

**SECTION 7**  
**ACCESSORY USES, BUILDINGS AND STRUCTURES**

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

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

[From former Sections 21.2.3 and 22.2.3 , Amended Effective ^, Amended Effective 4-1-09]

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

[Added effective ^]

- c. on any Lot in a Residence District, one (1) detached Accessory Building not used for human occupancy or for the housing of animals and not exceeding fifteen (15) feet in height and 200 square feet in Floor Area may extend into the Required Side or Rear Yard (but not the Required Front Yard) by a distance equal to one-half of the Minimum Required Side or Rear Yard for the District.

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

See, Section 7.9 for Buildings Accessory to a Farm.

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

[Added effective 3-7-08]

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

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

7.2 Accessory Buildings - Use. Accessory Buildings shall be used only for Uses Accessory to a Principal Use permitted in the subject District, except for Non-conforming Uses as described in Section 9 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations. Except as provided in Section 7.9 (Accessory Apartments), no

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

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

### 7.3 Accessory Buildings - Specific Types.

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

[Added effective 3-7-08]

- b. Guest House. A Guest House is permitted in all Residential Districts by Special Permit in accordance with Section 13 of these Regulations. Regardless of the District, no Guest House shall be located on a Lot having an area of less than 30,000 square feet. A Guest House shall be used for occasional personal visitors only and shall not be rented on a commercial basis or otherwise made available for compensation in any form, including compensation for grounds maintenance or personal services to the Lot owner or occupant. A Guest House shall contain no more than fifty (50%) percent of the Floor Area of the Principal Dwelling on the Lot.

[Added effective 3-7-08]

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

### 7.4 Accessory Structures - Location.

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

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

#### 7.4.2 Fences, Walls and Terraces.

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

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

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

[Added effective 3-7-08]

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

[Added effective 3-7-08]

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

[Added effective 3-7-08]

#### 7.6 Accessory Structures - Specific Types.

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

- a. said access shall be of such size and configuration to involve the least amount of conflict with these Regulations which would otherwise be applicable;
- b. such size, location and configuration shall not be a hindrance or danger to public safety or welfare;

- c. requests for handicapped access ramps shall include written statement detailing the reason(s) why such ramp is required;
- d. said temporary permit shall be for a period of two (2) years but shall be automatically renewable by the Zoning Enforcement Officer, provided the circumstances initially requiring the handicap access still exist. When such circumstances cease to exist, the access will be removed by the end of the permit period or within sixty (60) days of notice to remove from the Zoning Enforcement Officer, whichever shall be sooner.

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

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

- a. roof-mounted antennae shall not exceed a height of fifteen (15) feet above the highest point of the structure or building;
- b. satellite and microwave dish antennae shall not exceed a diameter of six (6) feet in Commercial or Light Industrial Districts or four (4) feet in Waterfront or Residential Districts;

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

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

7.6.3 Propane Tanks, Above-Ground Oil Tanks, Air Conditioning Compressors, Auxiliary Generators. Propane tanks thirty (30") inches or less in diameter may be located within a Required Rear and/or Other Yard, provided that they are located immediately adjacent to the Principal Building. Propane tanks more than thirty (30") inches in diameter shall conform to the Required Yard for the subject District. Above-ground oil tanks, air conditioning compressor units and auxiliary electric generators shall conform to the Required Yard for the subject District.

[Added Effective 4-1-09]

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

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

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

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

- c. an Accessory off-street parking space outdoors or in a garage may be provided on any lot for only one (1) commercial vehicle, and such vehicle shall not exceed 7,500 pounds gross vehicle weight (weight empty plus rated load capacity), provided, however, that off-street parking spaces for more than one (1) such commercial vehicle and for greater gross vehicle weight may be provided on any lot containing one or more of the following:
  - (i) a permitted agriculture, farming, forestry, truck or nursery gardening use;
  - (ii) a permitted earth excavation, removal or deposit activity authorized under Section 43;
  - (iii) a use or facility operated by the Town of Old Lyme, Regional School District No. 18, State of Connecticut, or the Federal Government;
  - (iv) a maintenance facility in support of a multiple dwelling project on the lot or in support of a Special Permit use if authorized under such Special Permit;
- d. no land in a Residence District shall be used for access to a Use permitted only in a Commercial or Light Industrial District.

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

## 7.8 Accessory Uses - Specific Types.

### 7.8.1 Business Uses Accessory to A Dwelling.

- 7.8.1.1 Dwelling Unit – Professional or Business Office. A professional or business office in a dwelling unit located in a Residence District shall conform to the following standards and is an additional Use for which a

Zoning Permit and Certificate of Zoning Compliance are required. The following requirements shall be met:

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

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

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

- a. the Person or Persons conducting the customary home occupation shall occupy the Dwelling unit as a permanent place of residence;
- b. the home occupation shall consist of preparation and sale of products customarily produced in the home, such as dressmaking, millinery, food products, and arts and crafts, or consist of the private workshop of a skilled trade or personal service, such as the workshop of a plumber, electrician, carpenter, watchmaker or televisions and radio repairer, but expressly excluding motor vehicle repair or service and the use or repair of internal combustion engines at such workshop;
- c. there shall be no more than two (2) nonresident persons employed on the Premises in connection with such occupation;
- d. the Floor Area used for the occupation shall not exceed 25% of the Floor Area of the Dwelling Unit but may also include Floor Area in an Accessory Building;

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

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

## 7.8.2 Accessory Apartments.

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

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

- a. the Single Family Dwelling unit to which the Accessory Apartment is subordinate shall be located only on conforming Lots in Rural Residential Districts RU-40 and RU-80;

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

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

7.8.2.2 Application Procedures.

- a. In addition to the requirements of Section 13, the application for Special Permit shall be accompanied by:
  - (i) an affidavit of ownership and occupancy signed by the owner of the Premises that the owner shall occupy one (1) of the Dwelling Units as the owner's principal residence except for bona fide temporary absences;
  - (ii) a floor plan showing proposed rooms and alterations to the Building, if permitted under this Section 7.8.2. The floor plan shall show the living area of both the Accessory Apartment and the Dwelling Unit and the percentage difference between them;
  - (iii) a site development plan showing all existing and proposed structures or renovations, off-street parking, and utility systems, in accordance with Section 13A.2, which may be waived in accordance with Section 13B.3.4;
  - (iv) a certification from the Director of Health of the Town of Old Lyme or his/her Agent that the water supply and sewage disposal systems serving the premises, either existing, or as proposed with such modifications thereof, conform to current State Sanitary Code requirements and are adequate to serve both the single family dwelling unit and the Accessory Apartment;

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

7.8.2.3 Issuance and Renewal of Certificate of Zoning Compliance.

- a. Upon satisfactory compliance with the requirements of these Regulations and upon approval of the Special Permit, the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance renewable as provided in paragraph (b) below.
- b. The continuing validity of the Certificate of Zoning Compliance is conditioned upon the following:

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

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

#### 7.8.2.4 Existing Accessory Apartments.

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

#### 7.8.3 Boarding House/Letting of Rooms.

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

- a. the Persons or Persons letting the rooms shall occupy the Dwelling Unit as a permanent place of residence;
- b. The letting of rooms in any Dwelling Unit shall be limited to not more than two (2) bedrooms;

- c. Except as provided in Section 7.8.2, no Accessory Building shall be used for rooms to let, and there shall be no provisions for cooking facilities in or available to such rooms except the principal cooking facilities of the Dwelling Unit.

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

#### 7.8.4 Bed & Breakfast.

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

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

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

See Section 11.29, Special Regulations.

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

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

7.8.6 Recreational Trailers and Similar Vehicles or Vehicle Parts.

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

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

[Preceding Added effective 3-7-08]

#### 7.8.7 Keeping of Pets as Accessory Use to a Dwelling

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

### 7.9 Accessory Structures and Uses Accessory to a Farm.

- 7.9.1 Except as provided in Section 6 (Prohibited Uses), Farm Buildings Used for the storage, processing and manufacture of agricultural products, and the housing of animals, are permitted as an Accessory Use on a Farm.
- 7.9.2. Temporary roadside stands for the seasonal sale of Farm products and homemade articles are permitted when Accessory to the Principal Use of the premises on which they stand of not more than two hundred (200) square foot area with not more than two (2) Signs aggregating twelve (12) square feet in area advertising such produce. Such stand and Signs shall be not less than ten (10') feet from any Street Line and not less than fifty (50') feet from any Street intersection. Their temporary permitted use shall not constitute the establishment of a Non-Conforming Use.
- 7.9.3 The slaughtering of livestock and poultry as an Accessory Use to a commercial Farm is permitted on a Farm, provided that in normal operation all stock slaughtered is raised on the Farm.
- 7.9.4 Buildings used for the storage on a Farm of any number of motor vehicles and equipment when Accessory to such Farm Use are permitted. Also permitted is the repair of such vehicles on a Farm, but this shall not permit operation of a repair garage for the general public.

[Preceding Added effective 3-7-08]

Rev. February 20, 2008 to add reference to Rear Yard in Sec. 7.1.c.