2.2 **Jurisdiction.** Within the Town of Old Lyme, no land, Building or other Structure, or part thereof, shall be Used, or Altered in Use, and no Building or other Structure, or part thereof, shall be constructed, reconstructed, Enlarged, Extended, moved or Altered except in conformity with these Regulations. No Lot or Parcel shall be subdivided, conveyed or encumbered so as: a) to make said Lot or Parcel nonconforming or more nonconforming to these Regulations; b) to make any Use, Building or other Structure, or part thereof, nonconforming or more nonconforming; c) to reduce any Setback, Yard, Open Space, landscaping, off-street parking and loading spaces or site development to less than is required by these Regulations; or d) to make any nonconforming Setback, Yard, Open Space, landscaping, off-street parking and loading spaces or site development more nonconforming.

[From former Section 2.1, Amended Effective 3-7-08]

2.3 **Nonconformity.** Any Use, Building or other Structure, Lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these Regulations, or such amendment hereto, may be continued subject to the provisions and limitations of Section 9 of these Regulations.

[From former Section 2.2, Rev.]

2.4 **Zoning Districts and Zones.**

2.4.1 **Districts.** For the purposes of these Regulations, the Town of Old Lyme is divided into classes of Districts which consist of, but need not include all of, the following Districts:

<u>District</u>	<u>Map Code</u>
Rural Residence RU-80 District	RU-80
Rural Residence RU-40 District	RU-40
Residence R-20 District	R-20
Residence R-15 District	R-15
Residence R-10	R-10
Multi-Family Residence MFR-80 District	MFR-80
Multi-Family Residence MFR-40 District	MFR-40
Multi-Family Residence MFR-20 District	MFR-20
Waterfront Business District	WF-20
Commercial C-30 District	C-30
Commercial C-30S District	C-30S
Commercial C-10 District	C-10
Light Industry LI-80 District	LI-80
Sound View Village District	SVVD
School District	SD [added effective 6-1-11]

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

- a. Conservation Zone. The Connecticut River Gateway Conservation Zone, herein referred to as "Conservation Zone", is established under the provisions of Chapter 477a of the Connecticut General Statutes and the boundaries of such Zone, which may be amended from time to time by the Connecticut General Assembly, are shown on the Zoning Map for informational purposes in order to indicate the portion of the Town of Old Lyme in which particular provisions of these Regulations are applicable.
- b. Flood Plain Zone. The Flood Plain Zone is a class of zone in addition to and overlapping one or more of the Districts set forth above. The boundaries of the Flood Plain Zone and the special requirements applicable therein are as specified in Section 4.4, Flood Hazard Regulations.
- c. Water Resource Zone. The Water Resource Zone is a class of zone in addition to and overlapping one or more of the other Districts and encompasses the entire Town of Old Lyme with the exception of: a) islands in the

Connecticut River; and, b) the area bounded on the east by Connecticut Route 156, on the south by Pilgrim's Landing Road, on the west by the Connecticut River and on the north by the Old Lyme-Lyme Town Line. The special requirements applicable in the Water Resource District are as specified in Section 17, Aquifer Protection Regulations.

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

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

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

2.5 District Boundaries.

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

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

- a. Land Under Water. The boundary of each District encompasses land under any water course, including lakes, ponds, streams or other body of water, adjacent to or within such District.
- b. Opposite Sides. Where opposite sides of a water course or of the right-of-way of a Street, highway or railroad are located in different Districts, the boundary between such Districts is deemed to be the centerline of the water course or right-of-way.
- c. Lots in More Than One District or Zone. Where the boundary of a District or Zone divides a Lot or Parcel, each portion of such Lot or Parcel shall be governed by the provisions of the District or Zone within which

such portion is located, as if each such portion were a separate Lot; provided, however, the Bulk requirements may be satisfied in accordance with Section 8.5 of these Regulations.

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

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

2.6 [Reserved for Street Classifications if Required.]

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

[Added effective 3-7-08]

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

[Added effective 9-16-11]