

***OLD LYME ZONING REGULATIONS
PROPOSED ZONING REGULATIONS CHANGES
MIXED-USE HALLS ROAD OVERLAY DISTRICT***

5.14 Mixed-Use Halls Road Overlay District (HROD)

5.14.1 Statement of Purpose. The main commercial and retail area of Old Lyme stretches along Halls Road from Lyme Street to Route 156. The underlying zoning of this Halls Road Area is C-30S. The Mixed-Use Halls Road Overlay District (HROD) overlays the whole C-30S District as shown on the Zoning Map. The HROD is intended as an alternative set of zoning requirements providing an incentive to property owners to develop customer-facing retail and commercial businesses directly fronting Halls Road (a *Qualifying Project*, Section 5.14.4) in return for the ability to develop multi-family residential and other Uses on their property. These Regulations encourage the redevelopment of this older strip-retail corridor in a manner more in harmony with the town's former mixed-use town center on Lyme Street by allowing a mix of residential and commercial uses. The aim is to create, over time, an inviting pedestrian- friendly shopping street in a living, mixed-use neighborhood along Halls Road.

- a. Individual properties in the C-30S District and the HROD will continue to be subject to all of the regulations, responsibilities, and controls of the underlying C-30S District unless and until the property owner applies for and receives approval of a Special Permit allowing them to make use of the additional opportunities of the HROD while following its different requirements.
- b. All development proposed in the HROD shall be designed to achieve the following objectives:
 - i. To make Halls Road an attractive, pedestrian-friendly shopping street;
 - ii. to make the area a safe, convenient, and pleasant mixed-use residential neighborhood;
 - iii. to foster a mix of businesses focused on the needs of Old Lyme residents in preference to those of through-travelers on the highway;
 - iv. to create a mixed-use neighborhood whose form and function are appropriate to a small rural town on the Connecticut shoreline, taking the former mixed-use town center on Lyme Street as a model; and
 - v. to promote by these actions the continued vitality of the town's main shopping area.

5.14.2 District Boundaries. The Mixed-Use Halls Road Overlay District is shown on the "Zoning Map of the Town of Old Lyme, Connecticut", originally adopted

effective as of May 31, 1991. Its boundaries are contiguous with those of the C-30S district.

5.14.3 Applicability and Process: All Uses and development applications within and taking advantage of the HROD shall be subject to the provisions of this HROD regulation, and not the provisions of the C-30S District, and if there are conflicts with other sections and provisions of these Zoning Regulations, the provisions of the HROD shall supersede those other provisions.

5.14.4 Qualifying Project: The principle aim of the HROD is to encourage the creation of a new, mixed-use town center along Halls Road. To that end, any new development in the HROD must include a project meeting the requirements of Section 5.14.4.3 below. This is the “Qualifying Project” (QP), which requires a Special Permit.

5.14.4.1 The QP is required for any development in the HROD, and takes precedence over other construction on a Lot. Permitted Buildings or Structures on the Lot other than the QP can 1) start construction and 2) get their Certificate of Occupancy only AFTER the specified stage is achieved by the QP on that Lot. For any Lot existing as of November 1, 2022 which has frontage on Halls Road but does not meet the minimum Halls Road frontage requirement of Section 5.14.4.3(a)(vi), no QP shall be required and the applicant may fully utilize all other provisions of this HROD regulation.

5.14.4.2 If a completed QP, compliant with the requirements of Section 5.14.4.3, and with its Certificate of Occupancy issued already exists on a Lot, then the QP requirement for that Lot is satisfied.

5.14.4.3 The requirements for the QP are the same as those for any project elsewhere in the HROD, as described elsewhere in Section 5.14, with the following exceptions or conditions:

a. Lot and Bulk Standards for QP

- i. QP Setback from Halls Road Street Line: Minimum 0', Maximum 15'.
- ii. QP Minimum depth of Building or Structure: Sufficient to provide a 40' depth of usable space for customer-facing uses (retail, commercial, or public) on the first-floor front.
- iii. Extent of QP Building(s) along Halls Road Lot Frontage: The length of the QP Building (or combined length of QP Buildings) on Halls Road must occupy at least 75% of the length of Lot's Halls Road Lot Frontage.
- iv. Max height: 3 stories, with allowance for a pitched roof to a maximum height of 40' at peak.
- v. Minimum height: no more than 25% of the length of the Building(s) fronting Halls Road may be one story and no one-story Building or portion of a Building may exceed 80 feet in length.
- vi. Minimum Halls Road Lot Frontage: 150'

- vii. Ratio of Lot Frontage to Lot Area: No Qualifying Project can be approved on a Lot whose Minimum Area of Buildable Land is greater than five times the square of its Halls Road frontage.
- b. Uses allowed in the first-floor front of a Building of the Qualifying Project are slightly different from those allowed elsewhere in the HROD (that is: in other Buildings or Structures not fronting Halls Road, or in the upper floors and rear of the Qualifying Project Building itself). To promote foot traffic and ensure safety along this pedestrian shopping corridor, the following Uses are not allowed in the first-floor front of a Building of the Qualifying Project in the HROD.
 - i. Multi-Family Residential
 - ii. Bed & Breakfast
 - iii. Electric vehicle charging station
 - iv. Veterinary outpatient clinic
 - v. Day Care Center
 - vi. Drive-up window services of any kind
 - vii. Business or professional offices that are closed to public customers
 - viii. Outdoor Recreation (tennis, swim, etc.)
 - ix. Public Utility substation, transformer, or other facility
- c. On the second or third floors of the QP, or at the rear of the Building, the above restrictions (5.14.4.3.b) do not apply, and the permitted Uses are as stated for the rest of the HROD in Section 5.14.6.

5.14.5 Design Guidelines - In addition to the standards and criteria of Sections 13A and 13B for Special Permit Uses, the site design, architectural design, scale and massing of Buildings and other Structures shall be substantially consistent with the explicit physical standards for site work, Buildings and Structures expressly articulated in the Halls Road Overlay District Design Guidelines which shall apply to all Uses in the HROD and shall help govern the Commission's determination of the acceptability of a proposed Use, Building or Structure.

5.14.5.1 Except for Uses permitted by Sections 5.14.6.1 and 5.14.6.2, all new Uses and changes of Use, as well as Buildings and Structures to be constructed, reconstructed, altered or exteriorly renovated or substantially improved in the HROD shall require the submission of a Special Permit application to the Zoning Commission under these regulations and shall be referred for design review and an advisory recommendation as to consistency with the Halls Road Overlay District Design Guidelines which are included herein by reference. The design review process and subsequent advisory recommendation shall be provided by the Halls Road Overlay District Design Review Committee. This Committee shall consist of three residents of Old Lyme. While not required, it is preferable that at least one member of the Committee shall be a professional architect or other design professional licensed to practice in the State of Connecticut. If such professional architect or other design professional is not available on the Committee, the Committee may hire a professional architect or other design professional to assist with the design review, and the cost of this peer review shall be paid by the applicant. The Committee may incorporate any peer review

comments into their report.

5.14.5.2 The Committee's report shall be delivered to the Commission no later than thirty-five days from receipt of the application by the Commission. In the event no such report is provided within this timeframe, the report shall be deemed favorable by the Commission. Such report and any advisory recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.

5.14.5.3 The following objectives are applicable to all development in the HROD:

- a. The Buildings, layout of Buildings and included site improvements shall create a walkable village center and streetscape environment along the frontage of Halls Road through the placement of Buildings and surrounding site improvements in relationship to the Street Line;
- b. the scale, proportions, massing and detailing of any proposed Building shall be in proportion to the proposed scale, proportion, massing and detailing encouraged in the district as per the Design Guidelines;
- c. proposed open spaces shall reinforce new open space patterns of the district in form and siting;
- d. landscape design shall complement the district's landscape patterns;
- e. locally significant features of the area, such as natural resources or sight lines of vistas from within the district, shall be integrated into the site design;
- f. exterior signs, site lighting, and accessory Buildings and Structures shall support a uniform architectural theme; and
- g. any existing and proposed streets, driveways, and parking areas shall be inter-connected where possible.

5.14.6 Uses.

5.14.6.1 Permitted Uses, Certificate of Zoning Compliance only.

The following Uses require the approval of a Certificate of Zoning Compliance, issued by the Zoning Enforcement Officer, in addition to any other applicable provisions of these Regulations:

- a. Minor modification of any Use, Building, or Structure after obtaining a Special Permit pursuant to Section 5.14.6.3, provided that such modification does not materially impact the character, quality, density, intensity, amenities, traffic generation, parking facilities or other major features of the previous approval. The Zoning Enforcement Officer may refer any such request for minor modification to the Commission for final approval.

5.14.6.2 Permitted Uses, Subject to Site Development Plan Review

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. Accessory Uses which are customary and incidental to any Use after obtaining a Special Permit pursuant to Section 5.14.6.3, provided that such Accessory Use does not materially impact the character, quality, density, intensity, amenities, traffic generation, parking facilities or other major features of the Special Permit Use, subject further to the standards of Section 7 of these Regulations.

5.14.6.3 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:

- a. Multi-family housing, provided that no dwelling unit on the ground floor level shall directly front or face onto Halls Road.

The Minimum Lot Area for a multi-dwelling Building shall be 10,000 square feet. The HROD dimensional requirements shall determine the number of dwelling units that can be placed on one Lot, provided that no more than 40 dwelling units shall be built per one acre of land.

- b. General Retail Business or retail service occupation for the sale of merchandise containing no more than 10,000 square feet of Total Floor Area per Use on any Lot, subject to Section 14 and also including the manufacture or processing of materials accessory to a permitted retail business or retail service occupation.
- c. Food and Beverage
 - i. Full-service restaurants, including the accessory service of alcoholic beverages, and including entertainment
 - ii. Take-out restaurants, provided no drive-thru facilities are included.
 - iii. Food sale markets
 - iv. Bakery (retail)
 - v. Brewery with on-site retail sales as a brew pub
 - vi. Artisan Food
- d. Arts and Entertainment
 - i. Assembly halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities)
 - ii. Theaters for indoor motion pictures or for dramatic or musical productions
 - iii. Artist studio and sales space

- e. **Services**
 - i. Banks
 - ii. Boat Rental – non-motorized boats only
 - iii. Pet Services
 - iv. Inn
 - v. Bed and Breakfast
 - vi. Day Spa
 - vii. Day Care Center
 - viii. Veterinary Outpatient Clinic
 - ix. Pet Services
 - x. 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.
 - xi. Electrical Vehicle Charging Stations, provided such charging stations are set back a minimum of 60 feet from the Halls Road Street Line.
- f. Business or Professional Office - Professional and Business Office shall include, for example, the offices of doctors, dentists, lawyers, architects, accountants, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals for whom a license to practice is required by applicable laws of the State of Connecticut. Compared to “Home Occupation, Customary.” Such Uses include:
 - i. Professional or business office of a resident of a dwelling unit
 - ii. Customary home occupation, home industry and service occupations within a dwelling unit
 - iii. Business Service Establishment, except for landscaping service
 - iv. Medical office
 - v. Governmental services
- g. **Other**
 - i. Public Utility substation, transformer, or other facility
 - ii. Park, playground, or open space operated by the Town of Old Lyme.
 - iii. Green space in private property or operated by a non-profit organization
 - iv. Tennis, swim, recreation
 - v. Parking Garages either as a stand-alone Use or an Accessory Use
- h. **Drive-in Windows**
 Drive-in windows for banks, pharmacies or out-patient clinics only are allowed provided the drive-up window is located on the side of the Building which is not visible from Halls Road and vehicle queuing areas leading up to the drive-thru window are screened from view from Halls Road to the extent possible.

5.14.6.4 Multiple Uses. Multiple principal Uses may be proposed for any Lot provided

the Commission finds the following:

- 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 5.14.9 of the HROD Regulations;
- c. For any mixed-use Building fronting Halls Road, the ground floor shall be occupied by a commercial use to a minimum depth of 40 feet from the front façade of the Building to encourage interaction with pedestrians. Commercial uses allowed on the first floor of a Building facing Halls Road shall include public access as part of normal business operations.
- d. For any mixed-use Building fronting Halls Road, no dwelling unit shall directly front or face at the ground floor level onto Halls Road.
- e. The mix of multiple Uses contributes to the purposes of the HROD as set forth in Section 5.14.1 of these Regulations.

5.14.6.5 Prohibited Uses. Any Use not listed or designated as a permitted Use, Special Permit Use, or Accessory Use in this District is expressly prohibited. The following Uses which are allowed in the underlying C30-S zoning district are not allowed in the HROD.

- a. Single-family home
- b. Adult entertainment
- c. Cemetery
- d. Mortuary
- e. Marine facility
- f. Commercial livery stables, riding academies
- g. Motel, hotel
- h. Public laundry
- i. Retail dealer's station for sale of motor vehicle fuels as a primary or Accessory Use (Gas station)
- j. Motor vehicle service facility or repairs' garage
- k. Rental or leasing of automobiles, including trucks, trailers, buses

5.14.6.6 Spacing between Alcoholic Beverage Uses. The spacing requirements between alcoholic beverage Uses of Section 14.5 of these Regulations shall not apply to such Uses within the HROD.

5.14.7 Lot and Bulk Standards. All Uses, Buildings and Structures in the Halls Road Overlay District shall comply with the following table:

TABLE 5.14-A
BULK STANDARDS IN THE HALLS ROAD OVERLAY DISTRICT (HROD)

1.	Minimum Lot Area (in square feet)	30,000 s.f.
2.	Minimum Halls Road frontage	150'
3.	Wetlands/watercourse restriction (8.2.1(a) and 8.1.4)	20%
3.	Minimum height of Buildings in stories - no more that 25% of the Building(s) fronting Halls Road may be one story.	1 for 25% as noted
4.	Maximum height in stories (all Buildings and Structures)	3
5.	Maximum height of a Building (at peak), including allowance for a peaked roof	40'
6.	Maximum setback from the street line for new Buildings and Structures in the Qualifying Project	15'
7.	Minimum setback from rear property line	15'
8.	Minimum setback from other property line	7.5'
9.	Maximum Lot Coverage by Buildings & Structures	50%
10.	Maximum total ground coverage as percent of Lot Area	75%

5.14.8 Parking Requirements. Required loading spaces shall be governed by the requirements of Section 18 of the Zoning Regulations. Parking spaces within the HROD shall be governed as provided herein. The following provisions shall apply to parking requirements in the HROD:

- a. Parking required for all 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, an applicant will be required to demonstrate to the Commission's satisfaction, the existence of sufficient parking through any combination of the following:
 - i. The Commission, with the advice of the Selectmen or their authorized agent, may determine that the required parking can be accommodated through on- street parking during the proposed

- hours of operation. This provision does not apply to parking required for owners and employees.
- ii. Through a combination of on-street and off-site parking, including parking formally dedicated to the Use in parking lots within or abutting the HROD and on other Lots of non-residential property within the HROD
 - iii. 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.
 - iv. Parking Garages may be permitted when they are part of a Building or Structure with an approved HROD Use; or as a stand-alone Building or Structure, provided the Building or Structure is located a minimum of 120 feet from the Halls Road Street Line and screened to minimize its visual presence from Halls Road. The parking garage may not exceed 3 stories in height.
- e. Number of Parking Spaces. It is the purpose and intent of this section to assure that sufficient but not excessive Off-Street Parking Spaces are provided to accommodate the automobiles of all persons normally using or visiting a Use, Building or Structure at any one time. Within the HROD, an applicant must justify the need for the number of spaces being proposed. However, the number of Off-Street Parking Spaces proposed by the Special Permit applicant shall not exceed the following Standards:

TABLE 5.14-B – PARKING REQUIREMENTS

	<u>Use Classification</u>	<u>Standards</u>
i	Multi-Family Dwellings	maximum two spaces per dwelling unit, minimum one space per dwelling unit.
ii	Professional, business office or customary home occupation in a dwelling unit	2 spaces maximum in addition to those required (above) for home occupation
iii	Retail businesses, retail stores, business and professional offices, banks and financial institutions, medical and dental clinics, and veterinary hospitals	1 space maximum for each 200 square feet of gross floor area
iv	Office Buildings not serving the public on the premises	3 spaces max. for each 1,000 square feet of gross floor area
v	Restaurants and other food and beverage service establishments	1 space max. for each 3 seats plus 1 space max. for each 2 employees
vi	Theaters and assembly halls having fixed seats	1 space max. for each 4 seats

vii	Places of public assembly or public recreation including clubs, libraries, museums, art galleries	1 space for each 4 legal occupants per Fire Safety Code
viii	Bed and Breakfast	1 space for each room plus one space for each employee

Other Uses: Sufficient parking spaces shall be provided in connection with any Use or variation thereof not explicitly listed in Section 5.14.9 to preserve the purpose and intent of the HROD.

- f. Where appropriate, the Commission shall encourage the use of low-impact, passive stormwater designs in all parking areas.
- g. 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 parking areas. In making their determination, the Commission will consider the potential impact that these vehicles will have on neighborhoods abutting the HROD.

5.14.9 Sidewalks.

5.14.9.1 If no public sidewalk currently exists along the frontage of the property, all new development or expansion of existing development shall include the installation or reconstruction of a sidewalk along any frontage on a public roadway meeting the design guidelines and construction standards of the Town. No sidewalk shall be required if the Commission, with the advice of the Selectmen, determines that the addition of a sidewalk is not feasible because of environmental or physical constraints or creates a public safety hazard.

5.14.9.2 For all non-residential uses, sidewalks shall also be provided from the frontage sidewalk to the primary Building entrance and from all parking areas to the primary entrance and all other entrances.

5.14.9.3 All sidewalks must be kept clear of parked vehicles and other materials which block the public right-of-way.

5.14.10 Front Yard Use.

5.14.10.1 Establishments fronting on Halls Road may provide seating for customers in and public use of front yards with prior Commission approval, provided that pedestrian circulation and access to Building entrances is not impaired. To allow for pedestrian circulation, a minimum width of five feet of accessible and clear walkway shall be provided between the sidewalk and the Building entrance. 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.

- 5.14.10.2 Extended awnings, canopies or large umbrellas may be permitted in connection with an application or modification thereof at the discretion of the Commission and shall be located to provide shade for patrons.
- 5.14.10.3 In connection with an application, the Commission may approve front yard displays directly in front of an establishment, provided that at least five feet of clearance is maintained along the entire length of the sidewalk and at the storefront entrance for pedestrian access. Front yard displays of retail products shall be permitted only during normal business hours and shall be completely removed at the end of the business day, unless otherwise approved by the Commission. 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.
- 5.14.11 Noise and Hours of Operation. No activities within the HROD shall result in noise of such volume or duration as to interfere with normal use and enjoyment of property within the HROD. In connection with an application or modification thereof, the Commission may require reasonable hours of operation for non-residential uses to preserve the enjoyment of nearby residential uses.
- 5.14.12 Variances: The HROD establishes an area of the Town where special land use and design guidelines can be invoked by way of the Special Permit process from the Zoning Commission. Where the flexibility and accommodations provided under this regulation are insufficient to address unique physical hardships of particular properties, bulk and dimensional variances remain available as provided under these Zoning Regulations. However, *Use variances* are strictly prohibited within the HROD.