

# Town of Old Lyme



## Zoning Regulations

**Effective Month ##, 2025**

**With Amendments Through:**

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# Article I Regulatory Foundation

## Section 1. Purpose and Authority

### 1.1 Title

The regulations which follow shall be known as and may be cited as "Zoning Regulations of the Town of Old Lyme, Connecticut" and are hereinafter referred to as "Zoning Regulations" or "these Regulations".

### 1.2 Purpose

**Whereas**, the Zoning Commission of the Town of Old Lyme has, over a period of years, conducted studies of the physical, social, economic and governmental conditions and trends of said Town, both by itself and with the assistance of the Old Lyme Planning Commission and technical and expert guidance; and

**Whereas**, said Commission has held hearings and given opportunity for all the citizens of said Town and other parties in interest to state their opinion thereon, and as a result of said studies and of its own knowledge and experience on said subjects, said Commission has reached certain conclusions and made certain recommendations for the most desirable use of land within said Town for residential, recreational, commercial, industrial and other purposes, for the most desirable density of population in the several parts of said Town, for a system of principal thoroughfares, bridges, streets and other public ways, for parks, playgrounds, and other public grounds, for general location, relocation and improvements of public buildings, for the general location and extent of public utilities, water, sewage, light, power, transit and other purposes, for the extent and location of various types of housing and other related matters beneficial to said Town.

**Now, Therefore**, the Zoning Districts and Regulations herein set forth are hereby promulgated:

- to preserve the rural character of the Town of Old Lyme which includes a landscape comprised of open space, coastal areas, forests, farms, village centers, and residential neighborhoods;
- to establish a comprehensive plan to promote with the greatest efficiency and economy the coordinated development and growth of the Town of Old Lyme and the general welfare and prosperity of its people;
- to lessen congestion in the streets;
- to secure safety from fire, panic, flood and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land and to preserve and protect the value thereof;
- to avoid undue concentration of population;
- to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements and other purposes necessary or incidental thereto;
- with reasonable consideration as to the character of the district including its scale of development, density, uses, and landscape, and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Old Lyme;
- to the extent consistent with soil types, terrain, infrastructure capacity, and the Plan of Conservation and Development for the Town, provide for cluster development, as defined in CGS § 8-18, in residential zones;

- to encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity, for all residents of the Town and the region;
- to promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and to encourage housing which will meet the housing needs identified in the housing plan prepared pursuant to CGS § 8-30j and in the housing component and the other components of the State Plan of Conservation and Development;
- to exercise reasonable consideration for the impact of the Regulations on agriculture; and, with reasonable consideration for the protection of historic factors;
- to exercise reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies;
- to make proper provision for soil erosion and sediment control pursuant to CGS § 22a-329;
- to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation;
- to exercise reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound, and designed to reduce hypoxia, pathogens, toxic contaminants, and floatable debris in Long Island Sound; and,
- to attain all of the other goals and objectives as set forth in CGS § 8-2, as the same may be amended from time to time.

### 1.3 Comprehensive Plan

These Zoning Regulations divide the Town of Old Lyme into districts in accordance with a comprehensive plan with:

- A. due Consideration for the recommendations of the Plan of Conservation and Development of the Town;
- B. a view to conserving wetlands and other natural resources and the value of buildings and to encouraging the most appropriate use of land throughout the Town; and
- C. reasonable consideration for the character of each district (including the scale of development, density, uses, and landscape), development of housing opportunities for all citizens of the Town and protection of historic factors and existing and potential drinking water supplies.

### 1.4 Savings Clause

Should any court of competent jurisdiction declare any section, clause or provision of these Regulations to be unconstitutional or statutorily illegal, such decision shall affect only such section, clause or provision so declared unconstitutional or illegal and shall not affect any other section, clause or provision of these Regulations.

### 1.5 Amendment of Regulations

- A. These regulations, amended through **enter date**, have been updated and adopted by the Zoning Commission under the authority granted by CGS § 8-3.
- B. If a violation happened before these regulations became effective or if a penalty was imposed, the regulations in effect at the time the violation occurred, or penalty imposed shall remain in effect. The Commission or Zoning Enforcement Officer shall have discretion in upholding or waiving such violation or penalty.

- C. Any property use, building, structure, lot, or site development, or part thereof, that was legally in existence (whether through a variance or another method) when these regulations or any amendments became effective, which does not fully comply with these regulations, may continue to operate subject to the conditions and limitations set forth in Section 4.
- D. 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 and except as applicable to a vacant lot shown on a subdivision or resubdivision plan approved before the effective date of these Regulations (per CGS § 8-26a(b)), which shall be subject to the Regulations in effect at the time the subdivision or resubdivision was approved. 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.

## 1.6 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.

## Section 2. Establishment of Zoning Districts and Zoning Map

### 2.1 Base Zoning Districts

For the purposes of these Regulations, the Town of Old Lyme is divided into the following base zoning districts:

- Rural Residence District (RU-80)
- Rural Residence District (RU-40)
- Residence 20 District (R-20)
- Residence 15 District (R-15)
- Residence 10 District (R-10)
- Multi-Family Residence District (MFR-80)
- Multi-Family Residence District (MFR-40)
- Multi-Family Residence District (MFR-20)
- Waterfront Business District (WF-20)
- Commercial 10 District (C-10)
- Commercial 30 District (C-30)
- Commercial 30S District (C-30S)
- Light Industry District (LI-80)
- School District (SD)
- Sound View Village District (SVVD)

### 2.2 Overlay Zones

The following are additional classes of zones, which overlay all or portions of the districts listed above:

#### 2.2.1 Gateway Conservation Zone

The Connecticut River Gateway Conservation Zone, herein referred to as "Gateway Conservation Zone", is established under the provisions of CGS Chapter 477a 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.

#### 2.2.2 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 13.1, Flood Plain Zone.

#### 2.2.3 Aquifer Protection Zones

The special requirements applicable in the Aquifer Protection Zones are as specified in Section 13.3, Aquifer Protection Zone. Two Aquifer Protection Zones are established:

- A. Surficial Aquifer Protection Zone. The Surficial Aquifer Protection Zone is a class of zone in addition to and overlaying one or more of the other districts. The boundaries of the Surficial Aquifer Protection Zone encompass those coarse-grained surficial aquifers that currently provide, or have the potential to provide, water in sufficient quantities to support public or community wells, and their respective recharge areas. The locations of potential high-potential coarse-grained surficial aquifers were derived from the "Surficial Aquifer Potential Map of Connecticut" prepared by the Connecticut Geological

Survey at the request of the Water Protection and Land Reuse Bureau of the DEEP and may be amended from time to time. A map of the Surficial Aquifer Protection Zone is available for examination in the office of the Old Lyme Town Clerk.

B. 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:

1. islands in the Connecticut River;
2. 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; and
3. areas included in the Surficial Aquifer Potential Zone as specified in Section 13.3.2.A.

## **2.2.4 Coastal Boundary**

The Coastal Boundary is established under the provisions of CGS Chapter 444 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 (available for examination in the Old Lyme Land Use Office) and delineates the portion of the Town in which the special requirements specified in Section 12.1, Coastal Boundary, are applicable.

## **2.3 District Boundaries**

### **2.3.1 Zoning Map**

The boundaries of the districts and zones specified in Section 2.1 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".

### **2.3.2 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 9.7.2.

### 2.3.3 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.

# Article II Use Regulations

## Section 3. Permitted and Prohibited Uses

### 3.1 Permitted Uses

- A. No buildings or structure shall be erected, altered, extended, converted, enlarged or reconstructed in such a manner as to be designed, arranged or intended for any purpose other than the uses permitted in the district in which the building or structure is located, except as provided in Section 3.1. Likewise, no lot, building, or structure shall be used, designed or arranged for any purpose other than the uses permitted in the district in which that lot is located, except as provided in Section 3.1.
- B. The land use designations contained in this Article shall be construed in accordance with Section 24. For land use designations that are not defined in Section 24, 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 1.2. 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.
- C. A temporary use granted under any provisions of these Regulations or any application for a use which application specifies or contains a particular proposed time frame or time period shall not constitute the establishment of a permanent or legal non-conforming use.

### 3.2 Prohibited Uses

#### 3.2.1 Prohibition on Variances

Pursuant to CGS § 8-6, the Old Lyme Zoning Board of Appeals is prohibited from granting any variance that would permit any of these prohibited uses to be established, enlarged, extended, or intensified.

#### 3.2.2 List of Prohibited Uses

- A. Any use of a lot, buildings or structures not specifically set forth in these Regulations as a permitted use shall be deemed to be a prohibited use.
- B. Any use of a lot, building, or structure not listed and designated as permitted in the specified district in Section 5 or Section 6 is prohibited in such district.
- C. Due to their uniquely objectionable characteristics, certain uses are identified in this section are prohibited in any zone, as principal or accessory uses, and no use category set forth in Section 5 or Section 6 shall be deemed to include any use listed here. These prohibited uses include the following:
  1. No land in any district shall be used for a trailer, tent or similar structure to be occupied as a dwelling.
  2. No land in any district shall be used for a junkyard or a junk business of any description and no rubbish, machinery, broken glass, stumps, roots, garbage, trash, refuse, debris or junk motor vehicles shall be left or stored on any lot so as to be unsightly or detrimental to nearby property.
  3. No land in any district shall be used as the location for a Quonset hut or similar structure to be used for any purpose.
  4. Except as provided in connection with a licensed motor vehicle repair garage, not more than one currently unregistered motor vehicle shall be parked on any property, and said vehicle shall not at

any time be in a state of major disassembly, disrepair, nor shall it be in the process of being stripped or dismantled.

5. No land in any district shall be used for any of the following purposes: new or used motor vehicle dealer's establishment for the sale or storage of automobiles or other motor vehicles, including trucks, trailers, buses and farm equipment, motorcycles, snowmobiles, jet skis, all-terrain vehicles or other unregistered offroad vehicles.
6. No commercial establishment may have more than two pinball machines or other devices operated as a game of skill.
7. No dwelling containing more than one dwelling unit shall be constructed on any lot except as permitted by these Regulations in Sections 7.17 and 8.3.2.
8. No lot, or portion thereof, shall be used as a public parking lot, except for public parking lots under the management, supervision, and control of the Town of Old Lyme.
9. Abattoir; distillation of bones, offal or rendering or dumping of dead animals; stock yards.
10. Blast furnaces or smelting of copper, iron, lead, tin or zinc.
11. Potash, coal, coke, tar, oil or other petroleum product distillation, manufacture, or derivation of byproducts, including, but not limited to, refining or manufacture of products such as gasoline, lubricating oil, kerosene, naphtha, nitrates (natural and synthetic), synthetic resins, pyroxilin, rayon or nylon yard, and plastics.
12. Manufacturing uses involving the primary production of the following products from raw materials: asphalt, rubber (natural and synthetic), cement, charcoal, charcoal fuel briquetting, lime, gypsum, or plaster of paris; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, soap, paper, industrial alcohol, carbolic, phosphoric, hydrochloric, nitric, picric, or sulfuric acid; and linoleum, oil cloth, matches, paint, varnishes, turpentine and other solvents.
13. Manufacture or storage of explosives.
14. Fertilizer manufacture.
15. Fat rendering in the manufacture of tallow, grease, glue, gelatin and oil.
16. Refining and recovery of products from fish, wood or wood pulp or fiber, bones, fat and other animal refuse or offal.
17. Natural, propane, or other gas manufactured by other than a public utility, and natural, propane, or other gas storage as a principal use, except that the storage for distributing purposes and the distribution of liquified petroleum gas may be permitted as a permit by the Zoning Board of Appeals provided that there is compliance with all requirements of Connecticut General Statutes Chapter 541, Part II, and any regulations adopted pursuant thereto, as the same may be amended from time to time. This provision shall not be construed to prevent the storage for use on the premises of liquified petroleum gas when installed and used in accordance with applicable Connecticut State laws.
18. Bulk or wholesale storage of gasoline, fuel oil, and all other petroleum products above ground, excluding such storage for on-site consumption or otherwise accessory to the principal use of the property.
19. Operations involving the keeping, breeding and raising of mink or other raising fur-bearing animals other than rabbits; or primates for commercial or laboratory purposes; or the keeping, breeding and raising of pigs or swine as a principal use.

20. Any activities dealing with automobile racetracks, snowmobile racetracks, stock car racetracks, drag strips, off-road vehicle trail racing, and all other activities involving racing of, or competitions or spectacles involving, motorized vehicles of any kind.
21. Nitrating of cotton or other materials.
22. Itinerant peddling, sales or promotions conducted from vehicles or from any other mobile or portable facility, excluding: Vendors legally operating within a public highway right-of-way; and permitted accessory uses in Section 6.
23. Use which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, vibrations or because of other objectionable features.
24. Helistops: A landing and take-off pad for the pickup and discharge of passengers by helicopter.
25. Tea Rooms.
26. Billboards including but not limited to any sign greater than 32 square feet which is a free-standing structure or any sign greater than 60 square feet which is mounted upon the roof or wall of a building and is visible from any public street or highway. "Billboard" shall expressly include any sign which is visible from a street from which the property on which the sign is located does not have direct vehicular access. "Billboard" shall not include any sign(s) approved pursuant to Section 17 or approved as part of a Site Plan Review or Special Permit per Section 19 and Section 20, respectively.
27. Fast Food Restaurants: The retail sale of food to the general public for consumption on the Premises or where a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use and which is characterized by high volume of patronage, the promise of rapid service of meals and a resulting short duration of stay and rapid turnover.
28. Drive-through service to patrons in vehicles as either a principal use or as an accessory use to a full-service restaurant.
29. Cannabis establishments as defined and authorized by CGS Chapter 420h.
30. Gas stations.

## Section 4. Non-Conforming Lots, Uses, Buildings and Structures

### 4.1 Purpose and General Regulations

#### 4.1.1 Purpose

The purpose of these regulations are to ensure that non-conformities are not to be expanded, altered, or enlarged, that they should be changed to conformity as quickly as the fair interest of the owners permits, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the approval of a variance for any other use, building or other structure or lot.

#### 4.1.2 Continuance of a Nonconformity

Any use, building, structure, lot, or site development (or any part thereof) that was legally in existence, whether by variance or otherwise, on the effective date of these Regulations (or any subsequent amendment) and that does not comply with one or more current provisions may continue, subject to the provisions and limitations of this section.

#### 4.1.3 Displacement of a Nonconforming Use

If any site development not involving a building or structure, or any building or structure containing a nonconforming use, shall be damaged or destroyed by fire or other casualty outside the control of the owner, any such nonconforming use may be resumed to the extent that such site development or use existed at the time of the casualty, provided that such restoration is completed within one year from such casualty. In the event of failure to complete such restoration within the one-year period, or within such additional periods, not exceeding two years, as the Zoning Commission may grant upon written application made to it. Upon a finding by the Zoning Commission, following a public hearing with notice to the property owner and occupant of the premises, that said site development or use has been abandoned, the right under this Section 4.1.3 to restoration of site development, and the right to resume any such nonconforming use, shall be lost and terminated. Such restoration when made within the Zone A or Zones VE or V1-30 portions of the Flood Plain District shall conform to the requirements of Section 13.1. To the extent said reconstruction does not conform to the standards set forth in Section 10 or Section 11, as applicable, said reconstruction shall be allowed within such same building footprint and preexisting actual cubic area occupied or less, with no increase in pre-existing nonconformities.

#### 4.1.4 Repairs

Nothing in this section shall be deemed to prohibit work on any nonconforming building or other structure, or any building or structure on a nonconforming lot, or site development, when required by law to protect the public health or safety, provided that such work does not increase the nonconformity.

Nothing in this section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure, or site development, or replacement of existing materials with similar materials.

#### 4.1.5 Titles

No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure, or building or structure on a nonconforming lot, or site development.

#### **4.1.6 Pre-Existing Violations**

Nothing in these Regulations, including this section, shall be interpreted as authorization for or approval of the continuation of the use of land, buildings or structures that are in violation of any zoning regulations, local ordinances, or state or federal laws in effect prior to the effective date of these Regulations.

#### **4.1.7 Previously Filed Applications**

Subject to the time limitations of Section 19.5, and in accordance with CGS § 8-2h, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure, in the area, location, bulk or construction of any building or other structure, or site development for which an application for a zoning application has been filed, even though such proposed use, building or other structure, or site development does not conform to one or more provisions of these Regulations or any amendment hereto.

#### **4.1.8 Time Limit for Zoning Permits**

An approved Zoning Permit authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto shall become null and void unless:

- A. the use authorized thereby shall have been established within one year from the effective date of such Regulations or any amendment thereto when such use does not involve the construction of a building or other structure for which a Building Permit must be approved or,
- B. the construction and use of a building or other structure, and its site development authorized thereby shall be established and completed within two years from the effective date of such Regulations or any amendment thereto.

The Zoning Commission may grant extensions for additional periods not to exceed one year after the public hearing for good cause demonstrated to the satisfaction of such Commission.

### **4.2 Non-Conforming Lots**

The following provisions and limitations shall apply to nonconforming lots, but not parcels which are not lots, except as otherwise noted:

#### **4.2.1 Use of Nonconforming Vacant Lots**

Any vacant nonconforming lot, meaning a lot upon which no principal building exists, having less than the minimum lot area required under these Regulations is not required to conform to such minimum lot area requirement and any permitted building or other structure may be erected or placed, and any permitted use may be made thereon only if all of the following requirements are met:

- A. Such lot shall have an area equal to or greater than 90% of the minimum lot area required under these Regulations, provided such lot is 18,000 square feet or larger; and
- B. Such lot has abutted no other lot under the same ownership since the adoption of Zoning Regulations in the Town of Old Lyme (effective August 12, 1958). See Section 4.2.2.
- C. Except for lot area and frontage, all other bulk requirements of Schedule A-2 or B-2, as the case may be (minimum setbacks, maximum coverage, etc.) shall apply, except as varied by the Zoning Board of Appeals.

#### **4.2.2 Merger of Nonconforming Lots**

- A. If title to a non-conforming parcel or lot, whether improved or not, was, at any time after the adoption of Zoning Regulations in the Town of Old Lyme (effective August 12, 1958), or is now, vested in any person(s) that own(s) any parcel or parcels of land contiguous to it, then said contiguous land together with the Non-conforming parcel as is required to conform to these Regulations shall be deemed to be a single lot or parcel for zoning purposes, and thereafter may not be divided, sold, transferred, or improved in any manner which would create or result in a Non-conformity or in an increased or further non-conformity.
- B. If all contiguous lands of said person(s) are together insufficient to meet the minimum requirements of these Regulations, then all said contiguous land shall be considered as a single nonconforming lot or parcel for the purposes of this section. The foregoing merger provisions shall not apply to any lot approved pursuant to the Old Lyme Subdivision Regulations as in force at the time of such approval, pursuant to CGS § 8-26a(b), or to parcels of land, each of which are improved with legal principal buildings existing prior to the effective dates of the regulations which rendered them non-conforming.

#### **4.2.3 Expansion of Existing Building or Structure on a Nonconforming Lot**

- A. General Rule. Except upon the issuance of a Special Permit as provided herein, or a Certificate of Zoning Compliance in accordance with Section 4.2.3.D, no building or other structures shall be constructed on such lot; nor shall any building or structure be altered so as to increase the extent of its nonconformity. These prohibitions specifically include the following:
  1. The conversion of any garage, outbuilding or other accessory building or structure to habitable living space.
  2. The construction of any additional building for habitable living space.
- B. Exceptions to General Rule by Special Permit by the Commission. The Commission may issue a Special Permit for an enlargement, extension, or additional building or structure otherwise prohibited by this section for a lot containing a single-family dwelling and located within the R-10 District within the 100-year flood zone as shown on the most current FEMA flood map, provided that there is no new nonconformity, nor increase in any existing nonconformity, with respect to setback, coverage, and other bulk requirements; and also provided that, in addition to the criteria of Section 20.4, the Commission may consider:
  1. The density or intensity of the lot and the surrounding area, including the area and topography of the lot, its coverage by buildings, the height and volume of such buildings, the number of dwelling units or bedrooms, and the ratio of impervious surfaces.
  2. The natural resources on the lot and in the vicinity of the lot which may be adversely impacted.
  3. The access to the lot, including whether access roads are public or private, their surface condition, width, grade, flood hazard, drainage, existing traffic volume, and suitability for increased traffic or population to be served.
  4. Access to the existing or proposed building(s) or structure(s) on and abutting the lot for emergency vehicles and public safety personnel.
  5. The character of the neighborhood, including the scale of other buildings or structures in the area, the streetscape, impact on marine or coastal vistas as viewed from public streets or other public viewing areas.

6. The goals of the Connecticut Coastal Management Act, despite the exemption from such Act for single-family dwellings; and specifically including a consideration of the protection of the coastal resources on or adjacent to the site; and impacts to such coastal resources shall be found to be acceptable for the proposed application. Such review shall also include a recognition that many areas of the R-10 District are within coastal flood hazard areas and that the potential danger to life and property shall be reduced or minimized by the proposed application.
7. Privacy, light, and air for the subject lot and abutting lots.
8. Increased effluent disposal volumes, the condition of the existing septic system on the lot, and the impact on potential future repair or expansion of any such septic system. The existing or proposed septic system shall be in compliance with the current Public Health Code without the use of any exceptions provided by such code, unless the Commission determines that the proposed enlargement, extension, or additional building or structure creates no increase in effluent disposal volumes and that such enlargement, extension, or additional building or structure does not limit or impair the feasibility of installing such a compliant septic system in the future.

C. Exceptions to General Rule by Certificate of Zoning Compliance by the Zoning Enforcement Officer. In addition to the preceding Section 4.2.3.B, the following may be permitted by Certificate of Zoning Compliance on a nonconforming lot in the R-10 District containing a single-family dwelling only, provided all other setback and building bulk and coverage requirements are met; and also provided that the septic system is in compliance with the current Public Health Code including the use of any exception provided by such code. (An A-2 Survey shall be provided in support of any application under this section)

1. Detached accessory building not exceeding 100 sf in size or 10 feet in height.
2. Deck.
3. Terrace.

D. Exceptions of Single-Family Districts. Not within the 100-year Flood Zone. For a lot containing a Single-Family Dwelling and located in a single-family zone other than the R-10 District, or within the R-10 District but outside the 100-year flood zone as shown on the most current FEMA flood map, the Zoning Officer may issue a Certificate of Zoning Compliance for an enlargement, extension, or additional building or structure, provided that the septic system is in compliance with the current Public Health Code without the use of any exceptions; and also provided that all other setback and building Bulk and coverage requirements are met. An A-2 Survey shall be provided in support of any application under this subsection.

E. No Reduction of Nonconforming Lot. No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these Regulations or shall increase the extent of any non-conformity.

## 4.3 Non-Conforming Uses

The following provisions and limitations shall apply to a nonconforming use of land, building or other structure:

### 4.3.1 Enlargement

No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure.

### 4.3.2 Change

No nonconforming use of land, buildings or other structures shall be changed to any use which is different in nature and purpose from the former nonconforming use except such uses that are permitted uses in the district in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. This section shall not be construed to waive any Commission or administrative review (Site Development Plan, Special Permit, Certificate of Zoning Compliance, etc.) which any new or altered use would require under these Regulations.

### 4.3.3 Moving

No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged or designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to terminate the nonconformity.

### 4.3.4 Performance Standards

Any use of land, buildings or other structures, or site development, which does not conform to one or more of the performance standards of Section 14.1 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.

### 4.3.5 Exceptions

Notwithstanding the above, a structure devoted to a nonconforming use may be cosmetically changed or may be internally changed or remodeled if:

- A. In the case of a non-residential use, the change/remodeling does not Expand, Extend, or Alter the nonconforming use, except to one that is permitted, and does not increase the level of permitted occupancy of the nonconforming use, and does not increase the area within the structure devoted to the nonconforming use;
- B. In the case of a residential use, the change/remodeling does not change the use, except to one that is permitted, and does not increase the total number of rooms, and does not increase the number of bedrooms or rooms classifiable as bedrooms under state building or health codes and does not increase the number of dwelling units.
- C. Any such change is only within the existing structure footprint and existing cubic area of the structure or less, with no increase in existing nonconformities.

## 4.4 Non-Conforming Buildings and Structures

The following provisions and limitations shall apply to nonconforming buildings and other structures and site development:

### 4.4.1 Enlargement

No building or other structure which does not conform to the requirements of these Regulations regarding Height limitations, or building bulk and coverage, or required setbacks shall be enlarged or extended unless such enlarged or extended portion conforms to these Regulations.

### 4.4.2 Change

No nonconforming building or other structure, or site development, if once altered to conform or to more nearly conform to these Regulations shall thereafter be altered so as to be nonconforming or less conforming again.

### 4.4.3 Moving

No nonconforming building or other structure, or site development shall be moved unless the result of such moving is to reduce or eliminate the nonconformity.

### 4.4.4 Signs

Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in nonconformity. When the support structure, panel or illumination facility of a nonconforming sign is voluntarily altered or removed, that element of the nonconforming sign is deemed to be discontinued or terminated.

### 4.4.5 Off-Street Parking and Loading

Any lot, use, building or other structure, or site development, which does not conform to one or more of the parking and loading provisions of Section 16 shall continue to conform to such provisions to the extent that it conforms on the effective date of such section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 16 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 18 unless such spaces are provided as required for the new use under Section 16.

### 4.4.6 Site Development and Landscaping

Site development, including landscaping that fails to conform to requirements of these Regulations under Section 19.2.3.I shall be deemed a nonconformity. No use for which such site development and landscaping are required shall be enlarged, extended, altered or moved and no building or other structure for which such site development and landscaping are required shall be enlarged, extended, altered, moved or reconstructed unless such nonconformity is eliminated, provided that the Zoning Commission may, in accordance with action under the provisions of Section 19 or Section 20, authorize continuation or reduction of the nonconformity.

## Section 5. Principal Use Summary Tables

### 5.1 Residential Zones

Principal uses are allowed in residential zones in accordance with the table below and the following:

- Uses are allowed through a Zoning Permit (ZP), Site Development Plan (SDP), or Special Permit (SP).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.

Principal Use	RU-80	RU-40	R-20	R-15	R-10	MFR-80	MFR-40	MFR-20
Alternative Energy Systems	SP	SP	—	—	—	—	—	—
Cemetery	SP							
Club	SP							
Commercial Cattery	SP	SP	—	—	—	—	—	—
Commercial Cutting	SDP							
Commercial Kennel	SP	SP	—	—	—	—	—	—
Commercial Livery, Boarding Stables, and Riding Academies	SDP <sup>1</sup>							
Commercial Nursery	ZP <sup>2</sup>							
Community Residence	ZP							
Convalescent Home	SP							
Farm	ZP							
Golf Course	SP							
Governmental Service	SP							
Institutional Use	SP							
Multiple Dwelling Development	—	—	—	—	—	SP	SP	—
Nursing Home	SP							
Park	SP							
Planned Residential Conservation Development	SP	SP	—	—	—	SP	SP	—
Private School	SP							
Public Utility Facility	SP							
Single-Family Dwelling	ZP							
Two-Family Dwelling	—	—	—	—	—	SP	SP	SP
Veterinary Hospital	SP	SP	—	—	—	—	—	—

1. Establishments with more than 6 horses shall require a Special Permit.  
2. Nurseries with retail sales areas of 400 sf or more (total indoor and outdoor space) shall require a Special Permit.

## 5.2 Commercial, Industrial, and Special Zones

Principal uses are allowed in commercial, industrial, and special zones in accordance with the table below and the following:

- Uses are allowed through a Zoning Permit (ZP), Site Development Plan (SDP), or Special Permit (SP).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.

Principal Use	WF-20	C-10	C-30 and C-30S	LI	SD	SVVD
Adult Entertainment	—	SDP	SDP	—	—	—
Affordable Housing	—	—	—	—	—	SP
Alternative Energy Systems	—	—	—	SP	—	—
Animal Shelter	—	—	—	SP	—	—
Boat Livery	SDP	SP	SP	—	—	—
Building Materials Yard	—	—	—	SP	—	—
Business Service Establishment	—	SP	SP	SP	—	—
Cemetery	SP	SP	SP	—	—	—
Club	SP	SP	SP	—	—	—
Commercial Livery, Boarding Stables, and Riding Academies	—	—	SP	—	—	—
Community Building	—	—	—	—	—	SP
Concrete Manufacturing and Processing	—	—	—	SP	—	—
Dairy and Bottling Works	—	—	—	SP	—	—
Dog Training Facility	—	—	SP	—	—	—
Financial Institution	—	SDP	SDP	SP	—	—
Full Service Restaurant <sup>1</sup>	SP	SP	SP	—	—	SP
Governmental Service	SP	SP	SP	SP	—	—
Indoor Recreation Facility	—	SP	SP	SP	—	SP
Inn	—	SP	SP	—	—	—
Institutional Use	—	SP	SP	—	—	SP
Laundromat	—	SP	SP	—	—	—
Manufacturing	—	—	—	SP	—	—
Marine Facility	SDP	SP	SP	—	—	—
Marine Related Sales	SDP	SP	SP	—	—	—
Marine Research Facility	SDP	SP	SP	SP	—	—
Mixed-Use	—	—	—	—	—	SP
Mortuary or Funeral Home	—	SP	SP	—	—	—
Motor Vehicle Service	—	SP	SP	—	—	—
Multi-Family Housing	—	—	—	—	—	SP

Principal Use	WF-20	C-10	C-30 and C-30S	LI	SD	SVVD
Outdoor Recreation Facility	—	SP	SP	—	—	—
Package Store	—	SP	SP	—	—	—
Park	SP	SP	SP	—	SP	SP
Planned Residential Conservation Development	—	—	—	—	—	—
Private School	—	—	—	—	SP <sup>3</sup>	—
Professional Office	SP	SP	SP	SP	—	—
Public School	—	—	—	—	SP	—
Public Utility Facility	SP	SP	SP	SP	—	—
Recreational Entertainment Facility	—	—	—	—	—	SP
Rental or Leasing of Automobiles	—	SP	SP	—	—	—
Research Laboratory	—	—	—	SP	—	—
Retail Establishment	SP	SP	SP	—	—	SP
Self-Storage	—	—	—	SP	—	—
Septage Storage and Transfer Facility	—	—	—	SP	—	—
Shared Septic Systems	—	—	—	—	—	SP
Single-Family Dwelling	—	ZP	ZP	—	—	SDP <sup>2</sup>
Take-Out Restaurant	—	SP	SP	—	—	SP
Telecommunications Tower, Antenna, or Building	—	SP	SP	SP	—	—
Theater	—	SP	SP	—	—	—
Tourist Home	—	—	—	—	—	SP
Truck, Bus, or Fleet Terminal	—	—	—	SP	—	—
Veterinary Clinic	—	SP	SP	—	—	—
Warehouse	—	—	—	SP	—	—
Yacht Club	—	SP	SP	—	—	—

<sup>1</sup> See Section 7.11 for size and use restrictions by zone.

<sup>2</sup> Single family homes greater than 2,000 sf in gross floor area require a Special Permit.

<sup>3</sup> Excludes higher education institutions.

## Section 6. Accessory Use Summary Tables

### 6.1 Accessory Use Summary Table: Residential Zones

Accessory uses are allowed in residential zones in accordance with the table below and the following:

- Uses allowed as of right, not requiring a permit are indicated by an (R).
- Uses allowed by the same permit type required for the principal use are indicated by an asterisk (\*).
- Uses allowed through a permit type regardless of the principal use are allowed through a Zoning Permit (ZP), Site Development Plan (SDP), or Special Permit (SP).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 8 and other applicable sections for regulations specific to the uses identified below.

Accessory Use	RU-80	RU-40	R-20	R-15	R-10	MFR-80	MFR-40	MFR-20
<b>Buildings</b>								
Accessory Buildings	*	*	*	*	*	*	*	*
Accessory Farm Buildings	*	*	*	*	*	*	*	—
Garage	*	*	*	*	*	*	*	*
Guest House	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Roadside Shelters for School Children	*	*	*	*	*	*	*	*
<b>Structures</b>								
Central Air Compressors and Heat Pump Mechanicals	*	*	*	*	*	*	*	*
Deck	*	*	*	*	*	*	*	*
Electric Vehicle Charging Station <sup>1</sup>	SP	SP	SP	SP	SP	SP	SP	SP
Farmstands	*	*	*	*	*	*	*	—
Fence or Wall <sup>2</sup>	R	R	R	R	R	R	R	R
Generators	*	*	*	*	*	*	*	*
Handicapped Access to Residential Structures	*	*	*	*	*	*	*	*
Private Boathouse or Dock <sup>3</sup>	*	*	*	*	*	*	*	*
Propane Tanks or Above-Ground Oil Tanks	*	*	*	*	*	*	*	*
Signs	*	*	*	*	*	*	*	*
Structure or Rooftop Mounted Antennas	R	R	R	R	R	R	R	R
Terraces and Stairways	*	*	*	*	*	*	*	*
Trailer Construction Storage/Office	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
<b>Uses</b>								
Accessory Alcohol Sales <sup>5</sup>	SP	SP	SP	SP	SP	SP	SP	SP
Accessory Apartment	SP	SP	—	—	—	—	—	—

Accessory Use	RU-80	RU-40	R-20	R-15	R-10	MFR-80	MFR-40	MFR-20
Bed & Breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Boarding of Horses	R	R	R	R	R	R	R	R
Commercial Vehicle Parking <sup>4</sup>	R	R	R	R	R	R	R	R
Family Child Care Home	*	*	*	*	*	*	*	*
Home Occupation	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Keeping of Pets	R	R	R	R	R	R	R	R
Letting of Rooms	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Memorial Garden	*	*	*	*	*	*	*	*
Off-Street Parking	*	*	*	*	*	*	*	*
Outdoor Recreation Facilities	*	*	*	*	*	*	*	*
Outside Storage of Goods	*	*	*	*	*	*	*	*
Private Dog Kennel	R	R	R	R	R	R	R	R
Recreational Vehicle or Camper Trailer Parking	*	*	*	*	*	*	*	*
Tag Sale	R	R	R	R	R	R	R	R

<sup>1</sup> See Section 8.2.3.B for exemptions from this permit requirement and for regulations specific to electric vehicle charging stations.

<sup>2</sup> See Section 8.2.5 for conditions that may require a Special Permit for a fence or wall.

<sup>3</sup> Boathouses and docks are subject to Coastal Site Plan review. Zoning, Site Plan, or Special Permit requirements are applicable to elements outside of that jurisdiction.

<sup>4</sup> See Section 8.3.5 for allowances and restrictions for commercial vehicle parking.

<sup>5</sup> See Section 8.3.1 for accessory alcohol sales use requirements and restrictions.

## 6.2 Accessory Use Summary Table: Commercial, Industrial, and Special Zones

Accessory uses are allowed in commercial, industrial, and special zones in accordance with the table below and the following:

- Uses allowed as of right, not requiring a permit are indicated by an (R).
- Uses allowed by the same permit type required for the principal use are indicated by an asterisk (\*).
- Uses allowed through a permit type regardless of the principal use are allowed through a Zoning Permit (ZP), Site Development Plan (SDP), or Special Permit (SP).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 8 and other applicable sections for regulations specific to the uses identified below.

Accessory Use	WF-20	C-10	C-30, C-30S	LI-80	SD	SVDD
<b>Buildings</b>						
Accessory Buildings	*	*	*	*	*	*
Garage	*	*	*	*	*	*
Roadside Shelters for School Children	*	*	*	*	*	*
<b>Structures</b>						
Central Air Compressors and Heat Pump Mechanicals	*	*	*	*	*	*
Decks	*	*	*	*	*	*
Electric Vehicle Charging Stations <sup>1</sup>	ZP	ZP	ZP	ZP	ZP	ZP <sup>5</sup>
Fence or Wall <sup>2</sup>	R	R	R	R	R	R
Generator	*	*	*	*	*	*
Handicapped Access to Residential Structures	*	*	*	*	*	*
Outside Vending Machines	*	*	*	*	*	—
Private Boathouse or Dock <sup>3</sup>	*	—	—	—	—	—
Propane Tanks or Above-Ground Oil Tanks	*	*	*	*	*	*
Signs	*	*	*	*	*	*
Structure or Rooftop Mounted Antennas	R	R	R	R	R	R
Trailer Construction Storage/Office	ZP	ZP	ZP	ZP	ZP	ZP
Trailer Permanent Storage	SDP	SDP	SDP	SDP	SDP	—
Trailer Temporary Storage	SDP	SDP	SDP	SDP	SDP	—
Terraces and Stairways	*	*	*	*	*	*
<b>Uses</b>						
Accessory Alcohol Sales <sup>6</sup>	—	SP	SP	—	—	—
Accessory Motor Vehicle Service	—	—	—	*	—	—
Boarding of Horses	R	R	R	R	R	R
Commercial Vehicle Parking <sup>4</sup>	R/SDP	R/SDP	R/SDP	R/SDP	R	R
Family Child Care Home	—	*	*	—	—	*
Home Occupation	—	ZP	ZP	—	—	*
Keeping of Pets	R	R	R	R	R	R

Accessory Use	WF-20	C-10	C-30, C-30S	LI-80	SD	SVDD
Lavatory or Laundry Facilities Accessory to a Marine Facility	*	—	—	—	—	—
Letting of Rooms	—	*	*	—	—	—
Off-Street Parking	*	*	*	*	*	*
Outdoor Recreation Facilities	*	*	*	*	*	*
Outside Storage of Goods	*	*	*	*	*	—
Playground	—	*	*	—	*	*
Private Dog Kennel	—	R	R	—	—	R
Recreational Vehicle or Camper Trailer Parking	—	*	*	—	—	—
Sale of Fuels or Lubricants for Boats	*	*	*	—	—	—
Tag Sale	—	R	R	—	—	—

<sup>1</sup> See Section 8.2.3 for exemptions from this permit requirement and for regulations specific to electric vehicle charging stations.

<sup>2</sup> See Section 8.2.5 for conditions that may require a Special Permit for a fence or wall.

<sup>3</sup> Boathouses and docks are subject to Coastal Site Plan review. Zoning, Site Plan, or Special Permit requirements are applicable to elements outside of that jurisdiction.

<sup>4</sup> See Section 8.3.5 for allowances and restrictions for commercial vehicle parking.

<sup>5</sup> Four or more electric vehicle charging stations require a Special Permit in the SVDD.

<sup>6</sup> See Section 8.3.1 for accessory alcohol sales use requirements and restrictions.

## Section 7. Principal Use Regulations

The following regulations are applicable to the specified uses across all districts where such uses are permitted unless otherwise stated.

### 7.1 Adult Entertainment

#### 7.1.1 Purpose

The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, particularly when concentrated under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and to prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Old Lyme.

#### 7.1.2 Application Requirements

The Site Development Plan application shall demonstrate compliance with this adult entertainment business regulation. The Zoning Permit for such use may expire upon any of the events listed in Section 7.1.3, unless and until such permit is renewed.

#### 7.1.3 Permit Renewal

Renewal of a Zoning Permit for an adult entertainment business must be obtained under the following circumstances:

- A. Purchasers of buildings that have had permits for adult entertainment businesses who want to continue such permits must obtain a Zoning Permit by demonstrating that all conditions prerequisite to obtaining the original permit continue to be met.
- B. Any such renewal must be referred to the Zoning Commission for consideration. Where a change in circumstance is identified which may create a noncompliance with these Regulations or any permit issued hereunder, the Zoning Commission may require a new application and a demonstration of compliance with all conditions necessary for an approval hereunder.

#### 7.1.4 General Requirements

- A. An adult entertainment business may be approved provided the following standards and criteria are met in addition to any other applicable standards, criteria and requirements of these Regulations:
  1. No such adult entertainment business shall be located within 300 feet of a residential use or district which, pursuant to these Regulations and the Zoning Map of the Town of Old Lyme, is classified R, MFR, RU or MFRU. If the adult entertainment business is within a shopping plaza, having a developed building of 5,000 square feet in size or larger, then the distance shall be measured from all entrances to such shopping plaza.
  2. No such adult entertainment business shall be established within 1,000 feet of another such business.
  3. No such adult entertainment business shall be established within 1,000 feet of the property line of any public, private or parochial school, day care center, library, museum, park, playground or other recreational facility, whether commercial or nonprofit, or any other area where numbers of minors regularly travel or congregate, in any zone. Nor shall any such adult entertainment

business be located within 1,000 feet of the property line of any church, convent, monastery, synagogue, or similar place of worship, or cemetery.

4. For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the property containing or proposing to contain an adult entertainment use to the nearest boundary of the uses specified in Items 1 through 3 above.
5. No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business.
6. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting or describing any sexually explicit activities or anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.
7. In accordance with CGS § 8-6, these adult entertainment business regulations shall not be varied by the Zoning Board of Appeals to permit an adult entertainment business nor shall such a use be permitted by way of variance.
8. No adult entertainment business shall include the installation of any enclosed booths, cubicles, rooms or stalls within such adult entertainment business for the purpose of viewing adult entertainment.

B. Any adult entertainment business shall state on any Site Plan submitted that any room or other area used for the purpose of viewing adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1.0 foot-candle as measured at the floor level.

## 7.2 Alternative Energy Systems

### 7.2.1 Height Exception

The Zoning Commission may grant a Special Permit authorizing alternative energy systems, such as solar collectors and wind turbines, to exceed maximum building height subject to the following considerations, standards and conditions:

- A. The proposed alternate energy system shall not have a detrimental effect on present and future Dwellings in the vicinity;
- B. the proposed site shall be of adequate size and location to accommodate the alternate energy system, exclusive of supporting guy wires, if any, without encroachment into open space setback requirements; and,
- C. a single wind turbine shall be located on a lot of 30,000 square feet or more, and furthermore, provided said wind turbine shall supply power for a single structure and/or accessory buildings:
  1. the tower height shall not exceed 80 feet measured from its base (ground level) to the centerline of the wind turbine plus one blade length;
  2. the tower shall be engineered and commercially available;
  3. the wind turbine shall be commercially available;
  4. the setback from any lot line shall be at least one tower height, which setback requirement pertains to the tower and not to any supporting guy wires; and,
  5. such wind turbine shall not exceed 10 kilowatt generating capacity.

### **7.2.2 Abandonment**

The owner of the property where a wind turbine is located shall be required to lower or obtain a demolition permit to remove and properly dispose of the structure within 120 days of its abandonment, which shall be defined as the ceasing of continuous production of electricity for longer than 6 months. If such tower is not removed or lowered within the specified timeframe, the Town of Old Lyme may remove the structure at the owner's expense.

## **7.3 Commercial Cattery**

- A. The minimum lot area shall be 2 acres.
- B. Any building or enclosure for cats shall not be located within the required yard for the subject district.

## **7.4 Commercial Kennel or Veterinary Hospital**

- A. The minimum lot area shall be 15 acres.
- B. Any building or enclosure for dogs shall be located not less than 200 feet from any lot line or street line.
- C. In the case of a commercial kennel, the operator of the kennel shall reside on the lot where the kennel is located and enclosed runs shall be provided where associated noise would not cause nuisance to another lot.

## **7.5 Commercial Livery, Stables, and Riding Academies**

- A. The minimum lot area shall be 5 acres.
- B. Setback. All areas where horses are to be pastured, exercised, or otherwise maintained shall be fenced so as to contain the horses within the property.
- C. Waste Control. All manure and stable sweepings from horses in buildings shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests. Such container shall be emptied regularly or otherwise disposed of so as to control odor or risks to the public health. No such container shall be located less than 100 feet from any property line or from any inland or tidal wetland or watercourse.
- D. Maximum Resident Horses. The maximum number of resident horses shall be 30.
- E. Use of Buildings. The use of temporary buildings, trailers, or tents for the stabling of horses is prohibited. All materials, supplies, and feed, excluding hay, shall be enclosed within a permanent building.
- F. Noise. The premises shall be designed and used so as to avoid noise levels which are a nuisance to surrounding property owners. Public address systems are prohibited.
- G. Lighting. There shall be no floodlighting which transmits light outside the lot upon which it originates.

## **7.6 Commercial Nursery**

- A. The minimum lot area shall be 3 acres.
- B. Commercial nurseries need not comply with the buffering requirements of Section 14.2, provided, however, that the Commission may require screening and buffering of outdoor storage areas, parking lots, and other components of the use which are commercial in character.

## **7.7 Community Residences**

The owner/operator shall provide the ZEO with a copy of the Connecticut Department of Developmental Services license, Department of Children and Families license, and/or Connecticut Department of Public Health certificate or application thereof if an application is pending.

## **7.8 Convalescent or Nursing Homes**

- A. The minimum lot area shall be 5 acres, or 0.2 acres for each person accommodated, whichever is greater.
- B. Within the Residence and RU Districts, required yards shall be twice those applicable to single-family dwellings.

## **7.9 Dog Training Facility**

- A. Dog owners shall accompany their dogs at all times, and no dogs shall be boarded on the premises.
- B. The building or that portion of the building in which the use is conducted shall contain a minimum of 600 square feet of gross floor area with no less than 100 square feet of gross floor area for each dog on the premises at any given time.

## **7.10 Farms**

Farms in the Rural and Residence Districts may include the keeping of livestock or poultry when such livestock or poultry is confined to the property boundaries, but such uses shall not include the commercial raising of fur-bearing animals or the keeping of swine.

## **7.11 Full-Service Restaurants**

- A. Food service shall be primarily to customers seated at tables or at counters within an enclosed building except for outdoor dining areas.
- B. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a full-service restaurant but in no event shall take-out windows be used to deliver food or beverages to persons in motor vehicles, and per Section 3.2.2C.28, no drive-through service shall be permitted.
- C. No full-service restaurant located as the principal use of a building on a separate lot shall have fewer than 30 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.
- D. A full-service restaurant which is part of a unified shopping center or other multi-use (i.e., more than two principal uses) shall have no fewer than 10 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.

E. Full-service restaurants are permitted in the following zones in accordance with the following:

Zone	Maximum Gross Floor Area	Permitted Accessory Uses
WF-20	5,000 sf	Alcohol Beverage Service, Outdoor Dining, Take-Out Service
C-30 and C-30S	10,000 sf	Alcohol Beverage Service, Entertainment, Outdoor Dining, Take-Out Service
C-10	10,000 sf	Alcohol Beverage Service, Entertainment (if restaurant is greater than 5,000 sf), Outdoor Dining, Take-Out Service
SVVD	3,000 sf	Outdoor Dining, Take-Out Service

## 7.12 Golf Courses

### 7.12.1 Application Requirements

A. In support of a Special Permit application, the applicant shall provide:

1. Detailed information concerning the sources of irrigation waters, and volumes required, and the method of distribution and application.
2. Detailed information concerning the fertilizers, herbicides, pesticides, and other chemicals to be employed in the facility, the quantities to be stored on site and the precautions to be taken in their storage and handling, the methods of application and a monitoring plan to ensure early detection of groundwater contamination.

B. In considering an application for a golf course, the Commission shall consider:

1. The use as a non-residential activity in a residential zone and shall take into consideration the size and location of the proposed use, the nature and intensity of the operations involved, the size of the site with respect to the existing or future street(s) giving access to it, and other factors, so as to insure that the proposed golf course shall be such that it will be in harmony with the orderly development of the area.
2. The potential impacts on the volume of surface and subsurface waters available to surrounding or down-gradient properties and shall require the efficient use of irrigation waters; the use of best management practices for the storage, handling, and application of lawn care chemicals to minimize adverse impacts to ground and surface waters; and the adequacy of the applicant's long-term groundwater monitoring program.

### 7.12.2 General Requirements

The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent residential land and buildings for residential uses nor impair the value thereof.

### 7.12.3 Permitted Accessory Uses

The following accessory uses are permitted, providing they are of the character, size, and intensity as to conform to the definition of accessory uses as set forth in these Regulations:

- A. Compatible recreational facilities, such as outdoor swimming pools and tennis courts.
- B. Service of food and the sale of alcoholic beverages from a service bar only for consumption on the premises, provided further that such golf course consists of at least 9 holes.

C. Sale or rental of golf clubs, golf accessories, clothing, and similar items in a "pro shop".

### 7.13 Indoor Recreation Facility

- A. Any building or structure used for an indoor recreation facility shall be located a minimum of 100 feet from any residential or rural district.
- B. Driveway and parking layout shall be designed to minimize the necessity for buses to back up.
- C. Hours of operation shall only be between 7:00 a.m. and 9:00 p.m.
- D. There shall be adequate areas inside the building(s) to accommodate athletes and spectators.
- E. The number of parking spaces must be proposed, explained, and justified by the applicant at the time of submission for the Special Permit; all uses on the premises shall be listed and described in the Statement of Use; the adequacy of the parking proposed shall be determined by the Commission.
- F. At least one parking space shall be provided for each 4 occupants based upon maximum occupancy as determined by the Fire Marshal.
- G. No liquor/alcohol beverages to be served, sold or consumed on the premises.
- H. An adequate buffer is required to protect nearby residential properties.
- I. Fencing is required to prevent trespassing onto abutting residential properties.
- J. A private security plan is required for all hours when patrons are present on site.
- K. Any outdoor environmental systems or exterior commercial vehicle noise shall be minimized to the maximum extent.
- L. Truck delivery shall be restricted to hours of operation.
- M. All accessory uses require approval by the Zoning Commission.

### 7.14 Inns

#### 7.14.1 Application Requirements

The application for Special Permit shall be accompanied by a written report from the local or regional health authority indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.

#### 7.14.2 Length of Stay

The maximum length of stay by a guest shall be 14 days with a prohibition from returning within 14 days.

#### 7.14.3 Lot Size and Number of Rooms

- A. At least 5,000 square feet of gross land area shall be provided for each guest room.
- B. The Commission may require or permit that an inn have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility;
- C. The number of guest rooms permitted on a lot shall be determined as follows:
  1. 4,000 square feet of buildable land (see Section 9.6) per room if all rooms are on one floor.
  2. 2,500 square feet of buildable land per room if rooms are on two or more floors.

#### **7.14.4 Room Requirements**

- A. A "room" shall be defined as a space separated by walls, full or partial, from other spaces and containing sleeping or sitting accommodations. A "suite" shall be deemed to contain the number of "rooms" indicated on the floor plans and not as a single "room".
- B. Each room shall have a minimum livable floor area of 275 square feet or, alternatively, 225 square feet for 50% of the rooms, provided the remaining 50% contain a minimum of 325 square feet;
- C. No room shall contain any provisions for cooking or preparation of food except that each room may have a single refrigerator having a capacity of no more than 5 cubic feet.

#### **7.14.5 Site and Building Requirements**

- A. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation;
- B. The site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities;
- C. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, street lights, driveway/parking lot lighting, and other light sources on or off the site;
- D. All buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing. The objective of this Regulation is to allow new inns which are representative, in architecture, use, scale, and location, of traditional New England inns found in this region.

#### **7.14.6 Permitted Accessory Uses**

- A. Accessory swimming pools provided they are adequately enclosed and screened by fencing and landscaping.
- B. Alcoholic beverage service in accordance with the requirements of Section 8.3.1.
- C. Accessory Restaurants and Entertainment Areas. Restaurants and rooms for public entertainment shall have an aggregate capacity at one time not in excess of 4 times the number of guest rooms.

### **7.15 Mixed Uses**

- A. Before approving a Special Permit for a mixed use, the Commission shall find that:
  1. The proposed uses are compatible with each other as designed into the existing or proposed site and building(s).
  2. The site can meet the parking requirements of Section 16, as the same may be modified by Section 11.4.8 of the SVVD Regulations.
  3. The site demonstrates the ability to provide sufficient water supply and effluent disposal capacity to support the proposed uses.
  4. The signs for the building are integrated into a single, unified sign plan which incorporates all proposed uses.
  5. The mix of uses contributes to the purposes of the SVVD District as set forth in Section 11.4.1.
- B. 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.

## 7.16 Motor Vehicle Service

### 7.16.1 General Requirements

- A. In addition to the Special Permit requirement, the location of a motor vehicle service establishment shall be approved by the Zoning Enforcement Officer in accordance with CGS § 14-54.
- B. No motor vehicle service use shall be established on a lot, any part of which is located within 200 feet, as measured by the shortest distance along the public street right-of-way, of any public or private school, hospital, church, theater, or public library. An established motor vehicle use shall not be made nonconforming by the subsequent establishment of such a use within the specified distance.
- C. No entrance or exit for motor vehicles in connection with such motor vehicle service or garage uses, and no parking space pertaining thereto, shall be located within 100 feet, as measured by the shortest distance along the public right-of-way, from any part of the residential property of another owner located on the same public street.
- D. No unregistered motor vehicle and no motor vehicle registered to a dealer shall be stored or parked nearer to the street line than the building line. No motor vehicle parts, wrecked or dismantled vehicles, or equipment, shall be stored outside.
- E. All buildings and structures shall be located at least 50 feet from the side yard line of a contiguous lot in a Residential Zone.
- F. A landscaped buffer no less than 10 feet in width and a 6-foot-high wooden solid fence shall be placed along any lot line contiguous to a Residential Zone.
- G. All lighting on buildings or canopies shall be enclosed and recessed below a horizontal surface of the structure, with lenses or other measures to reduce the visibility of the light source and to prevent glare. No lighting shall be located on any vertical surface of a building or structure, nor directed upward or outward, horizontally, from any such vertical surface.
- H. All driveways, outdoor storage areas, and other areas to be used by vehicles shall be paved with a dustless surface and shall be landscaped with perimeter and interior islands to direct traffic flow and screen working or storage areas.

### 7.16.2 Permitted Accessory Uses

- A. The following accessory uses are permitted:
  1. Motor vehicle car washes, provided that:
    - a. Adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons and which prevent waiting traffic from extending into the street.
    - b. The site is to be served by public sanitary sewers or approved washwater recycling equipment, and there is no discharge of washwater into or onto the ground or into the septic system.
    - c. All site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.
    - d. No service bay shall face the street line, except on a corner lot where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

## 7.17 Multiple Dwelling Development

### 7.17.1 Number of Units

No multiple dwelling building shall contain more than 6 dwelling units, and no multiple dwelling development shall contain more than a total of 24 dwelling units.

### 7.17.2 Minimum Lot Area

The minimum lot area per dwelling unit in a multiple dwelling development shall be 20,000 square feet for each of the first 6 dwelling units and 15,000 square feet for each additional dwelling unit, exclusive of any wetlands and watercourses, any areas of impervious paving, or any land having a topography exceeding a 30% slope in grade as measured in 40-foot increments.

### 7.17.3 Number of Projects

No Multi-Family or Multi-Family Rural District, regardless of the number of lots, parcels or tracts that may be encompassed by such district, shall contain more than one multiple dwelling development.

### 7.17.4 General Setback Requirements

- A. Except for roadways covered in Section 7.17.5, no structure, parking or service area within a multiple dwelling development shall be located within 100 feet of the multiple dwelling development boundary line, unless said multiple dwelling development boundary line is contiguous to another multiple dwelling development in another Multi-Family District, in which event the minimum setback shall be 30 feet.
- B. The Zoning Commission may increase the 100-foot setback requirement where additional setback is required to avoid a significant adverse effect on adjacent property or on public health and safety.
- C. Where conditions exist which affect the subject land and are not generally applicable to other land in the area, a reduction of the 100-foot setback requirement of up to 25 feet may be granted by the Zoning Commission. No reduction may be granted if it has a significant adverse effect on adjacent property or on public health and safety.

### 7.17.5 Setback Requirements for Roadways

- A. No roadway, including means of ingress and egress within a multiple dwelling development shall be located within 50 feet of the multiple dwelling development boundary line (except where said roadway accesses a public highway) unless the multiple dwelling development is contiguous to another multiple dwelling development in another Multi-Family District, in which event there shall be no roadway setback.
- B. The Zoning Commission may increase the 50-foot setback where additional setback is required to avoid adverse impact on adjacent property or on public health and safety.
- C. Where conditions exist which affect the subject land and area not generally applicable to other land in the area, a reduction of the 50-foot setback requirement of up to 25 feet may be granted by the Zoning Commission. No reduction may be granted if it will have an adverse impact on adjacent property or on public health and safety.

### 7.17.6 Setback Design Requirements

For the purposes of maximizing the effectiveness of the setbacks specified in Sections 7.17.4 and 7.17.5, the following requirements shall be met:

- A. At least 75 feet of the setback specified in Section 7.17.4 and 35 feet of the setback specified in Section 7.17.5, shall be left in its natural state, if wooded, or landscaped for visual buffering is not wooded. However, in order to promote sound forest management, clearing of dead or dying trees and invasive species will be permitted;
- B. In the event that setback areas are disturbed during construction, they shall be restored and supplemented with natural screening;
- C. The applicant shall provide a landscape plan to the Zoning Commission that demonstrates the visual impact of the project on adjacent dwellings has been minimized.

#### **7.17.7 Bedrooms and Occupancy Limitations**

- A. The number of bedrooms in each dwelling unit shall not exceed two.
- B. No floor space having a floor level above the second-floor level above the finished grade shall be used for dwelling purposes and no floor space having a floor level below the finished grade shall be used for dwelling purposes except as a recreation, storage or utility room.
- C. No more than two persons or one family per dwelling unit.

#### **7.17.8 Storage Space**

In addition to closet space in a dwelling unit, each dwelling unit shall be provided with usable enclosed storage space having a minimum floor area equal to 10% of the dwelling unit. Hall stairways, foyers, closets, porches, bathrooms and basements shall not be counted in determining floor area for computation of the 10%.

#### **7.17.9 Service Area**

Service areas and other service facilities shall be provided as follows:

- A. One or more paved service areas for use as a drying area and for temporary storage of garbage and rubbish shall be provided at the rear of each multiple dwelling. Such areas shall be enclosed and protected by suitable fencing or shrubbery;
- B. Storage of rubbish and garbage shall be in one or more suitable vermin and rodent proof containers having at least a 40-gallon capacity per each dwelling unit;
- C. Radio and television facilities shall be served by a master antenna only. No external individual radio or television antennae shall be permitted;
- D. The distance between each dwelling unit and the nearest driveway, parking space and garage serving such unit, shall in each instance be not more than 100 feet.

#### **7.17.10 Water Supply**

Each dwelling unit shall be connected to a water supply meeting the requirements of Section 19.3.11 and furnishing a minimum daily supply of not less than 450 gallons under adequate pressure. CGS §16-262m shall be complied with if the water is furnished by a "water company" as defined in that Section.

#### **7.17.11 Garages, Parking Areas, Driveways and Access Roads**

Parking, driveway and access facilities shall be provided as follows:

- A. At least one parking space, 11 feet by 22 feet, shall be provided in an enclosed garage for each dwelling unit;
- B. In addition, paved parking areas shall be provided to accommodate one automobile for each dwelling unit, but no single parking area continuum shall contain more than 8 parking spaces;

- C. One-way access aisles in a parking area shall have a width of not less than 12 feet, and two-way access aisles in a parking area shall have a minimum width of 24 feet;
- D. Parking areas and driveways serving parking areas and garages shall be suitably paved meeting the specifications of the Town Design and Construction Standards Section 187-43 for bituminous concrete pavement.
- E. Bituminous concrete lip curbing or other curbing similar in quality shall be used on all parking areas and driveways where necessary for drainage;
- F. The main access road or roads leading to the multiple dwelling or Multiple Dwelling Development shall be planned and designed in accordance with the "Design and Construction Standards, Town of Old Lyme, Connecticut" and any applicable provisions of the Subdivision Regulations of the Town of Old Lyme.

#### **7.17.12 Minimum Distance Between Dwellings**

The minimum distance between multiple dwelling buildings shall be 60 feet.

#### **7.17.13 Open Space**

- A. The preservation or creation of open space (as applied to use of land for public benefit), as defined in Section 3, shall be provided by a unified design which:
  1. protects flood plains, inland and tidal wetlands, watercourses, ponds, future public water groundwater sources, steep slopes, and the coastal resources identified in CGS § 22a-97(7) preserves, where practicable, unusual rock formations and tree stands;
  2. preserves sites of historic, archeological or scenic value;
  3. promotes the open space programs of the Town Plan of Conservation and Development, the Connecticut River Gateway Commission, the Coastal Area Management Act, the recommendations of the Planning Commission and those private organizations which are acceptable to the Zoning Commission; and
  4. fosters opportunities for formal and informal recreational activities.
- B. Land to be kept as open space, including but not limited to land to be used for parks, playgrounds and recreation areas, shall be provided and reserved in conformity with Section 5.10 of the Subdivision Regulations except that:
  1. the quantity of land to be devoted to such purpose shall be as stated below, and
  2. at least 25% of the open space land shall be part of the net buildable area within the tract as determined by the Zoning Commission pursuant to the provisions of Section 7.21.6.B.
- C. The Zoning Commission shall require that a land area be set aside for open space equal to or greater than:
  1. MFR-80: 40% of the entire area covered by a multiple dwelling development.
  2. MFR-40: 30% of the entire area covered by a multiple dwelling development.
- D. The required amount of land area to be devoted to open space for a development located partially in the MFR-80 and MFR-40 shall be computed separately for the development area located in each district and added together to determine the total quantity of land to be set aside for open space.

#### **7.17.14 Multiple Dwellings for Non-Profit Elderly Housing**

- A. Each dwelling unit shall be occupied by no more than two persons, at least one of whom is 62 years of age or older.
- B. The multiple dwelling development may include accessory community rooms and facilities for the use of the occupants of the development, as well as utility and maintenance buildings and facilities necessary for support of the dwellings on the lot.
- C. Enclosed garages are not required. If no garages are included, 1.5 paved off-street parking spaces shall be provided for each dwelling unit.
- D. The limitations on the number of dwelling units in Section 6.16.1 shall not apply.
- E. The storage space requirements of Section 7.17.8 shall not apply.
- F. The water supply requirement of Section 7.17.10 may be reduced to 160 gallons per day under adequate pressure to each dwelling unit.
- G. The open space requirements of Section 7.17.13 shall not apply.

#### **7.18 Multi-Family Housing**

- A. The development shall contain no more than 6 dwelling units.
- B. 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 6 dwelling units.
- C. If the multi-family development contains dedicated affordable housing units as defined in CGS § 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 for each three affordable units in the development.
- D. In evaluating an application for multi-family housing, the Commission shall encourage the consolidation of small existing dwellings into a smaller number of units, and/or units with fewer bedrooms.

#### **7.19 Outdoor Recreation Facility**

Any building or structure used for an outdoor recreation facility shall be located a minimum of 100 feet from any residential or rural district.

#### **7.20 Package Store**

- A. No package store shall exceed 5,000 square feet in gross floor area.
- B. No package store shall be permitted within a 1500-foot radius of any other package store as measured in a straight line between any entrance.
- C. Termination of Use. If any establishment has ceased to be used as a package store, such establishment shall not again be used for such use until a Special Permit has been secured in accordance with the requirements of Section 20, unless within 365 days the establishment is occupied or used for a period of 4 consecutive weeks under a liquor permit of the same type or class issued by the Liquor Control Commission and as permitted by these Regulations.

## 7.21 Planned Residential Conservation Development (PRCD)

### 7.21.1 Purpose

The purpose of this section is to permit a planned residential conservation development (PRCD) that provides dwelling units in detached, semi-detached or attached structures (or a combination thereof) not more than 35 feet in height located on a tract of land having the capability of supporting such structures and of achieving the following objectives in a mode consistent with the Plan of Conservation and Development:

- A. The creation of common open space for recreation or visual benefits or both.
- B. The location of such units in an imaginative and not stereotype manner in harmony with natural site features and so as to promote the preservation of agricultural, forest, conservation and coastal resources and the avoidance of an adverse impact on water resources and other features of the natural environment.
- C. The achievement of architecture and site development of design merit enhancing the appearance and beauty of the Town.
- D. The creation of a building and site layout contributing to the convenience of residential living and having a relationship to adjoining properties and neighborhoods which is harmonious with the scale, density, intensity, and function of such properties and neighborhoods and serves to protect their values.
- E. The establishment of PRCD structures in districts where authorized, each limited to a single detached dwelling for one family except in multi-family districts, where structures containing up to, but not more than, 3 dwelling units may be permitted subject to the provisions of this section.
- F. To promote an alternative method of land development that allows for flexible lot lines and reduced requirements for lot area, lot width, setbacks (front, side, and rear), and building coverage without increasing the total number of units otherwise permitted under these Regulations. The allowable unit count shall be determined based on:
  1. the zoning district in which the tract is located,
  2. the applicable Subdivision Regulations, and
  3. all other regulations governing the PRCD tract.

### 7.21.2 Definitions

For the purpose of this section, the following definitions shall apply:

**Net Buildable Area:** The number of square feet of ground area within the perimeter of the land covered by a PRCD determined by the Planning Commission pursuant to the provisions of Section 7.21.6.B to be suitable for use as a building site.

**Underlying Zoning District:** The zoning district classification shown on the Zoning Map for the land or for segments of the land within the PRCD area.

### 7.21.3 Special Permit Approval

No PRCD shall be built or its dwelling units occupied unless its construction has been approved by the Planning Commission as evidenced by the granting of a Special Permit. To be eligible for such approval, a proposed PRCD shall meet the objectives specified in Section 7.21.1 and comply with all of the requirements, standards, criteria and conditions set forth in this section for such a project.

#### **7.21.4 Permitted Uses**

PRCDs shall be used only for the following purposes:

- A. Residential use, including non-profit elderly or subsidized elderly housing.
- B. Accessory uses and structures for each dwelling unit customary with and incidental to residential use, including a private garage for each dwelling unit, but excluding the following:
  1. buildings for home occupations; and
  2. storage of commercial vehicles other than one commercial vehicle of not more than 7,500 pounds gross vehicle weight for each dwelling unit.
- C. Accessory uses of the following types designed to meet the needs of the PRCD based on its location, overall size, and ultimate number of residents:
  1. Recreational facilities for residents of the PRCD that do not adversely affect neighboring properties.
  2. Facilities providing community services such as meeting rooms, administrative office space for PRCD associations, storage space for recreational equipment, trash removal facilities, and school bus pickup shelters.
  3. Fire ponds for public safety, recreational use, and wildlife habitat.
  4. Trails and walkways integral to the overall design of the PRCD.

#### **7.21.5 Types of Dwellings Allowed**

The following types of dwelling units are permitted within PRCDs:

- A. Within the RU-80 and RU-40 Districts, each separate and detached PRCD building providing residential living space shall contain only one dwelling unit, shall be a separate structure detached from any other dwelling structure, and shall not exceed 35 feet in height.
- B. Within the MFR-80 and MFR-40 Districts, each separate and detached PRCD building providing residential living space may contain up to but not more than 3 dwelling units. In the case of attached or semi-detached PRCD buildings providing residential living space, the total number of dwelling units in each structure composed of such attached or semi-detached buildings shall likewise be limited to 3 dwelling units. All such separate and detached, attached, and semi-detached buildings shall not exceed 35 feet in height. The placement of multi-family dwellings shall be subject to the restriction imposed by Section 7.17.3 that no multi-family district shall contain more than one multiple dwelling project.

#### **7.21.6 Area Requirements**

A proposed PRCD shall conform to the following area requirements:

- A. A PRCD shall be located on a single tract of contiguous, predominantly undeveloped land of not less than 20 acres, provided, however, that the Planning Commission may, if it deems the location and terrain suitable and does not find that there are any factors making such use inappropriate for the neighborhood, permit a PRCD to be built upon a parcel of at least 10 acres situated in the RU-80 District.
- B. A PRCD tract shall contain a net buildable area determined by the Planning Commission as being not less than 25% and not more than 75% of the total area of such tract. In determining net buildable area, the Planning Commission shall exclude:
  1. water bodies, both inland and tidal; wetlands, both inland and tidal; and special flood hazard areas;

2. all planned and existing paved and graveled areas;
3. ledge outcrops;
4. land having topography exceeding a 30% slope in grade as measured in 40-foot increments;
5. landfill areas and former dumps (including stump dumps unless the stumps and other material so disposed of have been thoroughly removed); and
6. any land which if included would result in a Net Buildable Area larger than 75% of the total PRCD tract. The following sources shall be used by the Planning Commission in applying the provisions of this Section 7.21.6:
  - a. Soil Survey of New London County, Connecticut, U.S. Soils Conservation Service, U.S. Department of Agriculture; as amended;
  - b. Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency;
  - c. Tidal Wetlands Maps prepared by the Connecticut Department of Environmental Protection;
  - d. Old Lyme Inland Wetlands Map;
  - e. Maps and data prepared by Coastal Area Management and the Connecticut River Gateway Commission;
  - f. Other sources which reveal the environmental characteristics of the proposed site; and
  - g. Easements.

#### **7.21.7 Density**

Eligible density of dwelling units shall be based on the number of dwelling units that could feasibly be constructed in a conventional subdivision under the applicable provisions of these Regulations for the zoning district, which shall be determined by the Planning Commission in accordance with Item B.2 below.

- A. Application of Provisions. Irrespective of the number of dwelling or dwelling units allowed in any PRCD, each lot containing a PRCD structure providing residential living space shall conform to the requirements set forth in Section 7.21.9.A, including, but not limited to, minimum lot area and minimum lot area per dwelling unit.
- B. Alternative Conceptual Site Plans Preliminary and Formal Submissions. Submission of conceptual and alternative plans is recommended and required as follows:
  1. It is recommended that before submitting a formal application for a PRCD Special Permit the applicant prepare and present to the Planning Commission for informal review at least two alternative conceptual site plans. One plan shall show the proposed PRCD project and at least one shall show how the same land might be developed as a standard subdivision under the Subdivision Regulations without use of a PRCD Special Permit. These conceptual plans should show the lots that can reasonably be created on the tract, the location of proposed roads complying with Town ordinance, regulations and standards, and the proposed location of all open space areas. The purpose of this informal review is to provide guidance to the applicant on the best approach to meet the objectives of the Subdivision Regulations and this Section 7.21. Preliminary plans have no official status, and an opinion expressed by the Planning Commission that a conceptual plan appears to be feasible in no way implies approval of a formal plan.
  2. As part of the formal application, the applicant shall submit alternative plans as described in Item A above. The Planning Commission shall have the right to verify whether the building lots shown on the standard subdivision plan can in fact be legally and feasibly used for construction of buildings. For purposes of determining the suitability of the lots so shown for the installation of subsurface sewage disposal systems, the Planning Commission may require the applicant to make soil tests and submit the results of such tests to the Commission. The number of dwelling units

that may be permitted within the boundaries of a proposed PRCD shall be limited to the number of such units that can reasonably be built on the applicant's tract pursuant to a standard subdivision as shown on the conceptual plan for that type of development after the Planning Commission shall have eliminated any lots it finds to be unsuitable for building purposes.

### **7.21.8 Design Standards of General Application**

In addition to the standards of Section 19 and Section 20, the following standards are of general application to PRCD projects:

- A. Implementation of Objectives. Each PRCD shall have a design which conforms to and implements the objectives set forth in Section 7.21.1.
- B. Provision for Open Space. The preservation or creation of open space shall be accomplished by a unified design which:
  1. protects flood plains, inland and tidal wetlands, watercourses, ponds, future public water groundwater sources, steep slopes, and the coastal resources identified in CGS § 22a-93(7) and preserves, where practicable, unusual rock formations and tree stands;
  2. preserves sites of historic, archeological or scenic value;
  3. promotes the open space programs of the Town Plan of Conservation and Development, the Connecticut River Gateway Commission, the Open Space Plan, as amended, and plans of private organizations which are acceptable to the Planning Commission; and
  4. fosters opportunities for formal and informal recreational activities.
- C. Site Layout and Architecture. Site layout and architectural design shall take advantage of topography, furnish visual and acoustic privacy between dwelling units and provide for landscaping of all areas disturbed by the project. Consistency of scale and architectural design throughout the various structures of the PRCD shall be maintained.

### **7.21.9 Specific Design Criteria**

The following specific design criteria are applicable to PRCD projects:

- A. Lot Size, etc. Unless the entire PRCD is developed pursuant to the Common Interest Ownership Act (CGS § 47-200 et seq.), each PRCD structure providing residential living space (whether separate and detached from any other dwelling structure or composed of attached or semi-detached buildings containing separate dwelling units) shall be situated on a separate lot. In approving a PRCD plan, the Planning Commission, if it determines that the total plan complies with the spirit and intent of this section, may reduce to the extent it deems advisable the requirements under these Regulations pertaining to minimum lot area, minimum dimension of square on the lot, minimum lot area per dwelling unit, minimum setbacks, and maximum allowable building coverage percentage, applicable to the zoning district or districts wherein the proposed PRCD buildings are to be located insofar as they relate to such structures, provided, however, that such requirements shall not be reduced below those indicated in the following table for structures providing residential living space located in the zoning districts as identified in the following table:

Standard	RU-40, RU-80	MFR-40, MFR-80
Min. Lot Area (sf)	30,000	40,000/30,000*
Min. Dimension of Square on Lot (ft)	100	100
Min. Lot Area per Dwelling Unit (sf)	30,000	20,000/10,000*
Min. Setback from Street Line (ft)	30	30
Min. Setback from Side Property Line (ft)	20	20
Min. Setback from Rear Property Line (ft)	35	35
Max. Building Coverage of Lot	10%	10%

\* For Non-profit elderly or Subsidized Elderly Housing only

B. If a PRCD is developed pursuant to the Common Interest Ownership Act on a single lot, the PRCD shall comply with the spirit and intent of this section and the requirements set forth in the table below as well as other applicable requirements hereunder.

Standard	RU-40, RU-80
Min. Lot Area (sf)	See Section 7.21.6
Density	See Section 7.21.7
Min. Setback from Interior Property Line (ft)	100
Min. Setback from Interior Street Line (ft)	30
Min. Distance Between Buildings (ft)	40
Max. Building Coverage of Lot	10%
Min. Building Area of Cluster (acres)	5

C. Other Design Requirements: The following design requirements are also applicable to PRCDs:

1. No building within a PRCD parcel shall be located within 100 feet of the boundary of:
  - a. any inland or tidal wetland,
  - b. any electrical or gas transmission line easement, or
  - c. the PRCD parcel on which it is situated, nor shall such a structure be located within 200 feet of any single-family dwelling located outside such PRCD tract.
2. The minimum distance between detached dwelling buildings shall not be less than 40 feet.
3. PRCD dwelling buildings, each of which is located within 200 feet of another such dwelling building shall be deemed to comprise a cluster of such buildings. Any such cluster shall contain no more than 10 dwelling buildings, and shall be located at least 200 feet from any other such cluster within the PRCD as measured in a straight line between the exteriors of the dwelling buildings in neighboring clusters which are located the closest to each other.
4. Each group of building lots containing a cluster of up to 10 dwelling buildings, each of which is located within 200 feet of another such structure, shall be surrounded on all sides by a strip of land which measures 100 feet or more in width throughout and does not constitute part of any building lot, provided, however, that the presence of such a strip shall not be required on any

such side marked by a lot line coinciding with a boundary of the PRCD tract. Any such strip of land may be used for roads, sidewalks, or other types of installations which would be part of the common facilities serving the residents of the PRCD.

5. The architectural designs of buildings and other structures, including the building materials, color and exterior elevations, shall be of such design and appearance as to harmonize with the neighborhood, to provide a complementary transition between areas of dissimilar design or appearance, to protect and enhance property values in the neighborhood, and to preserve and enhance the appearance and beauty of the community.
- D. Design Requirements Specific to Non-Profit or Subsidized Elderly Housing in a PRCD:
  1. Each dwelling unit shall be occupied by no more than two persons, at least one of whom is either 62 years of age or older.
  2. Each dwelling unit shall contain only one bedroom and not more than 800 square feet of enclosed floor space, including the space used for halls, stairways, foyers, closets and bathrooms, but excluding covered porches and other roof portions, basements, and common areas within the structure. Typical floor plans shall be provided as part of the PRCD submission.
  3. The multiple dwelling unit may include accessory community rooms and facilities for the use of the occupants of the multiple dwellings, as well as utility and maintenance buildings and facilities necessary for support of the multiple dwellings on the lot.
  4. Enclosed garages are not required. If no garages are included, 1.5 paved off-street parking spaces shall be provided for each dwelling unit.
  5. The storage space requirements of Section 7.17.8 shall not apply.
  6. The water supply requirement of Section 7.17.10 may be reduced to 160 gallons per day under adequate pressure to each dwelling unit.
  7. A deed restriction requiring said dwelling unit to be limited to one bedroom and no more than two occupants, as provided in 1 and 2 above, and used for subsidized elderly housing in perpetuity shall be recorded on the Land Records. Such deed restriction shall be subject to the review and approval of the Planning Commission's legal counsel prior to filing of the Special Permit or the deed restriction.
  8. For subsidized elderly housing in a PRCD, the boundary setback may be reduced to no less than 30 feet with the approval of the Planning Commission when it determines that such reduction would result in a development plan which better meets the specific needs of future elderly residents while preserving the intent and purpose of the PRCD regulations.

#### **7.21.10 Authority to Increase Setbacks or Require Screening**

For the purpose of ensuring privacy for dwellings adjoining the PRCD tract, the Planning Commission in approving a PRCD plan is hereby authorized to increase setback distances beyond those provided for in these Regulations or to require natural screening, but such increased setback or screening shall not exceed 100 feet in depth.

#### **7.21.11 Zoning and Subdivision Regulations General Applicability**

- A. Zoning Regulations. All of the other sections of these Regulations are applicable to a PRCD except insofar as the Planning Commission, pursuant to express authority granted it in this Section 7.21, may modify, reduce or relax their requirements in approving a proposed PRCD plan.
- B. Subdivision Regulations. The Subdivision Regulations shall apply to a proposed PRCD to the same extent as to a proposed subdivision except insofar as express authority is granted in this section to

the Planning Commission to approve a proposed PRCD which does not in certain respects conform to the requirements, standards and criteria set forth in the Subdivision Regulations.

C. Possible Conflicts. If the requirements of this Section 7.21 are in conflict with other sections of these Regulations, the requirements of this section shall prevail. In the event of a conflict between any provision of these Regulations and any provision of the Subdivision Regulations, these Regulations shall take priority as respects a PRCD.

#### **7.21.12 Open Space**

A. Land to be kept as open space, including but not limited to land to be used for parks, playgrounds and recreation areas, shall be provided and reserved in each PRCD in conformity with Section 5.10 of the Subdivision Regulations except that:

1. the quantity of land to be devoted to such purpose shall be as stated below, and
2. at least 25% of the open space land shall be part of the Net Buildable Area within the PRCD tract as determined by the Planning Commission pursuant to the provisions of Section 7.21.6.B.

B. The Planning Commission shall require that a land area be set aside for open space equal to or greater than:

1. 40% of the entire area covered by a PRCD located in one or more zoning districts classified as RU-80 or MFR-80 and
2. 30% of the entire area covered by a PRCD located in one or more zoning districts classified as RU-40 or MFR-40.

C. The required amount of land area to be devoted to open space for a development located partially in the RU-80 or MFR-80 and RU-40 or MFR-40 shall be computed separately for the development area located in each district and added together to determine the total quantity of land to be set aside for open space.

#### **7.21.13 Access, Circulation, Streets and Parking**

A. Access. The PRCD area shall be served from, and have access to, an accepted, improved Town road or State highway which provides adequate access to other sections of the Town. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow shall be of prime importance.

B. Circulation. Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds, and provide for adequate circulation within the PRCD and to its facilities and open space. Walkways, courts and paths shall provide pedestrian access to and between residential structures, supporting facilities and community open space and shall be separated from vehicular traffic wherever reasonably possible.

C. Interior Streets. All interior streets and roads within a PRCD tract shall be either public streets planned and designed in accordance with the "Design and Construction Standards of the Town of Old Lyme, Connecticut", as amended, or private roads complying with the requirements of Sections 5.1.3. through 5.1.7. of the Subdivision Regulations pertaining to streets within a subdivision, provided, however, that a private road providing access to more than 30 dwelling units shall be surfaced with bituminous concrete or other suitable hard surface material acceptable to the Planning Commission. The Planning Commission in approving a proposed PRCD may require that there be installed in conjunction with any street or road in the PRCD a footpath running parallel thereto and located from 6 to 10 feet from the edge of the pavement and that deciduous shade trees be planted at intervals of from 50 to 60 feet wherever feasible in the area between the street or road and the footpath. Any permitted cul-de-sac shall have an open, unpaved planted area in its center.

D. Parking. Off-street parking spaces shall be provided at the rate of not less than 1.5 nor more than 3.5 spaces per dwelling unit, subject to the limitation that no lot in an RU-80 or RU-40 Zoning District shall contain more than two such parking spaces per dwelling unit which are located outside an enclosed garage. Parking may be provided beneath dwelling units, in separate parking garages, or in open parking areas. For permitted supporting facility uses, off-street parking shall be provided at a minimum of one space for each 200 square feet of public ground floor area and one space for each 400 square feet of public second floor area. Parking facilities shall be designed as an integral part of the site development design and arranged to avoid undue concentration of parking facilities and shall be screened through ample use of trees, shrubs, hedges or walls. Access to dwelling units from parking facilities shall be by walkway or within structures.

#### **7.21.14 Sewage Disposal**

- A. Each PRCD building or parcel providing residential living space shall be served by an on-site sub-surface disposal system. The design, construction and program for the operation of such sewage disposal system shall meet the requirements of the Connecticut Public Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the local or regional health authority to protect public health and safety.
- B. If the applicant proposes to utilize a community sewage system, as defined in CGS § 7-245, the applicant shall submit a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of CGS § 7-246f have been satisfied; and absent such report, no development utilizing community sewerage disposal system shall be approved by the Commission. Said report shall address, among other things:
  1. easements of rights of way in favor of the Town which assure the Authority of the right to access the community sewerage system when and if necessary to perform inspections, maintenance, repairs, or other work necessary to ensure the continued operation of the system;
  2. authority to compel the performance of any maintenance, repairs, or replacements deemed required by the Authority;
  3. creation by the applicant and control by Authority of sufficient cash reserves to assure that any system is capable of normal repair, maintenance, and long- term capital replacement or repair; replenishment of such capital reserves following the expenditures from such fund;
  4. authority to enforce repair or maintenance orders, to perform such work by the Authority, if required, and the authority to obtain reimbursement for any cost incurred by the Authority, including, but not limited to, consulting and legal fees;
  5. provision for assignment of the obligations imposed by any such agreement and continuity of that obligation upon the assignee(s);
  6. maximum annual assessments to be imposed upon unit owners to insure adequate funds for routine maintenance and to provide capital reserves as recommended by the Authority's consulting engineer;
  7. authority to adjust and, if necessary, require an increase in any such minimum annual assessment.

#### **7.21.15 Water Supply**

- A. Each PRCD building providing residential living space shall have a potable water supply on a continuous long-term basis meeting the requirements of the Connecticut Public Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the local or regional health authority to ensure the public health and safety.

B. In accordance with CGS § 8- 25a, any PRCD development providing water by means of a "water company," as defined in CGS § 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or in the alternative, a certified copy of the resolution from the Board of Selectmen waiving such Certificate and agreeing that the Town of Old Lyme shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

#### **7.21.16 Lighting**

- A. All outdoor illumination facilities shall be designed to prevent light from intruding directly into dwelling units, and no exterior lighting facility shall be placed so as to shine directly outside the PRCD area.
- B. Street lighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for vehicular and pedestrian safety.
- C. All lighting shall be in compliance with "Dark Sky" specifications.

#### **7.21.17 Signs**

Sign designs shall be compatible with the PRCD design concept and shall be approved by the Planning Commission. A sign complying with the restrictions applicable to land development signs set forth in Section 17 may be constructed at the entrance road to a PRCD tract.

#### **7.21.18 Management of PRCDs**

- A. Each PRCD shall be established with suitable legal organization and arrangements for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance.
- B. The management system shall be established prior to the filing of the Special Permit on the Land Records; shall be reviewed and approved by the Planning Commission's legal counsel; and shall support the criteria for the issuance of a Special Permit under this section.

#### **7.21.19 Method of Ownership**

- A. Dwelling units may be for sale or rental, in individual, public, cooperative, or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Planning Commission for approval.
- B. All open space and supporting facilities of the type described in Section 7.21.4.C. shall be owned in fee by an association of lot owners incorporated under Connecticut law, with provision in form acceptable to the Planning Commission for maintenance, liability, financing, and rights of access and use by residents of the PRCD, except as certain open spaces may be conveyed to the Town or a nonprofit corporation approved by the Planning Commission or as facilities may be conveyed to the Town.
- C. Any open space to be retained by an association of lot owners shall be subject to a conservation easement in favor of the Town of Old Lyme, which easement shall contain provisions granting the Town the right to inspect the open space from time to time, with reasonable notice, to ensure compliance with the terms of the conservation easement.
- D. All documentation of ownership association shall be reviewed and approved by the Planning Commission's legal counsel prior to the filing of the Special Permit on the Land Records.

### **7.21.20 Authorization Procedures**

- A. Every proposed PRCD plan shall be brought before the Planning Commission for its approval. The Planning Commission shall hold a public hearing before granting or denying the proposed PRCD Special Permit in accordance with these Regulations.
- B. Appropriate conditions and safeguards in addition to those provided by these Regulations may be specified by the Planning Commission to promote public health, safety, convenience, welfare and the property values of surrounding areas.
- C. The application requirements, standards and procedures shall be in accordance with Section 20 and Planning Commission requirements for approval of a subdivision.

### **7.22 Recreational Entertainment Facility**

Any building or structure used for a recreational entertainment facility shall be located a minimum of 100 feet from any residential or rural district.

### **7.23 Retail Establishment**

Retail establishments shall not exceed:

- A. 3,000 sf gross floor area in the SVVD zone.
- B. 5,000 sf gross floor area in the C-10, C-30, and C-30S zones.

### **7.24 Septage Storage or Transfer Facility**

- A. The maximum on-site storage capacity of a septage waste transfer station shall not exceed 100,000 gallons.
- B. The operator of a septage storage and transfer facility shall provide a cash bond of at least \$10,000 (which amount may be increased at the discretion of the Planning Commission) to benefit the Town in the event that the operator shall default in the requirements of this section or applicable law.
- C. All septage storage shall be permitted only in sealed in containers with intake and outlet valves designed to prevent any release of odors or uncontrolled release of effluent.
- D. The site shall provide landscaping and ground cover satisfactory to the Planning Commission to minimize any adverse effect on surrounding properties. The Applicant's plans shall depict precautions to be taken to control accidental spills of effluent, either directly, or through the washing of trucks and equipment, and other potential sources of contaminated discharge.
- E. All applications shall include a plan for site restoration and the removal of storage tanks should either of the following conditions occur:
  1. Violation of the provisions of this regulation so that the site is closed for septage waste storage or transfer; or,
  2. closing of the site for septage waste storage and transfer.

### **7.25 Telecommunications Facilities**

#### **7.25.1 Purpose**

The intent of this section is to provide, to the extent permitted by current law, for the location of wireless telecommunications facilities which shall consist of towers, antennae and accessory telecommunications equipment buildings within the Town of Old Lyme while protecting neighborhoods and minimizing the

adverse visual, environmental and operational effects of towers and antennae through careful design, siting and screening. Its purpose is also to provide guidance to the Connecticut Siting Council in its review of wireless telecommunications facilities.

### **7.25.2 Application Requirements**

- A. The Commission may request the applicant to provide both a description and a map of the provider's proposed network within the Town and in adjacent towns, including the area served by this facility, the location of other facilities, and the overall coverage plan.
- B. All applications shall include a statement as to whether alternative sites were considered and why this site was selected.
- C. If required by the Commission, the applicant shall provide one or more of the following:
  1. environmental analysis of facility site;
  2. environmental analysis of access road;
  3. profile analysis;
  4. balloon simulation;
  5. radio frequency power density modeling and/or testing data;
  6. analysis of facility compatibility;
  7. fall-zone analysis;
  8. propagation and antennae separation analysis.

### **7.25.3 Tower Standards**

- A. All towers and antennae shall comply with these Regulations and no location, or co-location for a shared tower, shall exceed interference levels established by the FCC.
- B. Towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted a non-contrasting blue, gray or black.
- C. No signs shall be permitted on any tower or antenna.
- D. No tower, antenna or other accessory structures or equipment shall exceed the height requirement of the district unless the applicant can demonstrate to the satisfaction of the Commission that such service can only be provided at the location and at the height requested, but in no event shall the total height exceed 199 feet. Further, any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional personal wireless service as defined in Section 704 of the Telecommunications Act users if the tower is over 100 feet or for at least one additional user if the tower is over 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- E. No lights or illumination shall be permitted unless required by the FCC or FAA.
- F. Towers shall be set back at least 500 feet from any existing residential structure and shall be set back at least 75 feet from a property line, or such greater distance as may be determined necessary for safety by the Commission I accordance with fall-zone analysis information provided for the structure proposed.
- G. Monopoles shall be encouraged over lattice structures.
- H. Satellite and microwave dishes attached to monopoles may be permitted only when providing a service to a public agency or when the applicant can demonstrate to the satisfaction of the

Commission that such placement shall not have an adverse visual, environmental or operational effect on the neighborhood. In no instance shall any such dish exceed 6 feet in diameter.

- I. Telecommunication Tower sharing shall be encouraged. Applicants shall provide a description of existing telecommunication towers in the service area and a statement indicating why their telecommunication antennae cannot be mounted on these towers. Such documentation shall include demonstration that the shared use is not technically, legally, or environmentally feasible; or, for telecommunication towers constructed prior to the effective date of this section, that shared use is not economically feasible or that the owner of such facility/facilities has/have refused permission for the shared use. The owner of any telecommunication tower approved under this Section 7.25 shall be required to make space available for additional telecommunication antennas to the maximum feasible number of other users, including competitors. Such availability shall be made under commercially reasonable terms and conditions.
- J. Telecommunication facilities shall be placed on existing structures such as building and/or communication towers, or upon the telecommunications equipment building itself, unless the applicant can demonstrate that such placement is not feasible.
- K. Telecommunications facilities shall be placed in locations on the lots where the existing topography, vegetation, buildings or other structures provide adequate screening as determined by the Commission.
- L. Amateur radio operators' equipment as licensed by the Federal Communications Commission (FCC) shall be exempt from this regulation.

#### **7.25.4 Antennae Standards**

- A. Antennae shall be attached to a building or structure which is the principal building or structure on the lot or to a tower which has been constructed in accordance with these regulations for such a purpose.
- B. Satellite and microwave dish antennae shall not exceed a diameter of 6 feet.

#### **7.25.5 Telecommunications Equipment Building Standards**

- A. No such equipment building shall exceed 750 square feet gross floor area.
- B. All such equipment buildings shall comply with all setback and buffer requirements for the district in which they are located.
- C. All such equipment buildings shall be designed so as to be compatible with other buildings in the area.
- D. Multiple equipment buildings for a shared facility shall be attached structures or shall be clustered around the facility.
- E. An equipment building located on the roof of a building shall not occupy more than 15% of the roof area.

#### **7.25.6 Abandonment**

As a condition of any Special Permit granted under the provisions of this section, the applicant shall be required to remove all towers, antennae and ancillary equipment within 15 months of the date of cessation of use of such equipment for transmission purposes. Upon removal of the equipment, and within 6 months of said removal, the site shall be restored to such condition as has been approved by the Commission. Each application shall include a plan for such facility removal and site restoration for approval by the Commission as part of the Special Permit.

## 7.26 Tourist Home

Within the SVVD the following shall apply:

- A. At least 5,000 square feet of gross land area shall be provided for each guest room.
- B. Each tourist home shall have no more than six rooms to be let out to guests.
- C. Each room shall be used to house no more than two guests.
- D. Each room shall have at least 200 square feet of living space, exclusive of a bathroom.
- E. Each room shall have a private en suite bathroom consisting of a toilet, lavatory, and bathtub or shower.
- F. No room shall contain any provisions for cooking or preparation of food except that each room may have a single refrigerator having a capacity of no more than 5 cubic feet.
- G. The maximum length of stay by a lodger shall be 30 days with a prohibition to return within 14 days.
- H. Parking for guests shall be on-site with the required number of spaces as required by Section 16.4.

## 7.27 Veterinary Clinic

- A. Veterinary clinics shall be located within a completely enclosed building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise and with no outside facilities or accessory structures for animals.
- B. The clinic shall provide no boarding of animals except as required for medical treatment and such medical treatment related boarding area shall:
  - 1. occupy no more than 20% of the gross floor area of the use,
  - 2. provide space for no more than 14 animals,
  - 3. shall have floor drains, if any, that connect to a sewage disposal system of adequate capacity and not to a storm drain.
- C. The clinic shall not hold a commercial kennel license issued by the State of Connecticut.

## Section 8. Accessory Use Regulations

### 8.1 Accessory Buildings

The following regulations are applicable to the specified accessory buildings across all districts where such buildings are permitted unless otherwise stated.

#### 8.1.1 General Requirements for all Accessory Buildings

Accessory buildings shall be used only for uses that are customary with and incidental to a permitted use, or a nonconforming use as identified in Section 4.3, and are subject to the following standards and conditions:

- A. The accessory use shall be located on the same lot with the use to which it is accessory.
- 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.
- C. Accessory buildings more than 15 feet in height and 200 square feet in floor area shall conform to the required minimum side and rear yard requirements of Sections 10.1 and 11.1.
- D. On any lot in a RU-40 or RU-80 district, one detached accessory building not used for human occupancy or for the housing of animals and not exceeding 15 feet in height and 200 square feet in floor area may extend into the required side for rear yard (but not the required front yard) by a distance equal to one-half of the minimum required side yard or rear yard for the district; and no such accessory building shall be any closer to the street line than the principal building.
- E. On any lot in a R-20, R-15, or R-10 districts, one detached accessory building not used for human occupancy or for the housing of animals and not exceeding 10 feet in height and 100 square feet in floor area, may extend into the required side for rear yard (but not the required front yard) by a distance of not less than 5 feet from the rear or side boundary lines; and no such accessory building shall be any closer to the street line than the principal building.
- F. Accessory buildings, other than buildings accessory to a farm (see Section 8.1.2), shall not occupy more than the area of the building coverage of the principal building to which they are accessory.
- G. Except as provided in Section 8.3.2, 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.

#### 8.1.2 Accessory Farm Buildings

The following accessory building uses are permitted on a farm:

- A. Except as prohibited by Section 3.2, buildings may be used for the storage, processing and manufacture of agricultural products, the housing of animals, and the slaughtering of livestock and poultry raised on the Farm.
- B. Buildings may be used for the storage of motor vehicles and equipment including the repair of such vehicles, excluding the operation of a repair garage for the general public.

#### 8.1.3 Garage

Within residential districts, automobile garages may be attached or detached from the principal dwelling.

#### **8.1.4 Guest House**

Guest houses are permitted in accordance with the following:

- A. No guest house shall be located on a lot having an area of less than 30,000 square feet.
- B. 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.
- C. A guest house shall contain no more than 50% of the gross floor area of the principal dwelling on the lot.

#### **8.1.5 Roadside Shelters for School Children**

Roadside shelters for school children are permitted in accordance with the following:

- A. The shelter shall not exceed 50 square feet in area or 8 feet in height.
- B. Its location shall be no closer than one foot from the front or side lot line.
- C. 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.
- D. In no case shall the shelter be located closer than 10 feet of the traveled portion of the street.
- E. The shelter shall be removed by the applicant if not used for its intended purpose for one year or upon order of the Department of Transportation or the Board of Selectmen if the building interferes with road rights-of-way.

### **8.2 Accessory Structures**

Accessory structures shall be used only for uses that are customary with and incidental to a permitted use, or a nonconforming use as identified in Section 4. The following regulations are applicable to accessory structures across all districts where such structures are permitted unless otherwise stated.

#### **8.2.1 Central Air Compressors and Heat Pump Mechanicals**

Central air compressor units and heat pump mechanicals shall conform to the required yard for the subject district except that they may be eligible for a reduction of the required yard setback of up to 75% in the R-10 zone and 50% in the R-15 and R-20 zones.

#### **8.2.2 Decks**

Decks shall not occupy any portion of the required yard for any lot.

#### **8.2.3 Electric Vehicle Charging Stations**

- A. Residential Exemption. This section does not apply to single-family residences that have non-commercial charging stations although they must meet all other applicable requirements.
- B. Electric Vehicle Charging Stations shall meet the following requirements:
  1. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of equipment, parking surface and striping of lanes.
  2. Signage. Electric vehicle charging stations shall be posted with signage indicating spaces are only for electric vehicles that are actively charging. Days and hours of operation must be posted according to approval given by the Commission, and hours of operation are to be enforced by the owner. Information identifying voltage and amperage levels as well as safety information must be

posted. All directional and advertising signs for the charging stations shall meet the requirements of Section 17, as well as any signage post on the street shall be in the vicinity of the development's signage.

3. Parking space size, striping and mounting. Parking spaces shall be sized to accommodate automobiles as set forth in Section 16.2.1. The striping should be of a unique color to identify that these spaces are for electric vehicle charging stations. Mounting of charging stations shall be proposed to the Commission and accepted at its discretion.
4. Setbacks. Electric vehicle charging station setbacks can be reduced up to 5 feet from the required parking setbacks set forth in Section 16.3.8. A reduction in the setbacks may be obtained from the Commission for charging station setbacks for existing non-conforming parking lots that the Commission determines are adequately screened and will not negatively affect surrounding properties.
5. Location. Electric vehicle charging stations shall be incorporated into the overall site development as to not interfere with pedestrian or vehicular circulation.
6. Screening. The Commission may require landscape screening at its discretion depending on location, scope, and intensity of electric vehicle charging station proposal.
7. Lighting. All electric vehicle charging stations shall have lighting as deemed appropriate by the Commission and must meet the requirements of Section 16.3.5.

#### **8.2.4 Farmstands**

Temporary roadside stands for the seasonal sale of farm products and homemade articles are permitted as an accessory to a principal use in accordance with the following:

- A. The farmstand shall be no more than 200 square feet in ground area.
- B. There shall be no more than two signs aggregating 12 square feet in area advertising such produce.
- C. Such stand and signs shall be no less than 10 feet from any street line and 50 feet from any street intersection.
- D. Their temporary permitted use shall not constitute the establishment of a non-conforming Use.

#### **8.2.5 Fences, Walls, and Terraces**

Fences, walls, and terraces are permitted in accordance with the following:

- A. Fences shall be no more than 4 feet in height when located in a required front yard and no more than 6 feet in height when located in a required side or rear yard.
- B. The Zoning Commission may grant a Special Permit to allow a fence or wall up to a maximum of 6 feet in height in the required front yard if there are special circumstances of the subject property which the Commission determines make a fence taller than 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.
- C. Necessary retaining walls, terraces, and open, unroofed stairways to the ground floor or basement or Cellar of a building may be located in a required yard.

#### **8.2.6 Generators**

Generators shall conform to the required yard for the subject district except that generators with a dBA of 75 and under are eligible for a reduction in the required yard setback of 75% in the R-10 zone and 50% in the R-15 and R-20 zones.

### **8.2.7 Handicapped Access to Residential Structures**

Notwithstanding any other provision of these Regulations which would prohibit such a structure a handicap access ramp may be permitted for a residential structure under the following conditions:

- A. The access structure shall be of such size and configuration to involve the least amount of conflict with these Regulations which would otherwise be applicable.
- B. The size, location and configuration shall not be a hindrance or danger to public safety or welfare.
- C. Requests for handicapped access ramps shall include a written statement detailing the reason(s) why the ramp is required.
- D. The temporary permit shall be for a period of two 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 60 days of notice to remove from the Zoning Enforcement Officer, whichever is sooner.

### **8.2.8 Outdoor Vending Machines**

- A. Outdoor vending machines shall only be permitted in an approved location or locations designated on a Site Development Plan.
- B. For all uses of land that have not received a Special Permit, any approved outdoor vending machine location shall be within one foot of a principal building on the premises.
- C. No vending machine shall have any form of internal illumination.

### **8.2.9 Propane Tanks and Above Ground Oil Tanks**

Propane tanks and above ground oil tanks are permitted in accordance with the following:

- A. Propane tanks 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.
- B. Propane tanks more than 30 inches in diameter and above-ground oil tanks shall conform to the required yard for the subject District.

### **8.2.10 Signs**

See Section 17 for sign regulations.

### **8.2.11 Structure- and Roof-Mounted Antennas**

As an accessory use, structure- or roof-mounted antennas are subject to the following standards:

- A. Roof-mounted antennas shall not exceed a height of 15 feet above the highest point of the structure or building.
- B. Satellite and microwave dish antennae shall not exceed a diameter of 6 feet in commercial or light industrial districts or 4 feet in waterfront or residential districts.

### **8.2.12 Trailer Construction Storage/Office**

Construction storage/office trailers may be permitted in accordance with the following:

- A. The trailer(s) must be located on the project site.
- B. An application must be accompanied by a drawing to a scale of not more than 1"= 40' showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.
- C. No trailer shall be placed in a manner which would create a hazardous or unsafe condition.
- D. No construction trailer shall be placed at an approved location prior to two weeks before the start of construction or site development nor shall it remain for a period greater than two weeks after completion of construction or site development.
- E. The Zoning Enforcement Officer may require the relocation or removal of a trailer(s).
- F. In no case shall a construction storage/construction office trailer be used for human habitation.

### **8.2.13 Trailer Permanent Storage**

- A. Any storage trailer located on the same lot for more than 90 consecutive or non-consecutive days in a calendar year shall be considered a permanent storage trailer.
- B. Permanent storage trailers may be permitted in accordance with the following:
  1. In no case shall permanent storage trailers be used for human habitation.
  2. Permanent storage trailer(s) must be located on the same lot as the principal structure and no more than one storage trailer in the commercial and waterfront business districts and two trailers in the light industry districts will be allowed on any lot.
  3. The permanent storage trailer must be suitably screened so as not to be visible from any lot line or street line, must meet all the required yard requirements and must be located to the rear of the principal building. Should suitable screening not be possible, a permanent storage trailer may be enclosed with walls and a roof of a design which is weatherproof, structurally sound, and complementary to the principal structure.

### **8.2.14 Trailer Temporary Storage**

Temporary storage trailers may be permitted in accordance with the following:

- A. One temporary storage trailer may be located on the same lot as the main structure in the commercial, light industry, or waterfront business districts.
- B. A temporary storage trailer may not be located on the same lot for a period exceeding 90 days in a calendar year.
- C. An application must be accompanied by a drawing to a scale of not more than 1"= 40' showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.
- D. Adequate screening must be provided such that the temporary storage trailer will not create an unsightly condition that would set it apart in its surroundings or reduce property values in the neighborhood.
- E. In no case shall a temporary storage trailer be used for human habitation.

### 8.3 Accessory Uses

The following regulations are applicable to accessory uses across all districts where such uses are permitted unless otherwise stated.

#### 8.3.1 Accessory Alcohol Sales

- A. Accessory alcohol sales shall be limited to Connecticut Department of Consumer Protection grocery store permit or a restaurant permit types, no other form of accessory alcohol sales shall be permitted.
- B. Sales conducted under a restaurant permit shall be conducted by a service bar only and not by a bar at which patrons may stand or sit to be served alcoholic beverages. A "service bar" shall be defined as an area for the preparation of alcoholic beverages which are then taken by wait persons employed by the facility and delivered to customers seated at tables or other seating areas.
- C. Within Rural Residence and Residence districts, the following shall apply:
  1. The use shall be located on a lot of 5 acres or more and having not less than 3,000 square feet of lot area for each seating accommodation in the dining room or restaurant;
  2. All buildings used for such purpose shall be located no less than 100 feet from any property line and 50 feet from any street line; and
  3. Such building, if constructed after September 1, 1958 and used for such purpose, shall not be within a 1,500-foot radius from any other building used for such purpose in any district.
- D. Within Commercial districts, the following shall apply:
  1. No building, other structure or premises shall be used for accessory alcohol sales if any entrance to such establishment is located within a 200 foot or less radius from property containing a house of worship or school building provided, however, that a building, structure or premises is eligible to be used for accessory alcohol sales within such distance if the house of worship or school was erected on such property after the lawful commencement of the accessory alcohol sales use.
  2. Within the C-10 and C-30 districts: No restaurant alcohol permit use shall be allowed within a 1,500-foot radius (as measured in a straight line between any entrance) of any other establishment holding a restaurant alcohol permit.
  3. Within the C-30S district: No restaurant alcohol permit use shall be allowed within a 750-foot radius (as measured in a straight line between any entrance) of any other establishment holding a restaurant alcohol permit.
  4. The distancing requirements of the C-10, C-30 and C-30S districts shall not be applicable to grocery store permit sales.
- E. Termination of Use. If any building, other structure or premises has ceased to be used for accessory alcohol sales, such building, other structure or premises shall not again be used for such sales until a Special Permit has been secured in accordance with the requirements of Section 20, unless within 365 days the building, other structure or premises is occupied or used for a period of 4 consecutive weeks under a liquor permit of the same type or class issued by the Liquor Control Commission and as permitted by these Regulations.

#### 8.3.2 Accessory Apartments

- A. Purpose. 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 function and appearance of the Town's single-family, residential neighborhoods by preventing congestion and excessive demand on community resources that may occur if accessory apartments are allowed to proliferate unregulated in single-family neighborhoods.

B. Requirements. One accessory apartment may be created in either a single-family dwelling or in an accessory building in existence on January 1, 1997 subject to the following provisions:

1. 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.
2. 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.
3. The accessory apartment shall have a maximum living space of 800 square feet of floor area or 25% of the total living space of the single-family dwelling, whichever is less.
4. No more than 3 persons shall occupy the accessory apartment.
5. 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.
6. No accessory apartment and no part thereof shall be located in a cellar or above the second Story.
7. Two 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.
8. All building modifications and site development to accommodate the accessory apartment shall maintain the appearance of the premises as a single-family use and 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.
9. If the accessory apartment is contained within the single-family dwelling, there shall be only one outside door along the front facade unless more than one such door existed prior to the establishment of the accessory apartment.
10. 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.
11. 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.

C. Application Procedures. In addition to the requirements of Section 19 and Section 20, the application for Special Permit shall be accompanied by:

1. An affidavit of ownership and occupancy signed by the owner of the premises that the owner shall occupy one of the dwelling units as the owner's principal residence except for bona fide temporary absences.
2. A floor plan showing proposed rooms and alterations to the building, if permitted under this Section 8.3.2. The floor plan shall show the living area of both the accessory apartment and the dwelling unit and the percentage difference between them.

3. A site development plan showing all existing and proposed structures or renovations, off-street parking, and utility systems, in accordance with Section 19.2.3, which may be waived in accordance with Section 20.3.4.
4. A certification from the local or regional health authority 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.

D. Issuance and Renewal of Certificate of Zoning Compliance. 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 in accordance with the following:

1. On or before the 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.
2. 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 Item B.2 of this section, 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.

### **8.3.3 Bed and Breakfast**

A. In all districts where permitted, the following shall apply:

1. 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.
2. The maximum occupancy per room shall be two persons.
3. The maximum length of consecutive stay by any one patron shall be 14 days.
4. 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% interest in the premises must reside on the premises and be actually in residence during any period when rooms are let.
5. 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.
6. 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.
7. 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 or residential appearance of the dwelling. In an historic district, modifications shall be in keeping with the historical and architectural style of the

district, and in the case of an historic structure, shall not preclude the structure's continued designation as an historic structure.

8. There shall be a minimum separating distance of 1,500 feet between properties that contain bed and breakfast use.
9. The bed and breakfast use shall be prohibited on cul-de-sacs or dead-end streets.
10. The criteria above shall be deemed to be minimum requirements, and the Commission may deny, modify or condition an application for Special Permit for a 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.

B. Within the SVVD the following shall apply:

1. Each bed and breakfast shall have no more than 4 rooms to be let out to guests.
2. Each room shall have at least 300 square feet of living space, exclusive of a bathroom.
3. Each room shall have a private en suite bathroom consisting of a toilet, lavatory and bathtub or shower.
4. No room shall contain any provisions for cooking or preparation of food except that each room may have a single refrigerator having a capacity of no more than 5 cubic feet.
5. No guest shall return for a stay within 14 days of a stay.
6. The separation requirements of Section 8.3.3A.8 shall not apply within the SVVD.

#### **8.3.4 Boarding of Horses**

The keeping of horses that are owned and used by the occupants of a dwelling is a permitted accessory use to that dwelling. Such use shall not include the renting of stalls, boarding or horses for compensation, or the giving of lessons for compensation.

#### **8.3.5 Commercial Vehicle Parking**

- A. All Lots. The off-street parking of only one commercial vehicle, outdoors or in a garage, is allowed as of right on any lot provided such vehicle does not exceed 12,500 pounds gross vehicle weight (weight empty plus rated load capacity).
- B. Commercial and Industrial Zones. The off-street parking of more than one commercial vehicle or for vehicles with a gross vehicle weight greater than 12,500 pounds, outdoors or in a garage, may be allowed on any lot within the WF-20, C-30, C-30S, C-10, and LI-80 zones through a Site Development Plan approval.

#### **8.3.6 Home Occupation**

A home occupation accessory to a dwelling unit is permitted in accordance with the following:

- A. The person or persons conducting the home occupation shall occupy the dwelling unit as permanent place of residence.
- B. There shall be no more than two nonresident persons employed on the premises in connection with such occupation.
- C. 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.
- D. 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.

- E. The home occupation and the conduct thereof shall not change or impair the residential appearance or function of the premises, and there shall be no evidence of the occupation outside the dwelling or accessory building, except one identification sign of the type permitted under Section 17.5.1.A identifying only the name of the proprietor of the occupation and the activity conducted.
- F. Home occupations may include sale of fruits, vegetables, landscape materials, flowers, or other farm products grown on the lot, provided the total sales area, whether located inside or outside of the building, does not exceed 400 square feet in area.

### **8.3.7 Keeping of Pets**

The keeping of customary pet animals is permitted as an accessory use to a dwelling in any district.

### **8.3.8 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:

- 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 bedrooms;
- C. Except as provided in Section 8.3.2, 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.

### **8.3.9 Outside Storage of Goods**

Outside storage provided in connection with a use for which a Site Development Plan, Special Permit, or a Zoning Permit is required to be submitted under these Regulations shall be located in areas on the lot as shown on such the approved site plan and shall be limited and screened as follows:

- A. No outside storage area shall extend into the area required for building setback from a street line, property line or residence or rural district boundary line.
- B. Outside storage areas shall be limited in extent on any lot, either as a percent of the area of the lot or as a percent of the ground floor area of all buildings on the lot, in accordance with the district where located, as follows:
  1. Commercial and residential zones: 10% of ground floor area of buildings
  2. Waterfront and industrial zones: 25% of lot area
- C. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot, from any street and from any portion of a residence or rural district, provided, however, that the board/commission, in connection with approval of a Site Development Plan or Special Permit under its jurisdiction, may determine that such enclosure is not necessary for all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

### **8.3.10 Recreational Vehicle or Trailer Parking**

The outside parking or storage of no more than one recreational camper trailer, motor home, camping tent-trailer, or other similar vehicle or device shall be permitted accessory to a residence provided that 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.

# Article III Base Zoning District Standards

## Section 9. Area, Yard, and Height Standards

### 9.1 Purpose and General Provisions

- A. General. These regulations apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in the Town's zoning districts. Standards applicable in each district are specified in Sections 10.1 and 11.1.
- 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 4.
- C. Yards and Lot Coverage. Except as provided for non-conforming uses in Section 4.3, 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 for any building may be counted as part of a yard or other open space required for any other building.

### 9.2 Floor Area and Coverage

#### 9.2.1 Measurement of Floor Area and Coverage

- A. Measurement of Gross Floor Area. The following shall apply in determining gross floor area of buildings and other structures:
  1. Measurements shall be taken to the outside surfaces of exterior walls enclosing the floor area.
  2. Floor area of attics less than 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 gross floor area. That portion of an attic or half story which is over 6 feet in height shall be included in the calculation of gross floor area.
  3. Basements shall be included in the calculation of gross floor area.
  4. Covered porches, whether or not enclosed, will be included in the calculation of gross floor area.
  5. Any portion of the floor area having a height greater than 12 feet shall be considered as two stories for measurement of gross floor area.
- B. Measurement of Building Coverage. The ground coverage of a building or structure is measured from the footprint occupied by the outermost edge of the building or structure but excluding any architectural projections of the type that are permitted under Section 9.5.B 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.
- C. 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.

D. Wetlands and Water Course Restriction. Areas consisting of wetlands and watercourses shall be excluded from lot area when computing eligible gross floor area and eligible total ground coverage of buildings and other structures.

### **9.2.2 Total Ground Coverage**

A. The gross 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 for the district in Section 10.1 and 11.1.

B. 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 grant a Special Permit authorizing increase in total ground coverage 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 19.3.17 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.

## **9.3 Lot Area, Shape, and Frontage**

A. Each lot shall have at least the minimum area as specified for the district.

B. 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 7.21.6.

C. Each lot shall be of such shape that a square having the minimum dimension specified in the district will fit on the lot.

D. Each lot shall have a minimum frontage of 25 feet.

E. 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.

F. 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.

## 9.4 Height (8.2.2)

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 or number of stories specified for the district.

### 9.4.1 Measurement of Height Outside of the Gateway Conservation Zone

The height of a building or structure shall be 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 and other ornamental and mechanical features as identified in Section 9.4.3.

### 9.4.2 Measurement of Height Within the Gateway Conservation Zone

- A. The height of a building or structure shall be 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.
- B. The Zoning Commission may, through the Special Permit requirement for structures exceeding 4,000 square feet of gross floor area, allow the maximum height to be measured from a new finished manufactured grade if such new grade is determined by the Zoning Commission to be consistent with the standards of the Special Permit requirements of Sections 13.2.13.E and Section 20.
- C. Planned residential conservation developments within the Gateway Conservation Zone shall be subject to the height measurement standards of Section 9.4.1 above.

### 9.4.3 Height Exception

Spires, cupolas, towers, chimneys, flagpoles, tanks, chimneys, accessory antennas, penthouses for mechanical equipment, ventilators and other similar structural features occupying no more than 10% of the building floor area, not more than 8 feet above the maximum building height, and not intended for human occupancy may be constructed, reconstructed, enlarged, extended, moved or altered to a reasonable and necessary height. Exceptions within the Gateway Conservation Zone shall only be permitted if there is no significant visual impact to the Connecticut River.

The following permit types shall be required:

- A. Residential uses outside of the Gateway Conservation Zone: shall require a Zoning Permit.
- B. Residential uses within the Gateway Conservation Zone: shall require a Special Permit.
- C. Non-residential uses: shall require a Special Permit.

## 9.5 Setbacks and Required Yards

- A. See Section 13.2.3 for special setbacks within the Gateway Conservation Zone.
- B. No building or other structure shall be located in 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:
  1. 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 foot.

2. Terraces may project into a required yard by no more than 50% percent of the requirement for the district.

## **9.6 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 25 (hereinafter in this Section 9.6 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 9.6.1, 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:

### **9.6.1 Definition**

The Minimum Area of Buildable Land (the MABL area) is an area within a lot that contains at least 30,000 square feet of contiguous land that meets all of the following criteria:

- A. 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;
- B. 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;
- C. 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;
- D. 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;
- E. 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;
- F. 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,
- G. the MABL area may include land within required yard areas.

### **9.6.2 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 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.

### **9.6.3 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 9.6 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.

#### **9.6.4 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:

- A. provide adequate absorption and dispersal of anticipated sewage effluent generated on the lot; and,
- B. otherwise support planned building development on the lot.

#### **9.6.5 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.

### **9.7 Special Lot Conditions**

#### **9.7.1 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.

#### **9.7.2 Lots in More Than One Zone**

- A. 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 a non-residence district.
- B. 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.

#### **9.7.3 Lots on Narrow Right-of-Way**

The required minimum front yard setback from the street line of a town road or state highway having a right-of-way width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the right-of-way.

### **9.8 Reductions in Required Yards)**

#### **9.8.1 Required Yards in the SVVD**

For any lot in the SVDD the setback on one side of the property, excluding the rear yard, may be reduced to zero provided if it can be demonstrated this reduction will not adversely affect public health and safety or abutting uses.

#### **9.8.2 Required Yards in the WF-20**

- A. The Commission acting on a Site Development Plan or Special Permit submission in the Waterfront Business District (WF-20) may:
  1. authorize a reduction of the required rear yard to not less than 20 feet or to zero if the rear of the lot abuts on navigable waters;
  2. and/or a reduction in a required yard other than the rear yard to not less than 10 feet.

B. A reduction in any required yard shall require the Commission to determine that all of the following criteria are met:

1. that such reduction would further the policy of the Plan of Conservation and Development to seek improved public access to beach and riverine resources in the Town and encourage water-dependent uses at appropriate locations;
2. that 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,
3. the required setback from a residence district is not reduced.

#### **9.8.3 LI-80 Lots Adjacent to I-95**

- A. Where a lot located within the LI-80 District abuts the right-of-way for Interstate 95, excluding access ramps, the Commission may allow, by Site Development Plan Review under Section 19, the reduction in the required yard abutting said highway to 25% of the required yard under these Regulations, but in no event less than 10 feet.
- B. In considering an application under this section, the Commission shall consider:
  1. The use, architecture, illumination, height, and overall appearance of the building or site for which the reduction in required yard is sought in order to protect views of the landscape from the highway and to prevent glare or blight.
  2. 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. 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 ensure compatibility of development with the surrounding landscape and properties and the preservation of a rural landscape that is characteristic of Old Lyme.
- D. 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.
- E. 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.

## Section 10. Residential Zoning District Standards

10.1 Residential Zoning District Bulk Standards		RU-80	RU-40	R-20	R-15	R-10	MFR-80	MFR-40	MFR-20
1 <sup>A</sup>	Minimum lot area (sf)	80,000	40,000	20,000	15,000	10,000	80,000	40,000	20,000
2	Minimum dimension of square on the lot	200'	150'	100'	80'	75'	200'	150'	100'
3	Wetlands/water course restrictions	50%	35%	15%	10%	none	20%	15%	10%
4	Maximum number of stories for a building	2.5	2.5	2.5	2.5	1.5	2.5	2.5	2.5
5	Maximum height of building or structure	35'	35'	35'	35'	24'	35'	35'	35'
6	Minimum setback from street line	50'	50'	30'	30'	25'	50'	50'	30'
7	Minimum setback from rear property line	35'	35'	35'	30'	30'	35'	35'	35'
8	Minimum setbacks from other property line	35'	35'	20'	15'	12'	35'	35'	20'
9	Maximum gross floor area as a share of lot area	15%	15%	20%	20%	25%	15%	20%	20%
10	Maximum lot coverage by buildings and structures as a share of lot area	10%	10%	15%	20%	25%	10%	15%	15%
11	Maximum total ground coverage as share of lot area	30%	30%	30%	30%	30%	30%	30%	30%

<sup>A</sup> See also Section 9.6 for Minimum Area of Buildable Land requirement.

## Section 11. Commercial, Industrial, and Special Zoning District Standards

### 11.1 Commercial, Industrial, and Special Zoning District Bulk Standards

	Standard	WF-20	C-10	C-30 and C-30S	LI-80	SD <sup>B</sup>	SVVD
1 <sup>A</sup>	Minimum lot area (sf)	20,000	10,000	30,000	80,000	200,000	10,000 <sup>C</sup>
2	Minimum dimension of square on the lot	100'	100'	150'	200'	200'	75'
3	Wetlands/water course restrictions	15%	0%	20%	50%	50%	0%
4	Maximum number of stories for a building	2.5	2.5	2.5	2.5	2.5	2.5
5	Maximum height of building or structure	35'	35'	35'	45'	35'	27' <sup>D</sup>
6	Minimum setback from street line	40'	30'	60'	50'	50'	6' <sup>E</sup>
7	Minimum setback from rear property line	30'	30'	40'	40'	35'	10'
8	Minimum setbacks from other property line	20'	12'	20'	40'	35'	6' <sup>E</sup>
9	Minimum setback from Residence and Rural District boundary line	40'	30'	40'	50'	35'	N/A
10	Maximum gross floor area as a share of lot area	25%	25%	20%	20%	20%	40%
11	Maximum lot coverage by buildings and structures as a share of lot area	25%	25%	20%	20%	20%	30%
12	Maximum total ground coverage as share of lot area (see also 8.2.5)	60%	60%	55%	40%	40%	75%

<sup>A</sup> See also Section 9.6 for Minimum Area of Buildable Land requirement.

<sup>B</sup> See Section 11.3 for additional standards for the School District (SD).

<sup>C</sup> Applies only to new single-family homes.

<sup>D</sup> See Section 11.4.3 for conditions surrounding maximum height in the SVVD.

<sup>E</sup> See Section 9.8.1 for setback reductions in the SVVD.

## 11.2 Light Industry District (LI-80)

Dwellings existing in the Light Industry District as of 3/7/08 are allowed Zoning Permit uses and are conforming with respect to use.

## 11.3 School District (SD) Zone Standards

### 11.3.1 Building and Structure Heights

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 10% 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, exceeding the maximum height specified in Section 11.1, as determined by the Commission.

### 11.3.2 Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 16, except that aisles serving school parking areas are not subject to the setback requirements of Section 16.3.8.

### 11.3.3 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 16.3.5 and Section 19.3.10.

### 11.3.4 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 14.2 and 16.3.6.

## 11.4 Sound View Village District (SVVD) Standards

### 11.4.1 Purpose

In accordance with CGS § 8-2j, the Sound View Village District (SVVD) is intended to retain and enhance the distinctive character and scale of this seaside 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 CGS § 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:

- A. 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 ensure there is no adverse impact on the district;
- B. proposed streets shall be connected to the existing district road network wherever possible;
- C. open spaces within the proposed development shall reinforce open space patterns of the district in form and siting;

- D. 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;
- E. the landscape design shall complement the district's landscape patterns;
- F. 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,
- G. the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

#### **11.4.2 Applicability and Process**

- A. 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.
- B. 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 11.4.
- C. 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 19, unless such use or development is designated for Special Permit review in Section 20.
- D. In addition to new uses, changes in use, demolition of buildings and new construction or development within 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 scale, function, appearance, and overall character of the Village District.
- E. 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.
- F. 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 reviewer shall review an application and report to the Commission within 35 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 Connecticut General Statutes.

#### **11.4.3 Height of Existing Structures**

Existing structures shall be limited to their existing height or 27 feet, 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 20.

#### **11.4.4 Design Standards**

In addition to the standards and criteria of Section 20 for Special Permit uses, the site design, architectural design, scale and massing of buildings and other structures shall be of such appearance and function 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:

- A. 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.
- B. 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.
- C. Building Form and Materials. New development shall be of such scale, function, and appearance as to harmonize with adjacent buildings and the Hartford Avenue streetscape.
  1. 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.
  2. 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.
  3. In accordance with the prevailing building and roof form 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.
  4. 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.
  5. 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.

6. 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.
7. 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 seaside communities (e.g., sawn wooden shake siding, stucco, wood clapboards) and are subject to approval of the Commission.

#### **11.4.5 Landscaping**

In addition to the requirements of Section 19, 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 3 feet 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.

#### **11.4.6 Signage**

- A. In addition to the provisions of Section 17, all signs within the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD regulation, shall be:
  1. 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.
  2. Integrated with site landscaping in style and location.
  3. Uncluttered and clearly legible and shall include only the minimum information necessary to direct the public.
- B. Ground signs (free-standing signs) are prohibited.
- C. No sign shall project into or over the public street right of way, including public sidewalks.

#### **11.4.7 Lighting**

- A. All exterior lighting shall be of a style, scale, and function that is harmonious with the character of the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD Regulation.
- B. Building mounted flood lighting and ornamental building lighting is prohibited within the district.
- C. All light sources shall be shielded so as to reduce glare onto adjacent properties.

- D. Lighting shall be properly scaled for pedestrians.
- E. Lighting structures shall not exceed 12 feet in height.
- F. Pedestrian walkways may be illuminated by light bollards or other low level lighting standards with shielded light sources.
- G. All lighting sources shall use bulbs that produce warm toned light, at a rating of 2,700K or less.

#### **11.4.8 Parking and Loading**

Parking and loading spaces shall be governed by the requirements of Section 16 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 11.4, to approve exemptions from Section 16 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.

#### 11.4.9 Sidewalks

- A. Unless waived under this Section 11.4.9, 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.

#### 11.4.10 Front Yard Use

- A. 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 style and building materials of the building where the establishment is located.
- B. 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.
- C. 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.

#### 11.4.11 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.

#### 11.4.12 Shared Septic Systems

- A. 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.
- B. 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 CGS § 7-246f have been satisfied shall be provided.

#### **11.4.13 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.

# Article IV Special Regulations and Overlay Zones

## Section 12. Special Regulations

### 12.1 Coastal Boundary

#### 12.1.1 Establishment of Boundary

The Coastal Boundary is established under the provisions of CGS § 22a-94, which boundary may be amended from time to time by the Connecticut General Assembly and is shown on the Coastal Boundary Map for the Town of Old Lyme. Coastal resources are as defined in CGS § 22a-93, and as located on the Coastal Resources Map and the Tidal Wetlands Map for the Town of Old Lyme prepared by DEEP. It shall be the responsibility of the person filing Zoning Permit application to determine whether or not the lot, or any portion thereof, is located within the Coastal Boundary and which and where coastal resources are found on the lot.

#### 12.1.2 Coastal Site Plan Review

All buildings and other structures, including shoreline flood and erosion control structures, or part thereof, and all uses of land, buildings and other structures, and changes in use, located fully or partially within the Coastal Boundary are subject to Coastal Site Plan Review requirements and procedures and shall be referred to DEEP, Office of Long Island Sound Programs, as specified in CGS § 22a-105 through 22a-109.

#### 12.1.3 Exemptions

The following activities are hereby exempted from Coastal Site Plan Review requirements under the authority of CGS § 22a-109(b) but are not exempted from the provisions of Section 12.1.11 and 12.1.12:

- A. Gardening, grazing and the harvesting of crops.
- B. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.
- C. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
- D. Construction of new or modification of existing on-premises structures, including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures, as will not substantially alter the natural function or appearance of coastal resources as defined in CGS § 22a- 93(7), or restrict access along the public beach.
- E. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.
- F. Interior modifications to buildings.
- G. Minor changes in use of a building, other structure, lot or property except those changes occurring on a lot adjacent to or abutting coastal waters.

#### **12.1.4 Applicability of Exemptions**

The exemptions from Coastal Site Plan Review requirements listed in Section 12.1.3 shall apply to the following plans and applications:

- A. Site plans submitted to the Zoning Commission in accordance with CGS § 22a-109.
- B. Site Development Plans submitted for particular uses, buildings and other structures as required by these Regulations.
- C. Applications for Special Permits submitted under these Regulations for consideration by the Zoning Commission, Planning Commission or Zoning Board of Appeals.
- D. Applications for a variance submitted for consideration by the Zoning Board of Appeals in accordance with CGS § 8-6(3) and Section 22.
- E. Applications for approval of subdivision or resubdivision by the Planning Commission in accordance with CGS § 8-25.
- F. Applications for commercial tree cutting permits under Section 15.2.
- G. A referral of a proposed municipal project to the Planning Commission in accordance with CGS § 8-24.

#### **12.1.5 Application Requirements**

Except as exempted under Section 12.1.3, the person filing an application for a Zoning Permit, an application for a Special Permit or variance, an application for approval of a subdivision or resubdivision, or proposing a municipal project in accordance with CGS § 8-24, pertaining to land within the Coastal Boundary shall file with the appropriate commission or board a Coastal Site Plan and application on such form as prescribed by the commission or board. Pursuant to CGS § 22a-105 and § 22a-106, a Coastal Site Plan shall include the following information:

- A. A plan showing the High Tide Line (HTL), the Mean High Water Line, referenced to the National Geodetic Vertical Datum (NGVD) and the location of Tidal Wetlands delineated in accordance with CGS § 22a- 29(2).
- B. The location and spatial relationship of coastal resources on and contiguous to the site.
- C. A description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction.
- D. An assessment of the capability of the resources to accommodate the proposed use.
- E. An assessment of the suitability of the project for the proposed site.
- F. An evaluation of the potential beneficial and adverse impacts of the project.
- G. A description of the proposed methods to mitigate adverse impacts on coastal resources.

In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of CGS § 22a-92.

#### **12.1.6 Criteria for Action by Commission or Board**

In addition to reviewing Coastal Site Plans for compliance with any other applicable standards, requirements, or criteria set forth by these Regulations, the commission or board with jurisdiction shall review Coastal Site Plans for compliance with the following criteria established in CGS § 22a-106:

- A. Consistency of the proposed activity with the applicable policies in CGS § 22a-92.
- B. The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in CGS § 22a-93(15).
- C. The acceptability of potential adverse impacts of the proposed activity on future water-dependent development opportunities as defined in CGS § 22a-93(17).
- D. The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities.

#### **12.1.7 Action by Commission or Board**

The Commission or Board with jurisdiction shall approve, modify, condition, or deny the Coastal Site Plan for the proposed activity on the basis of the criteria listed in CGS § 22a-106 to ensure that the proposed activity is consistent with the coastal policies in CGS § 22a-92 and that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development opportunities are acceptable.

#### **12.1.8 Reasons for Action by Commission or Board**

Pursuant to CGS § 22a-106, the Commission or Board with jurisdiction shall state in writing the findings and reasons for its action with respect to any Coastal Site Plan approved, conditioned, modified, or denied. Further, in approving any Coastal Site Plan, the commission or board with jurisdiction shall make a written finding that:

- A. the proposed activity with any conditions or modifications imposed by the commission or board is consistent with the coastal policies in CGS § 22a-92;
- B. that the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water-dependent development activities; and,
- C. that the potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities with any conditions or modifications imposed by the Commission or Board are acceptable.

#### **12.1.9 Time Limits; Notification of Action**

In accordance with CGS § 22a-105 through 22a-109, hearing notification requirements, time limits for making a decision, and decision publication and notification requirements for Coastal Site Plans shall be as set forth in the Connecticut General Statutes for the type of permit or approval being requested.

#### **12.1.10 Violations**

In accordance with CGS § 22a-108, any activity undertaken within the Coastal Boundary without the required Coastal Site Plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section.

### **12.1.11 Soil Erosion and Sediment Control Adjoining Coastal Resources**

Any lot which contains, adjoins or is within 50 feet of rocky shoreline, coastal bluffs and escarpments, beaches and dunes or tidal wetlands as defined in CGS § 22a-93 shall be subject to the soil erosion and sediment control measures specified in Section 15.4.

### **12.1.12 Construction or Enlargement of Certain Buildings Adjoining Coastal Resources**

A. No building or other structure, including drainage structures, septic systems and wells, shall be newly constructed, enlarged, or extended within 50 feet of any rocky shoreline, coastal bluffs and escarpments, or beaches and dunes, as defined in CGS § 22a-93. It shall be the responsibility of the applicant for a Zoning Permit, Special Permit or variance under these Regulations to determine whether any of the aforesaid coastal resources are located on or within 50 feet of the lot and where the new construction, enlargement or extension is proposed, and, if any such resources are so located, to portray the same on the site plan submitted for review under the provisions of this section. Nothing in this regulation, however, shall prevent the restoration or reconstruction of a building or structure damaged or destroyed by fire or other casualty, subject to the limitations set for the in Section 4.

B. No building or other structure, including drainage structures, septic systems and wells, shall be newly constructed, enlarged, or extended within 50 feet of any tidal wetlands as defined in CGS § 22a-29, except in compliance with Section 12.2.

### **12.1.13 Special Standards in the WF-20 District**

In the WF-20, the Zoning Commission, in evaluating proposed Special Permit Uses and the buildings, structures and site development proposed in connection therewith, shall conduct the Coastal Site Plan Review specified in this section and shall determine whether or not the proposal would have an adverse impact on future water dependent development opportunities and whether or not such impact is acceptable under the goals and policies of the Plan of Conservation and Development and the Connecticut Coastal Management Act. For purposes of such determinations, adverse impacts consist of the following:

- A. locating a non-water dependent use at a site in the district that is physically suited for a water-dependent use for which there is a reasonable potential demand;
- B. replacement of a water-dependent use with a non-water dependent use; or,
- C. siting of a non-water dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters.

In determining the acceptability of potential adverse impacts of a Special Permit proposal involving the combining of two or more uses, at least one of which is a non-water dependent use, the Zoning Commission shall consider whether or not the water-dependent use or uses or the non-water dependent use or uses is the primary use of the lot.

## 12.2 Tidal Waters Protection

Any structures and/or site development authorized in this section must demonstrate consistency with the purposes of Section 12.1 and Section 13.2 and shall comply with the following:

### 12.2.1 In the Gateway Conservation Zone

No building or other structure, including drainage structures, septic systems and wells, shall extend within less than 100 feet of the mean high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands (see Section 13.2.3), provided, however, that the Zoning Commission, in accordance with the provisions of Section 20, at its discretion, upon determination of functional need, may grant a Special Permit to reduce the setback for structures that require direct access to the water as an operational, necessity such as piers, docks, boathouses, and marine facilities.

### 12.2.2 Outside the Gateway Conservation Zone

No building or other structure, including drainage structures, septic systems and wells, shall extend within less than 50 feet of the mean high navigable waters of any tidal watercourse or associated tidal wetlands as defined in CGS § 22a-29, provided, however, that the Zoning Commission, in accordance with the provisions of Section 20, may grant a Special Permit authorizing the following to extend within such 50-foot distance:

- A. A marine facility;
- B. Any building or other structure which is accessory to a principal use on the lot, provided that the facility is not intended for human occupancy. The proposed building or other structure which is accessory to the principal use on the lot must be physically detached from the structure of the principal use.

## Section 13. Overlay Zones

### 13.1 Flood Plain Zone

#### 13.1.1 Purpose

The requirements and procedures hereinafter specified are applicable within the Flood Plain Zone. The purposes of this section are as follows:

- A. To minimize public and private losses due to flood conditions in specific areas of the Town of Old Lyme by the establishment of standards designed to:
  1. protect human life and public health;
  2. minimize expenditure of money for costly flood control projects;
  3. minimize the need for rescue and relief efforts associated with flooding;
  4. minimize prolonged business and employment interruptions;
  5. minimize damage to public facilities and utilities;
  6. help maintain a stable tax base;
  7. ensure that purchasers of property are notified of special flood hazards;
  8. ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and,
- B. To ensure continued eligibility of owners of property of the Town of Old Lyme for participation in the National Flood Insurance Program.

#### 13.1.2 Identification of Zone

- A. The Flood Plain Zone is the area identified as the "Special Flood Hazard Areas" (SFHA) by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Map (FIRM), dated August 5, 2013 (Panels 09011C0451J, 09011C0452J, 09011C0453J, 09011C0454J, 09011C0458J, 09011C0459J, 09011C0461J, 09011C0462J, 09011C0464J, 09011C0466J, 09011C0467J, 09011C0468J, 09011C0486J), and July 18, 2011 (Panels 09011C0456G and 09011C0457G) and other supporting data applicable to the Town of Old Lyme, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation.
- B. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
- C. The SFHA includes any area shown on the FIRM as Zones A, AE and VE, including areas designed as a floodway on a FIRM. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA where the land surface elevation is lower than the base flood elevation (BFE).
- D. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
- E. The FIRM and FIS are on file in the Old Lyme Town Clerk's office.

### 13.1.3 Definitions

For purposes of this Section 13.1 only, the following definitions shall apply:

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation:** The particular elevation of the crest of the base flood or 100-year flood as specified on the Flood Insurance Rate Map for Zone A, AE and VE. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement:** Any area of the building having its floor sub grade (below ground level) on all sides.

**Breakaway Wall:** a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Coastal AE Zone:** The portion of the AE Zone seaward of the "Limit of Moderate Wave Action (LiMWA) line on a Flood Insurance Rate Map (FIRM).

**Coastal High Hazard Area:** An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The Coastal High Hazard Areas is composed of Zone VE and Zone AE and the Coastal AE Zone as labeled on a Flood Insurance Rate Map (FIRM).

**Cost:** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 2, 1980, the effective date of the floodplain management regulations adopted by the community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Finished Living Space:** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as

furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and/or, the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map:** An official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. FIRMS published after January 1990 may also show the boundaries of the floodway.

**Flood Insurance Study:** The official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and other flood data.

**Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other Watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town.

**Functionally Dependent Use of Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Historic Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Limit of Moderate Wave Action (LiMWA):** The landward limit of the 1.5-foot breaking wave within a Coastal AE Zone.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 13.1.6.D.3 of this regulation.

**Manufactured Home:** A structure able to be transported in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and shall be considered manufactured homes for the purpose of this Regulation.

**Manufactured Home Park or Subdivision:** A lot, parcel or contiguous parcels of land divided into two or more manufactured home sites for rent or sale.

**Market Value:** As related to substantial improvement and substantial damage, the value of the structure shall be determined by the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

**North American Vertical Datum (NAVD):** As corrected in 1988, is a vertical control used as a reference for establishing varying elevations within the flood plain.

**New Construction:** Buildings and other structures for which the "start of construction" occurred on or after June 2, 1980 (the effective date of original Flood Plain District Regulations), and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after June 2, 1980, the effective date of the floodplain management regulations adopted by the community.

**Recreational Vehicle:** A vehicle which is built on a single chassis; 400 square feet or less when measured at the longest horizontal projections; designed to be self-propelled or permanently towable; designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand Dunes:** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special Flood Hazard Area:** The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

**Start of Construction:** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.L. 97-348) includes "substantial improvement" and means the date the building permit or ZONING PERMIT, if no building permit was required, was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets, and/or walkways, nor does it include excavation for a basement or cellar, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure. For a "substantial improvement," the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that Alteration affects the external dimensions of the building.

**Structure:** For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, additions or other improvements of a building or other structure, the cost of which cumulatively for the last 5 years, equals or exceeds 50% of the market value of the building or structure (as determined by the cost approach to value) before the "start of construction" of the improvement. This term includes buildings and other structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either of the following:

- A. any project for improvement of a building or structure to correct existing violations of State or Town health, sanitary or safety code specifications which have been identified by the Building Official of the Town of Old Lyme and which is the minimum necessary to assure safe living conditions; and,
- B. an alteration of an historic structure as defined in Section 25, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**Variance:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation:** A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### 13.1.4 General Requirements

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, site development, excavation, grading, removal or deposit of earth materials, mining, dredging, drilling operations, outside storage of equipment or materials, or paving, may be made within the special flood hazard area only in accordance with the requirements of this section. The following are also applicable to requirements:

- A. Other Restrictions. This section is not intended to repeal, abrogate or impair any covenants, easements or other laws, regulations or ordinances, and, whichever imposes the more stringent restrictions shall prevail.
- B. Interpretation. In the interpretation and application of this section, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.
- C. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the

floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

- D. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvement involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain, storage shall be provided on-site, unless easements have been gained from adjacent property owners; storage shall be provided within the same hydraulic reach and a volume not previously used for flood storage; storage shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory storage can be provided off-site if approved by the Zoning Commission.
- E. Aboveground Storage Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- F. Portion of a Structure in Flood Zone. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- G. Structures in Two Flood Zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks and porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- H. No Structures Entirely or Partially Over Water. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
- I. Warning and Disclaimer of Liability. The degree of flood protection established by this section is considered reasonable for town-wide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of manmade or natural causes. This section does not imply that land outside of special flood hazard areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town of Old Lyme, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

### 13.1.5 Base Flood Elevation and Floodway Data

Elevation and floodway data applicable under this section are identified as follows:

A. Map. The following zone designations are used on the Flood Insurance Rate Map:

Zone	Explanation
A	Areas of 100-year flood; no base flood elevations determined.
AE	Areas of 100-year flood; base flood elevations determined. Floodway Areas in Zone AE: the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
AO	Areas of 100-year flood; flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
AH	Areas of 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined
AR	Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
A99	Areas of 100-year flood; area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
V	Areas of 100-year flood; Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
VE	Areas of 100-year flood; Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
X (Shaded)	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
X (Unshaded)	Areas determined to be outside the 0.2% annual chance floodplain.
D	Areas in which flood hazards are undetermined, but possible.

B. Base Flood Elevation and Floodway Data. When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review and reasonably utilize, any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 13.1.6; should the base flood or floodway data be obtained for any special flood hazard area, select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

C. A Zone Restriction. In A Zones where base flood elevations have been determined but before a floodway is designated, no new construction, substantial improvement or other development (including fill) may be undertaken which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

#### **13.1.6 Standards**

The following standards and requirements are applicable in special flood hazard areas, which shall be certified, under seal, by a Connecticut Licensed Professional Engineer and a Connecticut Licensed Land Surveyor, as applicable:

- A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Construction Materials and Methods; Service Facilities. All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage. Electrical, plumbing, HVAC and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. Utilities. Water supply and sanitary systems shall conform to the following:
  1. new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  2. new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
  3. on-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Special Flood Hazard Areas. The following standards are applicable to development, including new construction and substantial improvement, in Zones AE and A:
  1. Any residential structure shall have the lowest floor, including Basement or Cellar, elevated to a minimum of one foot above the base elevation;
  2. Any commercial, industrial or other non-residential structure shall either have the lowest floor, including Basement or Cellar, elevated to a minimum of one foot above base flood elevation, or, shall, together with attendant utility and sanitary facilities, conform to the following:
    - a. be floodproofed so that from one foot above the base flood elevation and below, the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
    - c. be certified by an architect or professional engineer licensed to practice in the State of Connecticut that the above standards are satisfied, which certifications shall be provided to the Zoning Enforcement Officer as set forth in Sections 13.1.7.F and 13.1.8C.3.
  3. Enclosed Areas Below the Minimum Elevation Standard. New construction or substantial improvements of buildings with the lowest floor elevated one foot above the base flood elevation that include fully enclosed areas formed by foundation and other exterior walls below the minimum elevation standard are subject to the following additional standards:

- a. The enclosed space can only be used for the parking of vehicles, building access or limited storage.
- b. Areas below the lowest floor that are fully enclosed areas and subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a Connecticut registered professional engineer or architect or meet or exceed the following minimum criteria:
  1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  2. the bottom of all openings shall be no higher than one foot above grade;
  3. the openings may be equipped with screens, louvers, valves or other coverings or devices provided the devices permit the automatic and unobstructed flow of floodwaters in both directions.
- c. The area below the minimum elevation standard shall not be a basement.
- d. Machinery or equipment that service the structure, such as furnaces, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers, shall not be permitted below the minimum elevation standard.
- e. All interior walls, floors and ceiling materials located below the minimum elevation standard shall be unfinished and resistant to flood damage.
- f. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters. Openings are required in the exterior walls of the garage or in the garage doors. The areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garages attached to nonresidential structures must meet the aforementioned requirements outlined in Items a through e above or be dry floodproofed in accordance with Section 13.1.6D.2

4. Accessory buildings or structures may have the lowest floor located below the base flood elevation and must be wet floodproofed. Accessory buildings or structures must meet the following criteria:
  - a. are less than 400 square feet in floor area;
  - b. are detached from a main residential structure;
  - c. are low-cost structures;
  - d. are used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), or are one-story row carports located on a lot in a Residence or Rural District containing multiple dwelling units;
  - e. shall not have a basement or cellar excavated below the accessory building or structure;
  - f. shall not be used for human habitation;
  - g. shall be constructed and placed on a building site so as to offer the minimum resistance to the flow of floodwaters;
  - h. shall be firmly anchored to prevent flotation, collapse, and lateral movement, which may result in damage to other structures;
  - i. portions of the structure located below the base flood elevation must be constructed of flood-resistant materials; and,
  - j. must comply with the floodway encroachment provisions.

E. Coastal High Hazard Areas. The following additional standards are applicable to development, including new construction and substantial improvement, in Coastal High Hazard Areas:

1. Location. All buildings and structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS § 22a-359.
2. Elevation. All buildings or structures shall have the lowest horizontal supporting member elevated to a minimum of one foot above the base flood elevation and all spaces below the lowest horizontal supporting member shall be open so as not to impede the flow of water, except for breakaway walls as defined in Section 13.1.3. and provided for in Item 5 below.
3. Structural Support. All buildings and structures shall be securely anchored on pilings or columns. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the velocity of water and hurricane wave action. There shall be no fill used for structural support.
4. Certification. Compliance with the provisions of Items 2 and 3 above shall be certified by an architect or professional engineer licensed to practice in the State of Connecticut, which certifications shall be provided to the Zoning Enforcement Officer as set forth in Sections 13.1.7 and 13.1.8C.3.
5. Space Below Lowest Floor. The following are applicable to any construction or substantial improvement and to new construction:
  - a. There shall be no enclosure of the space below the lowest floor unless breakaway walls are used.
  - b. Breakaway walls shall be constructed with non-supporting open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a licensed professional engineer or architect certifies that the designs proposed meet the following condition: 1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and, 2) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effect of wind and water loads acting simultaneously on all building components.
  - c. Such enclosed space shall be used solely for parking of vehicles, building access, or limited storage.
  - d. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Zoning Enforcement Officer for approval.
  - e. Alteration to sand dunes which would increase potential flood damage in Zones V and VE is prohibited.
6. Prohibited Uses. Due to the unusual hazard to public health and safety created by their potential exposure to flooding, the following facilities and uses shall not be newly constructed or substantially improved within coastal high hazard areas:
  - a. Any portion or part of a public or community water system, including public or community water supply wells, pumping stations, treatment facilities, and storage tanks and towers, the exposure to high velocity flood waters or the inundation of which could result in contamination of the water supply or extended interruption of water service.

- b. Any portion or part of a public or community sewage disposal system, including sewage treatment facilities, septic lagoons, and sewage pumping stations (except public or community sewage pumping stations and associated infrastructure and piping proposed and developed by municipal or quasi-municipal applicants subject to Consent Orders with DEEP which system shall obtain a Special Permit and is designed in accordance with the special standards of Section 13.1.6.H), the exposure to high velocity flood waters or the inundation of which could result in contamination of public or private potable water sources or the release of untreated sewage into the water bodies or onto the land areas of the Town or extended interruption of sewage disposal service.
- c. Any portion or part of an electrical utility system, including generating facilities, transformer substations, and high voltage transmission lines, the exposure to high velocity flood waters or the inundation of which could result in an extended interruption of electric service.
- d. Any structural storage facility or non-structural storage area for chemicals, explosives, flammable liquids (including gasoline and other fuels except for storage of fuels for retail sale to boats), road salt, manure or fertilizer, or other toxic material which could be hazardous to public health and safety.

Nothing in this Section 13.1.6.E.6 shall prevent the periodic maintenance, repair or replacement-in-kind of any portion or part of an existing public or community water system, sewage disposal system or electrical utility system.

- 7. Propane tanks shall be secured to the ground so as to prevent their lateral movement during flood events.

F. Floodways. Floodways as designated on the Flood Insurance Rate Map are extremely hazardous areas due to the velocity of flood waters which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

- 1. Encroachment. There shall be no encroachments, including fill, new construction, substantial improvements, and other development, unless certification, with supporting technical data, by a Connecticut registered professional engineer licensed to practice in the State of Connecticut is provided demonstrating, through hydrologic analyses performed in accordance with standard engineering practice, that encroachments will not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge;
- 2. Other Standards Applicable. If the requirement of Item 1 above is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this section; and,
- 3. Prohibited Uses. New construction or substantial improvement of the uses and facilities enumerated in Section 13.1.6.E.6 is prohibited in floodways.

G. Manufactured Homes. The following standards and requirements are applicable to manufactured homes in Coastal High Hazard Areas (including manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in and expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood):

- 1. All manufactured homes to be placed, or substantially improved, shall be elevated so that the lowest floor is elevated to a minimum of one foot above the base flood elevation.

2. Any such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
3. Any such home shall be installed using methods and practices which minimize flood damage and shall comply with the following:
  - a. Adequate access and drainage should be provided; and,
  - b. Elevation construction standards include the following: Piling foundations to be placed no more than 10 feet apart; and, reinforcement to be provided for piers more than 6 feet above ground level.
4. All manufactured homes in the Zone V and VE portion of the special flood hazard areas must comply with standards set forth in Section 13.1.6.E;
5. Recreational vehicles placed on site within the Special Flood Hazard Area must either be:
  - a. on the site for fewer than 180 days;
  - b. be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.); or,
  - c. meet the elevation and anchoring requirements for manufactured homes in this Item G.

H. Sewage Pumping Station. Sewage Pumping Stations in the Coastal High Hazard Area shall be resilient to flooding, Sea Level Rise (SLR), and increased rainfall intensity association with climate change, and shall comply with design criteria in the latest version of following technical resources, as amended.

1. Technical Resource 16 (TR-16) by the New England Interstate Water Pollution Control Commission (NEIWPCC), Revised 2016 (as amended). Vulnerable electrical components shall be designed for installation at an elevation of the 1% change flood plus a minimum of 36 inches, the recommended design elevation of critical centralized pump station components pursuant to Section 1.2.1.h. Design pumping station in accordance with Chapters 1,3,10,13.
2. Protecting Building Utility Systems From Flood Damage; Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems FEMA P-348, Edition 2 February 2017 (as amended). Design pumping station in accordance with Chapter 5.0 Mitigation Measures for Non-residential Buildings.
3. Further consideration of accommodation for wave action and coastal erosion should be made as necessary, based on current Connecticut Institute for Resilience and Climate Adaptation (CIRCA) recommendations from studies conducted for Long Island Sound, as applicable.
4. System shall provide a series of check-valves to ensure no back-ups into homes in case of catastrophic system failures.

### **13.1.7 Flood Hazard Area Permit**

Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within special flood hazard areas only after a Flood Hazard Area Permit has been obtained. Application for a Flood Hazard Area permit shall be made to the Zoning Enforcement Officer on forms furnished for that purpose by such Officer and shall include at least:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question;
- B. Location of existing or proposed structures, fill, storage of materials and drainage facilities;

- C. Limit of moderate wave action (LiMWA) boundary line;
- D. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- E. Elevation in relation to mean sea level to which any structure has been or will be floodproofed;
- F. Certification by an architect or professional engineer licensed to practice in the State of Connecticut that the floodproofing methods of an non-residential structure meet the floodproofing criteria in Sections 13.1.6D.2 and 13.1.6E.4;
- G. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, certification by an architect or professional engineer licensed to practice in the State of Connecticut that the flood carrying capacity within the altered or relocated portion will be maintained, and evidence that adjacent Towns affected and DEEP, Water Resources Unit, have been notified;
- H. Plans for any walls to be used to enclose space below the base flood elevation; and,
- I. Copies of all necessary permits from those Federal, State or Town governmental agencies from which prior approval is required.

#### **13.1.8 Duties and Responsibilities of Zoning Enforcement Officer**

Duties and responsibilities of the Zoning Enforcement Officer in the administration of this section include, but are not limited to, the following:

- A. Permit Application Review.
  - 1. Review all Flood hazard permit applications to determine that the requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
  - 2. Review all development permit applications to assure that the permit requirements of these Regulations have been satisfied and that all other necessary permits have been received from those Federal, State or Town governmental agencies from which prior approval is required;
  - 3. Advise permittee that additional Federal or State permits may be required, and, if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit, possibly including, but not limited to, a Coastal Area Management Permit, Water Diversion, Dam Safety, Corps of Engineers 404; and,
  - 4. Review plans for walls to be used to enclose space below the base flood level in accordance with Sections 13.1.6D.2 and 13.1.6E.5.
- B. Other Base Flood and Floodway Data. When base flood and floodway elevation or floodway data is not provided on the Flood Insurance Rate Map or Floodway, Flood Boundary and Floodway Map, the Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the standards of this section.
- C. Information. The following information shall be obtained from the applicant and maintained on file:
  - 1. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
  - 2. For all new and substantially improved floodproofed structures, the actual elevation (in relation to mean sea level) to which the structure was floodproofed;

3. In coastal high hazard areas, certification from an architect or professional engineer licensed to practice in the State of Connecticut, that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
4. Evidence that adjacent Towns and the DEEP, Water Resources Unit, have been notified prior to any alteration or relocation of a watercourse;
5. Certification that the flood carrying capacity within the altered or relocated portion of a Watercourse will be maintained; and,
6. Maintain for public inspection all records pertaining to the provisions of this section.

D. Reports. The following reports shall be made to the Federal Emergency Management Agency (FEMA):

1. Biennial report; and,
2. Copies of notification to adjacent towns and DEEP, Water Resources Unit, concerning alterations or relocation of watercourses.

E. Interpretations of Boundaries. The Zoning Enforcement Officer is authorized to make interpretations, where needed, as to the exact location of boundaries of special flood hazard areas, such as where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.3.

F. Alteration or Relocation of a Watercourse.

1. Notify adjacent towns and the DEEP Water Resources Unit, prior to any alteration or relocation of a Watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and,
2. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

G. Records on File. All records pertaining to the provisions of this section shall be maintained in the office of the Zoning Enforcement Officer.

### **13.1.9 Variance Procedures**

The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Section 13.1. Variances shall only be issued upon:

- A. a showing of good and sufficient cause;
- B. a determination that failure to grant the variance would result in exceptional hardship; and,
- C. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing town regulations.

Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent properties, shall qualify to meet Item B above. Claims of hardship based on the structure, personal, or economic circumstances are not sufficient cause for granting of a variance under this regulation. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. The Town of Old Lyme shall maintain records of all variances granted and report and variances to the Federal Emergency Management Agency (FEMA).

## 13.2 Gateway Conservation Zone

### 13.2.1 Definitions

For purposes of this Section 13.2 only, the following definitions shall apply:

**Attic:** See Section 25 Zoning Terminology Definitions.

**Building:** See Section 25 Zoning Terminology Definitions.

**Building Height:** See Section 25 Zoning Terminology Definitions

**Coastal Jurisdiction Line:** See Section 25 Zoning Terminology Definitions.

**Commercial Cutting:** See Section 15.2.1.

**Commercial Cutting Plan:** See Section 15.2.1.

**Connecticut River:** Those portions of the Connecticut River or any of its tributaries or association wetlands located within the Gateway Conservation Zone.

**Coverage:** See Section 25 Zoning Terminology Definitions.

**Developed Area:** An area adjacent to the Connecticut River which is within the 50-foot riparian area immediately landward of the Coastal Jurisdiction Line (CJL) which is characterized by buildings and construction of greater density than average in the Gateway Conservation Zone in such a manner so as to make the retention or replacement of vegetation impractical, infeasible, or inconsistent with the traditional riverway scene, and which has been or may be mapped and designed by the Zoning Commission as a developed area for the purposes of these Standards and as approved by the Gateway River Commission. The 50-foot riparian area will also be considered as developed area if clearing or constructions have previously occurred in such a manner so as to make retention or replacement of vegetation within said 50-foot riparian area impractical, infeasible, or inconsistent with the traditional riverway scene, as determined by the Zoning Commission for the purposes of these Standards in the context of a pending land use application, and approved by the Gateway River Commission prior to the approval of such application.

**Earth Materials Addition:** See Section 25 Zoning Terminology Definitions.

**Earth Materials Removal:** See Section 25 Zoning Terminology Definitions.

**Enlarge and/or Extend:** See Section 25 Zoning Terminology Definitions.

**Erosion and Sedimentation Control Plan:** See Section 15.4.2.

**Gateway Conservation Zone:** Those portions of the Connecticut River defined in CGS § 25- 102c in which the Connecticut River Gateway Commission is charged with the protection of the "natural and traditional riverway scene".

**Gateway River Commission:** The Connecticut River Gateway Commission.

**Grade:** See Section 25 Zoning Terminology Definitions.

**Human Occupancy:** See Section 25 Zoning Terminology Definitions.

**Light Pollution:** Excessive, misdirected, or obtrusive light from artificial sources emanating from a site shone into the sky, onto the land or into the water column of the Connecticut River and its tributaries, including but not limited to site and architectural lighting, lighting on private residential docks, and up-lighting of trees or other site features, which may result in: brightening of the night sky, inhibiting the observation of stars and planets; light trespass onto neighboring properties including the Connecticut River; visual glare and discomfort; or significant disruptions to wildlife and ecological cycles.

**Lot:** See Section 25 Zoning Terminology Definitions.

**Marine Facility:** See Section 26 Use Definitions.

**Non-Commercial Cutting:** See Section 15.2.1.

**Non-Commercial Cutting Plan:** See Section 15.2.1.

**Refuse:** See Section 25 Zoning Terminology Definitions.

**Riparian Area:** The area upland of the Coastal Jurisdiction Line (CJL) of the Connecticut River.

**Riparian Vegetation Buffer:** The natural and traditional plant life indigenous to the riparian area as designated and mapped by the Zoning Commission, but not less than 50 feet from the Coastal Jurisdiction Line (CJL), which plant life was legally existing as of the adoption of these Standards, and to include grass, gardens, and ornamental shrubs and trees.

**Sign:** See Section 25 Zoning Terminology Definitions.

**Site Plan:** See Section 25 Zoning Terminology Definitions.

**Story:** That part of a building, other than a cellar, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story Above Grade:** Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than 6 feet above grade for more than 50% of the total perimeter of the building or more than 12 feet at any point.

**Structure:** Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than six (6) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.

**Total Floor Area:** The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least 6 feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

**Vegetation:** See Section 25 Zoning Terminology Definitions.

**Viewshed Analysis:** A visual impact evaluation comprising, at a minimum, topographic maps and photographs showing the site, with such photographs taken from locations along the Connecticut River including upriver, downriver, and opposite the site.

**Wetlands:** See Section 25 Zoning Terminology Definitions.

### 13.2.2 Land Coverage

No building shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed the maximum land coverage allowed for such buildings in the aggregate on any single lot as indicated in the following table:

Type of Zone	Maximum Land Coverage
Residential (up to 20,000 sf lot size)	25%
Residential (20,001-40,000 sf lot size)	15%
Residential (above 40,000 sf lot size)	10%
Commercial (including WF-20)	40%
Industrial	25%

Referrals to the Gateway River Commission will not be required for variance applications for lot coverage which is in excess of the maximum requirements of these regulations so long as the coverage being proposed is not in excess of the maximum land coverage permitted above for the corresponding zone and lot size.

### **13.2.3 Connecticut River Setbacks**

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within 100 feet of the Coastal Jurisdiction Line (CJL), as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the Zoning Commission may issue a Special Permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks and boathouses. See Section 12.2 for setbacks from other tidal rivers.

### **13.2.4 Site Plans**

No building permit shall be issued in connection with any multi-family project or permitted non-residential use in any district unless a site plan has been submitted to and approved by the Zoning Commission.

### **13.2.5 Erosion and Sedimentation Control**

Erosion and sedimentation control shall be provided in accordance with the requirements of Section 15.4.

### **13.2.6 Signs**

Signs shall comply with the requirements of Section 17.

### **13.2.7 Building Height**

Building height shall be regulated in accordance with Sections 9.4, 10.1, and 11.1.

### **13.2.8 Required Riparian Vegetation Buffer**

There shall be no cutting or any human-instigated destruction of vegetation within the riparian vegetation buffer, except as provided in this section.

- A. There shall be no clear-cut openings, and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than 3 feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of the trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.
- B. There shall be no timber harvesting within the buffer area except to remove safety hazards. When the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native trees unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the condition of such trees shall be made by the Zoning Enforcement Officer, or by a public or consulting forester.
- C. In no event shall an opening be cleared for development, which shall include, but not be limited to: stormwater drainage structures, construction of retaining/retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, lawns and gardens.

- D. A footpath not to exceed 5 feet in width is permitted provided said footpath and associated clearing is not oriented in a direct downslope manner, a practice which may promote unwanted transport of eroded materials into the Connecticut River.
- E. Stairs or similar structures may be allowed with a permit from the Old Lyme Zoning Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of 5 feet in width of the Connecticut River or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- F. A riparian vegetation buffer shall not be required for areas within the Gateway Conservation Zone which have been designated as developed areas in accordance with the definitions section of these regulations. In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the River scene.

#### **13.2.9 Cutting of Timber**

- A. Non-commercial cutting. A non-commercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision approval.
- B. Commercial cutting. The commercial cutting of timber shall require a permit to be issued by the Inland Wetlands and Waterways Commission, per CGS § 23-65k, prior to such activities. After submission of a commercial cutting plan to the Gateway River Commission, a permit shall be granted if it is found to be consistent with the minimum standards set forth in Appendix A (Minimum Standards For The Cutting of Timber) of the Standards of the Connecticut River Gateway Commission.

#### **13.2.10 Burning of Undergrowth**

The burning of undergrowth shall be in accordance with DEEP regulations, which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

#### **13.2.11 Soil and Earth Materials**

The removal or addition of soil and earth materials will be prohibited except for:

- A. valid non-conforming uses in existence as of May 14, 1974;
- B. foundation, trench and related site excavation performed after the issuance of a building permit and in conformance with all plans submitted in support thereof; and
- C. in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal or addition will not exceed 300 cubic yards of material per year.

#### **13.2.12 Dumping and Storing of Refuse**

No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition nor shall any new public solid waste disposal facility be established or an existing facility be expanded in area.

#### **13.2.13 Additional Requirements for Residential Structures**

To assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional Connecticut River scene, a Special Permit is required for all construction, reconstruction, enlargement or structural

alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of 4,000 square feet of total floor area (all floors) except in accordance with the exceptions below.

A. Exceptions from Special Permit Requirement

1. No exceptions to review by Special Permit are permitted for development on parcels fronting the Connecticut River or only one lot removed from the Connecticut River, nor if significant clearing of natural vegetation is proposed.
2. Site Plan in Lieu of Special Permit. The Zoning Commission may, by regulation, choose to allow a Site Plan application instead of a Special Permit review for residential structures over 4,000 square feet in total floor area under this section if it can be demonstrated by a viewshed analysis that:
  - a. The proposed structure or structures will not be significantly visible from the Connecticut River due to an intervening land mass or existing permanent structure, or
  - b. The proposed addition to an existing structure is either substantially hidden from view from the Connecticut River by the existing structure or other structures either on or off-site or the addition does not add significantly to the visual profile of the existing structure even when seen from an angle, or
  - c. The structure's distance from the Connecticut River combined with its elevation/lack of elevation below the ridge line causes it to be of insignificant visual impact.
- B. Exemption from both Site Plan and Special Permit Requirement. Except as required by Item A.1 above, a Special Permit or Site Plan review will not be required for residential principal or accessory structures over 4,000 square feet in total floor area and separated from the Connecticut River by two lots under this section if it can be demonstrated to the Zoning Enforcement Officer by the application that the following are applicable:
  1. An area topographic map and photographs of the property from the Connecticut River showing there is intervening ground at an elevation at least 35 feet above ground elevation of the proposed structure.
  2. A plan view map of the property showing a proposed addition to an existing structure where the existing structure or structures on the same property block the view of the addition from the Connecticut River.
  3. A plan view map of the property showing a proposed addition to an existing structure or a new structure blocked by a structure or structures located on adjacent properties blocking the view from the Connecticut River.
  4. Large stands of trees located on an intervening property or properties which will obscure sight of the proposed development from the view of the Connecticut River.
- C. Submission. In addition to other requirements for Special Permit applications, the applicant will provide site plans and building elevations prepared by an architect or landscape architect which show information on existing and proposed topography, building designs and height measurements, proposed grading, including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.
- D. Criteria for Applications for Construction in the Gateway Conservation Zone. Any application for Special Permit, Site Plan review or administrative permit shall be the subject of the following standards:

1. Proposed site development shall maintain the essential natural characteristics of the site, such as major land forms, natural vegetative and wildlife communities, hydrological features, scenic qualities and open space that contributes to a sense of place.
2. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
3. Structures located above the crest of hillsides facing the river shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.
4. Architectural elements shall not be overemphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designated so that the slope of the angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
5. Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
6. Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark-colored roof treatments, which reduce visual impact on the structure of the landscape are preferred.
7. Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation Zone.
8. Development shall be located so as to minimize the disturbance of sensitive areas. The smallest practical area of land should be exposed at any one-time during development and the length of exposure should be kept to the shortest practical time. Disturbed areas shall be replanted with non-invasive trees, shrubs and ground cover species which are compatible with existing vegetation.
9. Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided, and contours should be curved to blend in with the natural shape.
10. Within the Gateway Conservation Zone, lighting of properties, including site lighting and the illumination of building facades and other architectural features, shall be the minimum necessary for health and safety. The purpose of this standard is to minimize the amount of artificial lighting emanating from Gateway Conservation Zone properties in a way that may contribute to light pollution.

E. Findings. The Zoning Commission shall make the following findings in approving any Special Permit or Site Development Plan application within the Gateway Conservation Zone:

1. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
2. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
3. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant materials to buffer the mass of the building from the Connecticut River or its tributaries within the Gateway Conservation Zone.
4. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

5. Buildings and structures meet the height requirements of Sections 9.4, 10.1, and 11.1.

### 13.3 Aquifer Protection Zone

#### 13.3.1 Purpose

The purpose of these regulations is to protect the public health by preventing contamination of current or potential potable water supplies within the Town of Old Lyme. As groundwaters can be easily and, in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal and material storage be conscientiously exercised to:

- A. protect those surficial aquifers within the Town that currently provide, or have the potential to provide, water in sufficient quantities to support public or community wells
- B. protect the quality of those aquifers, including bedrock aquifers, that currently provide, or have the potential to provide, water for individual private wells; and
- C. protect the quality of the surface and subsurface waters that replenish these aquifers or flow into the ponds, streams, rivers, wetlands, and watercourses of the Town and thence to Long Island Sound.

#### 13.3.2 Zones

Two Aquifer Protection Zones have been established as overlay zones to protect the two types of aquifers that exist in Old Lyme. The zoning restrictions applied to each Aquifer Protection Zone were established to address the specific contamination risks for each type of aquifer based on their individual properties.

- A. **Surficial Aquifer Protection Zone.** The Surficial Aquifer Protection Zone is established as provided in Section 2.2.3.A to protect deposits of coarse-grained stratified drift that currently provide sufficient flow, or have the potential to provide sufficient flow, to support public or community wells. Due to their high flow, these ground water resources are highly susceptible to non-point contamination by many land uses and activities. It is therefore necessary that specific controls over land use be exercised within these areas and associated recharge areas to protect ground water quality, now and in the future.
- B. **Water Resource Zone.** The Water Resource Zone is established as provided in Section 2.2.3.B to protect potable water supplies in areas of Town that fall outside of the Surficial Aquifer Protection Zone, including the bedrock aquifers that supply water for many individual, private wells in Old Lyme and which are highly susceptible to point contamination.

#### 13.3.3 Definitions

For the purpose of this section, the following definitions shall apply:

**Aquifer:** A geological formation capable of yielding usable amounts of water to wells.

**Bedrock Aquifer:** One of two types of aquifers in Old Lyme; it is comprised of fractured crystalline-rock, which is highly susceptible to point sources of contamination.

**Groundwater:** Water held underground in the soil or in pores and crevices in rock.

**Hazardous Material:** See Section 25 Zoning Terminology Definitions.

**Induced Infiltration:** The process by which water in a stream or lake, or nearby salt water, moves into an aquifer because of a hydraulic gradient from the surface water toward a pumping well or wells.

**Recharge Area:** Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any surface drains into an aquifer and includes any wetland or body of surface water surrounded by or adjacent to any such area.

**Secondary Recharge Area:** The watershed of any recharge area, extending to the boundaries of the topographical divide, which delineates such watershed.

**Stratified Drift:** Predominantly sorted sediment deposited by glacial meltwater consisting of gravel, sand, silt or clay in layers of similar grain size. Course-grained stratified drift at depths of greater than 50 feet have the greatest potential to be a high yield aquifer and a potential public water source.

**Surficial Aquifer:** One of two types of aquifers in Old Lyme; it is comprised of primarily of coarse-grained stratified drift and is highly susceptible to non-point contamination due to its high hydraulic conductivity and proximity of water table to land surface.

#### 13.3.4 Permitted and Prohibited Uses

Within the Surficial Aquifer Protection Zone (SAPZ) and the Water Resource Zone (WRZ), land, building and structures may be used for one or more of the permitted uses in the underlying districts, provided, however, that the regulated uses, facilities and activities listed in the table below are either prohibited as indicated by a dash (—) or are permitted subject to the securing of a Special Permit as indicated by (SP).

Regulated Use, Facility, Activity	SAPZ	WRZ
The manufacture, use, storage, transport or disposal of Hazardous Material as a principal activity.	—	—
A sanitary landfill, septic lagoon or wastewater treatment facility for municipal or industrial wastes. Wastewater treatment facility includes any municipal or community wastewater sewer system that features any component which relies on discharges of wastewater into the ground. Transportation of wastewater in a properly sealed and constructed piping underground is not a discharge.	—	SP
Any exposed road salt storage.	—	—
A truck terminal with more than 10 trucks.	—	SP
A retail dealer's station for the sale of motor fuels; motor vehicle service facility or repairer's garage having either a limited or a general repairer's license issued by the State of Connecticut; or car wash.	—	SP
Marine repair shop or facility for storage or sale of marine fuels	SP	SP
On-site dry-cleaning shop or other on-site dry-cleaning facilities	—	—
Photography processing	—	SP
Underground storage of fuel oil, gasoline, or other Hazardous Material, except as may be permitted under Section 15.1.3.	—	—
Above-ground storage of Hazardous Material in quantities greater than associated with normal household use, other than fuel storage for building heating purposes.	—	SP
Any use generating hazardous wastes in quantities greater than associated with normal household use.	SP	SP
A parking area for more than 200 cars.	SP	SP
Rendering impervious more than 30% of the total area of any lot, regardless of size.	SP	SP
Any use resulting in less than 30% of the total area of any lot being retained in its natural vegetative state except for minor removal of existing trees and vegetation.	SP	SP

Regulated Use, Facility, Activity	SAPZ	WRZ
Any use, other than for a single-family dwelling, generating an estimated sewage discharge greater than 1,500 gallons per day.	SP	SP

### 13.3.5 Application for a Special Permit

The application for a Special Permit under this section shall be accompanied by those materials specified in Section 20.3.3 and by the following:

- A. Complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion and leakage, and to provide for control of spills;
- B. Description of all potentially hazardous wastes to be generated on the premises, including provisions for storage and disposal methods as provided in Section 13.3.5.A;
- C. Description of above-ground storage of hazardous materials or wastes, evidence of professional supervision of design and installation of such storage facilities or containers;
- D. Description of underground piping of hazardous materials or wastes, the construction details and specifications which will allow failure determination without need for substantial excavation;
- E. Calculation of runoff from impervious surfaces greater than 30% of total lot area, evidence that such runoff will be recharged on site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible; dry wells shall be used only where other methods are infeasible and shall be preceded in the course of flow by oil, grease, and sediment traps to facilitate removal of contaminants;
- F. Description of disposal on site of domestic wastewater, other than from a single-family dwelling, having an estimated sewage discharge greater than 1,500 gallons per day, evidence of qualified professional supervision of design and installation, including a narrative assessment of nitrate, coliform, and hazardous material impact on groundwater quality; and
- G. Any additional information deemed necessary by the Zoning Commission.

### 13.3.6 Criteria for Special Permit

The Special Permit under this section shall be granted only if the Zoning Commission determines that the purpose and intent of the Aquifer Protection Regulations has been met and that groundwater quality resulting from the proposed use, facility or activity, including on-site wastewater disposal may not or will not fall below State of Connecticut standards for drinking water, as defined by the requirements of CGS § 22a-426 and Public Health Code Section 19-13-B102. If existing ground water quality is not suitable for drinking water purposes as of the date of the Special Permit application, on-site disposal or operations on-site shall cause no further deterioration. In making its determination, the Zoning Commission shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality that would result if the proposed control measures failed.

### 13.3.7 Non-Conformity

The provisions of Section 4.1 shall apply to uses, facilities and activities which fail to conform to Section 13.3.4, but which were legally and actually existing on January 4, 1988, the initial effective date of this section.

# Article V Regulatory Standards

## Section 14. Performance and Lot Standards

### 14.1 Performance Standards

#### 14.1.1 General Standards

The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors, which, if committed or exceeded in the use of land, buildings and other structures, will be detrimental to the use, enjoyment and value of other land, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The following administrative measures are applicable:

- A. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance.
- B. Other requirements of these Regulations specifying disclosure of toxic or hazardous materials to be used, stored or processed under Section 19.2.2.F and the provisions of the Water Resource Zone under Section 13.3 are in support of and in addition to the requirements of this Section 14.1.
- C. No application for a Zoning Permit shall be approved and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with these performance standards and with the standards specified in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive.
- D. The performance standards of this section are of continuing application.

#### 14.1.2 Smoke, Gases and Fumes

No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, to constitute a critical source of air pollution or to degrade air quality below established standards in the Town.

#### 14.1.3 Noise

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endanger the public health and safety or impairs safety on or the value and reasonable use of any other lot or is prohibited by Town ordinance.

#### 14.1.4 Vibration

With the exception of vibration necessarily involved in the construction or demolition of buildings, no noticeable vibration shall be transmitted outside the lot where it originates.

#### 14.1.5 Odors

No offensive odors or smells shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot.

#### **14.1.6 Glare and Heat**

On any lot, no outdoor illumination facilities shall be established which cause discomfort glare, disability veiling glare or trespass lighting on any other lot or any street. No such illumination, nor any heat, shall be transmitted outside the lot where it originates so as to impair the value and reasonable use of any other lot.

#### **14.1.7 Refuse, Wastes and Pollution**

No refuse or other waste materials shall be deposited on any lot except with the approval of the local or regional health authority. No refuse or other waste materials and no liquids shall be deposited on any lot or discharged to any river, stream, estuary, Watercourse, storm drain, pond, lake, or Wetland or to groundwater, so as to constitute a source of water pollution contrary to water quality standards established by the State of Connecticut.

#### **14.1.8 Danger**

No material which is dangerous due to explosion, extreme fire hazard or radioactivity, shall be used, stored, manufactured, processed or assembled, except in accordance with applicable codes, ordinances and regulations of the Town of Old Lyme, State of Connecticut, and Federal Government.

#### **14.1.9 Radio Interference**

No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

### **14.2 Buffer Requirements for Non-Residential Uses**

In Waterfront Business, Commercial and Light Industry Districts:

- A. The area required for building setback from a residence district boundary line shall be suitably landscaped with evergreen shrubs or trees no less than 6 feet in height at the time of planting or such evergreens in combination with embankments, fences and/or walls, so as to provide a transition from such districts to the residence districts.
- B. Suitable natural terrain and existing evergreen trees and shrubs may be preserved or augmented with new planting to satisfy the landscaping requirement in the building setback area from residence districts.

### **14.3 Corner Visibility**

No fence, landscaping, building, structure, vehicle or other object shall be placed or maintained so as to obstruct the clear line of sight anywhere across a triangular area between an observer's eye at an elevation 3.5 feet above the edge of the street traveled way to an object one foot above the edge of the street traveled way, which triangular area has two sides, each of which is 25 feet in length measured along the edge of the street traveled way from the point of intersection and a third side which is a straight line connecting the points 25 feet from such intersection.

### **14.4 Driveway Standards**

All driveways shall be constructed in accordance with the specifications and permit procedures set forth in Chapter 34 of the Town of Old Lyme Ordinances.

## 14.5 Curb Cuts

- A. No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road without the approval of the Board of Selectmen or its agent, which approval shall be evidenced by a permit from the Board or its agent.
- B. The Board or its agent may require additional improvements to ensure emergency access to any lot or parcel, to prevent hazards to the users of Town highways, and to prevent drainage, sight line, or other hazards on adjoining properties.
- C. All plot plans submitted in accordance with Section 18.4.1 shall show the exact location of the driveway and all associated or related work to be performed, including all measurements, topography within the public right-of-way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this section.

## 14.6 Street Numbers

- A. In accordance with CGS § 7-120 and established practice in the Town of Old Lyme, street numbers shall be assigned by the Town Assessor.
- B. The applicant in any Subdivision, Resubdivision, Special Permit/Exception, Variance, or any other application before the Commission or the Board, shall assign street numbers in accordance with the preceding and shall include such street numbers on the final plans for such application. The Town Assessor shall be responsible for reviewing such street numbers and keeping records of numbers assigned.

## 14.7 Occupancy and Use of Structures

- A. With the exception of portions of a dwelling which are partially underground ("walkout basements"), no cellar, garage or any structure of a temporary nature or any uncompleted portion of a structure shall be used for human occupancy.
- B. No principal or accessory use shall be established or maintained in a tent, trailer, truck, or similar temporary or mobile structure or device, except as provided in Sections 8.2.12 through 8.2.14.

## 14.8 Number of Principal Uses per Lot

There shall be no more than one principal use on a single lot expected as permitted in the Light Industrial Districts, Commercial Districts, and within planned residential conservation developments as described below.

- A. In the Light Industrial Districts, upon approval of the Commission as a Special Permit pursuant to Section 20, there may be more than one principal use on a lot, provided one such use shall not be a dwelling, and, provided, further, that any Alteration, Enlargement, or Extension of any such uses shall require an amendment to such Special Permit.
- B. In the Commercial C-30, Commercial C-30S and Commercial C-10 Districts, upon approval of the Commission as a Special Permit pursuant to Section 20, there may be more than one principal use on a lot, including a dwelling unit containing no more than 25% of the floor area of the commercial uses on the lot and not to exceed one dwelling unit per lot, and, provided, that any alteration, enlargement, or extension of any such uses shall require an amendment to such Special Permit.

C. In planned residential conservation developments, there may be more than one principal use on one lot, including one or more dwellings, upon approval of the Planning Commission pursuant to Section 7.21. In granting any Special Permit under this section, the Commission may require that each additional principal use shall provide the parking required by Section 16, increased by up to 20%, depending on the mix of uses and expected combined occupancy.

#### **14.9 Offsite Construction Storage and Staging Areas**

In any district except for light industrial, a Special Permit from the Zoning Commission shall be required for any construction involving the storage, staging or screening of construction materials or machinery off site of an approved project for any given period of time. A Special Permit is not required if all property owners who have a habitable building or commercial business within a 200-foot radius of the property line give written consent giving permission for the described work.

- A. A statement of use for the property must be submitted describing timeframe of site usage, types and amounts of equipment and material stored, and reasons for needing an offsite area for construction activities.
- B. Application must be accompanied by a drawing to scale of not more than 1"=40' showing all proposed storage and access to the site. The plan should also show mitigation efforts to reduce adverse impacts on surrounding properties, and location of buildings or businesses.
- C. Adequate screening must be provided such that construction storage does not create any unsightly conditions that could affect the surrounding properties and the commission can set conditions on the site storage to reduce this.
- D. Construction storage material and machinery can be limited by the amount, scope, and type by the commission to ensure surrounding neighborhood impact is minimal. Dust and erosion controls must always be maintained onsite.
- E. No crushing or screening of material will be allowed at the offsite construction staging area unless it is in the LI-80 zone and approved by the commission, regardless of neighbor consent.
- F. Hours of operation and duration of the area shall be determined by the Commission.

## Section 15. Site and Environmental Standards

### 15.1 Protection of Surface and Groundwater

No use of land, building or structure shall be permitted, which could pose a threat to the quality of the Town's surface waters, its ground water, or its aquifers as identified by the U.S Geological Survey and classified G.A. and G.A.A. under Connecticut's water quality standards as stated in CGS § 22a-426, as amended.

#### 15.1.1 Prohibited Hazardous Materials

Manufacture, use, above ground or underground storage or disposal of hazardous materials in significant quantities is prohibited, except as allowed in Section 15.1.3. For the purpose of this regulation, hazardous materials are defined in Section 13.3.3 and include those substances identified by the U.S. Environmental Protection Agency in Table 302.4 as listed in 40 C.F.R. Section 302.4 (1981) as amended. The amount of any such substance which shall constitute a "significant quantity" of such substance is set forth in said Table 302.4.

#### 15.1.2 Prohibited Outdoor Storage of Oil and Oil-Based Derivatives

The outdoor above-ground or below-ground storage of oil and oil-based derivatives as defined in 40 C.F.R. Section 112.2 (1981) as amended, is prohibited, except as provided in Section 15.1.3.

#### 15.1.3 Installation or Replacement of Heating Oil and Motor Vehicle Fuel Storage Tanks

- A. Non-residential underground storage tanks for heating oil and motor vehicle fuels as regulated by CGS § 22a-449 and Section 22a-449(d)-1 of the Regulations of Connecticut State Agencies may be installed or replaced with approved double-wall storage tanks, when the installations are designed and constructed in conformity with Section 22a-449(d)-1 and when a permit for such work is issued by the Old Lyme Building Official.
- B. Existing residential and non-residential underground and outdoor above-ground fuel storage tanks, not regulated under Item A above, may not be replaced. Below-ground and outdoor above-ground storage tanks must be replaced with storage tanks located in the basement, garage or similar part of a building, provided such structure has a concrete floor. If it is demonstrated to the satisfaction of the Zoning Enforcement Officer that this required placement is not feasible, existing residential and non-residential outside above-ground fuel storage tanks not larger than 330 gallons may be replaced, provided that they are located on a solid concrete slab. The concrete slab must extend one foot beyond all sides of the tank and must be sufficient to bear the weight of the filled tank.

#### 15.1.4 Failures

Whenever a failure of a fuel oil tank is discovered, such failure shall be reported to the DEEP, the Old Lyme Fire Marshal and the Town Building Official and shall have its contents emptied into an approved container within 24 hours. Replacement of a failed fuel oil tank must be completed within 30 days. Replacement shall include the removal and disposition of all contaminated materials and/or soils.

#### 15.1.5 Abnormal Change in Tank Contents

Any abnormal loss, gain or use of stored materials shall require the immediate testing of the installation.

## 15.2 Cutting of Forest Tree Species

Except as provided in Section 15.2.2 for non-commercial cutting and forest practices as defined below, cutting or removal of forest tree species is permitted in the Town of Old Lyme only by Site Development Plan in accordance with Section 19 and in accordance with the provisions of this Section. In the administration of this section, the Commission and the applicant may consult with the Tree Warden of the Town of Old Lyme.

### 15.2.1 Definitions

For the purpose of this section, the following definitions shall apply:

**Commercial Cutting:** Any cutting or removal of forest tree species which is not covered under the definition of "noncommercial cutting," or any cutting or removal of forest tree species which constitutes a "forest practice," as defined in CGS § 23-65f if DEEP has promulgated forest practices in accordance with CGS § 23-65j. Upon the promulgation of such forest practices, forest practices shall be under the exclusive jurisdiction of the Old Lyme Inland Wetlands and Watercourses Commission, per CGS § 23-65k. Until such forest practices have been promulgated by the DEEP, forest practice as defined in CGS § 23-65f shall be governed by this Section 15.2.

**Commercial Cutting Plan:** A plan showing the applicant's property and the abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester acceptable to the Commission that the plan is consistent with the "Minimum Standards for the Cutting of Timber" set forth in Section 15.2.4;

**Non-Commercial Cutting:** The minimum cutting or removal of forest tree species on a lot necessary for the purpose of preparing a site for the construction. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute "commercial cutting."

**Non-Commercial Cutting Plan:** A plan containing the information set forth in Section 15.2.2.

**Slash:** The residual treetops and branches left on the ground after logging.

### 15.2.2 Non-Commercial Cutting

Non-commercial cutting shall not be conducted until the approval of a non-commercial cutting plan in accordance with this Section 15.2.2. Non-commercial cutting in connection with a use for which a Site Development Plan or Special Permit is required shall include a non-commercial cutting plan in accordance with this Section 15.2.2. See Sections 19.2.3.K and 20.3.3.C. No Zoning Permit shall be issued in connection with a use for which a Site Development Plan or Special Permit is not required unless a non-commercial cutting plan showing the following information has been submitted to and approved by the Zoning Enforcement Officer:

- A. the existing mix of forest tree species and their approximate height, age and density;
- B. the approximate location (estimated dimensions are satisfactory) of each tree proposed to be cut which is 9 inches or more in diameter, measured at a point on trunk 4 feet above ground;
- C. a description of the cutting or removal activity to be undertaken; and,
- D. any other information that may be necessarily and reasonably required by the Zoning Enforcement Officer.

### **15.2.3 Commercial Cutting Permit**

Commercial cutting is permitted only after a commercial cutting plan has been submitted to and Site Development Plan approval obtained from the Commission. The cutting or removal activities in connection with the following are exempt from the requirement to obtain a permit:

- A. land used for agricultural purposes and cultivation of crops other than forest products;
- B. thinning and clearing in connection with public improvements;
- C. land used for access to abutting land;
- D. cultured Christmas tree area; and
- E. as noted above, cutting or removal of forest tree species which constitutes a "forest practice," as defined in CGS §23-65f, if DEEP has promulgated forest practices in accordance with CGS §23-65j.

### **15.2.4 Minimum Standards for Commercial Cutting**

Approval for commercial cutting may be granted by the Commission after the commercial cutting plan has been submitted, has been found to be consistent with the following minimum standards and has been approved by the Commission:

- A. Stream Protection.
  1. All possible care will be taken to protect continuously flowing streams (which are defined as perennial streams indicated on U.S.G.S. Topographic Maps, scale 1:24,000) and other Inland Wetlands and Watercourses from siltation and other damage during harvest operations. Partial cutting, designed to create uneven-aged stands, will normally be used within 100 feet of these areas. No more than 5% of the merchantable volume will be removed, taking care in the selection of leaf trees to minimize water temperature increases and visual impact; Care should be taken not to fall trees into or across Watercourses. Logging debris accidentally dropped into Watercourses shall be promptly removed;
  2. Harvesting equipment will not ordinarily be allowed in a Watercourse, and the channel should not be altered. All Inland Wetlands and Watercourses crossing shall be as close to a right angle as possible;
  3. After the completion of a harvest operation, banks at Inland Wetlands and Watercourses crossing will be graded and restored to approximately their original condition. Re-seeding with an appropriate grass mixture may be required;
  4. Any and all temporary structures in or across Inland Wetlands and Watercourses shall be removed upon completion of operations.
- B. Haul Roads. Careful consideration should be given to the planning and location of main haul or skid roads. All road locations, including alternate routes where advisable, shall be planned prior to harvesting operations. Outstanding considerations are the following:
  1. Location so as to minimize construction or use impact on the land;
  2. Grades in excess of 10%, or 0% gradients, shall be avoided except for short distances;
  3. For each road, landing or skid trail, drainage control systems or stabilization shall be provided and maintained to control water flow;
  4. Unless otherwise stipulated, all roads, main skid trails, landings and sawmill sites shall be stabilized. Temporary culverts shall be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned;

5. Where required for erosion control, or were desirable for wildlife conservation, major skid roads, landings and/or sawmill sites shall be limed, fertilized and seeded with an appropriate mixture of grass and legumes.

C. Border Strips.

1. Within approximately 100 feet of any automobile road, recreation trail or other recreation area, or lot line in proximity to any dwelling, harvesting of trees shall be partial cuttings. Not more than 50% of the merchantable volume should be removed, except in salvage operations, to open up scenic vistas, or in forestry demonstration areas. In high-visibility areas, it will be desirable to create uneven- age stands to provide change and variety in scenery;
2. Special attention shall be given to leaving unique tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for wildlife;
3. Undesirable sprout growth or brush may be controlled using approved herbicide treatments. Chemicals used in performing this practice must carry a Federal registration and be applied strictly in accordance with authorized uses, label directions, and Federal and state regulations;
4. Special consideration shall be given to those border strips in the following situations:
  - a. Screen clear cuts, shelterwood cuttings or other heavy cuts that would be deleterious to the natural landscape aesthetics;
  - b. Screen yarding and loading areas. Debris removal or control is especially important to these locations.

D. Slash.

1. No slash will be left within 25 feet of any automobile road, established recreation trail, pond, lake or stream;
2. Within the remaining width of a border strip, all slash shall be chipped or lopped and scattered, and severely bent, or broken trees shall be dropped and/or lopped so that they do not exceed a height of 4 feet;
3. On all other harvest areas, slash, severely bent, or broken trees shall be cropped and/or lopped to a height not to exceed 6 feet.

E. Harvest Methods.

1. Because of the wide variation in forest types, stand size classes, stocking levels and timber volumes which exist in Connecticut woodlands, there are a variety of methods that can be used either singly or in combination in harvesting and reforestation to meet the stated purpose. These methods include clear-cutting with natural reproduction; direct seeding or planting; seed-tree cutting; selection cutting, including diameter limit harvesting, shelterwood cutting, and such other methods as shall be consistent with good forestry practice;
2. Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method. Therefore, clear cutting will have the following restrictions:
  - a. maximum of 5 acres in size;
  - b. irregular in shape avoid linear cutting bounds;
  - c. soften edges by partial cutting within 50 to 100 feet of clear- cut boundaries;
  - d. leave ridge tops uncut, which areas are the most visible; and,
  - e. in most cases, even-aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

- F. Wildlife. The applicant shall evaluate the impact on observed wildlife, especially for any species identified as "threatened," "endangered," or "of special concern" by DEEP. The Zoning Enforcement Officer may require special measures to be taken to protect wildlife, including the restriction or prohibition of activities during certain seasons of the year, in certain portions of the site, or in proximity to particular breeding, foraging, or nesting sites.
- G. Tree Reproduction. Harvest procedures, properly applied and executed, shall provide for adequate tree reproduction. However, there will be instances where regeneration may be deficient or there are undesirable tree species. In these cases, steps should be taken to provide the desired stocking.
- H. Access Roads.
  - 1. Access roads and fire lanes shall be left clear of slash when a cutting job is completed. Designated roads shall be graded so as to be passable by fire suppression equipment;
  - 2. Where access road construction is included in a harvest operation, considerations should be given to construction of loading docks and fire waterholes at strategic locations.

### 15.3 Excavation, Removal, or Deposit of Material

The Zoning Commission, by Special Permit, may permit the excavation, removal or deposit of material from or on any lot or parcel in any district of the Town in accordance with these regulations. However, the activities described in Section 15.3.2 below shall not be subject to the regulations of this Section 15.3.

#### 15.3.1 Definitions

For the purpose of this section, the following definitions shall apply:

**Affected Area:** the ground or the surface of ground which is to be removed, moved, covered over or otherwise disturbed by the excavation, removal or deposit of "material" from or on any lot or parcel in any district of the Town.

**Material:** earth, topsoil, loam, peat, sand, gravel, clay, stone or other earth or mineral material.

**Site:** the lot or parcel within which the "affected area" lies.

#### 15.3.2 Exemptions

- A. Excavation, removal or deposit of material reasonably necessary in connection with the bona fide construction, alteration or repair of a building, other structure, a paved area or site development for which a Zoning Permit shall have been issued by the Zoning Enforcement Officer.
- B. Bona fide landscaping operations, provided that no more than 100 cubic yards of material is to be removed from, placed on, or regraded within the Site.
- C. The construction of improvements, and the changing of contours, including, but not limited to, the creation of water bodies, in accordance with subdivision construction plans and grading plans approved by the Old Lyme Planning Commission under the provisions of the Subdivision Regulations, Town of Old Lyme, Connecticut.
- D. Deposits resulting in the storage on the site of not more than 200 cubic yards of material.
- E. Normal maintenance and repair of roads and driveways.
- F. Normal excavation and filling of silage, manure and similar farm materials when accessory to a Farm.
- G. Replenishing or adding to the sand on the beaches used for recreational purposes provided, however, that any such operation shall be subject to the Coastal Site Plan Review requirements of Section 42,

the Old Lyme Inland Wetlands and Watercourses Regulations, and the issuance of any required State and Federal permits.

- H. Except for operations and facilities of the following types located in the Gateway Conservation Zone, any sanitary landfill operations of the Town approved by DEEP or any other facility for the disposal of solid or liquid waste approved by such Department and operated on land owned by or leased to the Town or operated under contract with the Town for the exclusive use of the Town or persons authorized by the Town to use such facility.
  - I. Stockpiling of street maintenance material required by the Town.
  - J. Underground installation of transmission wires and utility lines for which any required State and local permits shall have been issued.

### **15.3.3 Limitations**

- A. Activities associated with the excavation, removal or deposit of material will be limited under the following conditions:
  - 1. If the affected area is located in the Gateway Conservation Zone, in a Residence (R) or Multi-Family Residence (MFR) District, or within 1,500 feet of a Residence (R) or Multi-Family Residence (MFR) District.
  - 2. If the affected area is located at a distance of 1,500 feet or less from the nearest boundary line of:
    - a. a lot situated outside the applicant's property containing a dwelling which is a) either occupied or fit for occupancy, not located in a Light Industry (LI) District; or
    - b. a parcel of land which has been subdivided within the past 5 years in accordance with the Subdivision Regulations, Town of Old Lyme, Connecticut, and pursuant to a plan providing for the creation of lots to be used for residential purposes.

Distances to be determined as required above shall be measured in a straight line along the shortest distance between the edge of the affected area and the boundary line of the zoning district, lot, or parcel of land involved in the measurement.

- B. If a lot meeting the conditions described in Item A above is located within the Gateway Conservation Zone, a Special Permit may be granted for limited excavation, removal, or deposit of materials providing:
  - 1. the excavation, removal or deposit is in connection with the landscaping and grading of land for a purpose for which a Building Permit is not required and
  - 2. not more than 300 cubic yards of material will be excavated, removed or deposited.
- C. If a lot meeting the conditions described in Item A above is located outside of the Gateway Conservation Zone, a Special Permit may be granted for limited excavation, removal, or deposit of materials providing:
  - 1. It will not take more than 3 months to complete and is not one of a series of such projects on the same lot which will take more than the aforesaid number of months to complete.
  - 2. It will not result in the excavation, removal, or deposit of more than 1,000 cubic yards of material.

### **15.3.4 Application for Special Permit**

Application for a Special Permit to excavate, remove or deposit material from or on any lot in any district of the Town shall be made to the Zoning Commission by the owner of the lot on forms provided by or acceptable to the Commission and signed by the owner or owner's authorized agent. The application shall be submitted to the Zoning Enforcement Officer and shall be accompanied by the following:

A. Statement. A written statement signed by the applicant:

1. identifying the site by its location on the Town map and by the name(s) and address(es) of its owner(s),
2. stating the names and addresses of abutting owners as shown in the most recent Grand List,
3. providing a description of the nature and an estimate of the quantity of the material to be excavated, removed or deposited,
4. setting forth the estimated starting and completion dates of the work and the intended hours and days of the week during which operations will be conducted, and
5. listing the estimated number and types of trucks and pieces of machinery to be used in such operations.

B. Maps, Plans and Other Data. 4 copies of each of the following prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut:

1. A drawing drawn to a scale of 1"=100' showing:
  - a. the boundaries and dimensions of the site and of the affected area,
  - b. means of access to the site such as roads and driveways,
  - c. buildings and other structures and improvements on the site, and
  - d. easements and utility lines within the site. The Commission may require that such drawing meet the requirements of a Class A2 survey;
2. A survey drawn to a scale of 1"=100' showing the existing topography of the site drawn with two-foot contour intervals and disclosing all surface drainage, wetlands, water bodies and other natural features such as rock outcroppings and wooded areas;
3. A report containing an analysis and showing the location of soil borings taken to the depth of any proposed excavation; the Commission may require additional borings if it deems the number taken to be insufficient or not properly spaced;
4. A drawing and narrative description of measures to be taken to control erosion and sedimentation and which show a) the drainage and estimated runoff of the area to be served by any existing drainage facilities, and b) all proposed drainage facilities and protective devices to be constructed for the purpose of preventing the collection and stagnation of water and any harmful effects upon surrounding properties from water, erosion or sedimentation in accordance with the criteria of Section 15.4;
5. A topographical map of the same scale and having the same contour intervals as provided for in Items 1 and 2 above, showing as of the time when the operation is completed, the final grades, surface drainage facilities, and landscaping, including planting and vegetation to be provided or retained;
6. A drawing showing proposed vehicular access to the site for use in the proposed operation and proposed work roadways therein, and the location, size and type of any structures to be erected on the site; and
7. Detailed plans for any proposed blasting or storage of explosives in connection with the proposed operations.
8. The applicant shall submit a reuse plan which will indicate the final land configuration of the parcel. In order to encourage land aesthetics, final slopes shall be a maximum of 3:1. Said plan, subject to approval of the Commission, shall also include provision for ground cover, including topsoil, reforestation and seeding. Said reuse plan shall indicate:

- a. Proposed final condition of the land and its usefulness for development in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration;
- b. Improvements to the land resulting from the excavation operation; and
- c. Evidence (such as borings) that adequate cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage, septic systems, and other utility installation.

9. The applicant shall submit the anticipated haul pattern for the operations, which shall be approved or modified and approved by the Commission. If such haul pattern creates traffic safety hazards, and cannot be modified to remove such conditions, the Commission may deny the application.
10. Evidence of the approval of the Excavation Operation, where required, by the Old Lyme Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by CGS § 8-3c.

C. Additional Information. The Zoning Commission may request the submission of such additional information as it may deem necessary in order to determine whether the public health, safety and general welfare may be endangered by the proposed operation.

D. Modification of Submission. The Commission may, by resolution, upon written request by the applicant, determine that the required submission of any part of the information required in Items A and B above is not necessary in order for it to decide on the application and need not be submitted.

#### **15.3.5 Procedure and Conditions for Approval**

The Zoning Commission may grant a Special Permit authorizing the excavation, removal or deposit of material as requested in the application, with such conditions or modifications as the Commission may require per Sections 15.3.6 and 15.3.7, if the Commission finds that the following standards and conditions will be met:

- A. The excavation, removal or deposit of material will not substantially or permanently injure or detract from the appropriate use of adjacent or nearby property or substantially or permanently impair the future usefulness of the affected area after completion of the proposed operations.
- B. The excavation, removal or deposit of material will not detract from the public health, safety, convenience or property values.
- C. The distances between the area or areas of the proposed excavation, removal or deposit operations and nearby properties containing dwellings are sufficient so that persons living in such dwellings will not be unduly disturbed by noise and dust emanating from such operations.
- D. The affected area will be excavated and graded or filled and graded in accordance with the final drawings and plans submitted by the applicant including any modifications made to meet Commission requirements.
- E. Slopes resulting from the excavation, removal or deposit to be undertaken will not exceed 1 foot of rise for 3 feet of horizontal distance (1:3), or such lesser slope as the Commission may specify as necessary for the public health or safety, soil stability, or for the reasonable use of the property after completion of the excavation, removal or deposit. Slopes will be maintained during operations so as not to exceed one foot of rise for two feet of horizontal distance whenever the site is unattended for more than two weeks.
- F. No fixed machinery will be erected or maintained on the site.

- G. There will be no excavation or removal within 100 feet of any lot line unless such excavation or removal would result in finished grades at or above the elevation of the adjoining street or lot or the owner of the property abutting such lot line shall have consented to such excavation or removal by instrument recorded in the office of the Old Lyme Town Clerk before the approval of such Special Permit.
- H. There will be maintained an undisturbed strip of land at least 100 feet wide between any excavated area and any inland wetlands and watercourse and at least 50 feet wide between any excavated area and any tidal wetlands or waterways.
- I. There will be no sharp declivities, slopes, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution. Any surface water flowing from an excavated area will flow through appropriate sediment control devices before leaving the site.
- J. At no time shall more than 5 acres, or 10% of the premises, whichever is less, be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site conditions.
- K. As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil, of a quality approved by the Zoning Enforcement Officer, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of 4 inches. The areas shall be mulched and seeded in accordance with current recommendations of the Natural Resource Conservation Service. The cover vegetation shall be stabilized and maintained for a period of 24 months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for recreation or agriculture.
- L. No on-site processing of material may be permitted unless such use is expressly requested in the application, and approved by the Commission as part of the Special Permit issued hereunder. The plan submitted in support of the Special Permit shall depict the proposed location of such processing. In any event, no rock crushing or other processing of material shall occur within 500 feet of any property line or of any street. The Commission may increase or decrease such minimum setback depending on the projected lifespan of the Excavation Operation; the character and use of adjacent or nearby properties; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation.
- M. The applicant shall make provision for such highway warning signs as are reasonably required by the Commission and authorized by the State Traffic Commission or the Board of Selectmen, as the case may be.
- N. After excavation, removal or deposit, the site will be cleared of debris and equipment removed within the time provided in the Special Permit. The site will be left in such condition that natural storm drainage will leave the property at the original natural storm drainage points and so that the area of drainage to any one point is not increased.
- O. In the case of excavation or removal, the top layer of soil for a depth of at least 4 inches will be set aside and retained on the site and will be re-spread over the affected area at the conclusion of the operation and, in the case of deposit, at least 4 inches of topsoil will be spread over the affected area. No loam shall be sold from any permit premises unless the applicant can conclusively establish that the required 4 inches of loam would remain to provide the cover specified in Item K above for all disturbed areas. Deposited soil will have the proper additions of lime and fertilizer as recommended by the Connecticut River Coastal Conservation District. A suitable ground cover will be planted and

grown to an erosion resistant condition upon completion of the work in accordance with the approved contour lines. Such work will be completed within the time provided for in the Special Permit.

- P. No excavation shall occur within less than 4 feet of the seasonal high water table. The Commission may require test borings or monitoring wells in order to determine the seasonal high water table both prior to the commencement of excavation and during the period of any excavation.
- Q. The affected area or an appropriate portion thereof will be enclosed within a fence of such type, height and location as the Commission may specify, if deemed necessary to meet the purpose of these Regulations.

#### **15.3.6 Alterations of Conditions**

The Zoning Commission may adjust any standards or conditions provided in Section 15.3.5. if in its judgment such adjustment is necessary to maintain the purpose and intent of this section.

#### **15.3.7 Additional Conditions**

The Commission may establish such reasonable additional standards as it deems necessary to satisfy the purpose of this section, including but not limited to

- A. limitations on the days of the week or the hours of the day during which any work, including any blasting, may be performed,
- B. limitations as to size and type of mobile machinery to be used,
- C. limitations on the place and manner of disposal of excavated material,
- D. requirements as to the control of dust, noise and lighting, and
- E. limitations on the type of fill material permitted for deposit.

#### **15.3.8 Bond**

When a Special Permit is approved under this section, the applicant shall post a bond or otherwise provide suitable security acceptable to and to be held by the Treasurer of the Town of Old Lyme, in form approved by Town Counsel and in an amount approved by the Commission as sufficient to guaranty compliance with the provisions of the Special Permit.

#### **15.3.9 Periodic Reports**

The Commission may require the holder of the Special Permit issued under this section to submit periodic reports, prepared by and bearing the seal of a Connecticut licensed land surveyor or professional engineer, showing the status and progress of the excavation, removal or deposit.

#### **15.3.10 Duration of Special Permit**

Any Special Permit issued under this section on or after March 7, 1988, shall be valid for a period of two years or for such shorter period as may be requested by the applicant or fixed by the Commission. At the expiration of the period for which a Special Permit has been issued, or at the expiration of any extension of such Special Permit, and after a public hearing, the Commission may extend, or further extend, such Special Permit upon and subject to the terms and conditions of this section for up to another two-year period if the applicant and his property meet the requirements then prevailing for the issuance of a Special Permit under this section and provided the applicant can show that the operations undertaken on his property relating to the excavation, removal or deposit of material conform to the provisions of the Special Permit last granted the applicant. The Commission shall be empowered to grant such an extension

upon and subject to the terms and conditions of this section notwithstanding the fact that the affected area is located as follows:

- A. in a Rural (RU) District which the Commission has found to have become residential in nature, or
- B. at a distance of 1,500 feet or less from the nearest boundary line of a lot containing a dwelling, or
- C. at a distance of 1,500 feet or less from the nearest boundary line of a parcel of land subdivided for residential purposes, if the applicable state of facts described opposite Items A or B above shall have come into existence after the Special Permit sought to be extended was first granted.

#### **15.3.11 Expansion of Existing Operations**

The expansion or proposed expansion of any operation involving the excavation, removal or deposit of material into any area beyond the boundaries of the lot owned by or leased to the person, firm or other entity conducting such operation at the time of the adoption of this section shall be subject to all of the provisions of such section as respects the area of such expansion. Excavation or removal operations which are being conducted at the time of the adoption of this section shall not be extended within the lot where conducted in a manner which would contravene the restrictions set forth in Sections 15.3.5.G and 15.3.5.H except as allowed by permits issued prior to such adoption while they remain in force.

#### **15.3.12 Site Restoration**

In the interest of public safety and the protection of the environment, the area affected by any excavation, removal or deposit operation which is being conducted at the time of the adoption of this section shall at the conclusion of such operation be placed by the owner of such property in a condition as follows:

- A. the area shall be free of debris and equipment;
- B. proper drainage shall have been provided for the area to prevent water stagnation, soil erosion or water pollution from occurring;
- C. no slope within the area shall exceed one foot of rise for three feet of horizontal distance (1:3);
- D. the area shall have been, or will be, shielded from public view from nearby streets as a consequence of appropriate landscaping such as the planting of trees or bushes on the periphery of the area;
- E. and whenever soil conditions permit, or if the owner's permit in force at the time of the adoption of this section so requires, a suitable ground cover shall have been planted within the area and grown to an erosion resistant condition.

#### **15.3.13 Permits for Existing Operations**

Zoning Permits will be required for the continuation of any excavation, removal or deposit operation not exempted by Section 15.3.2 which is legally in existence at the time of the adoption of this section and for which a Zoning Permit or Special Permit had not been issued. Such operations shall not, however, be subject to the restrictions on land use imposed by this section except that they shall comply with the requirements of Sections 15.3.11 and 15.3.12 (including Sections 15.3.5.G and 15.3.5.H to the extent incorporated in Section 15.3.11). Such permits will be authorized by the Zoning Commission for periods of up to two years, shall not require a public hearing, and shall be renewable. A presently existing permit or Special Permit issued before March 7, 1988, for an excavation, removal or deposit operation shall be valid until its expiration date, but the holder thereof shall comply with the requirements of Section 15.3.11 and 15.3.12 (including Sections 15.3.5.G and 15.3.5.H to the extent incorporated in Section 15.3.11.) in addition to any other requirements set forth in such existing permit or Special Permit, provided, however, that if such a permit contains requirements respecting site restoration to be undertaken when such permit and/or the operations conducted thereunder terminate, the permittee, upon complying with such

requirements, shall be relieved of the obligation of complying with the site preservation and restoration requirements of Sections 15.3.11 and 15.3.12.

#### **15.3.14 Extension of Permits Issued Under Repealed Art. III, Sec. F.16, Expanding the Scope of an Earlier Permit.**

Upon written request by the permittee, the Zoning Commission may, after due notice and a public hearing, extend or further extend for up to two years any permit that was in effect at the time of the request and that expanded the scope of a permit issued before March 7, 1988, under former Section F.16. Any extension must comply with the same terms and conditions as the original permit, except for its expiration date and except as the Commission may choose to modify or add conditions to meet the requirements of this section. In deciding whether to grant an extension, the Commission shall consider the standards in Sections 15.3.5.A through 15.3.5.C.

#### **15.3.15 Original Date of Adoption of this Section**

References herein to the time of adoption of this section and similar references shall be deemed to refer to March 7, 1988, when this section, prior to codification and subsequent amendment, originally became effective.

### **15.4 Soil Erosion and Sedimentation Control**

#### **15.4.1 Purpose**

The purpose of this section is to establish minimum standards for soil erosion and sediment control for all development within the Town of Old Lyme, and also to require long-term treatment of stormwater to improve the quality of discharges from developed sites. The goal of an erosion and sedimentation control plan is to prevent erosion during and immediately after construction, and to trap sediment before it is discharged to natural wetlands, streams, Long Island Sound, and other bodies of water.

#### **15.4.2 Definitions**

For purpose of this section, the following definitions shall apply:

**Certification:** A signed, written approval by the Old Lyme Planning Commission or Zoning Enforcement Officer that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

**Development:** Any construction or grading activities to improved or unimproved real estate.

**Disturbed Area:** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**Grading:** Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavation or filled condition.

**Inspection:** The periodic review of erosion and sediment control measures shown on the certified plan.

**Sediment:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Soil:** Any unconsolidated mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan:** A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

### **15.4.3 Applicability**

A soil erosion and sediment control plan shall be in effect in connection with any construction of buildings and other structures, site development, subdivision improvements and any other development activity when the disturbed area of such development activity is cumulatively more than one-half acre and, otherwise, when erosion or sedimentation from a disturbed area, regardless of size, may, as determined by the Zoning Enforcement Officer, have an effect on a wetland, water course, drainage system, building, structure or street or on property adjoining the lot where the disturbed area is located.

### **15.4.4 Basic Requirements and Certification**

- A. The soil erosion and sediment control plan shall be prepared in accordance with the requirements specified in this section and the Connecticut Guidelines for Soil and Erosion and Sediment Control (2024), as amended, and such plan shall require certification by the Zoning Enforcement Officer in connection with any activity for which such Officer has sole responsibility under these Regulations and otherwise by the Planning Commission.
- B. All development plans requiring an erosion and sedimentation control plan under this section shall also include measures for stormwater quality management in accordance with the Connecticut Stormwater Quality Manual (2024), as amended.
- C. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2024) as amended. Alternative principles, methods and practices may be used with prior approval of the Planning Commission. All stormwater management systems shall be designed in accordance with the Connecticut Stormwater Quality Manual (2024) as amended.

### **15.4.5 Control Plan**

The soil erosion and sediment control plan shall contain, but not be limited to, the following:

- A. A narrative describing the following:
  1. the development;
  2. the schedule for grading and construction activities, including:
  3. start and completion dates;
  4. sequence of grading and construction activities;
  5. sequence for installation and/or application of soil erosion and sediment control measures; and
  6. sequence for final stabilization of the project site;
  7. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
  8. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  9. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
  10. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan map at a scale of not less than 1"=100' sufficient to show the following, which plan may be combined with a Plot Plan, Site Development Plan, or other plan otherwise required to be submitted:

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography, including soil types, wetlands, watercourses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Documentation, in the form of plans, narrative, or any other combination thereof, that the stormwater management system complies with the Connecticut Stormwater Quality Manual.

D. Any other information deemed necessary and appropriate by the person, firm or corporation proposing to conduct the activity or requested by the Planning Commission or its designated agent.

#### **15.4.6 Minimum Acceptable Standards**

All of the following standards are applicable:

- A. Plans for soil erosion and sediment control shall be developed in accordance with this section using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2024), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sediment during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2024), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Planning Commission.
- C. The minimum standards for stormwater management systems are those set forth in the Connecticut Stormwater Quality Manual (2024), as amended.

#### **15.4.7 Procedures for Certification**

The following are applicable to issuance or denial of certification:

- A. The Planning Commission or Zoning Enforcement Officer shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this section or deny certification when the development proposal does not comply with this section.
- B. Nothing in this section shall be construed as extending the time limits for the approval of any application under CGS Chapters 124, 124A or 126.
- C. Prior to certification, any plan submitted to the Town may be reviewed by the Connecticut River Coastal Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.
- D. The Planning Commission or Zoning Enforcement Officer may forward a copy of the development proposal to the Town of Old Lyme Conservation Commission or other review agency or consultant for review and comment.

#### **15.4.8 Conditions**

The following are conditions applicable for all certified soil erosion and sediment control plans:

- A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered in a completion bond or other assurance acceptable to the Planning Commission.
- B. The site development activity shall not be commenced unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- D. All control measures and facilities shall be maintained in effective condition to ensure compliance of the certified plan.

#### **15.4.9 Inspection**

Inspection shall be made by the Zoning Enforcement Officer or by the Planning Commission or its designated agent during development to determine compliance with the certified plan and ensure that control measures and facilities are properly performed or installed and maintained. The Planning Commission or Zoning Enforcement Officer may require the person, firm or corporation conducting the activity to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

### **15.5 Stormwater Management**

#### **15.5.1 Purpose**

It is the intent of this section to encourage the use of best management practices (BMPs) in the design, construction and maintenance of stormwater management systems (SMSs) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from development. In all zoning districts, SMSs for developments/projects shall be designed, constructed and maintained with BMPs to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the development/project.

#### **15.5.2 Design**

The SMS shall be prepared by a professional engineer licensed in the State of Connecticut. As appropriate and/or deemed necessary, the SMS submission shall be in form of plans/maps, written description, calculations, supporting reports and legal documents. All SMSs shall be designed utilizing sound engineering principles and judgment and shall be guided by the following documents:

- A. "Connecticut Department of Transportation Drainage Manual" October 2000 or as amended by the Office of Engineering Bureau of Engineering & Highway Operations Division of Design Services Hydraulics and Drainage Section Connecticut Department of Transportation.
- B. "Connecticut Stormwater Quality Manual", 2024 or as amended by the DEEP.
- C. "Connecticut Guidelines For Soil Erosion and Sediment Control", 2024 or as amended by The Connecticut Council on Soil and Water Conservation in cooperation with DEEP.
- D. "Design and Construction Standards of the Town of Old Lyme, Connecticut, Incorporating Policies, Rules and Procedures for the Administration of 'An Ordinance Concerning the Construction and

Acceptance of Roads in the Town of Old Lyme" Adopted December 14, 1998, Effective January 12, 1999 or as amended by the Old Lyme Board of Selectmen.

### **15.5.3 Exemption**

The construction/development of a single-family dwelling including accessory structures on a residentially zoned property is exempt from this section unless deemed necessary by the Zoning Enforcement Officer.

## Section 16. Off-Street Parking and Loading

### 16.1 General Requirements

All off-street parking and loading spaces shall conform to the standards hereinafter specified. For any permitted use hereafter established, parking spaces and loading spaces shall be provided off the street for each use of land, buildings and other structures in accordance with the standards hereinafter specified. The following general requirements are also applicable:

#### 16.1.1 Duration

Off-street parking and loading spaces required to be provided by this section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. Required spaces and access thereto shall not be encumbered by storage or display of materials or vehicles.

#### 16.1.2 Change in Use

If any existing use of land, building or other structures is changed to a use requiring additional off-street parking and/or loading spaces to comply with this section, the additional parking spaces shall be provided for the new use in accordance with the standards hereinafter specified.

#### 16.1.3 Nonconformity

Any use already existing shall continue to conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this section.

### 16.2 Standards for Spaces

For the purpose of this section, a parking space and a loading space shall consist of the following:

#### 16.2.1 Parking Spaces

A space of such shape as to contain a rectangle having the following minimum dimensions and having vertical clearance, access and slope as to accommodate one automobile as follows:

- A. 9 feet by 18 feet to accommodate an automobile 18 feet in length.
- B. 8.5 feet by 15 feet to accommodate an automobile 15 feet in length, when authorized under Section 16.8.2.
- C. 15 feet by 18 feet to accommodate an automobile 18 feet in length and reserved for use by physically handicapped persons, which width may be reduced to 12 feet when the space is at the end of a row of spaces or is one of two or more such reserved spaces side by side in a row.
- D. 8 feet by 22 feet to accommodate an automobile parked parallel with and along an access or circulation driveway.

#### 16.2.2 Accessibility Requirements

The number, size, designation, location, and markings of parking spaces for the handicapped shall be provided as required by CGS § 14-253a(h) and Section 1106 of the Connecticut State Building Code 2021 IBC Portion, as amended.

### **16.2.3 Loading Spaces**

A space of such shape as to contain a rectangle not less than 12 feet in width and 40 feet in length and having a vertical clearance of not less than 15 feet and such access and slope as to accommodate a truck having an overall length of 40 feet, provided, however, that the space shall have greater dimensions for the type of trucks serving the premises as determined in connection with a Site Development Plan submission.

## **16.3 Design and Construction Standards**

All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

### **16.3.1 Turning**

Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 18 feet without need to use any part of a public street right-of-way and so that each vehicle crossing the street line is traveling in a forward direction, except that this provision shall not apply to spaces provided in connection with a detached dwelling for one or two families when the sole driveway access to such spaces does not connect to a State highway. No loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way to enter, back into and/or exit from such space.

### **16.3.2 Improvement, Surfaces, etc.**

All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street right-of-way. Except for driveways or parking spaces serving one or two families, or unless waived per Section 16.8.4, all off-street parking lots shall be surfaced with a dustless surface. Except for necessary driveway entrances, and except for parking spaces provided in connection with a detached dwelling for one or two families, all off-street parking and loading spaces located within 20 feet of any street or property line shall be separated from such line by a curb, a fence or wall or an embankment. Parking spaces adjacent to sidewalks shall be provided with a curb or similar device so that cars will not overhang the sidewalk.

### **16.3.3 Layout**

All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each required parking space. Provision shall be made for safe and convenient use of parking spaces and for circulation within parking areas as follows:

- A. by provision of suitable circulation driveways giving access to parking aisles and provision of suitable access aisles serving parking spaces;
- B. by provision for safe pedestrian circulation within parking areas;
- C. by providing for channelized traffic flow within parking areas; and
- D. by suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space.

All off-street loading spaces shall be provided with a suitable angle of approach and sufficient width and length to accommodate the types of trucks expected to use the space. No loading space shall be arranged in such a manner as, when the space is in use, to block use of required parking spaces or block traffic along circulation driveways and access aisles.

#### **16.3.4 Drainage**

For uses of land other than single-family dwellings, all parking areas shall provide for proper drainage, efficient maintenance, and snow removal. In accordance with the applicable provisions of Section 15.5, stormwater drainage systems shall produce no increase in peak runoff by means of man-made detention ponds or existing natural areas on the site. All stormwater drainage systems shall provide for the trapping and removal of road sand and other water-borne debris. All drainage systems shall be designed to prevent the flow of stormwater onto Town or State roads.

#### **16.3.5 Illumination**

- A. In accordance with Section 19.3.10, for uses of land other than single-family dwellings, all parking areas shall be illuminated to an average level of 0.5 footcandles per square foot.
- B. Lighting standards in parking areas shall not exceed 16 feet in height or the height of the tallest roofline of any building on the site, whichever is less.
- C. No lighting shall create glare, nor the unshielded light source be visible from any property line of the site. The same standards shall apply to maneuvering lanes and access drives.
- D. Pedestrian ways shall be illuminated by light bollards or other low-level standards with shielded light sources.
- E. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.

#### **16.3.6 Landscaping and Screening**

- A. Landscaping shall be provided in accordance with Section 19.3.17 and/or Section 20.4.14.D.
- B. Specifically, all parking and loading areas shall utilize landscaped islands to define and separate parking rows, maneuvering lanes, and access driveways to prevent random vehicular movement and the appearance of large areas of uninterrupted pavement.
- C. Capacity of any parking area shall not exceed 75 spaces, and where more parking is required, two or more parking areas shall be provided, separated by a minimum of 15 feet of landscaped area.
- D. Loading areas shall be screened by fences, walls, or landscaped screens.
- E. Non-residential parking and loading areas shall be screened from adjacent residential uses in accordance with the provisions of Section 14.2; provided, however, that required screening along streets may be modified where required to provide safe sight lines.

#### **16.3.7 Location of Loading**

No off-street loading space or access aisles in connection therewith shall be located in the area required for setback from a street line, property line or residence or rural district boundary line.

### 16.3.8 Location of Parking

No parking space or access aisle in connection therewith shall extend within less than the following distances of a street line, property line or residence or rural district boundary line:

Zone	Street Line (ft)	Property Line (ft)	Residence/Rural Boundary (ft)
WF-20	30	10	40
C-30, C-30S	30	12	25
C-10	20	12	25
LI-80	50	20	40

In residence and rural districts, parking spaces and access aisles in connection therewith, except spaces and aisles provided in connection with a detached dwelling for one or two families, shall have the same setback from a street line and property line as specified for buildings and other structures in the district. In any district, an access aisle that is a driveway to a street or to another lot and has no parking spaces adjacent to it may cross the area required for setback.

### 16.4 Required Parking Spaces

It is the purpose and intent of this section to ensure that off-street parking spaces are provided to accommodate the automobiles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking spaces shall be provided in numbers as follows and on the same lot with the use, unless a greater number is determined necessary in connection with a Site Development Plan submission:

Use	Standard
Detached dwelling for one or two units	2 spaces per dwelling unit
Hotels and motels	1 space for each room plus 1 space per each employee
Manufacturing establishments, warehouses, and wholesale businesses	1 space for each 1.5 employees or 1 space for each 500 square feet of floor area, whichever is <b>less</b>
Marinas, rental boat, or mooring	0.5 spaces for each boat slip
Mortuary/funeral home	1 space for every 25 square feet of floor area devoted to assembly rooms
Multiple dwellings	See Section 7.17.11
Multiple dwellings for non-profit elderly housing	See Section 7.17.14.C
Office buildings not serving the public on the premises	3.25 spaces for each 1,000 square feet of gross floor area
Places of public assembly or public recreation including libraries, museums, and art galleries	1 space for each 4 legal occupants under the State Fire Safety Code

Use	Standard
Professional, business office, or customary home occupation in a dwelling unit	2 spaces in addition to dwelling unit requirement
Restaurants and other food and beverage service establishments	1 space for each 3 seats plus 1 space for each 2 employees
Retail stores, professional offices, banks and other financial institutions, medical and dental clinics, and veterinary hospitals	1 space for each 200 square feet of gross floor area
Theaters and assembly halls having fixed seating	1 space for each 4 seats
Other uses: Sufficient parking spaces shall be provided in connection with any use not listed here to preserve the purpose and intent of this section.	

## 16.5 Loading Space Standards

Each building, other than a dwelling or a farm building, having a ground floor area in excess of 4,000 square feet, shall have one off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

## 16.6 Parking Requirement for Mixed Uses

Where separate parts of a building or structure are used for different use classifications, the number of required spaces shall be the sum of the number of spaces required for each type of use.

## 16.7 Joint Use

Joint parking areas and loading spaces may be established by the owners of adjacent lots in order to provide the total number of off-street parking and loading spaces required for the uses for each lot, when such owners demonstrate, in connection with a Site Development Plan submission, that mutual access to such spaces is assured for the duration of the use for which the spaces are required.

## 16.8 Modification of Standards

Through a Special Permit application, an applicant may request a modification of the parking and/or loading standards in connection with a Site Development Plan submission in accordance with the following:

### 16.8.1 Required Spaces

The Zoning Commission may authorize off-street parking and/or loading spaces less in number than specified in Sections 16.4 and 16.5 if the Commission determines that **all** the following standards and conditions are met:

- A. the number of spaces provided on the Site Development Plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the application for a Zoning Permit;
- B. there is sufficient and suitable area on the lot to provide the full number of spaces specified in Sections 16.4 and 16.5; and

C. the Special Permit shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the application and such Special Permit and any Certificate of Zoning Compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

#### **16.8.2 Reduced Parking Stall Size**

The Zoning Commission may authorize a reasonable number of off-street parking spaces required in connection with a use specified in Section 16.4 to conform to the dimension specified in Sections 16.2.1 when the following standards and conditions are met:

- A. the use shall consist of a single proprietorship and the number of off-street parking spaces required is 100 or more; and
- B. there is sufficient and suitable area on the lot to provide the full number of off-street parking spaces to conform to the dimensions specified in Section 16.2.1.A.

#### **16.8.3 Shared Parking**

The Zoning Commission may authorize a particular number of parking spaces on a lot to be counted for compliance with the required number of spaces for more than one use on the lot or on another lot when the Commission or agency determines that:

- A. such spaces will be occupied by cars of persons using or visiting two or more such uses on the same trip to the parking space, and/or
- B. such spaces will serve uses having substantially different hours or days of operation.

#### **16.8.4 Alternative Surfaces**

The Zoning Commission may waive the requirement for a dustless surface, curbing and painted lines, and permit alternative surfacing with washed gravel, stone dust, or similar materials, provided that:

- A. The Town Engineer shall approve the design and alternative surfacing of the parking area.
- B. Wheel stops shall be provided by anchored timbers, stone, or similar methods.
- C. The applicant shall be responsible for regular maintenance of the surface such that it remains free of puddles, icing, potholes, erosion, dust, and similar defects, and is usable by the public during all weather conditions. Failure to comply with this provision shall constitute a violation of these Regulations, and subject the owner or occupant of the property to the penalties provided by law.
- D. The Commission finds that the characteristics of the neighborhood, the projected intensity of use, the overall size of the parking area, and the nature of the proposed alternative surface make such a waiver appropriate.

## 16.9 Electric Vehicle Charging Requirement

- A. Level two electric vehicle charging stations or direct current fast charging stations, complying with the standards of Section 8.2.3, shall be provided for at least 10% of the parking spaces provided where the following conditions apply:
  - 1. Any vacant lot or portion thereof where new development is proposed requiring 30 or more parking spaces.
  - 2. Any redevelopment involving demolition of existing structures.
  - 3. All new construction of a commercial or multiunit residential buildings with 30 or more parking spaces.
- B. Where charging stations are provided for public use, at least one handicapped parking space shall be provided or an amount as required by the Zoning Commission.

## Section 17. Sign Regulations

### 17.1 Purpose

It is the purpose of these regulations to:

- A. Ensure against the placement of signs that are of such size, height or style, are so located or illuminated, or are so numerous as to be inconsistent with the public health, general welfare or safety of the community; and
- B. Prevent the placement of signs for commercial purposes which are detrimental to property values and the orderly development of land in the Town; and
- C. Protect, preserve, and enhance the historic character of the Town of Old Lyme as a traditional New England community.

### 17.2 General Requirements

- A. All signs in all districts in the Town of Old Lyme shall conform to the standards of this section and, except as may be otherwise provided for in this section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or altered unless and until an application for a Zoning Permit has been approved by the Zoning Enforcement Officer.
- B. The signs described in this section and no others shall be permitted and all permitted signs shall conform to the provisions of this section.
- C. These provisions are deemed to be minimum requirements, and subject to any additional conditions or limitations that may be imposed by the Zoning Commission in connection with the approval of a Site Development Plan or a Special Permit.

### 17.3 Definitions

For the purpose of this section, the following definitions shall apply:

**Sign Area or Face:** The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than 18 inches apart and parallel shall be considered to have only one sign face.

**Sign, Advertising:** A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the lot upon which such sign is displayed or only incidentally occurring upon such lot.

**Sign, Directional:** A sign on a premises indicating location of the use or purpose of a building, lot, or portion thereof located elsewhere in such building or on such lot but containing no other information.

**Sign, Directory:** A sign which sets forth only the names of occupants of space within a building or group of buildings.

**Sign, Directly Illuminated:** Any sign designed to give forth any artificial light, directly or indirectly, through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such sign.

**Sign, Identification:** A sign on a premises bearing the name or similar identification of the use or occupant of a building, lot or portion thereof, or a sign indicating danger or whether a facility is open for business but containing no other information.

**Sign, Illuminated:** A sign which is artificially lit.

**Sign, Indirectly Illuminated:** A sign illuminated: by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the sign Face or the area immediately around it, but, in no event, visible off the lot where said sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such sign shall be deemed to be a Directly Illuminated sign; or Opaque letters or symbols silhouetted against a luminous background.

**Sign, Flashing:** Any sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times

**Sign, Moving:** Any sign, or any portion of any sign, which is capable of any movement whatsoever; excluding barber poles and clocks.

**Sign, Overhanging:** Any sign extending at an angle from a building which is its sole or principal support.

**Sign, Portable:** Any sign which is not anchored to the ground or to a structure in some permanent way and is capable of movement. "sign, portable" shall include, but not be limited to, so-called "sandwich" or "A" signs or signs on easels or stands.

**Sign, Roof:** Any sign erected, constructed, or maintained upon the roof of a building or painted upon a roof or created by the use of contrasting colors of roofing materials.

**Sign, Sky:** Any sign suspended in the air by any means, including signs painted on, affixed to, or suspended by, balloons, kites, or similar airborne devices.

**Sign, Temporary:** Any sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, and erected on a temporary basis.

**Sign, Wall:** Any sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a building.

## 17.4 Standards All Zoning Districts

The following standards apply to signs in all zoning districts:

### 17.4.1 Location of Signs

Any Identification sign affixed to a building, including wall signs or overhanging signs, shall only identify the enterprise located on the interior side of the wall upon which the Identification sign is located. Free-standing signs shall only identify the enterprise(s) located on the lot on which such sign is located.

### 17.4.2 Installation of Signs

The following rules govern the placement of Signs:

- A. All wall signs shall be affixed to and be mounted parallel with either a wall of the building or the face of an overhang or marquee projecting from the building and shall not project more than 2 feet from

the wall of the building. Wall signs may project into the area required for yards, however, no part of the sign or any of its supporting structure shall be closer than 5 feet from any street or property line except for temporary signs permitted under Section 17.4.7.

- B. All overhanging signs shall hang at a 90- or 45-degree angle from the front or side of the building.
- C. No sign shall project over or hang over any sidewalk, driveway, walkway, roadway, parking area, or access way, except that overhanging signs may project not more than 2 feet into such sidewalk, driveway, walkway, roadway, parking area, or access way, provided that such projection does not occur within 8 feet vertical clearance of the ground.
- D. No free-standing sign shall be located within or hang over the right-of-way of any street.
- E. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health and safety.

#### **17.4.3 Height of Free-Standing Signs**

The maximum height of any free-standing sign or supporting structure shall be 10 feet above grade as measured from the existing natural grade prior to site grading.

#### **17.4.4 Measurement of Sign Area**

- A. Any sign may be double-faced and, when a double-faced sign is a free-standing sign, only one sign face shall be counted in determining conformity to sign area.
- B. Any insignia, logo, icon, trademark, or picture shall be included within the calculation of sign area.

#### **17.4.5 Motion and Illumination**

The following rules govern motion and illumination of signs:

- A. Illuminated signs shall be limited to:
  1. Indirectly illuminated signs; and
  2. Directly illuminated signs shall be limited to illuminated letters against an opaque background; or "channel letters" in which the light source is concealed within the rear of an opaque letter, which letter is illuminated it by silhouette against a non-illuminating background surface. Exposed lamp signs, luminous tube signs, and plastic or glass covered internally illuminated signs and letters are prohibited.
- B. Light emanating from or used for illumination shall not be intense or glaring.
- C. The light source for Indirectly illuminated signs shall be shielded or directed so as not to be visible to persons traveling on nearby streets and so as to minimize sky glow and avoid trespass lighting on adjacent properties.
- D. Colored lights shall not be used for indirectly illuminated signs.
- E. Illuminated signs used in connection with a business establishment shall not be lit during the hours between 10:00 p.m. and 6:00 a.m. unless the establishment is legally open for business.
- F. Continuous strip lighting of buildings and other structures shall only be permitted as a seasonal decoration in November and December.

#### **17.4.6 Portable Signs**

Portable signs shall only be permitted in Commercial Districts and in accordance with the following:

- A. The sign shall not exceed 3 feet in width and 5 feet in height. The sign area of said sign shall not exceed 12 square feet. Said sign may be double-faced and, for the purpose of area computation, only one sign face shall be counted in determining conformity with the area requirement.
- B. Only one portable sign shall be allowed per lot, except that if the lot has more than 400 feet of street frontage in the district, then one additional portable sign shall be permitted.
- C. The sign shall describe or display only current factual information concerning present activities (including retail sales or services) on the subject lot.
- D. The sign shall not be attached to the ground and shall not extend into the street line or sidewalk on said lot. It also shall not impede sight lines or ingress and egress to said lot.

#### **17.4.7 Temporary Signs**

Temporary signs shall be permitted in the zoning districts specified below subject to the requirements and restrictions on signs set forth in this section.

- A. No zoning permit shall be required for the following signs:
  1. In Commercial, Industrial and Business Districts only, temporary signs may be attached to the inside of a window or placed so as to be seen primarily through a window subject to the restriction that the combined area of such signs shall not exceed 40% of the area of the window to which they are attached or through which they may be seen; provided, however, that in determining the permissible size of such signs there shall not be taken into account any signs determined to be exempt under this section. Such signs shall not remain in place for more than 30 days without being changed.
  2. In all zoning districts, there may be posted on premises which are for sale or rent, one temporary sign so stating which is not illuminated and does not exceed 6 square feet in area.
  3. In all zoning districts, there may be posted on property that is undergoing land development one Temporary sign so indicating which is not illuminated and does not exceed 12 square feet in area.
  4. In all zoning districts, there may be posted on property where construction, repair or remodeling is in progress one temporary sign which is not illuminated and does not exceed 12 square feet in area identifying any one or more of the architects, designers, engineers, construction managers, building contractors or major subcontractors engaged in the project.
  5. In all zoning districts, banners, pennants and flags giving notice of events sponsored by governmental units, schools or non-profit organizations may be displayed on the property where the event is to take place during a period beginning 30 days before the start of such an event and ending 72 hours after the close of the event.
  6. In all zoning districts, no more than 8 directional signs, each no larger than 6 square feet, announcing and/or directing the public to events sponsored by governmental units, schools, or non-profit organizations may be posted on or off the property where the event takes place. Such signs shall not be erected more than 10 days before such an event begins and shall be removed within 48 hours after the end of the event.
  7. In all zoning districts, no more than 4 real estate open-house signs, each no larger than 6 square feet, may be posted on or off the property on which the open house is held no earlier than the day of the open house. Such signs must be removed within 4 hours after the close of the open house.

B. The following signs shall require permits:

1. In all zoning districts, there may be posted on property that is undergoing land development one temporary sign so indicating which is not illuminated and which does not exceed 32 square feet in area.
2. In all zoning districts, there may be placed on property where construction, repair or remodeling is in progress one temporary sign which is not illuminated and which does not exceed 32 square feet in area identifying any one or more of the architects, designers, engineers, construction managers, building contractors or major subcontractors engaged in the project.
3. Notwithstanding the provisions of this section, and upon written application to the Zoning Enforcement Officer, authorization for the establishment of temporary signs for periods not exceeding 10 consecutive days, and totaling not more than 30 days in any calendar year, for the purpose of announcing special events not sponsored by governmental units, schools, or non-profit organizations may be given where:
  - a. the sign face does not exceed 12 square feet in area;
  - b. no more than one such sign shall be allowed;
  - c. the sign shall not be illuminated or move;
  - d. the sign shall be no more than 8 feet in height; and
  - e. the sign shall not obstruct any driveway or street sight line(s).

Any temporary signs exceeding these limits shall require the approval of the Zoning Commission. In a Residential District, any such sign shall pertain only to a use permitted in such district.

Approval of signs for special events by the Zoning Enforcement Officer does not absolve the applicant from obtaining other permits as may be required by State and Local agencies.

C. Unless otherwise specified in Section 17.4.7, all temporary signs shall be erected no earlier than 30 days prior to the event to which the sign relates and must be removed no later than 72 hours after the completion of the event to which the sign relates.

#### **17.4.8 Exempt Signs**

The following types of signs shall be exempt from regulation under this section:

- A. Any sign required or authorized under State or Federal law or by the Town of Old Lyme including, but not limited to, traffic and directional signs.
- B. Any flag, pennant or insignia which is the symbol of any governmental unit or non-profit organization or which is displayed for a strictly noncommercial purpose.
- C. Posters or announcements of a governmental unit, school or non-profit organization displayed as a community service.
- D. House numbers and mailbox identifications.
- E. Bulletin boards.
- F. On any premises, one historical plaque not exceeding two square feet in area.
- G. On any premises, one or more of the following, provided each such notice shall not exceed one square foot in area:
  1. a single notice announcing business hours;
  2. a single notice indicating acceptable credit cards;
  3. a single notice describing security protection;
  4. a single notice respecting membership in trade associations.

#### **17.4.9 Miscellaneous**

The following miscellaneous provisions shall apply.

- A. Awning Signs: Notwithstanding any other provision of this regulation, awning signs shall be permitted in Commercial and Business Districts provided, however, that the area of said sign shall be computed as part of the total sign area for the subject building and lot.
- B. Time and temperature signs (without advertising) and with or without illumination shall be permitted in all Commercial Districts, provided that the size (sign face, height, and location) shall conform to all other applicable provisions of these Regulations and provided, however, that the area of said sign shall be computed as part of the total sign area for the subject building and lot.
- C. There shall be allowed one sign near each exit ramp of expressways and each major highway at Town lines serving as a common directory for non-profit organizations located in Old Lyme. Sign area permitted shall not exceed 6 square feet per organization nor shall it exceed 40 square feet total area.

#### **17.4.10 Prohibited Signs**

The following types of signs are prohibited in all zoning districts:

- A. Any sign so designed and so oriented as to be primarily visible from I-95.
- B. Any sign attached to any tree, fence or utility pole and any sign painted directly upon the roof of any building.
- C. Any vehicle or trailer exhibiting any sign and parked in such a location and manner as to indicate that such vehicle is being used for the basic purpose of advertising products sold or directing people to a business or activity located on or near the place where such vehicle is parked.
- D. Any sign painted on the roof of a building.
- E. Billboards. See Section 3.2.2C.26.
- F. Flashing signs or strobe lights.
- G. Moving signs (including, but not limited to, banners, posters, pennants, ribbons, streamers, spinners, strings of lights and similar devices).
- H. Roof signs. No sign shall be located on the slope of a mansard facade nor extend above the top of the wall of a building or the top of the face of any overhang or marquee to which it is affixed.
- I. Sky signs.

#### **17.4.11 Removal of Signs**

Any sign advertising, identifying or calling attention to the use of property shall be removed therefrom within 30 days after the discontinuance of such use unless such discontinuance is temporary, in which case such use shall either be resumed no later than 6 months after such discontinuance or such sign shall be removed within such 6-month period.

## 17.5 Standards Residence and Rural Districts

Signs in Residence and Rural Districts are limited to the signs listed below. In addition to the sign prohibitions and restrictions set forth in the preceding sections, the following standards shall apply to signs in Residence and Rural Districts.

### 17.5.1 Signs Permitted as of Right

The following signs may be installed without a sign permit:

- A. On each premises, one sign, not exceeding two square feet in area, identifying the occupant of the premises including any professional or business office or customary home occupation conducted in a dwelling unit.
- B. On private premises, signs intended primarily as warning or traffic signs with no advertising thereon and not exceeding two square feet in area.
- C. Temporary signs as permitted under Section 17.4.7.A.

### 17.5.2 Signs Requiring Permits

The following signs require a permit:

- A. At each entrance to a residential development containing one or more multiple dwellings, a planned residential cluster of dwelling units, or a residential subdivision, one sign, not exceeding 12 square feet in area, giving the name of the development.
- B. On property containing one or more multiple dwellings or a farm, church, school or other non-residential facility or use permitted in the zoning district, one sign, not exceeding 12 square feet in area, identifying the facility or use.
- C. Temporary signs as permitted under 17.4.7.B.

### 17.5.3 Signs in the Sound View Village District

Recognizing that the Sound View Village District consists of a mix of residential and commercial uses, the following shall apply:

- A. Any use other than a single-family dwelling shall be governed by the sign requirements of Section 17.6.
- B. Single-family dwellings shall be governed by the sign requirements of Section 17.5.2, provided however, that the size, number, height and other requirements of Section 17.5.2 shall be deemed to be maximums, and all signs shall be subject to the design requirements of Section 11.4.4.

## 17.6 Standards Commercial, Industrial, Business, and Sound View Village Districts

In addition to the preceding sections, the following additional standards shall apply to signs in Commercial, Industrial and Business Districts:

### 17.6.1 Wall Signs

- A. Wall signs attached to one wall of a building, excluding overhanging signs, may have a total area up to, but not exceeding, 20% of the surface area of such wall or 60 square feet, whichever is smaller.
- B. Signs attached to any second wall of any such building shall not exceed 5% of the area of such second wall or 15 square feet, whichever is smaller.

- C. No portion of a wall affected by this section in excess of 12 feet in height above ground level shall be included in the computation of the maximum sign area for such wall.
- D. On lots that have road frontage on more than one street, and where a building on said lot has exterior walls facing more than one street, the 5% area requirement recited above may be increased to not more than 10%, or 60 square feet, whichever is smaller, for the side of the building facing such additional street.

#### **17.6.2 Overhanging Signs**

- A. The total area of overhanging signs shall not exceed 10% of the area of the wall upon which they are mounted, or 60 square feet, whichever is the smaller area.
- B. No single overhanging sign shall exceed 10 square feet in area.

#### **17.6.3 Free-Standing Signs**

- A. On any lot there may be only one free-standing sign; provided, however, that for lots having multiple occupancies one additional free-standing directory sign may be maintained at a principal access way to such lot identifying the occupants with lettering of uniform size.
- B. On a single lot, duplicate directory signs may be maintained at other access points only if such access point is at least 300 feet distance from the nearest other access point having a directory sign.
- C. No free-standing sign, including a directory sign, shall have an area greater than 32 square feet, nor a height greater than 10 feet.

### **17.7 Applications for Sign Permits**

- A. In accordance with Section 19 and Section 20, any application for Site Development Plan or Special Permit shall include all information concerning signs.
- B. Any amendment to the signs approved by the Zoning Commission in connection with the Site Development Plan or Special Permit shall require an application for an amendment to such approval to the Zoning Commission. Such amendments to a Special Permit shall require a public hearing in accordance with Section 20.
- C. For sites that have not been approved by the Zoning Commission as a Site Development Plan or Special Permit, applications for sign permits shall be made to the Zoning Enforcement Officer on forms provided by or acceptable to the Zoning Commission and shall contain or be accompanied by the following information and drawings:
  1. Name and address of the owner of the property or premises where the sign is to be installed and of the applicant if someone else.
  2. Drawing to scale of the proposed sign showing its sign area, height, details of construction and location on the lot or building where it is to be placed.
  3. Drawing showing the location and size of existing signs presently on the same lot or premises. Details concerning the method of illumination of the sign, if any; designation of any moving parts, flashing lights, changeable text, or physical features; such other information as the Zoning Enforcement Officer may require in order to determine compliance with these Regulations.

## 17.8 Applications for Temporary Sign Permits

Applications for temporary sign permits, in addition to providing the information and drawings required by Section 17.7, shall include the following data:

- A. The dates of the start and end of the period during which the sign or signs are to be displayed.
- B. The name and address of the person responsible for posting and removing the sign or signs.

## 17.9 Signs Within the Historic District

Signs located within the Old Lyme Historic District No. 1, in addition to being subject to these Zoning Regulations, are, with respect to their style, material, number, size and location, under the control of the Old Lyme Historic District Commission as provided for in CGS § 7-47d. All such signs must comply with the Commission's policy regarding signs and are subject to its criteria for the issuance of a Certificate of Appropriateness.

# Article VI Procedures and Administration

## Section 18. Zoning Permit and Certificate of Zoning Compliance

### 18.1 Zoning Permit

- A. No premises, building or other structure, or part thereof, shall be used, or changed in use, and no building or other structure, or part thereof, shall be constructed, reconstructed, extended, moved or altered until an application for Zoning Permit has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefore has been issued by such Officer.
- B. No site development that is subject to these Regulations shall be constructed, reconstructed, established, extended, moved or altered, nor shall any such site development be commenced, until an Application for Zoning Permit has been submitted to the Zoning Enforcement Officer and issued in accordance with the provisions of this section, except that land clearing may be performed in the immediate area of the proposed building or structure and in the area of any proposed well intended to serve such building or structure.
- C. Where provided by these Regulations, a Zoning Permit may be temporary and limited to a specified period of time.

### 18.2 Certificate of Zoning Compliance

No premises, building or other structure, or part thereof, shall be used or occupied, or changed in use, until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. All Certificates of Zoning Compliance shall be issued in accordance with the provisions of this section. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

### 18.3 Change in Occupant

No Zoning Permit or Certificate of Zoning Compliance is required.

### 18.4 Application for Zoning Permit

Applications for a Zoning Permit shall be submitted to the Zoning Enforcement Officer per Section 18.1. The Application shall be accompanied by payment of required fees and by a Plot Plan as follows:

#### 18.4.1 Plot Plan

The Plot Plan shall show the following information to the extent occurring on or applicable to the particular lot and shall be prepared by and bear the name and seal of a land surveyor, professional engineer, architect and/or landscape architect licensed to practice in the State of Connecticut:

- A. The following information based on survey meeting or exceeding a "Class A-2" type survey:
  1. all lot lines, the dimensions, radii and angles or bearings for such lines, and the area of the lot;
  2. the location of monuments, which shall be set at all lot corners, and iron pins or pipes, which shall be set at all angle points on lot lines;

3. the location and elevation of a benchmark for elevation control on the lot;
4. existing contours at an interval of two feet, unless the Zoning Enforcement Officer determines that such contours are not needed on all or part of the lot to determine compliance with these Regulations;
5. the High Tide Line (HTL), the Mean High Water Line, referenced to the National Geodetic Vertical Datum (NGVD); and the location of all tidal wetlands, delineated in accordance with CGS § 22a-29(2); and the location of all inland wetlands and water courses. Such information shall be depicted both on and within 100 feet of the lot, or contain a certification that no such tidal or inland wetlands or water courses exist; and
6. the location of existing and proposed buildings and structures, and with at least two survey dimensioned tie lines from monuments, pins, lot lines or other identified points to each such building or structure;
7. the Height, dimensions, use, gross floor area and total coverage of all buildings and other structures, whether existing or proposed;
8. the location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
9. the location of any existing or proposed on-site sewage disposal systems and water supply wells;
10. the location, area and dimensions of any signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations;
11. a statement as to the Flood Insurance Rate Map (FIRM) Map Panel and Flood Zone in the Flood Plain District, the flood plain boundary and elevation data as specified in Section 13.1.5;
12. provision for soil erosion and sediment control in accordance with Section 15.4;
13. the signatures, seals, and certifications (as the case may be) of the land surveyor, professional engineer, soils scientist, architect, or other licensed professional involved in the preparation of the plan;
14. such additional information as may be necessary to determine compliance with the provisions of these Regulations.

B. The Zoning Enforcement Officer may waive, in whole or in part, the requirement for monuments and corners pins set forth in Section 18.4.1A.2 above where such field identification of boundaries is not necessary to identify such boundaries, such as along highway rights of way or other public land; where stone walls or other permanent physical features correctly identify a boundary; or where lots are under unified ownership and control.

#### **18.4.2 Modified Plot Plan**

For applications involving only minor improvements or interior alterations, the Zoning Enforcement Officer may determine that a plot plan drawn to scale but not certified as provided in Section 18.4.1 is sufficient to meet the requirements for the application.

## 18.5 Additional Application Requirements

The Application for a Zoning Permit shall also be accompanied by the following when required by these Regulations:

### 18.5.1 Approval of Special Permit

When a use, building, structure or site development is permitted in a district subject to the securing of a Special Permit from the Zoning Commission, Planning Commission or Zoning Board of Appeals, as the case may be, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The site plan required for a Special Permit by 20.3.3.C may be substituted for the plot plan required in Section 18.4.1.

### 18.5.2 Site Development Plan Submission

When submission of a Site Development Plan is required under these Regulations, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The site plan required for a Site Development Plan by Section 19.2.3 may be substituted for the plot plan required in Section 18.4.1.

### 18.5.3 Coastal Site Plan Submission

When a use, building, structure or site development is proposed within the Coastal Boundary established under the provisions of CGS Chapter 444, a Coastal Site Plan submission shall be made for review and action in accordance with Section 12.1 unless exempted thereunder. Evidence that such approval has been granted, and that the appeals period has expired, shall accompany an application for a Zoning Permit. The site plan required for a Coastal Site Plan by Section 12.1 may be substituted for the plot plan required in Section 18.4.1.

### 18.5.4 Application for Flood Hazard Area Permit

When development, including new construction, substantial improvement and the placement of prefabricated buildings is to be made within a Special Hazard Area, application for a Flood Hazard Area permit shall be made in accordance with Section 13.1.

## 18.6 Compliance with Performance Standards

- A. An application for a Zoning Permit or a Certificate of Zoning Compliance for a use which is subject to the performance standards of Section 14.1 shall include such information as is necessary to establish that the use as proposed (at the time of application for a Building Permit) and as constructed or established (at the time of application for a Certificate of Occupancy) complies with the performance standards of these Regulations.
- B. The applicant shall further provide an affidavit acknowledging the applicability of the performance standards, stating that the use as designed or built/established is capable of complying with the performance standards, and agreeing to comply with the Performance Standards in the future.
- C. No applicant shall be required to reveal any proprietary information or trade secret, and any information provided in compliance with this section may be treated as confidential upon the request of the applicant.

## 18.7 Approval and Issuance

### 18.7.1 General

- A. The Zoning Enforcement Officer shall issue a Zoning Permit to authorize the construction, reconstruction, extension, expansion, moving or alteration of a building, other structure or site development and shall issue a Certificate of Zoning Compliance for the use or occupancy of land, buildings, other structures, or site development when such Officer determines that all of the requirements of these Regulations have been met.
- B. No Zoning Permit and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the building, structure, lot or premises involved to determine that the use, building, other structure and site development conform to these Regulations.
- C. No Zoning Permit or Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists. No Zoning Permit and no Certificate shall be considered issued unless signed by the Zoning Enforcement Officer.
- D. One copy of the approved plot plan shall be returned by the Zoning Enforcement Officer to the applicant.
- E. The following additional requirements shall apply to the issuance of Zoning Permits and Certificates:

### 18.7.2 Staking of Improvements/Certified Plot Plan

- A. No Zoning Permit shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has caused stakes or markers to be placed on the lot indicating the proposed location of footings, foundations and other construction and the location of lot lines.
- B. Such stakes or markers shall be set by a Connecticut Licensed Land Surveyor in accordance with the plot plan, and marking at least 4 corners of the building foundation and also the same corner stakes appropriately offset to avoid disturbance during construction. The Zoning Enforcement Officer may require additional stakes where required to determine compliance with these Regulations.
- C. As a condition to the issuance of a Zoning Permit authorizing buildings and structures upon the footing and foundations, the Zoning Enforcement Officer may require a certified copy of the plot plan for the lot showing the actual location of such footings and foundations with at least two survey dimensioned tie lines from monuments, pins, lot lines, or other identified points.
- D. The staking, markers, survey and certified plot plan shall conform to standards for accuracy specified in Section 18.4.1.

### 18.7.3 Sanitation

Where a proposed use of proposed building or other structure or use involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system:

- A. No Zoning Permit shall be issued until plans for such system have been approved by the local or regional health authority.
- B. No Certificate of Zoning Compliance shall be issued until such septic system has been completed, inspected and approved for use by the local or regional health authority, and certification thereof has been provided to the Zoning Enforcement Officer; and

C. Prior to the issuance of any Zoning Permit, the applicant shall install any private well to serve such building or structure, and have the same approved by the local or regional health authority, and certification thereof has been provided to the Zoning Enforcement Officer.

#### **18.7.4 Soil Erosion and Sediment Control**

When a Soil Erosion and Sediment Control Plan is required by these Regulations, in connection with a proposed use, building, other structure or site development, the following shall apply:

- A. No Zoning Permit shall be issued until the Control Plan has been certified in accordance with Section 15.4.
- B. No Certificate of Zoning Compliance or Building Permit shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Control Plan.
- C. During the course of construction, the Building Official and Zoning Enforcement Officer shall ensure continued compliance with these Regulations, and any such Special Permit or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent.
- D. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan.

#### **18.7.5 Conditions**

Any maps, plans, documents, statements and stipulations submitted to and approved by the Zoning Commission, Planning Commission, or Zoning Board of Appeals in connection with any action of such Commission or Board under these Regulations, and any conditions of approval attached by the Commission or Board, shall be conditions for issuance of a Zoning Permit and a Certificate of Zoning Compliance by the Zoning Enforcement Officer.

#### **18.7.6 Conditional Certificate**

- A. Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Conditional Certificate of Zoning Compliance having a duration of not more than 6 months and renewable only for one additional 6-month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved Zoning Permit.
- B. If any off-street parking and loading, driveways, drainage, sewage disposal, sidewalks, landscaping or similar site improvements, in connection with a use for which a Site Development Plan has been approved, or a Special Permit granted, are incomplete, the Zoning Enforcement Officer may issue such Conditional Certificate of Zoning Compliance only after the applicant has filed a completion bond, as provided in Section 19.4.8 or otherwise as the Zoning Enforcement Officer deems sufficient to guarantee completion of the approved site improvements and in form acceptable to the Town Counsel.

#### **18.7.7 As-Built Site Plans**

- A. Requirement by the Zoning Enforcement Officer. As a condition to the issuance of a Certificate of Zoning Compliance for a use, building, other structure or site development that has not been subject to submission and approval of a Site Development Plan under Section 19 or Special Permit under Section 20, the Zoning Enforcement Officer may require the owner to submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice

in the State of Connecticut showing the location of improvements as built in accordance with a survey of "Class A-2" accuracy as specified in Section 18.4.1.

B. By the Zoning Commission, Planning Commission, or Zoning Board of Appeals. For any use, building, other structure or site development that has been subject to submission and approval of a Special Permit, or Site Development Plan under Section 19 or Planned Residential Conservation Developments under Section 7.21, the owner shall submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice in the State of Connecticut showing the location of improvements as built in accordance with a survey of "Class A-2" accuracy as specified in Section 18.4.1. If such as-built plan depicts substantial departures from the plan approved in accordance with Section 19, the Zoning Enforcement Officer may, in addition to other remedies, require that an as-built plan be filed with the Town Clerk. The Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, may waive the requirement for an as-built plan.

#### **18.7.8 Other Permits**

Issuance of a Zoning Permit or issuance of a Certificate of Zoning Compliance shall not be construed to constitute compliance with any regulation, ordinance or law other than as expressly indicated by such Permit or Certificate, nor to relieve the applicant from responsibility to obtain any required permit thereunder. The Zoning Enforcement Officer may, at their discretion, withhold issuance of a Zoning Permit or Certificate of Zoning Compliance until any such permit has been approved and obtained by the applicant.

#### **18.7.9 Time Limits**

A. Any Zoning Permit issued under these Regulations shall expire 12 months from the date of issuance unless a valid Building Permit for the use, construction and site development authorized by the Zoning Permit is in effect.

B. Any Certificate of Zoning compliance may be issued for a specified time period where authorized by these Regulations, or where appropriate to the nature of the particular use.

### **18.8 Display of Permit and Inspections**

A. During construction of any kind, Zoning Permits shall be displayed on the premises.

B. By filing an application for a Zoning Permit or Certificate of Zoning Compliance, the owner and occupant of any premises shall be deemed to have consented to inspection at reasonable times by the Zoning Enforcement Officer in order to enforce these Regulations and any permits or approvals issued hereunder.

### **18.9 Applicability of Amendments**

Nothing in this section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Zoning Permit has been issued prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 18.7. See Sections 21.7 through 21.13 for special provisions regarding Special Permits and variances.

## Section 19. Site Development Plans

### 19.1 General

- A. Certain uses of premises, buildings and other structures, and the construction, reconstruction, Expansion, Extension, moving and Alteration of buildings, and other structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are permitted under these Regulations subject to the submission of a Site Development Plan and approval of the plan by the Zoning Commission under this section.
- B. In any instance involving a use or uses requiring a Site Development Plan as set forth in these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant such Site Development Plan in accordance with this Section 19.
- C. The following sections provide the submission requirements and standards for Site Development Plans. They also outline the procedures for Zoning Commission approval of Site Development Plans required for uses other than those that require a Special Permit (see Section 20 for Special Permit requirements).

### 19.2 Submission Requirements

The Site Development Plan submission shall consist of the following:

#### 19.2.1 Application Form and Fee

The completed Site Development Plan application form and the payment of the application fee as provided by Town Ordinance.

#### 19.2.2 Statement of Use

A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; 6 copies shall be submitted;

- A. a detailed narrative description as to the nature and extent of the proposed use or occupancy;
- B. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;
- C. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;
- D. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
- E. the equipment or other methods to be established to comply with required performance standards; and
- F. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 Code of Federal Regulations Part 261) or the State of Connecticut Hazardous Waste Regulations (Title 22a), which

disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

### 19.2.3 Site Plan

A site plan prepared in accordance with the specifications and showing the information hereinafter required; 6 copies shall be submitted.

- A. Preparation. The site plan shall be clearly and legibly drawn on good quality fixed line Mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.
- B. Size and Scale. The site plan shall be drawn to a scale of not less than 1"=40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Old Lyme Town Clerk shall be prepared on sheet sizes 24"x36", 18"x24", or 11"x17", and shall be printed on material acceptable for such filing.
- C. Information on Plans. The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with Sections 19.3 and 19.4, unless, in accordance with Section 19.2.14 a determination is made by the Zoning Commission or other agency responsible for review of the site plan that the particular information is not required or is deferred. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.
- D. General Information, as follows:
  1. title of development.
  2. name and address of applicant and owner.
  3. north arrow, numerical and graphic scale.
  4. date of plan and revision dates with each revision identified.
  5. a location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
  6. a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.
- E. Property Information, as follows:
  1. the boundaries of and existing conditions on the lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to CGS § 20-00b, as amended
  2. the names of all abutting lot owners, as disclosed in the records of the Town Assessor.

3. any line delimiting a portion of the lot to be used under the application and any zoning district boundary on the lot.
4. location, width and purpose of all existing and proposed easements and other encumbrance lines.
5. existing and proposed grading contours at an interval not exceeding two feet, or equivalent ground elevations, based on mean sea level, including identification of a benchmark at the site.
6. location of all wetlands, watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or building lines, and other significant physical features.
7. National Cooperative Soil Survey soils type boundaries and codes.
8. the Zoning Commission or other agency reviewing the site plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas based upon standards that are required by the local or regional health authority.

F. Location of Existing and Proposed Buildings and Uses, as follows:

1. The height, bulk, use and location of all buildings and structures.
2. Typical floor plans or other plans for the use of interior spaces of proposed buildings.
3. Location of heating, air conditioning, ventilation, and similar equipment if located outside the building.
4. Signs.
5. Fences, walls including retaining walls, including details.
6. Outside storage areas.
7. Supporting or accessory uses, including underground and overhead services and utilities, as well as any associated above ground equipment.

G. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:

1. The site plan shall include all information necessary to establish conformance with the requirements of Section 16 and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
2. The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.
3. For any site plan which depicts more than 2,000 square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.
4. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.
5. Sidewalks and other pedestrian ways.
6. Fire access lanes.

7. Specifications for parking, loading and circulation improvements.
8. Off-site roadway improvement and traffic management facilities.

H. Signs and Outdoor Illumination, as follows:

1. Location, size, height, style and illumination of project signs.
2. Location, size and message of traffic management signs.
3. Location, height, intensity and design of outdoor luminaries, including manufacturer's specifications.

I. Landscaping and Open Spaces, as follows:

1. Location of existing trees of 6-inch caliper or more, excepting densely wooded areas shown under the requirements of Item E.6 above.
2. Location, arrangement, type and size of planting for all landscaped areas.
3. Trees required for Parking areas and landscape strip along street lines.
4. Lines delimiting areas not to be disturbed and the top and toe of graded slopes.
5. Materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.
6. Ornamental paved areas, plazas and courts.
7. A schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
8. Methods of planting.
9. Provision to preserve existing trees, vegetation, wetlands and water courses.
10. Methods to protect plantings from vehicles.
11. Special natural features identified for preservation under Section 19.3.19 and lot requirement modification therefor.
12. Significant archeological sites identified under Section 19.3.20.

J. Existing and proposed drainage, utilities and related facilities and services, as follows:

1. Electric, telephone and cable television lines (underground and aboveground).
2. Storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts therefor. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
3. Facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
4. Well locations and facilities for water supply.
5. Underground storage for fuel or other liquids and fill facilities and connecting lines.
6. Base flood elevation and floor elevation data, as specified in Section 13.1, based on the datum identified in Section 13.1.5.

K. Non-Commercial Cutting Plan. For wooded sites, a non-commercial cutting plan in accordance with Section 15.2.2.

L. Measures for soil erosion and sediment control in accordance with Section 15.4.

M. A signature block for approval by the Zoning Commission or other agency responsible for review of the site plan and date of signing.

N. The date on which the Plan expires shall be provided below the signature block, per CGS § 8-3(i) and (j).

#### **19.2.4 Sanitary Waste Disposal Plan**

If the applicant proposes to utilize a community sewerage system, as defined in CGS § 7-245, a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of CGS § 7-246f have been satisfied shall be provided. The applicant shall provide a sanitary waste disposal plan which shall include, at a minimum, the following:

- A. Report of Soil Test and Percolation Data. A Report of Soil Test Data signed by the local or regional health authority which shall be in conformance with Section 19-13B20J (classification of soil) of the Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the local or regional health authority, who shall provide to the applicant, for inclusion with the Special Permit Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field. Observation test pits for groundwater/ledge shall be conducted during the months of February through May only, and the results of tests conducted during those months may be rejected by the local or regional health authority if groundwater levels are unseasonably low; and percolation tests may be taken during any month of the year. The local or regional health authority may require additional testing should, in their opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.
- B. Soils with Severe Limitations. If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for on-site sewerage treatment, as set forth in the current Soil Interpretation Record of the U.S. Department of Agriculture, Soil Conservation Service, New London County (also known as "SCS Soils- 5 Form"), as the same may be amended from time to time, and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. In addition to the requirements of Item A above, said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer, and shall be accompanied by a written report from the local or regional health authority certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with "severe" limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located in the immediate area of the percolation and deep test pits. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

### **19.2.5 Protection of Surface and Ground Water Supply**

Pursuant to CGS § 8-2, every application for Site Development Plan shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- A. A statement describing the nature of the use of any buildings or areas of the site and their method of solid and sanitary waste disposal.
- B. The nature of any discharges anticipated.
- C. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
- D. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the DEEP's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
- E. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- F. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission they are qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.
- G. The information described in Items D through F above need only be provided when the information set forth in Items A through C above indicates the presence of materials or processes which have the potential to adversely impact groundwater.
- H. The Site Development Plan shall also conform to the requirements of Section 13.3 if the subject site is located within the Aquifer Protection Area. Any Special Permit required under said section for a proposed use or site development shall be obtained prior to approval of the Site Development Plan.

### **19.2.6 Water Supply; Certificate for Community Wells**

- A. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with CGS § 8-25a, as amended, any development providing water by means of a "water company", as that term is defined in CGS § 16- 262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control.
- B. No application for Site Development Plan involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Old Lyme Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

### **19.2.7 Covenants and Restrictions**

The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to ensure the fulfillment of the intent and requirements of these Regulations and the final Site Development Plan as approved.

### **19.2.8 Architectural Plans**

Architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general appearance and the interior uses of the floor area, and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut; 6 copies shall be submitted.

### **19.2.9 Soil Erosion and Sediment Control Plan**

A Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 15.4, which plan may be combined with the site plan submitted under Section 19.2.3; 6 copies shall be submitted.

### **19.2.10 Wetlands, Water Courses and Coastal Areas**

If any part of the lot affected by the Site Development Plan is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Old Lyme, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Old Lyme concerning any regulated activity on the lot shall be submitted with the Plan. Any plans submitted to the Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission. With respect to sites within the Coastal Boundary, the requirements of Section 12.1 (Coastal Boundary) shall be met.

### **19.2.11 Traffic Impact Report**

For Site Development Plans involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a licensed traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; 6 copies shall be submitted.

### **19.2.12 Additional Reports**

The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; 6 copies shall be submitted;

- A. results of potable water supply analyses and tests required under Section 19.3.11.A;
- B. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Section 19.3.11.B;
- C. storm drainage study and runoff computations for design of storm drainage systems; and

D. identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for firefighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.

#### **19.2.13 Other**

- A. Other Permits. A list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;
- B. Legal Documents. Draft copies of all proposed easements and other legal documents pertaining to and/or required by the proposed use and site development.
- C. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.
- D. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 19.3.

#### **19.2.14 Review and Modification of Submission**

The Zoning Commission or other agency responsible for review of the Site Development Plan submission, upon written request by the applicant, may by resolution:

- A. Determine that the required submission of all or part of the information required under Sections 19.2.3, 19.2.4, 19.2.7, 19.2.8, and 19.2.11 through 19.2.13, is not necessary in order to decide on the application and need not be submitted, or
- B. Determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

### **19.3 Criteria for Review of Site Development Plans**

The Commission shall consider the following criteria in evaluating a Site Development Plan.

#### **19.3.1 General Standards**

The proposed use, buildings, structures and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:

- A. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (see Section 1.2) and CGS Chapter 124;
- B. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;
- C. to be in harmony with the landscape, uses, and scale and density of development of the surrounding area, and to enhance the unique rural and historic character of Old Lyme;
- D. to protect nearby residential, historic, and environmentally fragile areas.

E. to show that reasonable consideration has been given to the matter of restoring and protecting the ecosystem and habitat of Long Island Sound and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.

### **19.3.2 Complete Application**

The application shall contain all information required by this Section 19, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

### **19.3.3 Compliance with Regulations**

The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4. Further, the application shall conform to the Old Lyme Subdivision Regulations; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the local or regional health authority; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

### **19.3.4 Plan of Conservation and Development**

The Site Development Plan shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of CGS Chapter 126 and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

- A. the provision or improvement of streets in the area of the site which the use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;
- B. the setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
- C. the preservation of natural land form features, wetlands and water courses;
- D. the provision, location, and design of landscaping;
- E. the location, style, and intensity of outdoor illumination; and
- F. the extent, style, scale, purpose, and location of signs.

### **19.3.5 Neighborhood**

The use of premises, buildings and other structures, the location and bulk of buildings and other structures and site development shall be of such design, function, and appearance as to harmonize with and enhance the neighborhood, to accomplish a complementary transition between areas of dissimilar use, scale, or function, to protect property values and to preserve and enhance the appearance and beauty of the community.

### 19.3.6 Access and Circulation

Provision shall be made for vehicular access to the premises and circulation upon the premises in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot and on the street giving access to the premises. Access and circulation shall also conform to the following:

- A. The street giving access to the lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic projected to the date the proposed use will be in effect. Roadway, traffic management and other deficiencies in the street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street or other traveled way.
- B. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
- C. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- D. Driveways into the lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the street line and travel way of the street in such a manner as to conform to the established cross section for the street as may be specified by the Town or State of Connecticut.
- E. Where a lot has frontage on two or more streets, the entry and exit from the street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- F. Where reasonable alternate access is available, the vehicular access to nonresidential use of a premises shall be arranged to minimize traffic use of local residential streets and other traveled ways situated in or bordered by residential districts.
- G. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when:
  1. Driveway connection will facilitate fire protection services, as approved by the Chief of Police and Town Fire Marshal, or their agents, and/or
  2. Driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.
- H. There shall be no more than one driveway connecting from any lot to any street, except that:
  1. separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and
  2. additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.
- I. Driveways shall not exceed 30 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.
- J. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be

required and should be constructed of slate, brick, or concrete and be a minimum width of 5 feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.

#### **19.3.7 Existing Streets**

Along an existing street where the lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the street and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access specified in Section 19.3.6.

#### **19.3.8 Handicapped Persons**

The site plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by:

- A. provision of walks and ramps of suitable width and grade,
- B. inclined curb approaches or curbs cut flush with parking areas,
- C. reserved, wide parking spaces, and
- D. ground level building entrances.

#### **19.3.9 Parking and Loading**

Off-street parking and loading spaces shall be provided in number and with location and design as specified in Section 16.

#### **19.3.10 Lighting**

Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Building-mounted floodlights are discouraged. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this section.

#### **19.3.11 Sanitation**

Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:

- A. Demonstration of a suitable system of potable water supply to serve the proposed use shall include:
  1. chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the Connecticut Department of Public Health, and
  2. pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the local or regional health authority.
- B. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code, DEEP standards, and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the local or regional health authority, and by DEEP when applicable, prior to approval of the Site Development Plan.
- C. Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the local or regional health authority.

Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the local or regional health authority. Waste management shall include control of litter by means of receptacles, fences or other means.

#### **19.3.12 Storm Drainage**

- A. Provision shall be made on the lot for the management of storm water, including collection and disposal thereof, in the following manner:
  1. to assure the usability of off-street parking and loading spaces;
  2. to avoid hazards to pedestrians and vehicular traffic on the lot and in any street;
  3. to avoid storm water flow across sidewalks and other pedestrian ways;
  4. to protect watercourses and wetlands from pollution, erosion and sedimentation;
  5. to avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels; and
  6. to avoid downstream flooding.
- B. Provision shall also be made for the protection or improvement of existing water courses, channels and other drainage systems, on the lot or downstream from the lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located.
- C. The Site Development Plan shall show provisions for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2024), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24-hour duration, Type III distribution storm shall be used for runoff calculations.

#### **19.3.13 Utilities**

Electric, telephone and cable television lines on the lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the Site Development Plan. Lines when necessary to be installed aboveground shall be located, landscaped or screened in a manner to harmonize with the design of the premises. Utility services located outdoors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of buildings being served and screened from view; and if on rooftops, shall be screened in a manner which complements the architectural style of the building.

#### **19.3.14 Emergency Services**

Suitable provision shall be made on the lot for access to lots, buildings and other structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.

#### **19.3.15 Outside Storage**

Compliance with the outside storage requirements of Section 8.3.9, shall be demonstrated.

#### **19.3.16 Total Ground Coverage**

Compliance with the bulk regulations of Sections 9.2.2, 10.1, and 11.1 shall be demonstrated.

### **19.3.17 Landscaping**

Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 16.3.6 and to the following:

- A. In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.
- B. All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street Parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the premises.
- C. For setbacks and buffering from residential districts (including Multi-family Residence Districts), see Section 14.2.
- D. Any parking area accommodating 20 or more cars shall be provided with interior landscaping within the paved portion of the Parking area and have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent lot. The following standards shall apply:
  1. Landscaped areas within the interior of the parking area shall have a minimum size of 100 square feet and a minimum dimension of at least 8 feet.
  2. Parking areas shall contain no more than 15 spaces in a row or have more than 4 rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one tree for each 20 cars or fraction thereof.
  3. The perimeter landscaped area shall have a minimum dimension of 5 feet and shall be planted with grass or shrubs and with at least one tree for every 50 feet along such perimeter. All such trees shall be of not less than 3 inches caliper and 10 feet in height when planted. Landscaping required under the Item E below may, if appropriately located, be counted to satisfy this requirement.
  4. Islands within the parking area shall indicate and ensure safe and efficient channelization of both pedestrian and vehicular traffic.
  5. The Zoning Commission or other agency responsible for approval of a Site Development Plan may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this section for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this Item D.
- E. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in C-10 Districts and 30 feet in width in all other districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one deciduous tree not less than 3 inches caliper or one evergreen tree not less than 6 feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Development Plan. The area in front of the lot between the street line and edge of street pavement

shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.

- F. All off-street loading bays or docks visible from any street or residence district shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- G. Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- H. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in paved areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Zoning Commission.
- I. Per CGS § 22a-381d, no invasive tree, shrub, or other plant material shall be planted.
- J. Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these Regulations.

#### **19.3.18 Signs**

All signs shall conform to the standards of Section 17. The following are also applicable to signs:

- A. Signs installed on or at the lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation and the Manual for Uniform Traffic Control Devices for the particular traffic management purpose.
- B. The Commission, in connection with approval of a Site Development Plan under its jurisdiction, may:
  1. approve an overall sign design program for the premises establishing, in advance, the area, location, style, and scale of signs and avoiding need to submit in the future each sign for individual review and approval, and/or
  2. approve a sign program for additional signs attached to buildings and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular stores, offices or other occupancies.

#### **19.3.19 Preservation of Natural Features**

- A. The Site Development Plan, including proposals for the location and arrangement of buildings, structures, driveways, landscaping, drainage, wetlands protection, paved areas and other development, shall be prepared with consideration for preservation of the natural assets of the lot and to minimize changes in the elevation of existing topography.
- B. When the Zoning Commission finds that there exist on the lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, the Commission may (through approval of a Special Permit application submitted by the applicant) grant a reduction of not more than 25% the minimum lot shape and/or the building setbacks specified in these Regulations, or a modification of the required location of the square on the lot, provided that the following requirements are met:

1. The reduction or modification shall be only to the degree necessary to achieve such preservation;
2. The features to be preserved shall be clearly and accurately shown on the site plan element of the Site Development Plan and their significance described in writing as part of the Site Development Plan submission;
3. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
4. The reduced lot shape and/or building setback requirements and modified location of square shall be shown on such site plan and reference made to this section of the Regulations by notation thereon; and
5. The total lot area required by these Regulations remains the same.

#### **19.3.20 Significant Archeological Sites**

When a lot or premises for which a Site Development Plan is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the Site Development Plan submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.

#### **19.3.21 Soil Erosion and Sediment Control**

Provision shall be made in the Site Development Plan for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with Section 15.4.

#### **19.3.22 Surface and Groundwater Protection**

In reviewing any site plan or use, the Zoning Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Development Plan.

#### **19.3.23 Water Supply**

No Site Development Plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 19.2.6.

#### **19.3.24 Buildings and Structures**

The overall architectural character of the premises and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from abutting lots or streets, or which may impact the use, function, or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:

- A. Buildings and other structures shall have an exterior design, including finish and color, that conforms to Sections 19.3.1. and 19.3.4. The exterior walls of any buildings that are visible from any street or any other lot shall present a finished appearance by means of materials consistent with the design of the building as a whole.

B. No mechanical equipment shall be located on the roof of a building, or on the ground, if visible from any street or from any residence district unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.

#### **19.4 Procedures When Commission Action on Site Development Plan is Required**

No use shall be established, altered, expanded, or extended until approval of a Site Development Plan. When a use, other than a Special Permit use, is permitted in a district subject to approval of a Site Development Plan by the Zoning Commission, the following procedures, standards and conditions are applicable.

##### **19.4.1 Preliminary Consideration**

- A. Prior to filing of an application for approval of a Site Development Plan, the future applicant is invited to prepare and present for informal discussion with the Zoning Commission or its land use staff a preliminary plan of the proposed use and site development.
- B. The plan should be drawn to scale, not less than 1"=40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and water courses, test holes and percolation tests and data therefor, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources.
- C. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern.
- D. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application.
- E. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.

##### **19.4.2 Application and Fee**

Application for approval of the Site Development Plan shall be submitted in writing to the Zoning Enforcement officer, shall be accompanied by an application for a Zoning Permit and shall be accompanied by the following:

- A. An application for approval of the Site Development Plan on forms approved by the Zoning Commission and an application fee as set by such Commission pursuant to Town Ordinance.
- B. The following persons may apply for a Site Development Plan:
  1. An owner, or all of the joint owners, of the property upon which the use is to be located;
  2. the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application;

3. the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

C. Site Development Plan submission documents as specified in Section 19.2.

#### **19.4.3 Application Review**

When received, the Zoning Commission shall review the application and Site Development Plan submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 19.2.14. Incompleteness of a Site Development Plan submission is cause for disapproval. The Commission shall consider:

- A. whether a Site Development Plan meets the General and Special Standards set forth in Section 19.3; and
- B. the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound.

#### **19.4.4 Notices Required within Water Company Watershed**

In accordance with CGS § 8-3i, in any Site Development Plan application for any property which is within the watershed of a water company, as defined in CGS §16-1, the applicant shall provide written notice of the application to the Connecticut Department of Public Health and to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application. In addition to the requirements set forth in the preceding sections, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

#### **19.4.5 Public Hearing**

The Zoning Commission may hold a public hearing regarding any Site Development Plan submission if, in its judgment, circumstances warrant such hearing. The Zoning Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits (CGS § 8-3c.). In the event that public hearing is scheduled, the applicant shall also notify all abutting landowners of record of the date, time and place of the public hearing of the Commission at which said Site Development Plan is to be considered no less than 10 days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

#### **19.4.6 Action and Notice**

- A. The Commission shall review the application for conformance with the criteria of this Section 19. The Commission may approve, modify and approve, or disapprove the application.
- B. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

- C. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 19. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time.
- D. Where appropriate (e.g., for non-structural uses such as farm stands, outdoor events, and the like), the Commission may grant a Site Development Plan which is temporary and will be effective only commencing on, or terminating on, specified dates.
- E. The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes.
- F. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within 15 days of its action.
- G. A copy of the decision shall also be transmitted by the Zoning Commission to the Zoning Enforcement Officer.

#### **19.4.7 Filing of Site Plan**

A copy of the site plan element of an approved Site Development Plan, and as such Plan may have been required by the Zoning Commission to be modified, shall be provided on Mylar and presented to the Zoning Commission for endorsement of its approval within 65 days of such approval. The following are applicable to endorsement and filing of the site plan:

- A. Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Section 19.4.8, the Chairman, Vice Chairman, or Secretary of the Zoning Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 19.5, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Zoning Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.
- B. The applicant shall then file in the office of the Old Lyme Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Zoning Commission may, by majority vote, extend the time of such filing for up to two additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.
- C. Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Zoning Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No Zoning Permit shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.

#### **19.4.8 Posting of a Completion Bond**

The Zoning Commission as a condition of approving a Site Development Plan may require that the applicant, within 90 days from the date of the endorsement approving the site plan element of such Plan, file with the Treasurer of the Town of Old Lyme a completion bond in an amount approved by the Zoning Commission as security for the satisfactory completion of all of the work shown on such site plan element.

- A. Term and Form of Bond. Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Zoning Commission. The form of the bond shall be satisfactory to legal counsel for the Zoning Commission.
- B. Continuing Effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Zoning Commission. The site plan element filed in the office of the Old Lyme Town Clerk shall so state. Where the Zoning Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Site Development Plan have been met.
- C. Prerequisite to Field Work. No field work implementing an approved Site Development Plan shall commence until the required completion bond in content and form acceptable to the Zoning Commission shall have been filed with the Town Treasurer.

## 19.5 Commencement and Completion of Work

### 19.5.1 Commencement of Work

- A. Work in connection with an approved Site Development Plan shall be commenced within 18 months after approval of the Plan, or within a lesser period as may be determined by the Zoning Commission, at the time of such approval, to be necessary to protect the public health and safety or to carry out other purposes of these Regulations.
- B. "Commencement" of work shall mean excavation and preparation for the foundation of a building and the issuance of a Zoning Permit and a Building Permit for Site Development Plans involving building construction; or the issuance of a Zoning Permit and the excavation and grading for the installation of utilities and parking areas and other site work, for Site Development Plans not involving building construction.
- C. Failure to commence the work within the 18-month period shall result in expiration of approval of the Site Development Plan following a hearing with notice to the owner and permit holder; provided, however, that the Zoning Commission may extend such approval for additional 18-month periods, for a cumulative period not to exceed ten years, for good cause shown.

### 19.5.2 Completion of Work

Work associated with a Site Development Plan shall be completed within the time frames specified by CGS § 8-3 (i), (j), and (m) as described below:

- A. All work in connection with a Site Development Plan, except an approval made under Items B, C, or D below, shall be completed within 5 years after the approval of the plan. The Zoning Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Development Plan provided the total extension or extensions do not exceed 10 years from the original date the Site Development Plan was approved.
- B. Any Site Development Plan approved on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, except an approval made under Items C or D below, shall expire not less than 14 years after the date of such approval and the Zoning Commission may grant one or more extensions of time to complete all or part of the work in connection with the Site Development Plan,

provided no approval, including all extensions, shall be valid for more than 19 years from the date the Site Development Plan was approved.

- C. In the case of any Site Development Plan for a project consisting of 400 or more dwelling units, all work in connection with such Site Development Plan shall be completed within 10 years after the approval of the plan.
- D. In the case of any commercial, industrial or retail project having an area equal to or greater than 4,000 square feet, the Zoning Commission will set a date for the completion of all work in connection with such Site Development Plan, which shall be no less than 5 or more than 10 years from the date of approval of the Site Development Plan. For approved plans with an expiration date of less than 10 years, the Zoning Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Development Plan provided the total extension or extensions do not exceed 10 years from the original date the Site Development Plan was approved.
- E. Failure to complete all work within the approved period time shall result in automatic expiration of the approval of the Site Development Plan.
- F. "Work" for purposes of this section means all physical improvements required by the approved plan.

## Section 20. Special Permits

### 20.1 General

- A. Special Permit uses are allowed upon approval by the Zoning Commission, provided they meet the requirements and standards of this section. These uses are typically uncommon and may be appropriate, compatible, and desirable only under certain conditions, but due to their unique characteristics, each must be reviewed individually.
- B. As specified in these Regulations, specific uses of land, buildings, and structures, including their construction, reconstruction, extension, relocation, alteration, or any changes to a previously approved Site Development Plan, require a Special Permit.
- C. No land or water area may be used, and no use may be altered, expanded, or intensified, nor any building or structure erected, altered, or used, until the Commission grants or amends a Special Permit in accordance with this section.
- D. The following provisions set forth the application requirements, general and special standards, and review procedures to be followed by the Zoning Commission.

### 20.2 Waiver

The Commission may waive the requirement for a Special Permit where one Special Permit Use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission providing it finds that:

- A. The new use will require no greater parking or loading than the original, as set forth in Section 16;
- B. The new use shall entail no exterior change to the building or premises; and
- C. The new use shall be no more impactful to the site, the neighborhood, or the Town than the original use, such impact to be measured by the standards set forth in Section 20.4.

### 20.3 Application Procedure

#### 20.3.1 Informal Discussion

- A. Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern.
- B. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special.
- C. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit.

### **20.3.2 Who May Apply**

The following persons may apply for a Special Permit:

- A. An owner, or all of the joint owners, of the property upon which the use is to be located.
- B. The prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application.
- C. The lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

### **20.3.3 Application**

The application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer and shall be accompanied by the following:

- A. Application for a Zoning Permit.
- B. Special Permit Application and Fee. An application for approval of a Special Permit and the required application fee shall be provided.
- C. Site Development Plan. A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic Impact Report and other reports and lists as specified in Section 19.2 for Site Development Plans. Three full-size (24"x36") and 6 reduced-size (11"x17") copies shall be submitted.

### **20.3.4 Review and Modification of Submission**

The Commission, upon written request by the applicant, may by resolution:

- A. determine that the required submission of all or part of the information required under Section 19.2. is not necessary in order to decide on the application and need not be submitted or
- B. determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

### **20.3.5 Complete Application**

A complete application shall consist of the application form and fee, together with the required information set forth in this Section 20. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or 35 days following, the submission of such application, whichever shall first occur.

### **20.3.6 Notices Required within Water Company Watershed**

In accordance with CGS § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in CGS § 16-1, the applicant shall provide written notice of the application to the Connecticut Department of Public Health and water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

### **20.3.7 Notice to Abutting Owners**

The applicant shall also notify all abutting landowners of record, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said Special Permit is to be considered no less than 10 days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

### **20.3.8 Submission for Review**

In addition to the requirements set forth in Section 20.3.7 above, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations. Any application reviewed by the Zoning Commission or the Zoning Board of Appeals may be referred to the Planning Commission for review and report.

## **20.4 General Standards**

The proposed Special Permit use, buildings and other structures and site development shall conform to all of the requirements of these Regulations including the following general standards and any special standards that may be contained in Section 7 and Section 8 for particular uses:

### **20.4.1 Complete Application**

The application shall contain all information required by this Section 20, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

### **20.4.2 Compliance with Regulations**

The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4. Further, the application shall conform to the Old Lyme Subdivision Regulations as or if required; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report from the local or regional health authority; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

#### **20.4.3 Conformance with Criteria for Site Development Plans**

Any application for Special Permit shall, at a minimum, conform to all of the general standards for Site Development Plans of Section 19.3. Those standards and criteria are considered the basic ones for all uses and premises in Old Lyme, other than uses permitted as of right, with the criteria of this Section 20.4 being over and above those of Section 19.3.

#### **20.4.4 Character**

The location, type, scale, intensity, and extent of the use and of any building or other structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

#### **20.4.5 Lot Size**

The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property.

#### **20.4.6 Landscaping**

The premises will be suitably landscaped to be in harmony with adjacent lots and the landscape of the neighborhood or surrounding area.

#### **20.4.7 Access**

- A. The traffic to be generated by the use and the provision to be made for vehicular access to the lot shall ensure safety and convenience on the street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood.
- B. The nature and location of the use, buildings, structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department.
- C. The Commission may require that any project provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of 5 feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.

#### **20.4.8 Traffic Access**

- A. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion.
- B. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s).
- C. No driveway onto a public street shall exceed 30 feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than 100 feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement

would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site.

- D. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways.
- E. Driveway widths and sight lines shall comply with State standards, where applicable.

#### **20.4.9 Water Supply**

No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 19.2.6.

#### **20.4.10 Public Health and Safety; Environmental Protection**

The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following:

- A. Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or their designee;
- B. adequate utility capacity;
- C. flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards;
- D. protection of the natural environment;
- E. potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound;
- F. avoidance of glare visible from streets or adjacent properties.

#### **20.4.11 Appropriateness of Use**

The proposed use shall be appropriate for the designated location with regard to:

- A. The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties;
- B. the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets;
- C. the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- D. the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls;
- E. the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use;
- F. the preservation of the function and appearance of the neighborhood in terms of scale, density and intensity of use, architectural style, and similar factors;

- G. the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail;
- H. the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate;
- I. the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural features of the site.

#### **20.4.12 Architectural Design, Historic Preservation, Site Design**

- A. The overall site design and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings and structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the function, use, or quality of life on abutting properties, in the neighborhood, or throughout the Town.
- B. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.
- C. In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

#### **20.4.13 Uses In, Adjacent to, or Impacting Residential Areas**

In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a residential district or area of residential uses, the Commission shall find that:

- A. The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the function of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the function and use of, and quality of life in, surrounding residential neighborhoods or residential zones.
- B. Where any lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of Section 14.2 shall apply. In addition, the Commission may require additional setbacks or buffers for uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.
- C. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the premises shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- D. No use shall be permitted which does not meet the requirements of Section 14.1 of these Regulations.

- E. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
- F. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

#### **20.4.14 Specific Recommendations and Requirements for Sites and Buildings**

The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

- A. **Mechanicals.** All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.
- B. **Lighting.**
  - 1. Lighting shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one-half footcandle per square foot.
  - 2. Lighting standards in most parking areas should not exceed 16 feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Section 16.3.5)
  - 3. No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site.
  - 4. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources.
  - 5. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.
  - 6. Building-mounted lighting shall utilize shielded light sources, and should be of a style and scale which is in harmony with the similar types of lighting fixtures found across the town and the architectural style of buildings in the Town. Building-mounted floodlights, and ornamental building lighting are discouraged.
- C. **Walkways.** The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required.
- D. **Landscaping and Screening.**
  - 1. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls;
  - 2. the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to

provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces.

3. All parking areas should include landscaped islands as required by Section 16.3.6 to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas.
4. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2.5-inch caliper), all evergreen trees shall have a minimum height of 6 feet, and all shrubs shall be of a size at least one-third their mature potential.
5. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration.
6. The Commission may require that any or all buildings shall have foundation plantings.

## 20.5 Action on Applications

### 20.5.1 Time Limits

- A. The Commission shall, within 65 days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes.
- B. The applicant or their authorized representative shall attend the public hearing, and the absence of the applicant or their authorized representative shall be proper grounds for the denial of the application.
- C. Said public hearing may be held open for no more than 35 days following the opening thereof.
- D. Within 65 days following the close of said public hearing, the Commission shall act upon said application.
- E. The applicant may request an extension of any of the time limits set forth in this Section 20.5.1 for a period not to exceed a cumulative total of 65 days.
- F. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

### 20.5.2 Action

- A. The Commission shall review the application for conformance with the criteria of this Section 20. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
- B. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 20. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

C. The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's secretary or clerk, by certified mail, to the applicant within 15 days of its action.

#### **20.5.3 Endorsement and Filing**

- A. Within 65 days of the Commission/Board approval, the applicant shall submit one set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and 6 sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission/Board in its approval vote.
- B. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 20.5.4) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be.
- C. Thereafter, it shall be the responsibility of the applicant to file one set of endorsed final plans in the Office of the Town Clerk.
- D. In accordance with CGS § 8-3d, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within 90 days following the Commission's vote of approval shall become null and void. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void.
- E. Such filing is a prerequisite to eligibility for issuance of a Zoning Permit for the proposed use.
- F. The Commission may establish an effective date for the Special Permit, which shall be on or after the date of such filing with the Town Clerk; in the event that the Commission does not designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

#### **20.5.4 Bond**

- A. If the Zoning Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Old Lyme, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on any site plan element of the approved Special Permit.
- B. The form of the bond shall be satisfactory to the legal counsel to the issuing agency.
- C. The approved plans shall be cited in the bond agreement.
- D. The Bond may be released only after written certification, that all of the requirements of the Special Permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be.

#### **20.5.5 Conformance to Approved Plans, Specifications, and Representations; Changes; Enforcement**

See Section 21, Administration and Enforcement.

## 20.6 Expiration of Special Permit

The Commission may set an expiration date for a Special Permit not before the expiration of any associated and approved Site Development Plan (as specified in Section 19.5) except that (per CGS § 8-3c) the following shall apply:

- A. Any Special Permit approval made prior to July 1, 2011, that has not expired prior to July 12, 2021, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than 19 years after the date of such approval and the Zoning Commission may grant one or more extensions of time to complete all or part of the work in connection with such Special Permit.
- B. Any Special Permit approval made on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the Zoning Commission may grant one or more extensions of time to complete all or part of the work in connection with such Special Permit.

## Section 21. Administration and Enforcement

### 21.1 Purpose

It is the intent of this section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Old Lyme.

### 21.2 Zoning Enforcement Officer

#### 21.2.1 Appointment of Officer

The provisions of these Regulations shall be enforced by the Zoning Enforcement Officer who shall be appointed by and shall be the agent of the Zoning Commission. The Zoning Commission may appoint deputies to assist and act for the Zoning Enforcement Officer and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this section, it shall be presumed to include all those individuals so designated by the Commission.

#### 21.2.2 Issuance of Documents

No Zoning Permit, Certificate of Zoning Compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or such deputy zoning enforcement officer.

#### 21.2.3 Orders

The Zoning Enforcement Officer is authorized to issue a Stop Work Order if the use of premises, buildings and other structures or the construction, reconstruction, Extension, moving or Alteration of a building, other structure or site development are not being carried out in compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer shall withdraw such Order when there is compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

#### 21.2.4 Records

The Zoning Enforcement Officer shall keep records of:

- A. all permits and certificates issued by his/her office, including Zoning Permits and Certificates of Zoning Compliance, the applications therefor, and the fees paid for them
- B. all identifiable complaints of any violation of these Regulations
- C. all inspections made under these Regulations, and
- D. all notices of violation and the action taken thereon.

## 21.3 Enforcement and Penalties

### 21.3.1 Penalties

Any person who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut, in addition to any remedies or penalties provided in these Regulations.

### 21.3.2 Remedies

The Zoning Enforcement Officer shall be empowered to cause any building, structure, or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued under these Regulations. The owner or agent of a building, structure, or premises where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists, or the agent, architect, builder, contractor or any other Person who commits, takes part, or assists in such violation, or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in CGS Chapter 124. The Zoning Enforcement Officer, the Zoning Commission or other proper authority of the Town of Old Lyme, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, correct or abate any violation of these Regulations, and to collect those civil penalties and costs authorized by the Connecticut General Statutes.

### 21.3.3 Revocation of Zoning Permits, Special Permits, Site Plan Approvals, and Variances

See Sections 21.9 and 21.12.

### 21.3.4 Rules, Policy and Procedure

The Zoning Commission may from time to time by resolution adopt administrative rules, policies, procedures and forms for the enforcement of these Regulations.

## 21.4 Building Permit

- A. In accordance with CGS § 8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Zoning Permit indicating that the plans submitted to the Building Official conform to these Regulations and any Special Permit or variance.
- B. Any construction activity which is found to be in violation of the Zoning Permit, or any documents or representations submitted in support thereof, or of these Regulations or Special Permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer and/or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official.
- C. In order to carry out the provisions of this section, the property owner shall allow any officials of the Town of Old Lyme free access to the site.

## 21.5 Certificate of Occupancy

- A. No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a Certificate of Occupancy is issued by the Building Official.

- B. In accordance with CGS § 8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Special Permit or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations.
- C. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 21.13.

## 21.6 Appeals of Decisions

Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of 30 days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said 30-day period.

## 21.7 Recording Requirement

In accordance with CGS § 8-3d, no variance or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or Special Permit, including the Regulation which is varied in its application or to which a variance or Special Permit is granted, copies of all plans, specifications and conditions approved by the Commission/Board, and stating the name of the owner of record, is recorded in the Land Records of the Town of Old Lyme. The same requirement shall apply to planned residential cluster developments and Site Development Plans, regardless of the agency approving them, and to decisions under these Regulations which are made by the Planning Commission.

## 21.8 Compliance

- A. All work performed pursuant to a Zoning Permit issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of the Zoning Permit.
- B. No person who has obtained a Site Development Plan approval, Special Permit, planned residential conservation development approval, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Zoning Commission, Planning Commission, or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations.

## 21.9 Revocation

- A. In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Permit, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Zoning Permit should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Permit they issue, in which event the Building Official shall likewise revoke any Building

Permit or Certificate of Occupancy they issue, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

B. No person who has obtained a Site Development Plan approval, Special Permit, planned residential cluster development approval, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, to void said Site Development Plan, Special Permit, planned residential conservation development approval, or variance, following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Site Development Plan, Special Permit, planned residential conservation development approval, or variance and the conditions attached thereto.

## 21.10 Minor Changes

- A. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Development Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the overall design, quality, density, intensity, types of uses, amenities or other major features of the Site Development Plan as approved, and such changes are in conformity to the requirements of these Regulations.
- B. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Site Development Plans, planned residential conservation development, and Special Permits.
- C. The Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances and Special Permits.
- D. The Planning Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Planned Residential Conservation Developments.
- E. The Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met.

## 21.11 Major Changes

- A. If the Zoning Enforcement Officer determines that changes in the Site Development Plan, or any change of use within a building or structure or on a lot, may alter the overall design, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Development Plan as approved, said modification shall be made only after approval thereof by the Zoning Commission. The Commission may determine that the modifications are so substantial as to require a new application.
- B. Major and/or substantial changes to Site Development Plans, Special Permits, planned residential cluster developments, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations.

## 21.12 Incorrect or Invalid Information

In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Site Development Plan, Special Permit, planned residential conservation development, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

## 21.13 Performance Bonds

- A. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that the ZEO shall require a performance bond, in the form of cash, in an amount necessary to cover 100% of the construction cost, as estimated at the time of projected completion, to ensure the completion of such improvements not more than 6 months following such occupancy. Such estimate of construction costs shall consist of an itemized list of the items remaining to be completed, the unit cost including both materials and labor, and the total cost for each item. The Zoning Enforcement Officer shall have the authority to approve, or modify and approve, the estimate and the resulting bond amount. All public health and safety components of a project must be completed prior to occupancy or use of any premises, building, or structure, and may not be bonded.
- B. In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Zoning Commission, Planning Commission, Zoning Board of Appeals, or the Zoning Enforcement Officer, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.
- C. All bonds posted in accordance with these Regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Old Lyme or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require.

## Section 22. Zoning Board of Appeals

### 22.1 Powers and Duties

The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut. The powers and duties of the Zoning Board of Appeals include the following:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission, or any other official charged with the enforcement of these Regulations;
- B. To hear and decide all matters including Special Permits in which it is required to pass by the specific terms of these Regulations; and
- C. To determine and vary the application of provisions of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values, solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is located, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare preserved.

### 22.2 Policy for Grant of Variances

It shall be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Section 22.1.C, to make all of the following findings:

- A. That there exist conditions, fully described in the findings, especially affecting the parcel of land for which a variance is sought, as a result of which conditions a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship;
- B. That such conditions do not affect generally the district in which the parcel is situated;
- C. That, for reasons fully set forth in the findings, the variance is necessary to relieve the exceptional difficulty or unusual hardship and is the minimum necessary to accomplish such purpose; and
- D. That the variance will be in harmony with the purpose and intent of these Regulations and will conserve the public health, safety, convenience, welfare and property values.
- E. Where a variance application is predicated upon the American with Disabilities Act, that the variance sought constitutes a "reasonable accommodation," as that term has been applied by the courts of the United States for needs of a "disabled person," as that term is defined in the American with Disabilities Act.

### 22.3 Appeals and Variances in Flood Plain District

#### 22.3.1 General

These Regulations impose special requirements applicable in the Flood Plain District as set forth in Section 13.1. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the Flood Plain District requirements as follows:

- A. to issue variances from the standards of Section 13.1 taking into account the general considerations and conditions for variance specified in Section 22.3.2; and

B. to issue variances for the repair or rehabilitation of historic structures without regard to the provisions of Section 22.3.2 upon a determination that:

1. the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and
2. the variance is the minimum necessary to preserve the historic character and design of the structure.

### **22.3.2 Considerations for Variance**

When acting on applications for variance of the special requirements of Section 13.1, the Zoning Board of Appeals shall consider:

- A. the technical evaluations and studies that are the basis of Section 13.1,
- B. the standards of Section 13.1, and
- C. the danger that materials may be swept onto other lands to the injury of others;
- D. the danger to life and property due to flooding or erosion damage;
- E. the susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
- F. the importance of the services provided to the community by the proposed facility;
- G. the necessity of a waterfront location for the function of the facility;
- H. the availability of alternative locations for the proposed facility which are not subject to flooding or erosion damage;
- I. the compatibility of the proposed use with existing and anticipated other development;
- J. the relationship of the proposed use to the plan of development for the Town and the flood plain management program for that area;
- K. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- L. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- M. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

### **22.3.3 Conditions for Variance**

The following are conditions applicable to the issuance of variance of the special requirements of Section 13.1:

- A. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Otherwise, variances may be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation provided that the following criteria are met:
  1. a showing of good and sufficient cause;

2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing Town laws, ordinances and regulations.

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this Regulation.

#### **22.3.4 Residential Floodproofed Basements**

A variance may be issued for residential basements below the base flood elevation provided the following conditions are satisfied, in addition to the other standards normally required for granting a variance.

- A. Fully-Enclosed Areas Below Base Flood Elevation: New construction or substantial improvements of buildings that include fully-enclosed areas formed by foundation and other exterior walls below the base flood elevation shall have at least one side at or above grade and shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  1. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  2. the bottom of all openings shall be no higher than one foot above grade; and
  3. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer and approved by the Building Official.
  4. electrical, plumbing and other utilities are prohibited below the base flood elevation; and
  5. use of the enclosed area shall be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises or entry to the living area (via stairway or elevator).
- B. The Zoning Enforcement Officer shall give each applicant for a variance written notice specifying the difference between the base flood elevation and the elevation to which the applicant's structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- C. The Zoning Enforcement Officer shall maintain documentation on file of the form certifying the degree of floodproofing, and record the elevation of the first floor, the elevation to which the structure is floodproofed, and the base flood elevation. This official shall also maintain a record that the applicant was advised of the insurance ramifications of building floodproofed basements.

#### **22.3.5 Notices and Records**

- A. The Zoning Enforcement Officer shall notify the applicant for variance in writing that
  1. the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance, and
  2. such construction below the base flood elevation increases risks to life and property.

B. The Zoning Enforcement Officer shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance and shall report such variance issue in an annual report to the Federal Insurance Administration.

## 22.4 Procedures

- A. The Board shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed by these Regulations and the Connecticut General Statutes as amended.
- B. In accordance with CGS § 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.
- C. The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by CGS § 8-7d. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only in accordance with CGS § 8-7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to ensure that the granting of the application or petition shall be in harmony with the purposes of these Regulations, as set forth in the Section 1.2, and as set forth in CGS § 8-2. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.
- D. In accordance with CGS § 8-7a, the Board shall record by a sound-recording device or competent stenographer each meeting at which the Board deliberates on a formal petition, application, request or appeal.
- E. The Board may in its discretion require any application for a variance under this section to be accompanied by certification by the local or regional health authority that the proposed provisions for water supply and sewage disposal comply with all sanitary codes, rules and regulations.
- F. Applications for variances granted by the Zoning Board of Appeals shall be subject to such terms and conditions as may be prescribed by the Board.
- G. Any variance in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Old Lyme by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General Statutes as amended.
- H. For any variance where filing of plans on the land records is a condition of such variance, final plans on Mylar shall be submitted for signing by the Chair of the Board no more than 65 days after the approval of such variance; and such plans shall be filed with the Town Clerk no later than 90 days after the signing thereof. Any plans not submitted or filed as provided herein shall be null and void.
- I. Any variance shall be deemed to incorporate the contents of any site or building plans or other documentation submitted in connection with any variance application, such that there shall be no change or Alteration in such plans or documents without the consent of the Board.
- J. The Board shall adopt such procedure as may be necessary to carry out the provisions of this section.

## 22.5 Appeal to Court

Any party aggrieved by any decision of the Zoning Board of Appeals may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the manner as provided under CGS § 8-8.

## Section 23. Moratoria

### 23.1 Purpose

Pursuant to the authority granted to it under CGS § 8-2, the Zoning Commission reserves the right to place a mortarium on any use or activity subject to these Zoning Regulations. Such mortarium, if adopted, will provide temporary restrictions or prohibitions on such use or activity for the purpose of reviewing and modifying, if necessary, the applicable regulations to ensure that they are consistent with the purpose of these Regulations as described in Section 1.2 and the Plan of Conservation and Development.

### 23.2 Moratoria

Active moratoria will be posted in this section.

# Article VII Definitions

## Section 24. Word Use and Abbreviations

### 24.1 Word Use

For the purposes of these Regulations, certain terms and words used in these Regulations shall be used, interpreted, and defined as set forth in this Section 24 and as follows:

- A. The word "person" includes an individual, a corporation, a partnership, and an unincorporated association.
- B. The word "shall" is always mandatory.
- C. The word "may" is permissive.
- D. "Board" means the Old Lyme Zoning Board of Appeals.
- E. "Town" means the Town of Old Lyme, Connecticut.
- F. "State" means the State of Connecticut.
- G. "Commission" means the Zoning Commission of the Town of Old Lyme, unless otherwise specified.
- H. "Planning Commission" shall mean the Planning Commission of the Town of Old Lyme.
- I. "Use", "used", or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied" as the primary purpose or activity.
- J. Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.
- K. The words "zone", "zoning district", and "district" shall have the same meaning.
- L. The phrase "these Regulations" shall refer to the entire Zoning Regulations of the Town of Old Lyme.
- M. The word "section" shall refer to a section of these regulations, unless otherwise specified.
- N. Any agency, commission, board, or department is that of the Town of Old Lyme, unless otherwise specified.

### 24.2 Abbreviations

**CGS:** Connecticut General Statutes

**§:** Section of the Connecticut General Statutes

**DEEP:** Connecticut Department of Energy & Environment

**FAA:** Federal Aviation Administration

**FCC:** Federal Communications Commission

**ft:** Feet

**N/A:** Not Applicable

**sf:** Square Feet

**SDP:** Site Development Plan

**SP:** Special Permit

**ZEO:** Zoning Enforcement Officer

**ZP:** Zoning Permit

## Section 25. Zoning Terminology Definitions

This section provides definitions for terms found in these Regulations. See Section 21 Use Definitions for definitions of uses listed in the Section 5 and Section 6 use tables.

**Abutting:** Separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting.

**Accessory:** A building or use that is clearly subordinate to the principal building or use and located on the same lot with such principal building or use.

**Accessory Farm Buildings:** Structures accessory to a farm and directly related to the agricultural use of the farm including but not limited to barns, sheds, stables, and silos.

**Accessory Use:** A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal use.

**Actual Construction:** The placing of construction materials in a permanent position in accordance with the approved plans for the building or other structure or site development and with intent to complete the construction in an expeditious manner.

**Addition:** An extension or increase in floor area or height of a building or other structure or an increase in building coverage.

**Adjoining:** Having a common boundary or edge; touching.

**Alcoholic Liquor and Permits:** Alcohol, beer, spirits and wine and the various types or classes of liquor permits as defined in CGS Chapter 545, known as the "Liquor Control Act".

**Alter, Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area. This also includes the extension of a nonconforming use of a building or other structure to occupy land outside such building or other structure or space in another building or structure.

**Attic:** The space between the top surface of the ceiling beams of the top story and the bottom surface of the roof rafters, which space is not finished or otherwise capable of being used as habitable space. An attic may constitute a story or a half story.

**Awning:** A roof-like cover that is temporary and collapsible in nature and that projects from the wall of a building for the purpose of shielding a deck, doorway or window from the elements.

**Basement:** That portion of a building having its floor level partly or wholly below grade, but, which has, at any point, floor-level access to grade and at least 6 contiguous lineal feet of floor level at or above grade. Any floor level of a building which is below grade and is not a "basement" shall be a "cellar".

**Buffer:** An area within a required yard which contains landscaping and may include screening with the primary function of providing effective visual and noise insulation from adjacent property and roadways.

**Building:** Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. The connection of two or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building.

**Building Coverage:** The ground coverage of a building or structure as described in Section 9.2.1.C.

**Building Height:** The height of a building or structure as described in Section 9.4.

**Building Official:** The Building Official, also known as the Building Inspector, of the Town of Old Lyme, or their designee.

**Building Permit:** A permit for construction issued by the Building Official pursuant to these Regulations and the Old Lyme Building Code.

**Bulk:** The size and shape of buildings, structures, and uses of land and the physical relationships of their exterior walls or limits of use to lot lines, the exterior wall of other buildings, structures or uses, and the open spaces required by these Regulations. Bulk includes regulations dealing with floor area ratio, floor area, building height, lot area, lot coverage, lot lines, minimum dimension square, or other similar regulations of volume, dimension, special relationship, or location.

**Caliper:** The diameter of a tree trunk measured 4 feet from the top of the root ball of an established tree and 2 feet from the top of the root ball of nursery specimen or newly planted tree.

**Cellar:** That portion of a building having its floor level partly or wholly below grade, and, which has, at no point, more than 6 contiguous lineal feet of floor level at or above grade and has no floor-level access at Grade.

**Certificate of Occupancy (CO):** A document issued by the Building Official which allows the occupancy or use of a building and certifies that the structure has been constructed in compliance with applicable codes and ordinances.

**Certification of Zoning Compliance:** A letter or document as issued by the Zoning Enforcement Officer stating that a specified use or structure is in conformance with all zoning regulations or is a valid non-conforming use.

**Change of Use:** Any proposed use which differs from the existing use of a building, structure or lot.

**Class A-2 Survey:** A Horizontal Control Survey which establishes points on a horizontal coordinate system to a standard of accuracy as defined in Section 20-300b-11 of the Regulations of Connecticut State Agencies Standards for Surveys and Maps.

**Coastal Jurisdiction Line (CJL):** The location of the topographical elevation of the highest predicted tide from 1983 to 2001, based on the most recent National Tidal Datum Epoch published by NOAA and described in terms of feet of elevation above the North American Vertical Datum of 1988. This replaces "high tide line" as the line of jurisdiction waterward of which State authority occurs PA 12-101.

**Commercial Greenhouse:** A use consisting of a structure in which plants, vegetables, flowers, and similar materials are grown for sale on the premises.

**Commercial Vehicle:** Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.

**Commission:** The Zoning Commission of the Town of Old Lyme.

**Cul-De-Sac:** A street with only one means of ingress and egress and ending in a turnaround.

**Deck:** An accessory structure consisting of one or more horizontal surfaces attached to and extending from the dwelling and used for accessory residential uses and which exceeds a height of one foot above the adjacent grade of the land at any point, such grade to be measured at the existing natural grade prior to site grading. A deck may not be covered by any roof, awning, or other surface, nor shall it be enclosed in any manner.

**Detached Dwelling:** A dwelling surrounded on all sides by yards and which does not have any roof, wall or floor in common with any other dwelling unit.

**Detached Structure:** A structure that does not share a common wall, party wall or roof with another structure.

**District:** Unless otherwise stated in these regulations, shall refer to a zoning district as specified in Section 2.

**Drainage:** The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, to maximize groundwater recharge, and to prevent or alleviate flooding.

**Drive-In:** A use, or an establishment designed or operated for such use, where a patron is served while seated in a motor vehicle located in a driveway, parking area, or similar area but excluding motor vehicle fuel sales.

**Driveway:** Any access from a street used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use or lot.

**Driveway, Common:** A driveway serving more than one lot.

**Dustless Surface:** Adequately covered with concrete, asphalt, or bituminous products, paver blocks or grass areas having subsurface structural support designed for motor vehicles (often referred to generically as "grassphalt").

**Dwelling:** A building containing one or more "dwelling units"; one or more buildings may be considered to be a "Dwelling" if designed for occupancy and so occupied by one Family.

**Dwelling Unit:** One or more rooms providing complete living facilities for one Family, including equipment for cooking or provisions for same, including room or rooms for living, sleeping and eating, and having its own separate entrance.

**Dwelling, Multiple Family:** A single detached dwelling on one lot used for residential purposes designed and/or used for occupancy by 3 or more families living independently of each other having separate or joint entrances, services and facilities.

**Earth Materials Addition (Filling):** The addition or depositing of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

**Earth Materials Removal (Excavation):** The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

**Easement:** A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

**Enlargement or to Enlarge:** Any addition to the floor area or volume of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

**Evergreen Tree:** A tree with a single main trunk that retains foliage year-round and may be coniferous or broadleaf species.

**Expansion:** Any increase in the size or capacity of a structure or use beyond its original dimensions or scope.

**Extension or to Extend:** An increase or amplification of an existing building, structure, or use. "Extension" shall be deemed to include any increase in the normal days or hours of operation or any increase in the scope of services offered of any non-conforming, non-residential use of land, buildings, or structures. To "extend" is to make an extension.

**Family:** An individual, any number of individuals related by blood, marriage, or adoption and living together as a single housekeeping unit or a group of not more than 6 people who need not be so related, living together as a single housekeeping unit; a roomer or boarder authorized under these Regulations and the bona-fide domestic servants and temporary guests of the family shall not be considered a member of the family for the purpose of this definition.

**Farm Building:** A building principally used for agricultural purposes.

**Finished Grade:** The final elevation of the ground surface after the completion of grading.

**Fire Marshal:** The legally designated Fire Marshal of the Town of Old Lyme or their authorized representative(s).

**Fire Chief:** The legally elected Fire Chief of the Town of Old Lyme or their authorized representative(s).

**Floor:** The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**Floor Area:** Any covered space of a building or other structure, whether enclosed by walls or not, which has ceiling height of 6 feet or greater.

**Grade:** The ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

**Ground Cover:** Plant materials generally not in excess of two feet in height and used for decorative purposes or for their soil stabilization characteristics.

**Hazardous Material:** Any substance which because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the Town of Old Lyme; any substance designated a hazardous material by any federal, state or local agency having jurisdiction shall also be deemed a hazardous material for purposes of these Regulations.

**High Tide Line (HTL):** A line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a high tide. The mark may be determined by: (1) line of oil or scum along shore objects; (2) a more or less continuous deposit of fine shell or debris on the foreshore or berm; (3) physical markings or characteristics, vegetation lines, tidal gauge; or, (4) by any other suitable means delineating the general height reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

**Human Occupancy:** The use of an enclosed space having means of egress, light, ventilation and access to sanitary facilities by any person or persons for the purpose of living, working or playing.

**Impervious:** Impenetrable by surface water.

**Landscaping:** The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation, planting of new vegetation, and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

**Livestock:** Includes such domestic animals as horses, cows, goats and sheep, or the like, but excluding mink and garbage-fed swine.

**Loading Space:** An off-street area or berth for the loading or unloading of commercial vehicles.

**Lot:** A parcel of land meeting the requirements of these Regulations; a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the Land Records of

the Town of Old Lyme; or, a building lot shown on a subdivision map approved by the Old Lyme Planning Commission and filed in the land Records of the Town of Old Lyme. In the case of multiple or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "lot" includes the terms "plot" and "parcel", but those terms do not include the term "lot".

**Lot, Area:** The area of a horizontal plane bounded by all lot lines.

**Lot Frontage:** The width of a lot measured along the front lot line.

**Lot Line:** Any boundary line of a lot.

**Lot Line, Front:** That lot line being along the street line which that lot abuts.

**Lot Line, Rear:** The shortest single straight lot line which is roughly opposite of, and farthest from, the front lot line.

**Lot Line, Side:** Any lot line not a front lot line or a rear lot line extending directly or indirectly from the front lot line.

**Lot of Record:** A lot for which a deed has been recorded in the Office of the Town Clerk of the Town of Old Lyme which lot met the requirements of these Regulations and of the Old Lyme Subdivision Regulations, if any, as the same were in force at the time of such recording.

**Minimum Dimension of Square:** All lots shall be capable of containing completely within the lot lines of said lot, a square having no side less than the minimum dimension set forth for the subject district by Section 8, Schedules A-2 and B-2 of these Regulations.

**Motor Vehicle:** A motor vehicle as defined per CGS § 14-1 as amended.

**Nonconformity:** A nonconforming use, building or other structure, lot or site development, or part thereof, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto.

**Non-Conforming Lot:** A lot of record that does not currently conform to these Regulations.

**Non-Conforming Use:** The actual use of land, buildings, or premises which is not a use permitted by these Regulations for the district or zone in which such use is occurring but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations.

**Non-Profit Corporation:** A Connecticut corporation organized and existing under the provisions of CGS Title 33, Chapter 598, for "Religious Corporations and Societies" and Chapter 598a for "Charitable Corporations and Societies" (non-stock corporations) provided that such corporation or trust shall also be classified and approved as a tax-exempt, charitable corporation or trust under the provisions of the Federal Internal Code.

**Occupy:** To take possession or enter upon for the purpose of using. When applied to a dwelling unit, see the definition of "Human Occupancy".

**Open Space (as applied to Bulk Requirements):** An unoccupied space open to the sky on the same lot as the subject building or structure.

**Open Space (as applied to use of land for public benefit):** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for non-commercial public use or enjoyment or for the non-commercial use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Open space may also include land improved for non-commercial active recreational activities open to the general public or for the use and enjoyment of

owners, occupants, and their guests of land adjoining or neighboring such open space. Open space shall not include land used for active recreational activities carried on for profit or functionally equivalent to such activities customarily carried on for profit, such as golf courses, tennis clubs, riding stables, and the like.

**Overlay Zone:** An area overlaying a district and applying standards, requirements, and procedures which relate to the particular nature and purpose of that zone, such as groundwater protection, coastal area management, floodplain protection, or protection of the Connecticut River Valley.

**Parcel:** Any contiguous piece of land, including one or more contiguous lots of Record, unified under the same ownership, whether or not every said piece of land was acquired at the same time, excluding, however, any parcel which is a "lot" as that term is defined in these Regulations.

**Parking Area:** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**Parking Space:** The accessory use of an area delineated in a parking lot or in a parking garage for the temporary accommodation of a single motor vehicle by the patron of, or visitor to, a use located on the lot and conforming to the requirements of these Regulations.

**Paved Area:** An area covered with a surface to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, or impervious surface drainage swales.

**Person:** An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

**Porch:** A portion of a building which has a roof and a floor and is not enclosed by full walls.

**Poultry:** Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs.

**Premises:** A lot or parcel and all buildings, uses and structures located thereon.

**Principal Building or Structure:** That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

**Principal Use:** The primary purpose or function for which a lot is used.

**Public:** Available for use by, or for the benefit of, the general public, whether upon payment of a fee or otherwise and regardless of the ownership or control thereof.

**Public Parking Lot:** A principal use of a lot, or portion thereof, used for the parking, standing, or storage of more than 3 registered motor vehicles owned by persons other than the owner or occupants of the Premises and offered for use to the general public upon payment of a fee.

**Refuse:** Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

**Residence:** One or more dwelling units for permanent human occupancy located in a permanent structure or building.

**Retaining Wall:** A wall or similar structural device used at a grade change to hold soil and/or other earth material at a higher position. Retaining walls may be attached to or independent from other structures.

**Right-of-Way:** A servitude imposed by law or by convention and by which one has a right to pass through the real property of another.

**Screen or Screening:** Dense vegetation or other landscape materials, fences, walls, or a combination thereof, which provide effective year-round visual insulation.

**Setback:** The distance from a property line as measured on a plane perpendicular from the property line.

**Shoreline Flood and Erosion Control Structures:** Any structure, or effect of, which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline. The term shall not include any addition, reconstruction, change or adjustment to any walled and roofed building which is necessary for such building to comply with the requirements of the Code of Federal Regulation, Title 44, Part 50, and any municipal regulations adopted thereunder.

**Shrub:** A deciduous or evergreen species of plant with a mature height of no more than 6 feet.

**Site Development:** Includes, but is not limited to, activities such as land clearing, grading, or excavation.

**Site Plan:** A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.

**Story:** That part of a building other than a basement or cellar included between the surface of any floor and the floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A story for which the floor area has a ceiling height of 6 feet or greater over an area greater than 50% of the floor area of the story directly below it shall be a "story."

**Story, Half:** That story having its floor joists at the level of the roof eave and for which the floor area has a ceiling height of 6 feet or greater over an area less than 50% of the floor area of the story directly below it.

**Street:** Any Town or State highway, except limited access State or Interstate highways; any public or private street shown on a subdivision plan approved by the Planning Commission and filed in the Land Records of the Town of Old Lyme, which approval has not lapsed in accordance with CGS § 8-26c; or, any street owned and maintained by a legally constituted association.

**Street Line:** The right-of-way or taking line of any street as defined above.

**Street, Traveled Way:** That part of the street used for the movement of vehicles.

**Structure:** Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including signs, vending machines, fences or walls over 6 feet in height, a wharf or dock, an above-ground tank, or a detached solar panel or satellite dish. This definition includes "manufactured homes". A structure shall not include a flagpole or an ornamental well.

**Subdivision:** As defined by the Old Lyme Subdivision Regulations.

**Subsidized Elderly Housing:** Rental housing in which dwelling units shall be occupied by no more than two Persons, at least one of which is either 62 years of age or older and is receiving or will be receiving financial assistance under any governmental program in accordance with CGS Chapter 138a or Section 1437f of Title 42 of the United States Code and/or is assisted housing as defined by CGS § 8-30g(a)(1)(8).

**Town:** The Town of Old Lyme, a municipal corporation having its territorial limits within the Town of Old Lyme, County of New London, and State of Connecticut.

**Use:** Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied, or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

**Vegetation:** The natural and traditional plant life of a region legally existing as of the adoption of these Standards, and not to include grass, gardens, and ornamental shrubs and trees.

**Water-Dependent Use:** Those uses and facilities which: require direct access to or location in marine or tidal waters, and, which, therefore, cannot be located inland; and uses which provide general public access to marine and tidal waters.

**Wetlands and Watercourses:** Inland wetlands, tidal wetlands, and watercourse as defined by CGS § 22a-38(15), 22a-29(2), and 22a-38(16), respectively.

**Yard, Required:** The minimum unoccupied space open to the sky on the same lot as the subject building or structure having those minimum dimensions prescribed by these Regulations.

**Yard, Minimum Required Front:** A yard between any principal building and the lot frontage line extending the full width of the lot between the lot side lines measured by the minimum horizontal distance between any such building and the lot frontage line; or, in the case of a corner lot, a similar yard extending along all streets.

**Yard, Minimum Required Rear:** A yard between any principal building and rear lot line extending the full width of the lot between the lot side lines measured by the minimum horizontal distance between any such building and the rear lot line; or, in the case of a corner lot, a similar yard extending across the side of the lot opposite the street on which the principal building has its street address or is otherwise the designated front of the lot.

**Yard, Minimum Required Side:** A Yard between the side lot line and any principal building extending on both sides of the lot from the front lot sine to the rear lot line; or, in the case of a corner lot, a similar Yard extending across the side of the lot opposite the street on which such building does not have its street address or is otherwise not the designated front of the lot. Any yard not a rear yard or a front yard shall be deemed to be a side yard.

## Section 26. Use Definitions

This section provides definitions for all uses listed in the Section 5 and Section 6 use tables. For definitions of terms not identified as uses in these tables, see Section 20 Zoning Terminology Definitions.

**Accessory Alcohol Sales:** The sale of alcohol as accessory to a principal use under a grocery store permit or restaurant permit.

**Accessory Apartment:** A set of rooms which includes a kitchen and bathroom that is accessory to a single detached dwelling unit.

**Accessory Building:** Building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal building, and which is in character with the neighborhood. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the bulk regulations to such building.

**Accessory Farm Buildings:** Buildings and structures accessory and directly related to a farm use including but not limited to barns, sheds, shelters, silos, and stables.

**Accessory Motor Vehicle Service:** Motor vehicle service conducted as an accessory use to the principal use.

**Adult Entertainment:** Any business or establishment that, by its nature or operation, restricts admission to persons at least 18 years of age or older, and which has as its primary purpose the presentation, sale, or display of materials, performances, or services intended for adult audiences. The use includes, but is not limited to, adult bookstores, cabarets, motion picture theaters, novelty stores, or similar uses.

**Affordable Housing:** See the definition set forth in CGS § 8-30g, as the same may be amended from time to time.

**Alternative Energy System:** Consists of the following:

**Solar Energy Collector:** A device that when attached to a building as an architectural component or as an accessory structure transfers direct solar energy into thermal, chemical or electrical energy that contributes to the energy supply for the building.

**Wind Turbine:** A device which converts wind energy by means of a rotor to mechanical or electrical energy.

**Animal Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted domestic animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, humane treatment and adoption of animals.

**Bed and Breakfast:** A building, or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence and which building(s) is/are designed or used for the short-term rental of up to 4 rooms to guests and capable of including, as an accessory use, the serving of meals exclusively to overnight guests of the facility.

**Boarding of Horses:** Keeping of horses owned and used by the occupants of a dwelling. 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.

**Boat Livery:** A commercial establishment where boats, kayaks, canoes, or other watercrafts are rented out to the public for short-term use. A boat livery may include facilities for the storage, docking, or launching

of watercraft, as well as accessory uses such as rental offices, repair services, and related equipment sales. This definition excludes operations that provide long-term docking or fueling .

**Building Materials Yard:** A retail establishment whose primary products including finished or rough-cut lumber, lumber products, or other building materials that are stored on-site.

**Business Service Establishment:** A commercial space dedicated to providing support services to other businesses, organizations, or individuals. These services are typically administrative, technical, operational, or field-based in nature and are delivered on-site or off-site. Examples include office support, administrative and back-office functions, cleaning and maintenance, courier and delivery, IT support, printing and copying, and property maintenance. This use excludes retail sales to the general public, motor vehicle services, storage, contractor's yards, data center, or industrial manufacturing uses.

**Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums and mortuaries.

**Central Air Compressor and Heat Pump Mechanicals:** Outside mechanical equipment associated with a building's heating, venting, and air conditions system.

**Club:** Land, buildings and facilities owned or operated by a non-profit entity for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, nor to render a service which is customarily carried on as a business. A club shall cater only to its members or guests accompanying them. A "member of a club" shall be a person who, whether as a charter member or admitted in accordance with the by-laws of the club, has become a bona-fide member thereof, who maintains their membership by the payment of their dues in accordance with such by-laws and whose name and address are entered on the list of membership of the club.

**Commercial Cattery:** A facility maintained for the boarding of one or more domestic cats for a fee.

**Commercial Kennel:** Three or more dogs, age 6 months or older, kept on a lot and bred for show, sports or sale; or, a building, structure or facility for boarding, grooming or training of one or more dogs for a fee.

**Commercial Livery, Boarding Stables, Riding Academies:** The feeding, housing, exercising, and training of horses, including horses not owned by the owner of the lot, and where the owner may receive compensation for such use. The use may include the giving of lessons for horses and their riders in the equestrian arts.

**Commercial Cutting:** See Section 15.2.1.

**Commercial Vehicle Parking:** The accessory parking of a commercial vehicle.

**Commercial Nursery:** Commercial propagation of flowers, plants, nursery stock, or berries.

**Community Building:** A building providing meeting and recreational space for civic activities, including administrative offices supporting such use.

**Community Residence:** A residential structure for persons with intellectual disabilities per CGS § 17a-227; or for children with mental or physical disabilities per CGS § 17a-227 and 17a-145 to 17a-151; or for persons receiving mental health or addiction services per CGS § 19a-491.

**Concrete Manufacturing and Processing:** The manufacturing, processing, and distribution of ready-mix concrete.

**Convalescent Home:** A medical institution providing shelter, clothing and food to resident patients and meeting the definition of a skilled nursing facility as that term is defined in applicable State and Federal law. Does not include "Rest Home".

**Dairy and Bottling Works:** A commercial facility engaged in the processing, packaging, and bottling of dairy products, including milk, cream, yogurt, and other dairy-based goods, for distribution and sale. This use may include pasteurization, homogenization, and other methods of dairy processing, as well as the packaging and bottling of these products. When these activities occur as an accessory function of a farm, they shall not be considered a principal use for the purpose of this definition.

**Deck:** An accessory structure consisting of one or more horizontal surfaces attached to and extending from the dwelling and used for accessory residential uses and which exceeds a height of one foot above the adjacent grade of the land at any point, such grade to be measured at the existing natural grade prior to site grading. A deck may not be covered by any roof, awning, or other surface, nor shall it be enclosed in any manner.

**Dog Training Facility:** A commercial use where dogs are trained for a fee and which facility is separate from the residence of the operator and from any facility at which dogs are housed on a temporary or permanent basis.

**Electric Vehicle Charging Station:** A public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other storage device in an electric vehicle.

**Family Child Care Home:** A private family home, as regulated by CGS § 19a-77, in which care is provided for not more than 6 children including the provider's own children not in school full time, without the presence of an assistant or substitute staff member approved by the State present and assisting the provider, or not more than 9 children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member, and for not less than 3 nor more than 12 hours during a 24-hour period and where care is given on a regularly recurring basis. An additional 3 school age children may be cared for before and after school hours only in the regular school year, including school vacations but excluding summer recess. The provider's own school age children are included in this account, except that if the provider has more than 3 school age children, all of the provider's own children shall be permitted.

**Farm:** Any tract of land for which the principal use is dairying or the raising of agricultural products, forest products, livestock, or poultry, and any uses accessory thereto, but excluding: commercial kennel; commercial cattery; commercial propagation and growing of flowers, plants, nursery stock, and berries, when combined with on-site sales to the general public; commercial greenhouses; commercial livery and boarding stables; commercial veterinary hospitals; cattle feed lots; and, rendering plants.

**Farmstand:** A seasonal roadside stand for sale of agricultural produce grown on the premises.

**Fence or Wall:** A structure for enclosure or screening.

**Financial Institution:** A financial service business that primarily provides person-to-person retail banking services at that location including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking.

**Full-Service Restaurant:** The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building.

**Garage:** A structure designed for the storage of motor vehicles, bicycles, or other personal property. A garage may be attached to or detached from a principal building.

**Generator:** A piece of equipment located outside and powered by a motor intended to provide electrical power on a temporary basis.

**Golf Course:** A tract of land laid out for at least nine holes for playing the game of golf that may include, as accessory uses, a clubhouse, swimming pools, tennis courts, dining and snack bars, pro shop, or practice facilities.

**Governmental Service:** Any use, carried out by a public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, non-commercial ambulance and other emergency services, and other similar uses.

**Group Child Care Home:** A facility licensed by the State of Connecticut in which care is provided for not less than 7 nor more than 12 related or unrelated children on a regular basis, or which meets the definition of a Family Child Care Home except that it operates in a facility other than a private family home. "Group Child Care Home" does not include services that are: (1) administered by a public or private school system which is in compliance with CGS § 10-188; (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs; (3) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.

**Guest House:** A building accessory to a single-family dwelling designed to house, without compensation, occasional guests of the occupants of the principal use, such building containing no facilities for cooking. A guest house shall not include an accessory apartment.

**Handicapped Access to Residential Structures:** A temporary structure consisting of a ramp providing access to a residential structure.

**Home Occupation:** An accessory use conducted within a dwelling or an accessory structure of such dwelling by a resident of the dwelling, for compensation or income, that is incidental and subordinate to the residential use and does not alter the residential character of the property. A home occupation may include but is not limited to professional, administrative, artistic, instructional, or craft-based activities; preparation of food or goods; small-scale personal services; and workshops for light handcrafts or skilled trades performed indoors. Home occupations may involve limited on-site client visits by appointment. Examples include professional offices, medical or dental offices, consulting, design services, tutoring, counseling, small-scale studio or craft work, and similar low-impact enterprises and may only include the sale of goods only if produced on the premises. A home occupation does not include uses that generate noise, traffic, parking demand, outdoor storage, or other impacts inconsistent with residential areas. Excluded from home occupation use is automotive service or repair; the repair of internal combustion engines or their use in a workshop; contractor's yards; manufacturing or fabrication of an industrial nature; medical or dental clinics with multiple practitioners; personal service establishments with more than one workstation (e.g., more than one chair or sink); and animal boarding.

**Indoor Recreational Facility:** An indoor facility used for recreational activities including assembly halls, dance halls, bowling alleys, and tennis, handball, paddleball, squash, swimming, skating, soccer, lacrosse, hockey, field hockey, and similar activities.

**Inn:** A building or group of buildings, which building(s) is/are designed or used for the short-term rental of more than 4, but no more than 40 rooms, to guests, and capable of including, as an accessory use, the serving of meals to both persons occupying the facility and the general public.

**Institutional Use:** A philanthropic, educational, recreational or religious non-residential use conducted by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane.

**Keeping of Pets:** The keeping of customary pet animals.

**Laundromat:** An establishment that provides washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

**Lavatory or Laundry Facilities Accessory to a Marine Facility:** Lavatory or laundry facilities accessory only to a marine facility.

**Letting of Rooms:** A building where lodging and/or meals are provided to long-term (i.e., non-transient) residents only, for compensation, utilizing one central kitchen facility and expressly excluding cooking facilities in any guest room. The letting of rooms shall only be conducted in a residence occupied by the owner of the building as a permanent residence and all elements of the use shall be confined to the principal building on the lot.

**Manufacturing:** Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity.

**Marine Facility:** A dock, wharf, slip, basin or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.

**Marine Related Sales:** A retail facility specializing in the sale of marine-related goods, including marine equipment, engines, bait, tackle, and other supplies essential to boating, fishing, and maritime activities.

**Marine Research Facility:** A scientific or educational institution dedicated to the study of marine and coastal environments. This facility may conduct research on marine biology, oceanography, and environmental conservation, including activities such as field studies, laboratory analysis, and data collection.

**Memorial Garden:** A principal use when a governmental service, or an accessory use when not a Governmental Service, which consists of landscaping, terraces, benches, fountains, or other outdoor decorative amenities intended to memorialize the life of a departed person or persons and to facilitate quiet contemplation and reflection.

**Mixed-Use:** A development or building that combines two or more compatible uses, such as residential, commercial, office, or institutional spaces, within a single property or structure. The uses may be arranged either vertically (e.g., commercial on the ground floor with residential or offices above) or horizontally (e.g., different uses in separate buildings within the same property). Mixed-use developments are designed to promote walkability, reduce the need for vehicular travel, and create vibrant, integrated communities by allowing a blend of activities that support each other.

**Mortuary or Funeral Home:** An establishment specializing in the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation in accordance with CGS Chapter 385. Excludes on-site chemical preparation or embalming.

**Motor Vehicle Service:** A facility providing repair, maintenance, or servicing of motor vehicles, including automobiles, trucks, trailers, buses, and farm equipment. Permitted activities may include mechanical repairs, painting, and upholstery. Such facilities must operate in compliance with the appropriate repairer's license issued by the Connecticut Department of Motor Vehicles.

**Multiple Dwelling Development:** Two or more multiple dwellings located on one lot.

**Multi-Family Housing:** Housing that provides more than one but no more than six dwelling units within the same building or site for use by one family each (as the term family is defined herein).

**Non-Commercial Cutting:** See Section 15.2.1.

**Nursing Home:** An establishment which is licensed by the Department of Health Services pursuant to Chapter 368v of the Connecticut General Statutes and which furnishes food and shelter to two or more

persons unrelated to the proprietor, and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry, such services including, but not limited to, assistance in personal hygiene, nutrition, exercise, recreation, and health maintenance. "Nursing Home" includes "Home for the Aged" and "Rest Home" but does not include "Convalescent Home" or "Skilled Nursing Facility".

**Off-Street Parking:** Parking space(s) as required by these Regulations which is/are located outside a street right-of-way.

**Outdoor Recreational Facility:** Outdoor facility designed and equipped for the conduct of tennis, handball, paddleball, squash, swimming, skating and similar such activities.

**Outdoor Vending Machine:** Machines located outside for the sale of beverages or snacks.

**Outside Storage of Goods:** The outside storage of goods as accessory to the principal use.

**Package Store:** A store holding a State of Connecticut Package Store Liquor Permit, which conducts the retail sale of alcoholic liquor in sealed bottles or containers not to be consumed on the permit premises.

**Park:** An area set apart for recreation of the general public to promote its health and enjoyment and owned and operated by a non-profit corporation or as a governmental service.

**Planned Residential Conservation Development (PRCD):** The development, maintenance and use of an area of land in the Town as a single entity for dwelling units according to a plan which does not conform in one or more respects to the standards governing the size and dimensions of lots and the type of improvements that may be constructed thereon as provided for in other sections of these Regulations.

**Playground:** An outdoor area designed for recreational use, featuring playground equipment such as swings, slides, climbing structures, playhouses, or similar apparatus typically installed for children's play. Playgrounds may also include open space, seating, and safety surfacing to support safe and engaging activities for children and families.

**Private Boathouse or Dock:** A structure located adjacent to a waterbody, used for the non-commercial docking or storage of watercraft, watercraft equipment, and related accessories.

**Private Dog Kennel:** Structure, open or enclosed, in which a total of no more than 3 dogs are kept for pleasure or non-commercial breeding.

**Private School:** A private for-profit or non-profit primary or secondary school approved by the Connecticut State Department of Education or a private for-profit or non-profit higher education institution licensed by the Connecticut Office of Higher Education. Includes uses that are typically incidental to such use including but not limited to indoor and outdoor recreation facilities, outbuildings for educational purposes, auditoriums, offices and training facilities, and accessory buildings and structures for vehicles, maintenance, and utilities.

**Professional Office:** A space primarily used for providing direct professional services to individuals or members of the general public. This includes, but is not limited to, services in the financial, medical, dental, business consulting, legal, or other professional fields. The primary activity is the delivery of expertise and personalized service to clients. The space typically features limited storage for office supplies and client-related materials, with minimal or no stock for resale accessory to the primary service.

**Propane Tanks or Above Ground Oil Tanks:** Outside propane or oil tanks for the storage of fuels for on-premises use.

**Public School:** A public school operated by a local or regional government providing primary or secondary education. Includes uses that are typically incidental to such use including but not limited to

indoor and outdoor recreation facilities, outbuildings for educational purposes, auditoriums, offices and training facilities, and accessory buildings and structures for vehicles, maintenance, and utilities.

**Public Utility Facility:** Buildings, structures, or storage yards that facilitate the operation, transmission, distribution, or maintenance of a public utility provided by a public service company as defined by CGS § 16-1(a)(3) including but not limited to communications, electricity, water, sewer, and/or natural gas service.

**Recreational Entertainment Facility:** Indoor or outdoor facility providing entertainment that is engaged in by the patron such as arcades or rides.

**Recreational Vehicle or Camper Trailer Parking:** The parking of a vehicle or trailer used for vacation travel, camping, or similar recreational uses.

**Rental or Leasing of Automobiles:** Rental or leasing of new or operable used automobiles, including trucks, trailers, buses and farm equipment together with associated storage of such vehicles but excluding maintenance facilities for such vehicles.

**Research Laboratory:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

**Retail Establishment:** An establishment engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.

**Roadside Shelters for School Children:** A structure, open or partially enclosed, located along a roadway and designed for use by school children.

**Sale of Fuels or Lubricants for Boats:** The sale of fuels or lubricants for boats conducted accessory to a marine facility.

**Self-Storage Facility:** A storage facility open to the general public consisting of individual, leased, storage units.

**Septage Storage and Transfer Facility:** A facility in which sludge, waste, water or other products removed from onsite effluent disposal systems, septic tanks, and similar systems for the storage and treatment of human wastes are collected, stored and then transferred in bulk to wastewater treatment plants for processing. Shall not include any facility for the storage, treatment or handling of hazardous substances as defined in CGS § 21-a-335; hazardous chemicals, as defined in CGS § 29-336; hazardous waste as defined in CGS § 22a-115; radioactive material regulated pursuant to CGS § 22a-148; or petroleum products.

**Shared Septic System:** A wastewater treatment system designed to serve multiple properties or buildings, managing the collection, treatment, and disposal of sewage in a centralized manner. Such systems are typically maintained jointly by the users or a designated management entity, subject to local and state health regulations including the Connecticut Department of Public Health Technical Standards for Subsurface Sewage Disposal Systems (2018), as amended.

**Sign:** Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination,

special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

**Single-Family Dwelling:** A single detached dwelling on one lot used for residential purposes and designed and/or used for occupancy by one family, as that term is defined herein.

**Structure or Rooftop Mounted Antenna:** An antenna accessory to a building or structure serving only the premises on which located.

**Tag Sale:** The temporary use of land or the buildings thereon for the purpose of the public sale of personal household goods by the owner or resident, thereof in conjunction with the cleaning-out or vacating of residential premises but excluding the sale of any goods brought to the premises for the purpose of sale except where more than one family may cooperatively enter into such a sale at one location. Includes garage sale, yard sale, barn sale, attic sale, and any similar term or activity.

**Take-out Restaurant:** The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use with only incidental on-premises consumption.

**Telecommunications Tower:** A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.

**Telecommunications Antenna:** A device used to collect or transmit telecommunications or radio signals; examples are panels, microwave dishes, and single poles known as whips.

**Telecommunications Equipment Building:** A building, accessory to a telecommunications tower, in which the electronic receiving and relay equipment in support of a telecommunications device is housed.

**Terrace:** A surfaced area adjacent to a building which serves as an outdoor extension of the use of that building, which is open both vertically and horizontally, and which does not exceed a height of 12 inches above the adjacent grade of the land.

**Theater:** A building or part of a building which features motion picture viewings or dramatic, dance, musical, or other live performances.

**Tourist Home:** A private residence that is used for temporary lodging or accommodation, typically for travelers, tourists, or other short-term guests. The tourist home provides sleeping accommodation and may include accessory services such as meals or recreational facilities but is not operated as a commercial hotel or motel.

**Trailer Construction Storage/Office:** Vehicle, container or object, excluding buildings used for storage of goods or materials to be utilized in the construction of building(s), structure(s), or use(s) on the lot upon which such Trailer is located or the housing of field offices for such construction on such lot, which Trailer is designed to be moved on its own wheels, flatbed or other trailer.

**Trailer Permanent Storage:** Vehicle, container or object, excluding buildings used for storage of goods or materials which is designed to be moved on its own wheels, flatbed or other trailer. Any trailer located on the same lot for more than 90 days during any calendar year shall be considered a "Permanent Storage Trailer".

**Trailer Temporary Storage:** Vehicle, container or object, excluding buildings used for storage of goods or materials, which is designed to be moved on its own wheels, flatbed or other trailer, and which Trailer is located on the same lot for no more than 90 days during any calendar year.

**Truck, Bus, or Fleet Terminal:** A facility used for the parking, storage, and maintenance of trucks or school buses. These terminals may include loading and unloading areas, administrative offices, repair or service areas, and fueling stations. Operations are primarily focused on the transportation and logistics of goods and passengers. Such terminals do not include retail or commercial operations unrelated to vehicle.

**Two-Family Dwelling:** A single detached dwelling on one lot used for residential purposes designed and/or used for occupancy by two families (as the term family is defined herein) living independently of each other having separate or joint entrances, services and facilities but not including accessory apartments.

**Veterinary Hospital:** Any use where animals are given medical or surgical treatment and are boarded or cared for overnight but which does not meet the definition or requirements of veterinary clinic.

**Veterinary Clinic:** An establishment where animals or pets are given medical or surgical treatment on an outpatient basis.

**Warehouse:** A building or structure used primarily for the storage, distribution, or handling of goods, merchandise, or materials. Warehouses may include associated activities such as inventory management, order fulfillment, and packaging, but do not include retail sales or the processing of goods.

**Yacht Club:** A club, as defined in these Regulations, the primary focus of which is on social, educational, and recreational activities related to boating and the sea. Such activities may include yacht design and racing, sailing, seamanship, navigation, and safety education, inter-club regattas, group (fleet) cruises, social and dining opportunities, aquatic sports or programs to preserve the marine environment, any of which activities may be open to club members or the general public. Accessory uses may include dining rooms, meeting rooms, sailing classes, sailing races and educational programs.

# Appendices

Appendix 1: 2025 Comprehensive Rewrite Record of Amendments

Appendix 2: Record of Amendments

## Appendix 1: 2025 Comprehensive Rewrite Record of Amendments

This appendix provides a guide for amendments made to the Zoning Regulations associated with the 2025 comprehensive zoning rewrite, which resulted in a complete restructuring of the regulations. As such, a detailed line-by-line record of amendments is not feasible to provide. This record is intended to function as a useful reference for comparing the prior regulations to the new regulations and it identifies major changes that were made to the regulations that may be impactful to how the regulations are administered and enforced.

### Section Guide

The following table provides a guide to reorganization of the 2025 Zoning Regulations amendment as compared to the most recent comprehensive revision which was effective March 7, 2008.

2008 Edition Section #	2008 Edition Section Name	2025 Edition Section #	2025 Edition Section Name or Notes
1	Preamble	1	Purpose and Authority
1.1	Title	1.1	Title
1.2	Purpose	1.2	Purpose
1.3	Comprehensive Plan	1.3	Comprehensive Plan
2	Area/Use Classification	2	Establishment of Zoning Districts and Zoning Map
2.1	Codification	1.5	Amendment of Regulations
2.2	Jurisdiction	1.6	Jurisdiction
2.3	Nonconformity	1.5	Amendment of Regulations
2.4	Zoning Districts and Zones	2.1, 2.2	Establishment of Zoning Districts and Zoning Map
2.5	District Boundaries	2.3	District Boundaries
2.6	Reserved	—	<i>Eliminated</i>
2.7	Scope of Controls	1.5	Amendment of Regulations
2.8	Abandonment of Seasonal Use Distinctions	—	<i>Eliminated</i>
3	Definitions	A.VII	Definitions
3.1	Intent and General Rules of Construction	24	Moratoria
3.2	Definitions	25, 26	Zoning Terminology Definitions, Use Definitions
4	General Regulations		<i>Multiple Sections</i>
4.1	Permitted and Prohibited Use	3.1	Permitted Uses
4.2	Coastal Boundary	12.1	Coastal Boundary
4.3	Tidal Waters Protection	12.2	Tidal Waters Protection
4.4	Flood Hazard Regulations	13.1	Flood Plain Zone

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
4.5	Performance Standards	14.1	Performance Standards
4.6	Buffer Requirements for Non-Residential Uses	14.2	Buffer Requirements for Non-Residential Uses
4.7	Corner Visibility	14.3	Corner Visibility
4.8	Street Numbers	14.6	Street Numbers
4.9	Keeping of Animals	7.10	Farms
4.10	Conservation Zone Requirements Gateway	13.2	Gateway Conservation Zone
4.11	Residence in Underground, Incomplete, or Temporary Building or Structure	14.7	Occupancy and Use of Structures
4.12	Temporary Uses	3.1	Permitted Uses
4.13	Stormwater Runoff Control	15.5	Stormwater Management
4.14	Driveway Standards	14.4	Driveway Standards
4.15	No More Than One Principal Use on a Lot	14.8	Number of Principal Uses per Lot
5	Use Regulations	A.II	Use Regulations
5.0	Use Categories	3.1, 3.2	Permitted Uses, Prohibited Uses
5.1	Residence R-20 District (R-20)	5.1, 6.1	Residential Zones
5.2	Residence R-15 (R-15)	5.1, 6.1	Residential Zones
5.3	Residence R-10 District (R-10)	5.1, 6.1	Residential Zones
5.4	Residence R-15 (R-15)	5.1, 6.1	Residential Zones
5.5	Residence R-10 District (R-10)	5.1, 6.1	Residential Zones
5.6	Multi-Family Residence MFR-80 District (MFR-80)	5.1, 6.1	Residential Zones
5.7	Multi-Family Residence MFR-40 District (MFR-40)	5.1, 6.1	Residential Zones
5.8	Multi-Family Residence MFR-20 District (MFR-20)	5.1, 6.1	Residential Zones
5.9	Waterfront Business District (WF-20)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.10	Commercial C-30 District (C-30) and C-30S District (C-30S)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.11	Commercial C-10 District (C-10)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.12	Light Industry LI-80 District (LI)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.13	Sound View Village District (SVDD)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.14	School District (SD)	5.2, 6.2	Commercial, Industrial, and Special Zones
5.15	Moratoria	23	Moratoria

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
6	Prohibited	3.2	Prohibited Uses
6.1	Prohibited Uses	3.2.2	List of Prohibited Uses
6.2	Pursuant to Connecticut General Statutes...	3.2.1	Prohibition on Variances
7	Accessory Uses, Buildings, and Structures	8	Accessory Use Regulations
7.1	Accessory Buildings General Requirements	8.1.1	General Requirements for all Accessory Buildings
7.2	Accessory Buildings Use	8.1	Accessory Buildings
7.3	Accessory Buildings Specific Types	8.1	Accessory Buildings
7.4	Accessory Structures Location	8.2	Accessory Structures
7.5	Accessory Structures Use	8.2	Accessory Structures
7.6	Accessory Structures Specific Types	8.2	Accessory Structures
7.7	Accessory Uses	8.3	Accessory Uses
7.8	Accessory Uses Specific Types	8.3	Accessory Uses
7.9	Accessory Structures and Uses Accessory to a Farm	8.1.2	Accessory Farm Buildings
8	Area, Yard, and Height Requirements	9	Area, Yard, and Height Standards
8.0	Purpose and General Provisions	9.1	Purpose and General Provisions
8.1	Permitted Area, Frontage, Yards or Lot Coverage; Measurement	9.2	Floor Area and Coverage
8.2	Permitted Area, Frontage, Yards or Lot Coverage; Building Projections; Height Requirements; Minimum Floor Area	9.2-9.5	Floor Area and Coverage; Lot Area, Shape, and Frontage; Height; Setbacks and Required Yards
8.3	Multiple Frontage (Corner Lots)	9.7.1	Multiple Frontage (Corner Lots)
8.4	Minimum Area of Buildable Land	9.6	Minimum Area of Buildable Land
8.5	Lots in More Than One Zone	9.7.2	Lots in More Than One Zone
8.6	Lots on Narrow Streets	9.7.3	Lots on Narrow Right-of-Way
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	9.8	Reductions in Required Yards
8.8	Table of General Bulk Regulations, Residential Districts	10.1	Residential Zoning District Bulk Standards
8.9	Table of General Bulk Regulations, Non-Residential Districts	11.1	Commercial, Industrial, and Special Zoning District Bulk Standards

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
9	Non-Conforming Lots, Uses, Buildings, and/or Structures	4	Non-Conforming Lots, Uses, Buildings and Structures
9.0	Intent and General Rules	4.1	Purpose and General Regulations
9.1	Non-Conforming Lots	4.2	Non-Conforming Lots
9.2	Non-Conforming Uses	4.3	Non-Conforming Uses
9.3	Non-Conforming Buildings and Structures	4.4	Non-Conforming Buildings and Structures
9.4	Illegal Use	4.1.6	Pre-Existing Violations
9.5	Zoning Permits, Certificates of Zoning Compliance, Special Permits and Variances Amendments to Regulations or Zones	4.1.7	Previously Filed Applications
9.6	Expiration of Special Permits and Variances; Zoning Permit	4.1.8, 19.5, 20.6	<i>Distributed across multiple sections</i>
10	Reserved	—	<i>Eliminated</i>
11	Special Regulations		<i>Distributed across multiple sections</i>
11.0	Special Regulations	—	<i>Eliminated</i>
11.1	Reserved	—	<i>Eliminated</i>
11.2	Golf Courses	7.12	Golf Courses
11.3	Community Residence for Mentally Ill Adults	7.7	Community Residences
11.4	Community Residence for Mentally Retarded Persons	7.7	Community Residences
11.5	Vending Machines	8.2.8	Outdoor Vending Machines
11.6	Inns	7.14	Inns
11.7	Reserved	—	<i>Eliminated</i>
11.8	Motor Vehicle Gasoline and Service Stations	7.16	Gas Stations and Motor Vehicle Service
11.9	Motor Vehicle Limited and General Repair and Service	7.16	Gas Stations and Motor Vehicle Service
11.10	Motor Vehicle and Motor Equipment Storage and Sales	7.16	Gas Stations and Motor Vehicle Service
11.11	Reserved	—	<i>Eliminated</i>
11.12	Restaurants	7.11	Full-Service Restaurants
11.13	Alternative Energy Systems	7.2	Alternative Energy Systems
11.14	Hospital, Rest Home and Convalescent Home	7.8	Convalescent or Nursing Homes

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
11.15	Commercial Propagation and Growing of Flowers, Plants, Nursery Stock and Berries; Commercial Greenhouses	7.6	Commercial Nursery
11.16	Commercial Cattery, Dog Kennels, Veterinary Hospitals, Veterinary Outpatient, Clinics, and Dog Training Facilities	7.3, 7.4	Commercial Cattery; Commercial Kennel or Veterinary Hospital
11.17	Commercial Livery and Boarding Stables; Riding Academies	7.5	Commercial Livery, Stables, and Riding Academies
11.18	Trailers, Offsite Construction Storage and Staging Areas	8.2.12-8.2.14	Trailer Construction Storage/Office; Trailer Permanent Storage; Trailer Temporary Storage
11.19	Telecommunications Facilities	7.25	Telecommunications Facilities
11.20	Commercial and Non-Commercial Cutting: Cutting and Removal of Forest Tree Species	15.2	Cutting of Forest Tree Species
11.21	Adult Entertainment	7.1	Adult Entertainment
11.22	Septage Storage and Transfer Facility	7.24	Septage Storage or Transfer Facility
11.23	Assembly Halls, Dance Halls, Bowling Alleys and Other Indoor & Outdoor Recreation Uses	7.19, 7.22	Outdoor Recreation Facility; Recreational Entertainment Facility
11.24	Outside Storage of Goods	8.3.9	Outside Storage of Goods
11.25	Special Standards for Multiple Dwellings	7.17	Multiple Dwelling Development
11.26	Special Regulations for Transient Lodgings	7.14	Inns
11.27	Indoor Recreational Facility in LI-80 Zone District	7.13	Indoor Recreation Facility
11.28	Electric Vehicle Charging Stations	8.2.3, 16.9	Electric Vehicle Charging Stations; Electric Vehicle Charging Requirement
12	Planned Residential Conservation Development	7.21	Planned Residential Conservation Development (PRCD)
12.1	General	7.21	Planned Residential Conservation Development (PRCD)
12.2	Definitions	7.21.2	Definitions
12.3	Objectives	7.21.1	Purpose
12.4	Special Permit	7.21.3	Special Permit Approval
12.5	Permitted Location of PRCDs	—	<i>Eliminated</i>
12.6	Permitted Uses Within PRCD Areas	7.21.4	Permitted Uses
12.7	Types of Dwellings Allowed Within PRCD	7.21.5	Types of Dwellings Allowed
12.8	Area Requirements	7.21.6	Area Requirements

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
12.9	Density	7.21.7	Density
12.10	Design Standards of General Application	7.21.8	Design Standards of General Application
12.11	Specific Design Criteria	7.21.9	Specific Design Criteria
12.12	Authority to Increase Setbacks or Require Screening	7.21.10	Authority to Increase Setbacks or Require Screening
12.13	Zoning and Subdivision Regulations General Applicability	7.21.11	Zoning and Subdivision Regulations General Applicability
12.14	Open Space	7.21.12	Open Space
12.15	Access, Circulation, Streets and Parking	7.21.13	Access, Circulation, Streets and Parking
12.16	Sewage Disposal and Water Supply	7.21.14	Sewage Disposal
12.16	Sewage Disposal and Water Supply	7.21.15	Water Supply
12.17	Lighting	7.21.16	Lighting
12.18	Signs	7.21.17	Signs
12.19	Management of PRCDs	7.21.18	Management of PRCDs
12.20	Authorization Procedures	7.21.19, 7.21.20	Method of Ownership; Authorization Procedures
13	Site Development Plans and Special Permits	19, 20	Site Development Plans; Special Permits
13A	Site Development Plans	19	Site Development Plans
13B	Special Permits	20	Special Permits
14	ALCOHOLIC LIQUOR	7.20, 8.3.1	Package Store; Accessory Alcohol Sales
14.1	General	—	<i>Eliminated</i>
14.2	Special Permit	—	<i>Eliminated</i>
14.3	Residence and Rural Districts	8.3.1	Accessory Alcohol Sales
14.4	Waterfront Business and Light Industry Districts	—	<i>Eliminated</i>
14.5	Commercial Districts	8.3.1	Accessory Alcohol Sales
14.6	Termination of Liquor Establishment	8.3.1	Accessory Alcohol Sales
15	Excavation and Filling of Earth Products	15.3	Excavation, Removal, or Deposit of Material
15.1	General, Definitions	15.3.1	Definitions
15.2	Exemptions	15.3.2	Exemptions
15.3	Special Permits: Eligible Locations	15.3.3	Limitations
15.4	Application for Special Permit	15.3.4	Application for Special Permit
15.5	Procedure and Conditions for Approval	15.3.5	Procedure and Conditions for Approval

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
15.6	Alterations of Conditions	15.3.6	Alterations of Conditions
15.7	Additional Conditions	15.3.7	Additional Conditions
15.8	Bond	15.3.8	Bond
15.9	Periodic Reports	15.3.9	Periodic Reports
15.10	Duration of Special Permit	15.3.10	Duration of Special Permit
15.11	Expansion of Existing Operations	15.3.11	Expansion of Existing Operations
15.12	Termination of Existing Operations	15.3.12	Site Restoration
15.13	Permits for Existing Operations	15.3.13	Permits for Existing Operations
15.14	Extension of Permits Issued Under Repealed Art. III, Sec. F.16, Expanding the Scope of an Earlier Permit	15.3.14	Extension of Permits Issued Under Repealed Art. III, Sec. F.16, Expanding the Scope of an Earlier Permit
15.15	Date of Adoption of this Section	15.3.15	Original Date of Adoption of this Section
16	Erosion and Sedimentation Control	15.4	Soil Erosion and Sedimentation Control
16.1	General	15.4.1, 15.4.3, 15.4.4	Purpose; Applicability; Basic Requirements and Certification
16.2	Special Definitions	15.4.2	Definitions
16.3	Basic Requirement	15.4.4	Basic Requirements and Certification
16.4	Control Plan	15.4.5	Control Plan
16.5	Minimum Acceptable Standards	15.4.6	Minimum Acceptable Standards
16.6	Procedures for Certification	15.4.7	Procedures for Certification
16.7	Conditions	15.4.8	Conditions
16.8	Inspection	15.4.9	Inspection
16.9	Fees	—	<i>Eliminated</i>
17	Aquifer Protection Regulations	13.3, 15.1	Aquifer Protection Zone; Protection of Surface and Ground Water
17A	Aquifer Protection Zones	13.3	Aquifer Protection Zone
17B	Town-wide Regulations for the Protection of Surface and Ground Water	15.1	Protection of Surface and Ground Water
18	Off-Street Parking and Loading	16	Off-Street Parking and Loading
18.1	General	16.1	General Requirements
18.2	Standards for Spaces	16.2	Standards for Spaces
18.3	Design and Construction Standards	16.3	Design and Construction Standards
18.4	Number of Parking Spaces	16.4	Required Parking Spaces

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
18.5	Loading Space Standards	16.5	Loading Space Standards
18.6	Classification of Uses	16.6	Parking Requirement for Mixed Uses
18.7	Joint Use	16.7	Joint Use
18.8	Modification of Standards	16.8	Modification of Standards
19	SIGNS	17	Sign Regulations
19.1	General	17.2	General Requirements
19.2	Purpose	17.1	Purpose
19.3	Definitions	17.3	Definitions
19.4	Standards All Zoning Districts	17.4	Standards All Zoning Districts
19.5	Standards Residence or Rural Districts	17.5	Standards Residence and Rural Districts
19.6	Standards Commercial, Industrial Business and Sound View Village Districts	17.6	Standards Commercial, Industrial Business and Sound View Village Districts
19.7	Applications for Sign Permits	17.7	Applications for Sign Permits
19.8	Applications for Temporary Sign Permits	17.8	Applications for Temporary Sign Permits
19.9	Signs Within the Historic District	17.9	Signs Within the Historic District
19.10	Special Permits and Site Development Plans	—	<i>Eliminated</i>
20	Administration and Enforcement	21	Administration and Enforcement
20.0	Intent	21.1	Purpose
20.1	Zoning Enforcement Officer	21.2	Zoning Enforcement Officer
20.2	Enforcement and Penalties	21.3	Enforcement and Penalties
20.3	Zoning Permit and Certificate of Zoning Compliance	18	Zoning Permit and Certificate of Compliance
20.4	Building Permit	18.4, 20.4	Building Permit
20.5	Certificate of Occupancy	21.5	Certificate of Occupancy
20.6	Appeals of Decisions	21.6	Appeals of Decisions
20.7	Site Development Plans, Special Permits, Planned Residential Cluster Developments, and Variances: Deviations, Amendments, Misrepresentations	21.7-21.12	Recording Requirement; Compliance; Revocation; Minor Changes; Major Changes; Incorrect or Invalid Information;
20.8	Performance Bonds	21.13	Performance Bonds
20.9	Curb Cuts	14.5	Curb Cuts
20.10	Certificates for a Use Subject to Performance Standards	18.1	Compliance with Performance Standards
20.11	Fees	—	<i>Eliminated</i>

<b>2008 Edition Section #</b>	<b>2008 Edition Section Name</b>	<b>2025 Edition Section #</b>	<b>2025 Edition Section Name or Notes</b>
21	Zoning Board of Appeals	22	Zoning Board of Appeals
21.1	General	22.1	Powers and Duties
21.2	Policy for Grant of Variances	22.1	Powers and Duties
21.3	Conditions: Expiration Date	22.4	Procedures
21.4	Use Variances	—	<i>Eliminated</i>
21.5	Appeals and Variances in Flood Plain District	22.3	Appeals and Variances in Flood Plain District
21.6	Considerations and Conditions for Variance in Flood Plain District	22.3	Appeals and Variances in Flood Plain District
21.7	Procedures	22.4	Procedures
21.8	Appeal to Court	22.5	Appeal to Court
22	Planning Commission	—	<i>Eliminated</i>

## Eliminated Sections

The following table provides an itemized summary of sections or content from sections of the 2008 Edition regulations that were not included in the 2025 Edition regulations.

2008 Edition Section #	Name/Description of Section Eliminated	Purpose Eliminated
2.8	Abandonment of Seasonal Use Distinctions	This section is not a regulation. It provides notes on an amendment made in 2011, which would be documented in record. The body of the regulations should be limited to regulations.
4.3	Tidal River Protection, Other Than Connecticut River	This section provides a summary of the regulations in 4.3.1-4.3.3 and is redundant with 4.3.1-4.3.3.
4.4.4.10	Severability	This section has been replaced by a Savings Clause in new Section 1.4 that is applicable to the regulations as a whole.
4.10.5	Erosion and Sedimentation Control	Merged this content with the Soil Erosion and Sedimentation Control Regulations applicable townwide.
5.13.2	District Boundaries	This section describes the district boundaries that are shown more precisely on the official zoning map. This description is not sufficiently detailed or necessary.
5.13.6	Prohibited Uses	This section prohibits any use not permitted in the SVVD. This is adequately addressed through the use summary tables (new Sections 5 and 6) and the Prohibited Uses section (new Section 3.2).
8.2.4	Minimum Floor Area-Dwelling Unit	Minimum floor areas of residential units are prohibited by CGS § 8-2(d)(7).
8.7.1	Lot Adjacent to Railroad	This section establishes access standards for lots in the WF-20 adjacent a railroad. No such condition exists.
9.03	Casualty-Building or Structure	This section provides for the termination of a non-conforming building or structure if specific conditions are not met following a casualty. CGS 8-2(d)(10) provides strict limitations on such regulations that would render this regulation unenforceable.
9.5.1	Approved Zoning Permits and Certificates	This section, which provides for the continuance of existing uses for which a permit has been issued is adequately addressed through new Section 1.6, through the protections afforded through Statute, and through the conventions of zoning regulation. Need not be stated here.
9.6.5	Commencement and Completion of Work for Variance	This section sets an expiration date for variances. There is no specific statutory authority to establish an expiration date for a variance, any expiration date should be associated with the plan or permit.
11.8.8.c, 11.8.8.e	Staffing and bathroom requirements for convenience stores	This section requires minimum staffing, which is outside the scope of zoning authority. It also provides a bathroom requirement, which is controlled through building code.
11.12.1	Outdoor dining	This section places a restriction on outdoor dining. PA 22-1 amended CGS 8-1cc to require zoning commissions to allow outdoor dining for any licensee or permittee of a food establishment.
11.12.6	Fast food restaurants	This is addressed by the Prohibited Uses section (new Section 3.2).

2008 Edition Section #	Name/Description of Section Eliminated	Purpose Eliminated
11.17.8	Commercial Livery and Boarding Stables; Riding Academies: Fire	This section provides a requirement that all buildings and structures be reviewed and approved by the Fire Marshal. Building code requirements would adequately address this concern.
11.21.2	Definitions	Removed list of specific definitions from the Adult Entertainment regulations in favor of providing a broader definition of Adult Entertainment.
11.22.5	Septage Storage and Transfer Facility: Licenses	This section prohibits the operation of any facility that does not have licenses and permits. This is adequately regulated by CT DEEP and the Health District. In general, all uses across all zones are required to be compliant with licensing requirements by the issuing agencies. Need not be stated for this specific use.
11.25.7	Minimum Floor Area	Minimum floor areas of residential units are prohibited by CGS § 8-2(d)(7)
11.25.12.d	Garages, Parking Areas, Driveways and Access Roads: pavement thickness	This section is a technical specification for pavement that is regulated by the Town's technical standards.
11.25.15.c	11.25.15 Multiple Dwellings for Non-Profit Elderly Housing: minimum unit size	Minimum floor areas of residential units are prohibited by CGS § 8-2(d)(7)
12.4	Special Permit	This section states that no PRCD construction shall occur until approved and permits issued. This applies to all uses and is not specific to this use and need not be stated.
13.A.4.4.1	Notices Mandated by Statute	Removed item requiring noticing of neighboring municipalities as this is no longer a requirement of CGS § 8-3h.
13.B.3.9	Time Limits	This is fully addressed by the Special Permit regulations (new Section 20).
14.1, 14.1.2	Liquor Establishments	Removed references to "liquor establishments" in favor of "accessory alcohol sales" or "package stores".
14.2	Special Permit	This section stipulates the Special Permit requirements for alcohol sales, which are fully addressed by the Special Permit requirements in new Section 20 and are redundant with that section.
14.5.3	Increase in Nonconformity	This section summarizes the distancing requirements for alcohol sales better specified by the preceding sections.
15.12	Termination of Existing Operation	This section provides for the termination of an excavation or filling operation that is not active for a specified period of time. CGS § 8-2 restricts the termination of any permitted use within the statutory time limit for the Site Plan or permit.
16.9, 20.11	Fees	Fees for applications are established through ordinance by the legislative authority and need not be stated in the zoning regulations to be applicable.

<b>2008 Edition Section #</b>	<b>Name/Description of Section Eliminated</b>	<b>Purpose Eliminated</b>
21.3	Conditions: Expiration Date	Removed the time limit on the commencement of activity associated with a variance. This is regulated through the site plan or permit approval.
21.4	Use Variances	This section provides conditions for the granting of use variances. The ZBA does not have the statutory authority to grant use variances, not is it in the practice of doing so. The granting of use variances is specifically prohibited by other sections of these regulations.
21.5.1	Appeals and Variances in Flood Plain District: hearing and deciding appeals	This section is redundant with new Section 22.1 which establishes that the ZBA has the authority to hear and decide appeals.
22	Planning Commission	This Section establishes the authority of the Planning Commission which is established by Statute. No need to state in the regulations since this authority is not directly related to the administration of the zoning regulations.

## Appendix 2: Record of Amendments

This appendix provides a record of amendments made to the regulations subsequent to the 2025 Comprehensive Rewrite.

Effective Date	Section #	Description