

Town of Old Lyme, CT

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Old Lyme Zoning Regulations April 2009

Zoning Regulations

Title

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ZONING REGULATIONS
FOR
THE TOWN OF OLD LYME

Adopted: Initial Adoption of Zoning:
Comprehensive Revision: February 13, 2008

Effective: Initial Adoption of Zoning: January 11, 1941
Comprehensive Revision: March 7, 2008

Amended: March 9, 2009
Effective: April 1, 2009

Zoning Commission
Old Lyme, Connecticut

OLD LYME ZONING COMMISSION

PRESENT MEMBERS

Chairman: Thomas Risom

Vice Chairman: Jane Cable

Secretary: Jane Marsh

Members: John Johnson

Patrick Looney

ALTERNATES

Howard Tooker

Ted Kiritsis

STAFF

Ann C. Brown, Zoning Enforcement Officer
Kim N. Barrows, Administrative Assistant
Mark K. Branse, Counsel

SECTION 1 - PREAMBLE

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;
- 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 over-crowding 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 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 Conn. Gen. Stats. §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 Conn. Gen. Stats. §8-

- 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 Conn. Gen. Stats. §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 Connecticut General Statutes Section 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: a) with due Consideration for the recommendations of the Plan of Conservation and Development of the Town; b) with 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) with reasonable consideration for the character of each District, development of housing opportunities for all citizens of the Town and protection of historic factors and existing and potential drinking water supplies.

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

SECTION 2
AREA/USE CLASSIFICATION

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of said Regulations and the amendments thereto, insofar as they are consistent with these Regulations, are not repealed but are codified in these Regulations. Any and all provisions of said Regulations as amended which are inconsistent with these Regulations are hereby repealed, but such repeal shall not affect: (a) any violation which occurred before the date as of which these Regulations (or any amendments thereof) were adopted or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

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

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

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

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

[From former Section 2.2, Rev.]

- 2.4 **Zoning Districts and Zones.**

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

<u>District</u>	<u>Map Code</u>
Rural Residence RU-80 District	RU-80
Rural Residence RU-40 District	RU-40
Residence R-20 District	R-20
Residence R-15 District	R-15
Residence R-10	R-10
Multi-Family Residence MFR-80 District	MFR-80
Multi-Family Residence MFR-40 District	MFR-40
Multi-Family Residence MFR-20 District	MFR-20
Waterfront Business District	WF-20
Commercial C-30 District	C-30
Commercial C-30S District	C-30S
Commercial C-10 District	C-10
Light Industry LI-80 District	LI-80
Sound View Village District	SVVD

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

- a. Conservation Zone. The Connecticut River Gateway Conservation Zone, herein referred to as "Conservation Zone", is established under the provisions of Chapter 477a of the Connecticut General Statutes and the boundaries of such Zone, which may be amended from time to time by the Connecticut General Assembly, are shown on the Zoning Map for informational purposes in order to indicate the portion of the Town of Old Lyme in which particular provisions of these Regulations are applicable.
- b. Flood Plain Zone. The Flood Plain Zone is a class of zone in addition to and overlapping one or more of the Districts set forth above. The boundaries of the Flood Plain Zone and the special requirements applicable therein are as specified in Section 4.4, Flood Hazard Regulations.
- c. Water Resource Zone. The Water Resource Zone is a class of zone in addition to and overlapping one or more of the other Districts and encompasses the entire Town of Old Lyme with the exception of: a) islands in the Connecticut River; and, b) the area bounded on the east by Connecticut Route 156, on the south by Pilgrim's Landing Road, on the west by the

Connecticut River and on the north by the Old Lyme-Lyme Town Line. The special requirements applicable in the Water Resource District are as specified in Section 17, Aquifer Protection Regulations.

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

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

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

2.5 District Boundaries.

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

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

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

provided, however, the Bulk requirements may be satisfied in accordance with Section 8.5 of these Regulations.

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

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

2.6 [Reserved for Street Classifications if Required.]

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

[Added effective 3-7-08]

SECTION 3 **DEFINITIONS**

- 3.1 **Intent and General Rules of Construction.** Except as defined below, the words used in these Regulations shall have the meaning commonly attributed to them. In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations; however, terms which are not defined herein but only refer to other sections of these Regulations are so defined for the purposes of the referenced section only. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application. [From former Section 9.1, Amended Effective 3-7-08]
- 3.2 **Definitions.**
1. **Abutting.** Separated by no intervening private property; properties separated by a public or private street shall be deemed to be Abutting. [added effective 3-7-08]
 2. **Accessory Building or Structure.** A 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. [From former Section 9.1, Amended Effective July 1, 1996; and also Effective 3-7-08]
 3. **Accessory Apartment.** A set of rooms which include a kitchen and bathroom that is accessory to a single detached Dwelling Unit and which meets the requirements of Section 7.8.2. See Section 7.8.2, (Accessory Apartments). Compare to "Guest House". [From former Section 9.1, Amended Effective 6/1/98; and also effective 3-7-08]
 4. **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. [Added effective 3-7-08]
 5. **Acre.** An Acre shall be defined for these Regulations as an area of 43,560 continuous square feet of land. [Added effective 3-7-08]
 6. **Actual Construction.** See definition of "Nonconformity, Including Actual Construction" below. [Added effective 3-7-08]

7. Alcoholic Liquor and Permits. “Alcoholic Liquor” (alcohol, beer, spirits and wine) and the various types or classes of liquor permits referred to in this Section are as defined in Chapter 545 of the Connecticut General Statutes, as amended, known as the “Liquor Control Act”. [From former Section 45.1.1, Amended Effective 3-7-08] See Section 14.
8. Alcoholic Liquor Establishment. Any land, Building or other Structure or Premises where the sale of Alcoholic Liquor is authorized by a permit issued by the Liquor Control Commission of the State of Connecticut. [From former Section 45.1.2, Amended Effective 3-7-08]. See Section 14.
9. 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 specifically includes the occupancy of a seasonal use beyond the period of April 1 to November 15, and the winterization, refurbishment or remodeling of a seasonal dwelling to accommodate other than seasonal use. 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. [From former Section 8.7.2, Amended Effective 3-7-08]
10. Alternate 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. [From former Section 9.1]
11. Aquifers. A geologic formation or deposit that contains a considerable amount of obtainable groundwater, in particular, stratified drift areas having a saturated thickness greater than ten (10') feet which are located near large surface water bodies capable of supplying water to the Aquifer by induced filtration. [Added effective 3-7-08]
12. Area, Location and Bulk. See Section 8 (Bulk Requirements) for the following:

Building Coverage, Measurement of (Section 8.1);

Height, Measurement of (Section 8.2);

Minimum Area of Buildable Land (Section 8.4);

Minimum Floor Area – Dwelling Unit (Section 8.2);

Stories, Count of (Section 8.8, 8.9, and 5.13.8);

Total Ground Coverage, Measurement of (Section 8.1);

Total Floor Area, Measurement of (Section 8.1).

Within the Conservation Zone, see Section 4.10.

[From former Section 9.1, Amended 3.2.12 Effective 4-1-09]

13. 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. Compare to “Story, Half” and “Story”. [From former Section 9.1, Amended Effective 3-7-08, Amended Effective 4-1-09]
14. 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. [Added effective 3-7-08]
15. 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 six (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”. Compare to “Cellar”. [Added effective 3-7-08]
16. 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 four (4) rooms to transients and capable of including, as an Accessory Use, the serving of meals exclusively to overnight guests of the facility. See Section 7.8.4, (Bed & Breakfast) and Section 11.29, Special Regulations. Compare to “Boarding House”, “Hotel”, and “Inn”. [Added effective 3-7-08]
17. Billboard. See “Sign, Advertising”. [Added effective 3-7-08]
18. Board. Wherever the term “Board” shall appear in these Regulations, it shall refer to the Old Lyme Zoning Board of Appeals. [Added effective 3-7-08]

19. Boarding House. 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. A Boarding House shall be occupied by the owner of the Building as a permanent residence and all elements of the Boarding House use shall be confined to the Principal Building on the Lot. Compare to “Bed and Breakfast”, “Hotel or Motel” and “Inn”. [Added effective 3-7-08]
20. Building. Any Structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. The connection of two (2) or more Buildings by means of a porch, breezeway, passageway, carport, or other such roofed Structure shall be deemed to make them one Building. [From former Section 9.1, Amended Effective 3-7-08]
21. Building, Accessory. See “Accessory Building”. [Added effective 3-7-08]
22. Building, Height. See Section 8 (Bulk Requirements).
23. Building Official. The Building Official, also known as the Building Inspector, of the Town of Old Lyme, or his/her designee. [Added effective 3-7-08]
24. Building Permit. A permit for construction issued by the Building Official pursuant to these Regulations and the Old Lyme Building Code. [Added effective 3-7-08]
25. Building, Principal. See "Principal Building". [Added effective 3-7-08]
26. 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. See Section 8, (Bulk Requirements). [Added effective 3-7-08]
27. Business Service Establishment. An establishment which is not a Home Occupation where a commercial service is provided either on or off-site, including but not limited to, landscaping service, telephone answering service, secretarial service, but excluding motor vehicle service and/or repair. [From former Section 9.1, Amended Effective December 1, 1996]. See Section 5 (Use Regulations).
28. Cattery, Commercial. A facility maintained for the boarding of one (1) of more domestic cats for a fee. Compare to “Kennel, Commercial” and “Kennel, Private Dog”. [From former Section 9.1]

29. Cellar. That portion of a Building having its floor level partly or wholly below Grade, and, which has, at no point, more than six (6) contiguous lineal feet of floor level at or above Grade and has no floor-level access at Grade. Compare to "Basement". [Added effective 3-7-08]
30. Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums and mortuaries, established and operated by an ecclesiastical society or cemetery association. [Added effective 3-7-08]
31. Child Day Care Center/Services. See "Day Care Center", "Group Day Care Home", and "Family Day Care Home". [Added effective 3-7-08]
32. 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 his/her membership by the payment of his/her dues in accordance with such by-laws and whose name and address are entered on the list of membership of the Club. [Added effective 3-7-08]
33. Commercial Livery and 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. See Section 11.17, Special Regulations. See also Section 7.8.5, Accessory Uses. [Added effective 3-7-08]
34. Commission. The Zoning Commission of the Town of Old Lyme. See "Board" and "Planning Commission". [Added effective 3-7-08]
35. Community Residence for Mentally Ill Adults. See the definition set forth in Connecticut General Statutes Section 19a-507a, as the same may be amended from time to time. [Added effective 3-7-08]
36. Community Residence for Mentally Retarded Adults. See the definition set forth in Connecticut General Statutes Section 19a-464c(e), as the same may be amended from time to time. [Added effective 3-7-08]
37. 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. "Convalescent Home" does not include "Rest Home". [Added effective 3-7-08]

38. Country Club. A recreational facility, usually restricted to members and their guests, which includes a clubhouse, dining and eating establishments and recreational facilities such as golf course(s), tennis courts, and swimming pools. See "Golf Course".

39. County Soil and Water Conservation District. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]

40. Coverage, Measurement of. See Section 8 (Bulk Requirements). [Added effective 3-7-08]

41. Cutting and Removal of Forest Tree Species. See Section 11.23 for the following:

Commercial Cutting;
Commercial Cutting Plan;
Non-Commercial Cutting;
Non-Commercial Cutting Plan.

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

42. Day Care Center. A Use which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children or any number of adults outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 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) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section. [Added effective 3-7-08]

43. 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 12 inches 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. For Decks relative to required Setbacks/Yards in all Districts, see Section 7.4 (Accessory Uses, Buildings and Structures); for Decks relative to Building Coverage, see Section 8.1 (Bulk Requirements). Compare to definition of "Terrace". [Added effective 3-7-08]

44. Development. See Section 16, Erosion and Sedimentation Control.
[Added effective 3-7-08]
45. District. An area within which certain Uses are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Permit from the Commission, the Planning Commission, or the Board; Yards and other Open Spaces are required; Lot Areas, Building Height limits, and other requirements are established; all of the foregoing being identical for all property located within the area to which they apply. Compare to definition of "Zone".
[Added effective 3-7-08]
46. Disturbed Area. See Section 16, Erosion and Sedimentation Control.
[Added effective 3-7-08]
47. 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. Compare to "Commercial Kennel". [Added effective 9/1/99; amended effective 3-7-08]
48. 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. [Added effective 3-7-08]
49. 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.
[Added effective 3-7-08]
50. Driveway, Common. A Driveway serving more than one (1) Lot.
[Added effective 3-7-08]
51. Driveway, Loop. A Driveway intersecting the Street at two (2) or more points.
[Added effective 3-7-08]
52. 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"). See Section 18, Off-Street Parking and Truck Loading. [Added effective 3-7-08]
53. Dwelling. A Building containing one (1) or more "Dwelling Units"; one (1) or more Buildings may be considered to be a "Dwelling" if designed for occupancy and so occupied by one (1) Family. [From former Section 9.1]

54. Dwelling Unit. One (1) or more rooms providing complete living facilities for one (1) Family, including equipment for cooking or provisions for same, including room or rooms for living, sleeping and eating, and having its own separate entrance. [From former Section 9.1, Amended Effective July 3, 1995; and Amended Effective 3-7-08]
55. Dwelling, Two Family. A single detached Dwelling on one (1) Lot used for residential purposes designed and/or used for occupancy by two (2) Families living independently of each other having separate or joint entrances, services and facilities but not including Accessory Apartments per Section 7.8.2. [Added effective 3-7-08]
56. Dwelling, Multiple Family. A single detached Dwelling on one (1) Lot used for residential purposes designed and/or used for occupancy by three (3) or more Families living independently of each other having separate or joint entrances, services and facilities. [Added effective 3-7-08]
57. 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. [Added effective 3-7-08]
58. 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. See Section 9, (Nonconforming Lots, Uses, Buildings, and/or Structures). [From former Section 8.7.1, Amended Effective 3-7-08]
59. Erosion. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
60. Excavation, Removal or Deposit. See Section 15 for the following:
Material;
Affected Area;
Site.

[From former Section 9.1, Amended Effective 3-7-08]
61. Extension or to Extend. An increase or amplification of an existing Building, Structure, or Use. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming Seasonal Use or of a Seasonal Dwelling on a Non-Conforming Lot and 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. See Section 9 (Nonconforming Lots, Uses, Buildings, and/or Structures). [From former Section 8.7.1, Amended Effective 3-7-08]

62. 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 six (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. [From former Section 9.1, Amended Effective 3-7-08]
63. Family Day Care Home. A dwelling in which care is provided for compensation to not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. "Family Day Care Home" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 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) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Family Day Care Home" includes "Family Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but does not include "Group Day Care Home" or "Child Day Care Center" as defined in said Section. See, the definition of "Home Occupation". [Added effective 3-7-08]
64. 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. [Added effective 3-7-08]
65. Farm Building. A Building principally used for agricultural purposes. [From former Section 9.1 Amended Effective December 1, 1996]
66. Fence. A Structure for enclosure or screening, including a wall. [Added effective 3-7-08]
67. Fire Marshal. The legally designated Fire Marshal of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]
68. Fire Chief. The legally elected Fire Chief of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]

69. Flea Market. The Use for the commercial sale of new or used products by one or more vendors on a continuous, regular, or intermittent basis. A Flea Market shall be deemed to be a commercial activity and shall comply with all provisions of these Regulations applicable to such uses. The isolated sale by the occupants of one or more dwellings, or by Clubs, non-profit religious, educational, charitable, and other similar organizations, of used household articles, baked goods, household crafts, and similar items, shall not be considered a "Flea Market", provided such activity complies with the definition of "Accessory Use" contained in these Regulations. Compare to "Tag Sale". [Added effective 3-7-08]

70. Flood Plain District. See Section 4.4 for the following:

Base Flood;
Base Flood Elevation;
Breakaway Wall;
Coastal High Hazard Area;
Development;
Flood or Flooding;
Floodproofing;
Floodway;
Lowest Floor;
Manufactured Home;
Manufactured Home Park/Subdivision;
Mean Sea Level
National Geodetic Vertical Datum (NGVD);
New Construction;
Special Flood Hazard Area;
Start of Construction;
Substantial Damage;
Substantial Improvement.

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

71. Floor Area, Minimum for Dwelling Unit. See Section 8 (Bulk Requirements).
[Added effective 3-7-08]

72. Floor Area, Total, Measurement of. See Section 8 (Bulk Requirements).
[Added effective 3-7-08]

73. Frontage. See "Lot, Frontage".

74. Gateway. See Section 4.10 of these Regulations.

75. 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. See "Country Club." [Added effective 3-7-08 .]

76. Governmental Services. 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. Compare to "Public". [Added effective 3-7-08]
77. Grade. The ground level adjoining the base of all exterior walls of a Building or Structure and any related earth retaining Structure.
[From former Section 9.1]
78. Grading. See Section 16, Erosion and Sedimentation Control.
[Added effective 3-7-08]
79. Greenhouse, Commercial. A Use consisting of a Structure in which plants, vegetables, flowers, and similar materials are grown for sale on the Premises. Includes the phrase, "Commercial Propagation and Growing of Flowers, Plants, Nursery Stock and Berries." [Added effective 3-7-08]
80. Group Day Care Home. A Use which offers or provides a program of supplementary care for compensation to not less than seven (7) nor more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week; "Group Day Care Home" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 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) informal arrangements among neighbors or relatives in their own homes; (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Group Day Care Home" includes "Group Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but does not include "Family Day Care Home" or "Child Day Care Center" as defined in said Section. [Added effective 3-7-08]
81. 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". Compare to "Bed and Breakfast" and "Inn". See Section 7.3 (Accessory Buildings - Specific Types). [Added effective 3-7-08]
82. Hazardous Material. See Section 17, Aquifer Protection Regulations.
[From former Section 9.1 , Amended Effective 3-7-08]

83. Health Officer. The legally designated health authority of the Town of Old Lyme or his/her authorized representative(s). [Added effective 3-7-08]
84. Height, Building. See Section 8 (Bulk Requirements).
85. 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.
[From former Section 9.1, amended Effective 3-7-08]
86. Historic Structure. The term "Historic Structure" includes historic building and means any Structure or Building that is in any of the following categories:
- a. listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by such Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. listed individually on the Connecticut State Inventory of Historic Places; and/or
 - d. listed individually as contributing to an historic district or as constituting an historic property, as established by ordinance of the Town of Old Lyme under the provisions of Chapter 97a of the Connecticut General Statutes.
[From former Section 9.1]
87. Helistop. A landing and take-off pad for the pickup and discharge of passengers by helicopter for the exclusive use of the owner of the Lot upon which the Helistop is located and excluding passenger service to the general public. A Helistop shall be accessory to the Principal Use of the Lot or Building upon which it is located. See, Section 6.1.25 (Helistops). [Added effective 3-7-08]

88. Home for the Aged. See "Rest Home". [Added effective 3-7-08]
89. Home Occupation, Customary. Accessory Uses conducted for compensation by the occupant(s) of a residential Building or Lot which complies with the provisions of Section 7.8.1 (Accessory Uses, Buildings, and Structures) of these Regulations. Home Occupations shall not include: Restaurants, tea rooms, or other eating or drinking places; Commercial Dog Kennels; Commercial Catteries; Veterinary Hospitals or Veterinary Outpatient Clinics; barber shop or beauty parlor having more than one (1) sink with one chair for cutting hair; doctors, dentists, lawyers or other professional Persons (See "Professional or Business Office Accessory to Dwelling Unit"); automotive service, supply sales or repairs, except for vehicles registered in the name of family members residing in the dwelling; or, the use or repair of internal combustion engines at the workshop. Home Occupations include, but are not limited to: The preparation and sale of those products customarily produced in the home or garden and actually produced in the subject home or garden, such as baking and home preserves; the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; the workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, watchmakers, house painters, paperhangers, cybernetics, and radio and television repairmen; and, Group Day Care Homes. See, Section 7.8 (Accessory Uses, Buildings, and Structures). Compare to definition of "Professional or Business Office Accessory to Dwelling Unit". [From former Section 21.2.2 , Amended Effective 3-7-08]
90. Hotel or Motel. See "Inn". [From former Section 32.5.2, amended effective 3/5/05; further amended effective 3-7-08.]
91. 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. [From former Section 9.1]
92. Illegal Use of Land, Building or Structure. Any Use, or the erection of any Building or Structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined. [Added effective 3-7-08]
93. Inland Wetland. Those areas designated and defined as inland wetlands by the Old Lyme Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time. [Added effective 3-7-08]
94. Inn. A Building or group of Buildings, which Building(s) is/are designed or used for the short-term rental of more than four (4), but no more than forty (40) rooms, to

transients, and capable of including, as an Accessory Use, the serving of meals to both persons occupying the facility and the general public. See Sections 11.6 and 11.29, Special Regulations. Compare to “Bed and Breakfast”, “Boarding House” and “Hotel or Motel”. [Added effective 3-7-08]

95. Junk Yard. An area of land, with or without Buildings, used either as a Principal or Accessory Use or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. Except as provided in connection with a licensed motor vehicle repair garage or a Farm, the deposit or the outdoor storage on a Lot of more than one (1) unregistered vehicle or vehicles otherwise not in a condition for legal use on public highways or parts of one (1) or more such vehicles shall be deemed a Junk Yard. [From former Sections 6.3.2 and 6.3.5, Amended Effective 3-7-08]
96. Kennel, Commercial. Three (3) or more dogs, age six (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 (1) or more dogs for a fee. Compare to “Kennel, Private Dog” and “Cattery, Commercial” and “Dog Training Facility”. [From former Section 9.1, Amended Effective 3-7-08]
97. Kennel, Private Dog. A Structure, open or enclosed, in which a total of no more than three (3) or more dogs are kept for pleasure or non-commercial breeding. [Added effective 3-7-08]
98. Livestock. Includes such domestic animals as horses, cows, goats and sheep, or the like, but excluding mink and garbage-fed swine. [Added effective 3-7-08]
99. Impervious. See Section 17, Aquifer Protection Regulations. [From former Section 9.1, Amended Effective 3-7-08]
100. Inspection. See Section 16, Erosion and Sedimentation Control. [Added effective 3-7-08]
101. Liquor Establishment. See Section 14, Alcoholic Liquor. [Added effective 3-7-08]
102. Liquor Permit Premises. That portion of any Building that has been, or is capable of being, granted a liquor permit by the State Liquor Control Commission. See Section 14 (Alcoholic Liquor). [Added effective 3-7-08]
103. Lot. 1) a parcel of land meeting the requirements of these Regulations; 2) 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, 3) 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". See Section 9.1, Non-Conforming Lots. [From former Section 9.1, Amended Effective 3-7-08]

104. Lot Area. The area of a horizontal plane bounded by all Lot Lines. See, Section 8 (Bulk Requirements). [Added effective 3-7-08]
105. Lot Coverage. See "Building Coverage" and "Total Ground Coverage" in Section 8.1 (Bulk Requirements). [Added effective 3-7-08, Amended effective 4-1-09]
106. Lot Frontage. The width of a Lot measured along the Front Lot Line. See Section 8.2 (Bulk Requirements). [Added effective 3-7-08]
107. Lot Line. Any boundary line of a Lot. [Added effective 3-7-08]
108. Lot Line, Front. That Lot Line being along the Street Line which that Lot abuts. [Added effective 3-7-08]
109. Lot Line, Rear. The shortest single straight Lot Line which is roughly opposite of, and farthest from, the Front Lot Line. [Added effective 3-7-08]
110. 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. [Added effective 3-7-08]
111. Lot, Non-Conforming. See "Non-Conforming Lot". [Added effective 3-7-08]
112. 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. See definition of "Non-Conforming Lot" and Section 9.1 (Existing Non-Conforming Lots). [Added effective 3-7-08]
113. Lot, Minimum Area of Buildable Land. See Section 8.4. [Added effective 3-7-08]
114. Lot, 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. [Added effective 3-7-08]
115. Manufacturing. Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity. [Added effective 3-7-08]
116. 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. [From former Section 9.1]

117. 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. "Memorial Garden" does not include "Cemetery", columbarium, crematory, mausoleum, or mortuary but may be an Accessory Use to such Uses, if and where permitted by these Regulations. [Added effective 3-7-08]
118. Mobile Home. See "Trailer". [Added effective 3-7-08]
119. Motel. See "Hotel or Motel". [Added effective 3-7-08]
120. Multiple Dwelling. See, "Dwelling, Multiple Family".
121. Multiple Dwelling Project. Two (2) or more Multiple Dwellings located on one (1) Lot. [From former Section 9.1]
122. Nonconformity, including Actual Construction. 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. No nonconforming use, Building or other Structure, Lot or site development shall be deemed to have existed on the effective date of these Regulations unless: a) it was actually in existence on a continuous basis on such date, clearly established, and observable or discoverable; or, b) any required ZONING PERMIT and/or Building Permit therefor had been lawfully issued and "actual construction" lawfully begun prior to such date; and, c) if such nonconformity is a use, such use had not been abandoned within the meaning of Section 9. "Actual construction" means 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. See Section 9, Non-Conforming Lots, Uses, Buildings, and/or Structures. [From former Section 8.1.1, Amended Effective 3-7-08]
123. Non-Conforming Lot. A Lot of Record which does not currently conform to these Regulations and is subject to the requirements of Section 9.1 of these Regulations. [Added effective 3-7-08]
124. 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. See, Section 9.2 (Non-Conforming Uses).

125. Non-Profit Corporation. A Connecticut corporation organized and existing under the provisions of Title 33, Chapter 598, for "Religious Corporations and Societies" and Chapter 598a for "Charitable Corporations and Societies" of the General Statutes of Connecticut as amended (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 and as may be amended from time to time. [From former Section 9.1 , Amended Effective 3-7-08]
126. Non-Profit Elderly Housing. Rental housing which is owned and operated by a Non-Profit Corporation organized for purposes of providing such housing and in which dwelling units shall be occupied by no more than two persons, at least one of whom is 62 years of age or older. [From former Section 9.1]
127. Nursery Schools. See "Day Care Center". [Added effective 3-7-08]
128. 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". [Added effective 3-7-08]
129. Occupancy. To take possession or enter upon for the purpose of using. When applied to a Dwelling Unit, see the definition of "Human Occupancy". [Added effective 3-7-08]
130. Open Space (as applied to Bulk Requirements). An unoccupied space open to the sky on the same Lot as the subject Building or Structure. See "Bulk," "Yard," and Section 8. [Added effective 3-7-08]
131. 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. [Added effective 3-7-08]

132. 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. [Added effective 3-7-08]
133. 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. [Added effective 3-7-08]
134. Parking, Off-Street. Parking space(s) as required by these Regulations which is/are located outside a Street right-of-way. See Section 18, (Off-Street Parking and Truck Loading). [Added effective 3-7-08]
135. 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. See, Section 18 (Off-Street Parking and Truck Loading). [Added effective 3-7-08]
136. 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. [Added effective 3-7-08]
137. Plan of Conservation and Development: That document or documents adopted by the Planning Commission [or Planning and Zoning Commission] under the authority of Conn. Gen. Stats. §8-23, as the same may be amended from time and including, but not limited to, the Town's Municipal Coastal Program.
[Added effective 3-7-08]
138. Person. An individual, firm, partnership, joint venture, association, Club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof. [Added effective 3-7-08]
139. Plan of Conservation and Development. The document or documents adopted by the Old Lyme Planning Commission means the Plan of Development of the Town including, but not limited to, the Town's Municipal Coastal Program.
140. Planned Residential Conservation Development. (Formerly known as "Planned Residential Cluster Development"). See Section 12 for the following:

Net Buildable Area;

Planned Residential Conservation Development.

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

141. Planning Commission. The Planning Commission of the Town of Old Lyme, having all of the powers sets forth in Chapter 126 of the Connecticut General Statutes. [Added effective 3-7-08]
142. Poultry. Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs. [Added effective 3-7-08]
143. Premises. A Lot or Parcel and all Buildings, Uses and Structures located thereon. [Added effective 3-7-08]
144. Premises, Liquor Permit. See “Liquor Permit Premises”.
145. Principal Building. 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. [Added effective 3-7-08]
146. Principal Use. The primary purpose or function for which a Lot is Used. [Added effective 3-7-08]
147. Professional and Business Office Accessory to Dwelling Unit. Accessory Uses conducted for compensation by the occupant(s) of a residential Building or Lot which complies with the provisions of Section 7.8.1 (Accessory Uses, Buildings, and Structures) of these Regulations. Professional and Business Office shall include, for example, the offices of doctors, dentists, lawyers, architects, accountants, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals for whom a license to practice is required by applicable laws of the State of Connecticut. Compare to “Home Occupation, Customary”. [From former Section 21.2.1, Amended Effective 3-7-08]
148. Property Line, Rear. See “Lot Line, Rear”.
149. Property Line, Side. See “Lot Line, Side”.
150. 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. Compare to the definition of “Governmental Service”. [Added effective 3-7-08]
151. Public Parking Garage. A Principal Use of a Building used for the parking, standing, or storage of more than three (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. [Added effective 3-7-08]

152. Public Parking Lot. A Principal Use of a Lot, or portion thereof, used for the parking, standing, or storage of more than three (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. [From former Section 9.1, Added Effective 6/1/99; and Amended Effective 3-7-08.]
153. Refuse. Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities. [From former Section 9.1]
154. Restaurant, "Fast Food". 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, and expressly excluding Drive-In or curb service as an Accessory Use. See Section 6, Prohibited Uses. [Added effective 3-7-08]
155. Restaurant, Full Service. 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. See Section 11.12, Special Regulations. [Added effective 3-7-08]
156. Restaurant, Take-out. 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. See Section 11.12, Special Regulations. [Added effective 3-7-08]
157. Rest Home. See "Nursing Home".
158. 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. [Added effective 3-7-08]
159. Seasonal Dwelling. A Dwelling Unit designed, Used or intended to be for Seasonal Use. [From former Section 9.1]
160. Seasonal Use. The Use of a Building or Structure for Dwelling or other purposes between April 1 and November 15 only. [From former Section 9.1]
161. Sediment. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.8]
162. 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.

“Septage Storage and Transfer Facility” shall not include any facility for the storage, treatment or handling of hazardous substances as defined in Conn. Gen. Stats. 21-a-335; hazardous chemicals, as defined in Conn. Gen. Stats. 29-336; hazardous waste as defined in Conn. Gen. Stats. 22a-115; radioactive material regulated pursuant to Conn. Gen. Stats. 22a-148; or petroleum products.

[From former Section , Amended Effective June 1 , 1998]

163. 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. [From former Section 9.1]
164. 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. See Section 19 (Signs). [From former Section 42.3.1, Amended Effective 3-7-08]
165. 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. [Added effective 3-7-08]
166. 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

eighteen (18") inches apart and parallel shall be considered to have only one (1) Sign face. See Section 19 (Signs). [Added effective 3-7-08]

167. 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. See Section 19 (Signs). [Added effective 3-7-08]
168. Sign, Directory. A Sign which sets forth only the names of occupants of space within a Building or group of Buildings. See Section 19 (Signs). [From former Section 42.3.2., Amended Effective 3-7-08]
169. 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. See Section 19 (Signs). [Added effective 3-7-08]
170. Sign, Exempt. A Sign which is exempt from regulation in accordance with Section 19 of these Regulations. [From former Section 42.3.3, Amended Effective 3-7-08]
171. Sign, Ground. See definition of "Sign, Free-Standing". [Added effective 3-7-08]
172. 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. See Section 19 (Signs). [Added effective 3-7-08]
173. Sign, Illuminated. A Sign which is artificially lighted. See Definition of "Sign, Directly Illuminated" and "Sign, Indirectly Illuminated". See, also, Section 19 (Signs). [From former Section 42.3.4 , Amended Effective 3-7-08]
174. Sign, Indirectly Illuminated. A Sign illuminated: (a) 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, (b) Opaque letters or symbols silhouetted against a luminous background. See Section 19 (Signs). [From former Section 42.4.5, amended effective 3-7-08].
175. Sign, Flashing. Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times [, excluding time or temperature signs approved in accordance with Section 19 of these Regulations?]. See Section 19 (Signs). [Added effective 3-7-08]

176. Sign, Moving. Any Sign, or any portion of any Sign, which is capable of any movement whatsoever; excluding barber poles and clocks. Compare definition of "Sign, Portable". See Section 19 (Signs). [Added effective 3-7-08]
177. Sign, Outdoor Advertising and/or Off-Premises. See "Sign, Advertising". See Section 19 (Signs). [Added effective 3-7-08]
178. Sign, Overhanging. Any Sign extending at an angle from a Building which is its sole or principal support. See Section 19 (Signs). [Added effective 3-7-08]
179. Sign, Pole. See "Sign, Free-Standing". See Section 19 (Signs). [Added effective 3-7-08]
180. 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. For Signs painted on or affixed to vehicles, carts, or other mobile devices, see Section 19.3 (Prohibited Signs). [From former Sections 42.3.7 and 42.3.8, Amended Effective 3-7-08]
181. 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. See Section 19 (Signs). [From former Section 42.4.11(b), Amended Effective 3-7-08]
182. 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. [Added effective 3-7-08]
183. 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. See Section 19 (Signs). [From former Section 42.3.7, Amended Effective 3-7-08]
184. 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. See Section 19 (Signs). [Added effective 3-7-08]
185. Soil. Any unconsolidated mineral or organic material of any origin. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.9]
186. 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. See Section 16, Erosion and Sedimentation Control. [From former Section 47.2.10]

187. 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 six (6') feet or greater over an area greater than 50 (50%) percent of the Floor Area of the Story directly below it shall be a "Story." [From former Section 9.1, Amended effective 4-1-09]
188. 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 six (6') feet or greater over an area less than 50% of the Floor Area of the Story directly below it. Compare to "Attic" and "Story." [Added effective 3-7-08, Amended effective 4-1-09]
189. Street. 1) Any Town or State highway, except limited access State or Interstate highways; 2) any public or private street shown on a subdivision plan approved by the Old Lyme Planning Commission and filed in the Land Records of the Town of Old Lyme, which approval has not lapsed in accordance with Conn. Gen. Stats. § 8-26c; or, 3) any street owned and maintained by a legally constituted association. [From former Section 9.1, Amended Effective 4/ 3/95; and 3-7-08]
190. Street Line. The right-of-way or taking line of any Street as defined above. [From former Section 9.1, Amended Effective 3/3/95 and 3-7-08]
191. Street, Traveled Way. "That part of the Street used for the movement of vehicles." [Added effective 3-7-08]
192. 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 six (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. [From former Section 9.1, Amended Effective 4/3/95 and 3-7-08]
193. Subdivision. The definition of the term "Subdivision" as used in these Regulations shall be the same as that term is defined in the Old Lyme Subdivision Regulations. [Added effective 3-7-08]
194. 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 sixty-two (62) years of age or older and is receiving or will be receiving financial assistance under any governmental program in accordance with Chapter 138a of the Connecticut General Statutes or Section 1437f of Title 42 of the United States

Code and/or is assisted housing as defined by Section 8-30g(a)(1)(8) of the Connecticut General Statutes. Information as to the nature of the assistance, the duration of the assistance, and the number of units receiving such assistance shall be provided to the Planning Commission.

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

195. Supervised Group Quarters. A Dwelling Unit which houses a group of Persons during a period in which such Persons are undertaking a program of vocational training, counseling, social rehabilitation or other similar programs, such as children's homes or group homes. "Supervised Group Quarters" shall not include Boarding House, Day Care Center, Rest Home, Convalescent Home, Community Residence for Mentally Retarded Adults or Community Residence for Mentally Ill Adults. [Added effective 3-7-08]
196. 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. In no way does the term "Tag Sale" encompass the sale of any goods brought to the Premises for the purpose of public sale except where more than one (1) Family may cooperatively enter into such a sale at one (1) location. The term "Tag Sale" shall include garage sale, yard sale, barn sale, attic sale, and any similar term or activity. [Added effective 3-7-08]
197. 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. [From former Section 9.1, Amended Effective 3/3/97]
198. Telecommunications Antenna. A device used to collect or transmit telecommunications or radio signals; examples are panels, microwave dishes, and single poles known as whips. [From former Section 9.1, Amended Effective 3/3/97]
199. 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. [From former Section 9.1, Amended Effective 3/3/97]
200. 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. Compare to "Deck". [From former Section 9.1, Amended Effective 1/1/96]
201. 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. [Added effective 3-7-08]

202. Trailer. A trailer coach or mobile home, either on or off wheels but not permanently affixed to a foundation or otherwise capable of relocation or transport. Any mobile Building shall be included within this definition regardless of whether it contains cooking, bathing, and/or toilet facilities, as long as it is capable of being connected to a water supply and to a sewerage disposal system (including internal water tanks and/or sewerage holding tanks) and is designed for human occupancy on a temporary or permanent basis, including recreational use or is used for storage or for office Uses. See Section 11.18 (Trailers).
[From former Section 9.1, Amended Effective 3/3/95 and 3-7-08]
203. 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 ninety (90) days during any calendar year shall be considered a "Permanent Storage Trailer". See Section 11.18 (Trailers). [From former Section 49.2, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
204. Trailer, Recreational. A Trailer used for vacation travel, camping, or similar recreational uses. See Section 11.18 (Trailers). [Added effective 3-7-08]
205. 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 ninety (90) days during any calendar year. See Section 11.18 (Trailers). [From former Section 49.3, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
206. Trailer, Temporary 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. See Section 11.18 (Trailers). [From former Section 49.4, Amended Effective April 3, 1995 and Amended Effective 3-7-08]
207. Transient. A Person who is not a permanent resident of the Town but is visiting for personal or business reasons. See Section 11.6, Inn.
208. 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. [Added effective 3-7-08]
209. Use, Non-Conforming. See "Non-Conforming Use". [Added effective 3-7-08]
210. 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 Outpatient Clinic. See Section 11.16, (Commercial Cattery, Dog Kennel, Veterinary Hospitals, & Veterinary Outpatient Clinics). [From former Section 32.5.2, Amended Effective 3-7-08]

211. Veterinary Outpatient Clinic. A Use where small animals or pets are given medical or surgical treatment. Such Clinic 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. Such Clinic shall provide no boarding of animals except as required for medical treatment. Such boarding shall be accessory to the principal Veterinary Outpatient Clinic use and shall occupy no more than twenty (20%) percent of the total use floor area and shall provide space for no more than fourteen (14) animals. No Structure or use of land shall be considered a "Veterinary Outpatient Clinic" if it has obtained a commercial kennel license from the Connecticut Commissioner of Agriculture in accordance with Chapter 435 of the Connecticut General Statutes. See Section 11.16, (Commercial Cattery, Commercial Dog Kennel, Veterinary Hospitals, & Veterinary Outpatient Clinics). [From former Section 32.5.8, Amended Effective 3-7-08]
212. Water-Dependent Use. Those Uses and facilities which: a) require direct access to or location in marine or tidal waters, and, which, therefore, cannot be located inland; and, b) uses which provide general public access to marine and tidal waters. [From former Section 9.1]
213. Wetlands and Watercourses. Defined in the Connecticut General Statutes as follows:
- | | |
|------------------------|--------------------|
| <u>Inland Wetlands</u> | Section 22a-38(15) |
| <u>Watercourses</u> | Section 22a-38(16) |
| <u>Tidal Wetlands</u> | Section 22a-29(2) |
214. 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. [Added effective 3-7-08]
215. Yard, Required. The minimum unoccupied space open to the sky on the same Lot as the subject Building or Structure ("Open Space") having those minimum dimensions prescribed by these Regulations. See "Bulk Requirements" and "Open Space".
216. 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. At no point shall the required Front Yard be less than the Lot Width required for the subject zone. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).

217. 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. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).
218. 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 Line 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. See Section 8 (Bulk Requirements). See, also, Section 7 (Accessory Uses, Buildings and Structures).
219. 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, flood plain protection, or protection of the Connecticut River Valley. Compare to "District".
[Added effective 3-7-08]

SECTION 4
GENERAL REGULATIONS

4.1 Permitted and Prohibited Uses.

- a. Permitted Uses. 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 9 (Non-Conforming Lots, Uses, Buildings, and/or Structures) of these Regulations. 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 9 of these Regulations.
- b. Prohibited Uses. 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. Without in any way limiting the generality of the foregoing, those Uses set forth in Section 6 (Prohibited Uses) of these Regulations are expressly prohibited in all Districts.

[Added effective ^]

4.2 Coastal Boundary.

- 4.2.1 General. The Coastal Boundary is established under the provisions of Chapter 444, Section 22a-94, of the Connecticut General Statutes (C.G.S.), 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 Section 22a-93, C.G.S. and as located on the Coastal Resources Map and the Tidal Wetlands Map for the Town of Old Lyme prepared by the Connecticut Department of Environmental Protection. It shall be the responsibility of the Person filing an APPLICATION FOR ZONING PERMIT 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.

[From former Section 35.1 , Amended Effective ^]

- 4.2.2 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 the Department of Environmental Protection, office of Long Island Sound Programs, as specified in Conn. Gen. Stats. §22a-105 through 22a-109.

[From former Section 35.2, Amended Effective ^]

4.2.3 Exemptions. The following activities are hereby exempted from Coastal Site Plan Review requirements under the authority of Conn. Gen. Stats. §22a-109(b) but are not exempted from the provisions of Section 4.2.11 and 4.2.12 below:

- 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 character of coastal resources as defined in Section 22a-93(7), C.G.S., or restrict access along the public beach;
- e. construction of an individual single-family residential structure, except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within 200 feet of the following coastal resource areas as defined in Section 22a-93(7), C.G.S.: tidal wetlands, coastal bluffs and escarpments, beaches and dunes, and rocky shore fronts;
- f. activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- g. interior modifications to Buildings;
- h. 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.

[From former Section 35.2.1, Amended Effective ^; and 35.5, Amended Effective 7-3-95 and Effective ^]

4.2.4 Applicability of Exemptions. The exemptions from Coastal Site Plan Review requirements listed in paragraph 4.2.3 shall apply to the following plans and applications:

- a. site plans submitted to the Zoning Commission in accordance with Conn. Gen. Stats. §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 Conn. Gen. Stats. §8-6(3) and Section 21 of these Regulations;
- e. applications for approval of subdivision or resubdivision by the Planning Commission in accordance with Conn. Gen. Stats. §8-25;
- f. applications for commercial tree cutting permits under Section 11.23 of these Regulations; and,
- g. a referral of a proposed municipal project to the Planning Commission in accordance with Conn. Gen. Stats. §8-24.

[From former Section 35.2.2, Amended Effective 3-7-08]

4.2.5 Application Requirements. Except as exempted under paragraph 4.2.3, the Person filing an APPLICATION FOR 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 Conn. Gen. Stats. §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 Conn. Gen. Stats. §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 Conn. Gen. Stats. §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 Conn. Gen. Stats. §22a-92.

[From former Section 35.2.3, Amended Effective 3-7-08]

4.2.6 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 Conn. Gen. Stats. §22a-106:

- a. consistency of the proposed activity with the applicable policies in Conn. Gen. Stats. §22a-92;
- b. the acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Conn. Gen. Stats. §22a-93(15);
- c. the acceptability of potential adverse impacts of the proposed activity on future water-dependent development opportunities as defined in Conn. Gen. Stats. §22a-93(17); and,
- 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.

[From former Section 35.2.4]

4.2.7 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 Conn. Gen. Stats. §22a-106 to ensure that the proposed activity is consistent with the coastal policies in Conn. Gen. Stats. §22a-92 and that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development opportunities are acceptable.

[From former Section 35.2.5]

- 4.2.8 Reasons for Action by Commission or Board. Pursuant to Conn. Gen. Stats. §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 Conn. Gen. Stats. §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.

[From former Section 35.2.6]

- 4.2.9 Time Limits; Notification of Action. In accordance with Conn. Gen. Stats. §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.

[From former Section 35.2.7]

- 4.2.10 Violations. In accordance with Conn. Gen. Stats. §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.

[From former Section 35.2.8]

- 4.2.11 Soil Erosion and Sediment Control Adjoining Coastal Resources. Any Lot which contains, adjoins or is within 50 feet of rocky shorefront, coastal bluffs and escarpments, beaches and dunes or tidal wetlands as defined in Conn. Gen. Stats. §22a-93 shall be subject to the soil erosion and sediment control measures specified in Section 16 of these Regulations.

[From former Section 35.3, Amended Effective 3-7-08]

4.2.12 Construction or Enlargement of Certain Buildings Adjoining Coastal Resources.

Except as otherwise provided in Section 4.3, no Building or other Structure, the construction or establishment of which requires excavation, filling or grading of land, shall be newly constructed, Enlarged or Extended so as to increase its Building area or be moved within 50 feet of any rocky shorefront, coastal bluffs and escarpments, beaches and dunes or tidal wetlands as defined in Conn. Gen. Stats. §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 where the Enlargement 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 forth in Section 9 of these Regulations.

[From former Section 35.4, Amended Effective 7-3-95 and Effective 3-7-08]

4.2.13 Special Standards – WF-20 District. In the Waterfront Business District (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 any Plan of Conservation and Development adopted by the Old Lyme Planning Commission 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.

[From former Section 32.7 , Amended Effective 3-7-08]

See Section 4.3, Tidal Waters Protection, below.

4.3 Tidal Waters Protection.

Tidal River Protection, Other Than Connecticut River. Except as provided in Section 4.10.3 for the Connecticut River or any of its tributaries or associated wetlands, 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 wetlands, provided, however, that the Zoning Commission, in accordance with the provisions of Section 13B, may grant a Special Permit authorizing a marine facility or any Building or other Structure which is Accessory to a Principal Use on the Lot to extend within such 50-foot distance provided that the facility is not intended for Human Occupancy and that the proposed facility and site development are consistent with the purposes for which the Connecticut River Gateway Conservation Zone has been established and will not detract from the natural or traditional riverway scene. See Section 4.2, Coastal Boundary; and Section 4.10.3, Conservation Zone, for the setback from the Connecticut River or any of its tributaries or associated wetlands.

[From former Section 7.4.7, Amended Effective 7-3-95, Effective 4/1/99, and also former Section 32.5.6; Amended Effective 3-7-08]

4.4 Flood Hazard Regulations.

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

4.4.1.1 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:

- a. protect human life and public health;
- b. minimize expenditure of money for costly flood control projects;
- c. minimize the need for rescue and relief efforts associated with flooding;
- d. minimize prolonged business and employment interruptions;
- e. minimize damage to public facilities and utilities;
- f. help maintain a stable tax base;

- g. insure that purchasers of property are notified of special flood hazards;
- h. ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and,

[From former Section 33.1, Amended Effective 3-7-08]

4.4.1.2 to ensure continued eligibility of owners of property of the Town of Old Lyme for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.¹

[From former Section 33.1.2]

4.4.2 Identification of District. 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 the Town of Old Lyme, New London County, Connecticut, dated January 1980, Flood Insurance Study Supplement-Wave Height Analysis, dated September 1, 1983, and accompanying Flood Insurance Rate Map (FIRM), dated June 16, 1992, and Flood Boundary and Floodway Map (FBFM), dated July 16, 1980, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, AH, A99, V, V1-V30, and VE, including areas designed as a floodway on a FIRM. Also included are copies 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). The FIRM and FIS are on file in the Old Lyme Town Clerk's office.

[From former Section 33.2 , Amended Effective 3-7-08]

4.4.3 Definitions. Special definitions applicable under this Section only are as follows:

- a. Base Flood means the flood having a one (1.00%) percent chance of being equaled or exceeded in any given year;
- b. Base Flood Elevation is the particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zone A1-A30 and Zone V1-V30;

¹ Federal Register, Vol. 41, No. 207, October 26, 1976; Vol. 44, Ch. 1, Parts 59, 60 and 64 through 77 (10-1-88 Edition); Vol. 54, No. 156, August 15, 1989; Vol. 54, No. 188, September 29, 1989.

- c. Basement means any area of the Building having its floor sub grade (below ground level) on all sides;
- d. Breakaway Wall means 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;
- e. Coastal High Hazard Area means Zone V1-V30 on the Flood Insurance Rate Map, which area is subject to high velocity waters, including but not limited to, hurricane wave wash and tidal surges;
- f. Development means 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, other than normal maintenance and repair of roads or driveways;
- g. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters; and/or, b) the unusual and rapid accumulation or runoff of surface waters from any source;
- h. Flood Insurance Rate Map means 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;
- i. Flood Insurance Study is 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;
- j. Floodproofing means 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;
- k. Floodway means 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;

- l. Lowest Floor means the lowest floor of the lowest enclosed area (including Basement or Cellar);
- m. Manufactured Home means 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;
- n. Manufactured Home Park or Subdivision means a Lot, Parcel or contiguous Parcels of land divided into two or more manufactured home sites for rent or sale;
- o. Mean Sea Level means, for purposes of the National Flood Insurance Programs, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced;
- p. 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;
- q. New Construction means 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;
- r. Recreational Vehicle means a vehicle which is:
 - (i) built on a single chassis;
 - (ii) 400 sq. feet or less when measured at the longest horizontal projections;
 - (iii) designed to be self-propelled or permanently towable;
 - (iv) designed primarily not for use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
- s. Special Flood Hazard Area means the land in the flood plain subject to a one (1.00%) percent or greater chance of flooding in any given year.

- t. 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;
- u. Substantial Damage means 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 percent of the market value of the Structure before the damage occurred;
- v. Substantial Improvement means any reconstruction, rehabilitation, additions or other improvements of a Building or other Structure, the cost of which cumulatively for the last five (5) years, equals or exceeds 50 percent 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:
- (i) 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,
 - (ii) an alteration of an historic Structure as defined in Section 3, provided that the alteration will not preclude the Structure’s continued designation as an historic structure.
- w. Water Surface Elevation means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where

specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

[Preceding from former Section 33.3, Amended Effective 3-7-08]

4.4.4 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:

4.4.4.1 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.

4.4.4.2 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.

4.4.4.3 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.

4.4.4.4 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and, to this end, the provisions of this regulation are hereby declared to be severable.

[Preceding from former Section 33.4]

4.4.5. Base Flood Elevation and Floodway Data. Elevation and floodway data applicable under this Section are identified as follows:

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

<u>Zone</u>	<u>Explanation of Zone Designations</u>
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protections system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year and 500-year flood or certain areas subject to 100-year flooding with average depths less than one (1) foot where the contributing drainage area is less than one (1) square mile or areas protected by levees from the base flood. (Medium shading.)
C	Areas of minimal flooding. (No shading.)
D	Areas of undetermined but possible flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave Action); base flood elevations and flood hazards factors determined.

[Preceding from former Section 33.5.1]

4.4.5.2 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 Paragraph 4.4.6.; 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 (1) foot at any point.

[From former Section 33.5.2, Amended Effective 3-7-08]

4.4.5.3 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 (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. [From former Section 33.5.3]

4.4.6 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:

4.4.6.1 Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure.

4.4.6.2 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.

4.4.6.3 Utilities. Water supply and sanitary systems shall conform to the following:

a. new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. 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,
- c. on-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4.4.6.4 Special Flood Hazard Areas. The following standards are applicable to development, including new construction and substantial improvement, in Zones A1-A30, AE, A, AO, AH, and A99:

- a. Any residential Structure shall have the lowest floor, including Basement or Cellar, elevated to a minimum of one (1) foot above the base elevation;
- b. Any commercial, industrial or other non-residential Structure shall either have the lowest floor, including Basement or Cellar, elevated to a minimum of one (1) foot above base flood elevation, or, shall, together with attendant utility and sanitary facilities, conform to the following:
 - (i) be floodproofed so that from one (1) foot above the base flood elevation and below, the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - (iii) 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 Paragraphs 4.4.7.1c. and 4.4.8.3c.
- c. Enclosed Areas Below the Minimum Elevation Standard. New construction or substantial improvements of buildings with the lowest floor elevated one (1) 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:
 - (i) the enclosed space can only be used for the parking of vehicles, building access or limited storage;

- (ii) 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:
 - (a) 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;
 - (b) the bottom of all openings shall be no higher than one foot above grade;
 - (c) 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.
- (iii) the area below the minimum elevation standard shall not be a basement;
- (iv) 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;
- (v) all interior walls, floors and ceiling materials located below the minimum elevation standard shall be unfinished and resistant to flood damage;
- (vi) a garage attached to as 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 non-residential structures must meet the aforementioned requirements outlined in 4.4.6.4.c(i)-(v) or be dry floodproofed in accordance with 4.4.6.4b(i)-(iii).

- d. 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:
- (i) are less than 400 square feet in floor area;
 - (ii) are detached from a main residential structure;
 - (iii) are low-cost structures;
 - (iv) 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;
 - (v) shall not have a basement or cellar excavated below the accessory building or structure;
 - (vi) shall not be used for human habitation;
 - (vii) shall be constructed and placed on a building site so as to offer the minimum resistance to the flow of floodwaters;
 - (viii) shall be firmly anchored to prevent flotation, collapse, and lateral movement, which may result in damage to other structures;
 - (ix) portions of the structure located below the base flood elevation must be constructed of flood-resistant materials; and,
 - (x) must comply with the floodway encroachment provisions.

4.4.6.5 Coastal High Hazard Areas. The following additional standards are applicable to development, including new construction and substantial improvement, in the Zone V1-V30 portion of special flood hazard areas:

- a. Location. All Buildings and Structures shall be located landward of the reach of high water (Mean High Water);
- b. Elevation. All Buildings or Structures shall have the lowest horizontal supporting member elevated to a minimum of one (1) 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 Paragraph 4.4.3. and provided for in Paragraph 4.4.6.5e.

- c. 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.
- d. Certification. Compliance with the provisions of Paragraphs 4.4.6.5b. and 4.4.6.5c. 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 Paragraphs 4.4.7.1c. and 4.4.8.3c.
- e. Space Below Lowest Floor. The following are applicable to any construction or substantial improvement and to new construction:
 - (i) There shall be no enclosure of the space below the lowest floor unless breakaway walls are used;
 - (ii) 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;
 - (iii) Such enclosed space shall be used solely for parking of vehicles, Building access, or limited storage;

- (iv) Prior to construction, plans for any Structure that will have breakaway walls must be submitted to the Zoning Enforcement Officer for approval; and,
 - (v) Alteration to sand dunes which would increase potential flood damage in Zones V1 to V30 is prohibited.
- f. 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:
- (i) 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;
 - (ii) any portion or part of a public or community sewage disposal system, including sewage treatment facilities, septage lagoons, and sewage pumping stations, 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;
 - (iii) 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; and,
 - (iv) 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 Paragraph 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.

[Preceding from former Section 33.6.5, Amended Effective 3-7-08]

- g. Propane tanks shall be secured to the ground so as to prevent their lateral movement during flood events. [Added effective 3-7-08.]

4.4.6.6 Floodways. Floodways as designated on the Flood Boundary and Floodway Maps 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:

- a. Encroachment. There shall be no encroachments, including fill, new construction, substantial improvements, and other development, unless certification by an architect or professional engineer licensed to practice in the State of Connecticut is provided demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge;
- b. Other Standards Applicable. If the requirement of Paragraph 4.4.6.6a. is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this Section; and,
- c. Prohibited Uses. New construction or substantial improvement of the uses and facilities enumerated in Paragraph 4.4.6.5f. is prohibited in floodways.

[Preceding from former Section 33.6.6 , Amended Effective 3-7-08]

4.4.6.7 Manufactured Homes. The following standards and requirements are applicable to manufactured homes in special flood hazard areas:

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

- c. Any such home shall be installed using methods and practices which minimize flood damage and shall comply with the following:
 - (i) Adequate access and drainage should be provided; and,
 - (ii) 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 six (6) feet above ground level.
- d. All manufactured homes in the Zone V1-V30 portion of the special flood hazard areas must comply with standards set forth in Section 4.4.6.5;
- e. Recreational vehicles placed on site within Zones A1-A30 and V1-V30 in special flood hazard areas must either be:
 - (i) on the site for fewer than 180 days;
 - (ii) be fully licensed and ready for highway use; or,
 - (iii) meet the elevation and anchoring requirements for manufactured homes in Section 4.4.6.7 of these regulations.

[Preceding from former Section 33.6, Revised effective 3-7-08]

4.4.7 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 therefor has been obtained as follows:

4.4.7.1 Application. 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: 1) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; 2) existing or proposed Structures, fill, storage of materials and drainage facilities; and, 3) location of the foregoing. The following information is required in connection with all applications:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all Structures;
- b. Elevation in relation to mean sea level to which any Structure has been or will be floodproofed;

- c. Certification by an architect or professional engineer licensed to practice in the State of Connecticut that the floodproofing methods of any non-residential Structure meet the floodproofing criteria in Paragraph 4.4.6.4b(iii) and 4.4.6.5d;
- d. 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 the Connecticut Department of Environmental Protection, Water Resources Unit, have been notified;
- e. Plans for any walls to be used to enclose space below the base flood elevation; and,
- f. Copies of all necessary permits from those Federal, State or Town governmental agencies from which prior approval is required.

[From former Section 33.7, Amended Effective 3-7-08]

4.4.8 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:

4.4.8.1 Permit Application Review.

- a. 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;
- b. 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;
- c. 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,

- d. Review plans for walls to be used to enclose space below the base flood level in accordance with Paragraphs 4.4.6.4b. and 4.4.6.5e.

[Preceding from former Section 33.8.1, Amended Effective 3-7-08]

4.4.8.2 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.

[From former Section 33.8.2, Amended Effective 3-7-08]

4.4.8.3 Information. The following information shall be obtained from the applicant and maintained on file:

- a. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved Structures;
- b. For all new and substantially improved floodproofed structures, the actual elevation (in relation to mean sea level) to which the Structure was floodproofed;
- c. 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;
- d. Evidence that adjacent Towns and the Connecticut Department Environmental Protection, Water Resources Unit, have been notified prior to any alteration or relocation of a Watercourse;
- e. Certification that the flood carrying capacity within the altered or relocated portion of a Watercourse will be maintained; and,
- f. Maintain for public inspection all records pertaining to the provisions of this Section.

[Preceding from former Section 33.8.3]

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

- a. Biennial report; and,
- b. Copies of notification to adjacent Towns and the Connecticut Department of Environmental Protection, Water Resources Unit, concerning alterations or relocation of Watercourses.

[Preceding from former Section 33.8.4]

4.4.8.5 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 Paragraph 21.6 of these Regulations.

[From former Section 33.8.5, Amended Effective 3-7-08]

4.4.8.6 Alteration or Relocation of a Watercourse.

- a. Notify adjacent Towns and the Department of Environmental Protection 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,
- b. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished.

[From former Section 33.8.6]

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

[From former Section 33.8.7, Amended Effective 3-7-08]

4.4.9. Variance Procedures. The Planning and Zoning Commission shall hear and decide appeals and requests for variances from the requirements of this Section 4.4. 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 subsection (ii) 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) upon request.

4.5 Performance Standards.

4.5.1. General. 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:

4.5.1.1 The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance.

4.5.1.2 Other requirements of these Regulations specifying disclosure of toxic or hazardous materials to be used, stored or processed under Paragraph 13A.2.2(f) and the provisions of the Water Resource District under Section 17 are in support of and in addition to the requirements of this Section 4.5.

4.5.1.3 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.

4.5.1.4 The performance standards of this Section are of continuing application.

[Preceding from former Section 46.1, Amended Effective 3-7-08]

4.5.2. 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.

[From former Section 46.2]

4.5.3. 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.

[From former Section 46.3]

4.5.4. 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.

[From former Section 46.4]

4.5.5. 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.

[From former Section 46.5]

4.5.6. 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.

[From former Section 46.6]

4.5.7. Refuse, Wastes and Pollution. No refuse or other waste materials shall be deposited on any Lot except with the approval of the Director of Health of the Town of Old Lyme. 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. [From former Section 46.7]

- 4.5.8. 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.

[From former Section 46.8]

- 4.5.9. 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.

[From former Section 46.9]

- 4.6 Buffer Requirements for Non-Residential Uses. In Waterfront Business, Commercial and Light Industry Districts, the area required for Building setback from a Residence District boundary line shall be suitably landscaped with evergreen shrubs or trees no less than six (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. 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. As used in this Section, "Residence Districts" shall include the following District titles and map codes: Rural Residence RU-80 District (RU-80); Rural Residence RU-40 District (RU-40); Residence R-20 District (R-20); Residence R-15 District (R-15); Residence R-10 District (R-10); Multi-Family Residence MFR-80 District (MFR-80); Multi-Family Residence MFR-40 District (MFR-40); nx Multi-Family Residence MFR-20 District (MFR-20).

[From former Section 31.3.16(c) , Amended Effective 3-7-08]

- 4.7 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 (1) foot above the edge of the Street Traveled Way, which triangular area has two (2) 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.

[From former Section 7.4.8, amended effective 3-7-08]

- 4.8 Street Numbers.

- 4.8.1 Assignment. In accordance with Connecticut General Statutes Section 7-120 and established practice in the Town of Old Lyme, street numbers shall be assigned by the Town Assessor.

4.8.2 Administration. 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.

[Preceding Added effective 3-7-08]

4.9 Keeping of Animals. Agricultural uses 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. See the provisions in Section 5, Use Regulations, for each District. See also Section 7.2, Accessory Buildings; Section 7.8.7, Keeping of Pets; Sections 11.16, Commercial Cattery, Dog Kennels, Veterinarian Hospitals, & Veterinary Outpatient Clinics; and Section 11.17, Commercial Livery and Board Stables, Riding Academies.

[From former Schedule A-1 , Amended Effective 3-7-08, Amended Effective 4-1-09]

4.10 Conservation Zone Requirements - Gateway. The following provisions apply within the Conservation Zone only.

4.10.1 Definitions: For purposes of this Section 4.10 only, the following definitions shall apply (note: Some definitions may be the same as in Section 3 of these Regulations, but are repeated here for the convenience of the reader):

Act Connecticut Public Act 73-349.

Attic The space between the ceiling beams of the top story and the roof rafters.

Building Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or materials.

Commercial Cutting Any cutting or removal of forest tree species which is not covered under the definition of non-commercial cutting contained herein.

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

Commission The Connecticut River Gateway Commission.

Coverage The percentage which the aggregate building area of all buildings on a lot bears to the total area of that lot.

Developed Area An area adjacent to the Connecticut River or its tributaries and associated wetlands which has, within the 50 foot riparian area immediately landward of the high tide line as defined in §22a-359(c) CGS, been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot riparian area shall also be considered as “developed” if clearing and or construction activities have occurred in such a manner so as to make the retention or replacement of vegetation within said 50 foot riparian area impractical, infeasible or undesirable.

Earth Materials Removal The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

Erosion and Sedimentation Control Plan A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

Grade The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

Height, Building Height The vertical distance between a horizontal plane 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 existing natural grade, shall be included as part of the measured height.

The Zoning Commission may consider and may approve a special permit application which allows 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 special permit requirements for residential structures in excess of four thousand (4000) square feet of total floor area. The special permit is mandatory for all structure in excess of four thousand (4000) square feet, and the Commission may require a Special Permit based on the criteria of Section 4.10.12.4 for structure with a total floor area of four thousand (4000) square feet or less. See Section 4.10.12.

Human Occupancy The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

Lot A plot or parcel of land occupied or capable of being occupied, in conformity with applicable regulations, by one or more principle buildings and any accessory buildings or uses customarily incidental thereto.

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.

Multi-Family Project Any group of three or more dwelling units in one or more buildings on a single lot.

Non-Commercial Cutting The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. 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 showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.

Refuse Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

Sign Any letter, word, model, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction or directive.

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 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 six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (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.

Town A town which has voted to be governed by the provisions of Section 6 to 9 of the Act in accordance with Section 4(b) of the Act, being the Town of Old Lyme for purposes of this Section 4.10.

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 six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

Wetlands Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended and Section 22a-38, Connecticut General Statutes, as amended.

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

<i>Type of District</i>	<i>Range of Minimum Lot Sizes</i>	<i>Maximum Percent of Land Coverage Permitted</i>
Residential	Up to 20,000 square feet	25%
	20,000 – 40,000 square feet	15%
	Above 40,000 square feet	10%
Commercial (including waterfront)	All sizes	40%
Industrial	All sizes	25%

4.10.3 **Connecticut River Setbacks:** No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100') feet of the high tide line, 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 local commission having jurisdiction 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 4.3, Tidal River Protection, for setbacks from other tidal rivers.

4.10.3 Erosion and Sedimentation Control. An erosion and sedimentation control plan shall be submitted as part of the supporting documentation to be filed with a required site plan. Such a plan may be referred to the appropriate soil and water conservation district for its technical review and advisory opinion before approval of the project is granted by the town authority having jurisdiction and shall meet the following criteria:

- a. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
- b. Wherever feasible, natural vegetation should be retained and protected.
- c. Only the smallest practical area of land should be exposed at any one time during development.
- d. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- e. Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- f. Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters and from land undergoing development.
- g. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- h. The permanent final vegetation and structures should be installed as soon as practical in the development.

4.10.4 Signs. No sign shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner so as to move or rotate mechanically or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, nor shall any sign be permitted which calls the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located.

4.10.5 Building Height. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height or thirty-five (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the town authority having jurisdiction, provided that the

architectural features will not have a significant visual impact on the River scene. See Section 8, Bulk.

4.10.6 Cutting of Timber, Required Vegetative Buffer. There shall be no cutting or any human-instigated destruction of vegetation within a strip of land extending fifty (50') feet from the mean high tide line, as defined in Section 22a-359c of the Connecticut General Statutes, of the Connecticut River, its tributaries or its associated wetlands, 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 three (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 five feet (5') in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- e. Stairs or similar structures may be allowed with a permit from the enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five feet (5') in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- f. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the Zoning

Commission as “developed areas”. 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. For purposes of this section, a developed area is an area adjacent to the Connecticut River or its tributaries and associated with wetlands which has, within the 50-foot riparian area immediately landward of the high tide line, as defined in Conn. Gen. Stats. § 22a-359(c), been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50-foot riparian area shall also be considered as “developed” if clearing or construction activities have occurred in such a manner as to make the retention or replacement of vegetation within said 50 foot riparian area impractical, infeasible or undesirable.

4.10.7 Cutting of Timber.

- a. Noncommercial cutting. A noncommercial 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. Applicants shall make application to the Commission for permits for the commercial cutting of timber and no commercial cutting of timber shall occur in the absence of the issuance of such a permit. After submission of a commercial cutting plan to the Commission, a permit shall be granted if it is found to be consistent with the minimum standards set forth in Appendix A at the end of this Section 4.

4.10.8 Burning of Undergrowth. The burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

4.10.9 Removal of Soils and Earth Materials. The removal of soil and earth materials shall be prohibited except for (1) valid non-conforming uses in existence as of May 14, 1974; (2) foundation, trench and related site excavations performed after the issuance of a building permit; and (3) which a building permit is not required, provided such removal shall not exceed three hundred (300 c.y.) cubic yards of material.

4.10.11 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.

4.10.12 Additional Requirements for Residential Structures Over Four Thousand (4,000) Square Feet in Total Floor Area. A Special Permit is required for all construction, reconstruction, enlargement or structural alteration of principal and accessory residential structures which result in one or more buildings or structures having a combined total floor area in excess of four thousand (4,000 SF) square feet. The purpose of this requirement is 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 river scene.

4.10.12.1 Exception. A Special Permit shall not be required for residential structures more than four thousand (4,000 S.F.) square feet in total floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least thirty-five (35') feet above ground elevation of the proposed structure.

4.10.12.2 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.

4.10.12.3 Special Permit Criteria. The following standards and criteria shall apply to such Special Permit reviews in addition to those requirements contained in Section 13 of these Regulations:

- a. 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.
- b. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
- c. 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.

- d. 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.
- e. 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.
- f. 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.
- g. 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 Conservation Zone.
- h. 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.
- i. 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.

4.10.12.4 Finding. The Commission shall make the following findings in approving any Special Permit within the Conservation Zone:

- a. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- b. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.

- c. 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 Conservation Zone.
- d. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.
- e. The Commission may consider and may approval a special permit application which allows a 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 special permit requirements for residential structures in excess of four thousand (4,000 S.F.) square feet of total floor area. See Section 8.2.2.2 for standard height measurement.

4.11 Residence in Underground, Incomplete, or Temporary Building or Structure. 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.

Likewise, 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 Section 11.18, Trailers, of these Regulations.

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

4.12 Temporary Uses. 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. See, for example, Sections 15 (Excavation and Filling of Earth Products) and 7.6.1 (Handicapped Access to Residential Structures).

[Added effective 3-7-08]

4.13 Stormwater Runoff Control. For any use of land for which review is required by the Commission or the Board, the provisions of this Section 4.13 shall apply.

4.13.1 Purpose. It is the intent of this Section to encourage the use of Best Management Practices (BMP's) in the design, construction and maintenance of stormwater management systems (SMS's) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from development. In all zoning

districts, SMS's for developments/projects shall be designed, constructed and maintained with BMP's 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.

All SMS's 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. *"2004 Connecticut Stormwater Quality Manual"* 2004 or as amended by the Connecticut Department of Environmental Protection.
- c. *"2002 Connecticut Guidelines For Soil Erosion and Sediment Control, DEP Bulletin 34"* Effective May 2002 or as amended by The Connecticut Council on Soil and Water Conservation in Cooperation with the Connecticut Department of Environmental Protection.
- d. *"Design and Construction Standards of the Town of Old Lyme, Connecticut, Incorporating Polices, 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.

4.13.2 Design by Engineer. 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.

4.13.3. 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 4.13 Added effective 3-7-08]

4.14 Driveway Standards. All driveways shall be constructed in accordance with the specifications and permit procedures set forth in an ordinance of the Town of Old Lyme entitled, "Driveways", as the same may be amended from time to time.

[Added effective 3-7-08]

- 4.15 No More Than One Principal Use on a Lot. Except in a Planned Residential Conservation Development (PRCD) per Section 12 of these Regulations and in the Commercial C-30, Commercial C-10 and Light Industrial Districts, there shall be no more than one (1) principal use on a single lot. In the Light Industrial Districts, upon approval of the Commission as a Special Permit pursuant to Section 13B of these Regulations, there may be more than one (1) 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. In the Commercial C-30 and Commercial C-10 Districts, upon approval of the Commission as a Special Permit pursuant to Section 13B of these Regulations, there may be more than one (1) 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 (1) Dwelling Unit per Lot, and, provided, that any Alteration, Enlargement, or Extension of any such uses shall require an amendment to such Special Permit. In Planned Residential Conservation Developments, there may be more than one principal use on one (1) lot, including one or more dwellings, upon approval of the Planning Commission pursuant to Sections 12 and 13 of these Regulations. In granting any Special Permit under this Section, the Commission may require that each additional Principal Use shall provide the parking required by Section 18 of these Regulations, increased by up to 20%, depending on the mix of uses and expected combined occupancy. See Section 6.8 (Prohibited Uses).

[First and third Sentences Added effective 3-7-08; [Second Sentence From former Section 6.3.8, Amended Effective 3-7-08]

SECTION 5
USE REGULATIONS

- 5.0 Use Categories. The land use designations contained in this Section shall be construed in accordance with Section 3 of these Regulations, Definitions, where a term is defined in that Section. For land use designations which are not defined in Section 3, 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, Preamble. 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.

Any Use not indicated as permitted shall be deemed prohibited. In addition, see Section 6 of these Regulations for Uses which are expressly prohibited, even in conjunction with a Use listed in this Section 5 or arguably similar to such a Use.

Defined use categories are identified by the notation, “[D]”. For Area, Location and Bulk Requirements, see Section 8, Area, Location and Bulk Requirements. Note that portions of any zoning District may, in addition, be covered by one or more overlay zones as described in Section 2.4.2 of these Regulations. Note also that certain Uses are subject to special requirements in Section 11, Special Regulations, or other Sections of these Regulations. Where a Use is subject to such special requirements, the appropriate Section or subsection will be indicated.

[Added effective 3-7-08.]

5.1 Rural Residence RU-80 District (RU-80).

- 5.1.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Farm [D];
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

- 5.1.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

- 5.1.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12; Commercial Cattery [D], subject to Section 11.16;

Commercial Kennel or Veterinary Hospital, subject to Section 11.16;

Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17;

Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.

Private School, profit or non-profit;

Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;

Convalescent Home [D], subject to Section 11.14;

Nursing Home [D], subject to Section 11.14;

Club [D];

Cemetery [D];

Governmental Service [D];

Park [D];

Supervised Group Quarters [D];

Golf Courses [D], subject to Section 11.2;

Public [D] Utility substation, transformer, or other facility;

- 5.1.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;

Accessory Uses to a Farm, subject to Section 7.9;

Family Day Care Home [D];

Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Accessory Apartments, subject to Section 7.8.2;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Bed & Breakfast [D], subject to Section 7.8.4;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D] as Accessory to a House of Worship;
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.1.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.2 Rural Residence RU-40 District (RU-40).

5.2.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Farm [D];
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.2.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.2.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
Commercial Cattery [D], subject to Section 11.16;
Commercial Kennel or Veterinary Hospital, subject to Section 11.16;
Commercial Livery and Boarding Stables, Riding Academies capable of housing six (6) horses or more, subject to Section 11.17;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;

5.2.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Accessory Apartments, subject to Section 7.8.2;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Bed & Breakfast [D], subject to Section 7.8.4;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];

Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.2.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.3 Residence R-20 District (R-20).

5.3.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4
Farm [D];
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.3.2 Permitted Uses, Subject to Site Development Plan Review. Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.3.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.

Convalescent Home [D], subject to Section 11.14;

Nursing Home [D], subject to Section 11.14;

Club [D];

Cemetery [D];

Governmental Service [D];

Park [D];

Supervised Group Quarters [D];

Golf Courses [D], subject to Section 11.2;

Public [D] Utility substation, transformer, or other facility;

- 5.3.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;

Accessory Uses to a Farm, subject to Section 7.9;

Family Day Care Home [D];

Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;

Customary Home Occupation, subject to Section 7.8.1;

Boarding House/Letting of Rooms [D], subject to Section 7.8.3;

Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;

Tag Sale [D];

Private Dog Kennel [D];

Memorial Garden [D];

Private Boathouse or dock, subject to Section 4.3;

Signs, Subject to Section 19;

Off-Street Parking [D].

- 5.3.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.4 Residence R-15 (R-15).

- 5.4.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;

Seasonal Dwelling [D], subject to Section 11.19 and 11.20;

Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to
Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and
berries, *without* sales to the general public exceeding a sales area of 400
square feet (total indoor and/or outdoor space), subject to
Section 11.15;
Farm [D];
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to
Section 11.18.

5.4.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.4.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.;
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.4.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses,

Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D]
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.4.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.5 Residence R-10 District (R-10).

5.5.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Farm [D];
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.5.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.5.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17;

5.5.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];
Private Boathouse or dock, subject to Section 4.3;

Signs, Subject to Section 19;
Off-Street Parking [D].

5.5.5 Eligibility for Planned Residential Cluster Development: Not eligible.

5.6 Multi-Family Residence MFR-80 District (MFR-80).

5.6.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Farm [D];
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.6.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

5.6.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
Two Family Dwelling [D]
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;

Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility.
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.6.4 Accessory Uses: The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.6.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.7 Multi-Family Residence MFR-40 District (MFR-40).

5.7.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;

Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to
Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and
berries, *without* sales to the general public exceeding a sales area of 400
square feet (total indoor and/or outdoor space), subject to
Section 11.15;
Farm [D];
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to
Section 11.18.

5.7.2 Permitted Uses, subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.7.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Planned Residential Cluster Development, subject to Section 12;
Two Family Dwelling [D];
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility.
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15.
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.7.4 Accessory Uses The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Accessory Uses to a Farm, subject to Section 7.9;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];
Private Dog Kennel [D];
Memorial Garden [D];
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.7.5 Eligibility for Planned Residential Cluster Development. Eligible, subject to Section 12.

5.8 Multi-Family Residence MFR-20 District (MFR-20).

5.8.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Seasonal Dwelling [D], subject to Section 11.19 and 11.20;
Community Residence for Mentally Ill Adults [D], subject to Section 11.3;
Community Residence for Mentally Retarded Persons [D], subject to Section 11.4;
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *without* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Farm [D]
Commercial Logging, subject to Section 11.23;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

- 5.8.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17.

- 5.8.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Two Family Dwelling [D];
Private School, profit or non-profit;
Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
Convalescent Home [D], subject to Section 11.14;
Nursing Home [D], subject to Section 11.14;
Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];
Supervised Group Quarters [D];
Golf Courses [D], subject to Section 11.2;
Public [D] Utility substation, transformer, or other facility.
Commercial propagation and growing of flowers, plants, nursery stock, and berries, *with* sales to the general public exceeding a sales area of 400 square feet (total indoor and/or outdoor space), subject to Section 11.15;
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

- 5.8.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Accessory Uses to a Dwelling, subject to applicable provisions of Section 7, Accessory Uses;
Family Day Care Home [D];
Professional and Business Office Accessory to Dwelling Unit [D], subject to Section 7.8.1;
Customary Home Occupation, subject to Section 7.8.1;
Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Recreational Trailers [D], etc., subject to Sections 7.8.6 and 11.18;
Tag Sale [D];

Private Dog Kennel [D];
Memorial Garden [D]
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

5.8.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.9 Waterfront Business District (WF-20).

5.9.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.9.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Marine Facility [D];
Boat livery;
Sale loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies;
Marine research facility.

5.9.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08] but excluding Package Store (retail sale of alcoholic beverages) and excluding the manufacture or processing of materials;

Business and professional offices;

Full Service Restaurants [D], not to exceed 5,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 but excluding entertainment. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08].

Club [D];
Cemetery [D];
Governmental Service [D];
Park [D];

Public [D] Utility substation, transformer, or other facility.

- 5.9.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility.
Lavatory and/or laundry facilities to service occupants of boats only, accessory to a Marine Facility;
Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
Private Boathouse or dock, subject to Section 4.3;
Signs, Subject to Section 19;
Off-Street Parking [D].

- 5.9.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.10 Commercial C-30 District (C-30) and C-30S District (C-30S).

- 5.10.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18;
Temporary Storage Trailer [D], subject to Section 11.18;

- 5.10.2 Permitted Uses, subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Business or professional office;
Banks and other financial institutions;
Adult Entertainment, subject to Section 11.24 [Added effective 4-1-09].

- 5.10.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation containing no more than 5,000 square feet of Total Floor Area on any Lot, including Package Store (retail sale of

alcoholic beverages), subject to Section 14 and also including the manufacture or processing of materials Accessory to a permitted retail business or retail service occupation. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];

Marine Facility [D];

Boat livery;

Sail loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies;

Marine research facility

Package Store (retail sale of alcoholic beverages), subject to Section 14;

Business and professional offices;

Full Service Restaurants [D], not to exceed 10,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 and including entertainment, subject to Section 11.24. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08];

Take-Out Restaurant [D];

Veterinary Outpatient Clinic [D], subject to Section 11.16;

Club [D];

Cemetery [D];

Governmental Service [D];

Park [D];

Inn [D], subject to Section 11.29;

Public [D] Utility substation, transformer, or other facility;

Mortuary/Funeral Home, provided there is no on-site chemical preparation of bodies. [From Former Schedule B-1, Section 23, Amended Effective 1/1/96].

Public laundry establishments provided washing, drying, or dry-cleaning machines on the premises for rental use to the general public. [Added effective 3-7-08]

Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;

Commercial Livery and Boarding Stables and Riding Academies, subject to Section 11.17.

Assembly halls, dance halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities), provided no portion of any Building containing such Use shall no less than 100 hundred feet, measured horizontally, from any Residential or Rural District;

Theaters for indoor motion pictures or for dramatic or musical productions subject to Section 11.24;

Retail dealer's station for sale of motor vehicle fuels;

Motor vehicle service facility or repairers garage, including automobile, truck, trailer, bus and farm equipment repairing, painting and upholstery, subject to issuance of the appropriate repairer's license by the Connecticut Department of Motor Vehicles;

Rental or leasing of automobiles, including trucks, trailers, buses and farm equipment, and including the storage of such vehicles but excluding maintenance facilities for such vehicles;
Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
Business Service Establishment [D]. [From former Schedule B-1, Section 24, amended effective 12/1/96];
Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law][From former Schedule B-1, Section 25, amended effective 3/3/97].
Yacht Club [D];
[Amended effective 4-1-09 to delete Adult Entertainment, subject to Section 11.24].

5.10.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
Private Dog Kennel [D];
Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility;
Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
Signs, Subject to Section 19;
Off-Street Parking [D].

5.10.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.11 Commercial C-10 District (C-10).

5.11.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations and in compliance with all other applicable provisions of these Regulations:

Single Family Dwelling [D], subject to Section 11.19;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18;
Temporary Storage Trailer [D], subject to Section 11.18;
Permanent Storage Trailer [D], subject to Section 11.18.
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17

5.11.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with

Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Business or professional office;
Banks and other financial institutions;
Adult Entertainment, subject to Section 11.24 [Added effective 4-1-09];
Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less

5.11.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Retail business or retail service occupation containing no more than 5,000 square feet of Total Floor Area on any Lot, including Package Store (retail sale of alcoholic beverages), subject to Section 14 and also including the manufacture or processing of materials Accessory to a permitted retail business or retail service occupation. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];

Full Service Restaurants [D], containing no more than 5,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 but excluding entertainment [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08];

Assembly halls, dance halls, bowling alleys, and indoor and outdoor recreational facilities (including tennis, handball, paddleball, squash, swimming, skating and similar such activities), provided no portion of any Building containing such Use shall no less than 100 hundred feet, measured horizontally, from any Residential or Rural District;

Theaters for indoor motion pictures or for dramatic or musical productions, subject to Section 11.24;

Retail dealer's station for sale of motor vehicle fuels;

Motor vehicle service facility or repairers garage, including automobile, truck, trailer, bus and farm equipment repairing, painting and upholstery, subject to issuance of the appropriate repairer's license by the Connecticut Department of Motor Vehicles;

Rental or leasing of automobiles, including trucks, trailers, buses and farm equipment, and including the storage of such vehicles but excluding maintenance facilities for such vehicles;

Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;

Business Service Establishment [D] [From former Schedule B-1, Section 24, amended effective 12/1/96];

Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law] [From former Schedule B-1, Section 25, amended effective 3/3/97].

Marine Facility [D];

- Boat livery;
- Sail loft or ship chandlery, including the sale of marine equipment, engines, bait and tackle, and other marine supplies;
- Marine research facility;
- Retail business or retail service occupation containing more than 5,000 square feet of Total Floor Area but no more than 10,000 square feet of Total Floor Area on any Lot. [From Former Schedule B-1, Section 2, amended effective 11/10/95 and 3-7-08];
- Package Store (retail sale of alcoholic beverages), subject to Section 14;
- Business and professional offices;
- Full Service Restaurants [D], not to exceed 10,000 square feet of Total Floor Area for each Lot, including the Accessory service alcoholic beverages, subject to Section 14 and including entertainment, subject to Section 11.24. [From Former Schedule B-1, Sections 6 and 6a, amended effective 2/28/97, 1/1/96, and 3-7-08];
- Take-Out Restaurant [D];
- Veterinary Outpatient Clinic [D], subject to Section 11.16;
- Club [D];
- Cemetery [D];
- Governmental Service [D];
- Park [D];
- Inn [D] subject to Section 11.16;
- Public [D] Utility substation, transformer, or other facility;
- Mortuary/Funeral Home, provided there is no on-site chemical preparation of bodies.
[From Former Schedule B-1, Section 23, Amended Effective 1/1/96].
- Public laundry establishments provided washing, drying, or dry-cleaning machines on the premises for the general public.

[Added effective 3-7-08].

- Yacht Club [D];
- Philanthropic, educational, recreational or religious non-residential Use by a duly organized non-profit entity or governmental unit, excluding correctional institutions and institutions for the insane;
- Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses.

[Amended effective 4-1-09 to delete Adult Entertainment, subject to Section 11.24].

5.11.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

- Boarding House/Letting of Rooms [D], subject to Section 7.8.3;
- Tag Sale [D];
- Private Dog Kennel [D];
- Sale of fuels and/or lubricants for boats only, Accessory to Marine Facility;

Tennis courts, swimming pools and similar facilities for outdoor recreation not requiring a waterfront location;
Sale of alcoholic beverages for on-site consumption as an Accessory Use to a Full Service Restaurant [D];
Signs, Subject to Section 19;
Off-Street Parking [D].

5.11.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.12 Light Industry LI-80 District (LI).

5.12.1 Permitted Uses, Certificate of Zoning Compliance only. The following Uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Section 20 of these Regulations, and in compliance with all other applicable provisions of these Regulations:

Dwellings [D] existing on the effective date of this Regulation, 3-7-08;
Temporary Construction Storage/Office Trailer [D], subject to Section 11.18.

5.12.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

Commercial Livery and Boarding Stables and Riding Academies capable of housing six (6) horses or less, subject to Section 11.17;

5.12.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

Temporary Storage Trailer [D], subject to Section 11.18;
Permanent Storage Trailer [D], subject to Section 11.18;
Business or professional office;
Banks and other financial institutions;
Marine Research Facility;
Research Laboratory;
Truck terminals, school bus terminals located outside the Conservation Zone
Warehouses located outside the Conservation Zone;
Lumber and building materials yards located outside the Conservation Zone;
Dairy and bottling works, located outside the Conservation Zone;
Public utility buildings, including storage yards, located outside the Conservation Zone;
Laundry, dry cleaning and dyeing works, carpet or rug cleaning located outside the Conservation Zone;

The manufacture, processing, assembly or packaging of goods located outside the Conservation Zone;
The manufacture and processing of concrete products located outside the Conservation Zone;
A dog pound operating by the Town of Old Lyme located outside the Conservation Zone;
Commercial Services provided to customers, which customers are located and which services are provided off the Premises.
Telecommunications Tower, Antenna, or Building, subject to the Section 11.22 to the extent permitted by current law] [From former Schedule B-1, Section 25, amended effective 3/3/97];
Septage Storage and Transfer Facility [D], including closed tanks, ancillary services and Structures, which have obtained all approvals required from such government agencies as have jurisdiction. [Added effective 6/1/98].
Commercial Livery and Boarding Stables and Riding Academies capable of housing more than six (6) horses, subject to Section 11.17.

5.12.4 Accessory Uses. The following Uses, Buildings and Structures shall be permitted, in addition to the applicable provisions of Section 7 (Accessory Uses, Buildings, and Structures), under the procedure specified when Accessory to a permitted Principal Use:

Motor Vehicle service facility or repairer's garage only when Accessory to permitted Use on the same Lot;

5.12.5 Eligibility for Planned Residential Cluster Development. Not eligible.

5.13 Sound View Village District (SVDD)

5.13.1 Statement of Purpose. The Sound View Area of Old Lyme is a compact, sea-side community with a mix of smaller-scaled residential and commercial activities focusing on the recreational uses of the beaches at the southern end of Hartford Avenue and serving as an entertainment and commercial center for the surrounding residential communities. Commercial activity is located primarily along the Hartford Avenue corridor, fronting on Hartford Avenue.

In accordance with Connecticut General Statutes Section 8-2j, the Sound View Village District (SVVD) is intended to retain and enhance the distinctive character and scale of this sea-side 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 Connecticut General Statutes Section 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: (1) 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 assure there is no adverse impact on the district; (2) proposed streets shall be connected to the existing district road network wherever possible; (3) open spaces within the proposed development shall reinforce open space patterns of the district in form and siting; (4) 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; (5) the landscape design shall complement the district's landscape patterns; (6) 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, (7) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

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.

For uses within the SVVD, the Commission encourages applicants to consider the use of shared septic systems for the disposal of effluent as means to enhance land use flexibility.

5.13.2 District Boundaries. The Sound View Village District is the area bounded on the north by a line 100' north of the north side right-of-way boundary of Bocce Lane (aka Cross Road #2), on the east by the eastern side right-of-way boundary of the alleyway between Hartford and Swan Avenues, on the west by the western side right-of-way boundary of the alleyway between Hartford and Portland Avenues (the alleyways are in the SVVD), and on the south by Long Island Sound.

5.13.3 Applicability and Process: 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 5.13.

- a. 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 13A of these Regulations,

unless such use or development is designated for Special Permit review in Section 13B.

- b. In addition to new uses, changes in use, demolition of buildings and new construction or development with 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 character of the Village District.
- c. 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.
- d. 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 Review shall review an application and report to the Commission within thirty-five 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 General Statutes.

5.13.4 Uses.

5.13.4.1 Permitted Uses, Certificate of Zoning Compliance only.

None.

5.13.4.2 Permitted Uses, Subject to Site Development Plan Review, Per Section 13A. The following uses require the approval of a Site Development Plan in accordance with Section 13A of these Regulations, in addition to any other applicable provisions of these Regulations:

- a. Single family residences with not more than 2000 sq. ft of gross floor area.
- b. Accessory uses which are customary with and incidental to the permitted residential use, subject to the standards of Section 7 of these Regulations.
- c. Year Round Use: No new year-round use single family dwelling shall be constructed nor shall any seasonal use or seasonal dwelling be converted to year-round use except in compliance with Sections 11.19 and 11.20 of these Regulations.
- d. Non-residential uses may be changed to operate on a year-round basis if the applicant provides evidence that all Public Health and Building Codes are met, as such codes would apply to a new use, and without the application of any waivers or exemptions. The Commission may require reports from the Town Building Official and/or Sanitarian to confirm compliance with current Codes without waivers.

5.13.4.3 Special Permit Uses, Per Section 13B. The following uses require the issuance of a Special Permit in accordance with Section 13B of these Regulations, in addition to any other applicable provisions of these Regulations:

- a. Single family residences with more than 2000 square feet of gross floor area.
- b. Multi-family housing, based on the capacity of the existing soil to accept sanitary waste effluent in compliance with the Connecticut Public Health Code, and the provisions of Section 11.28 of these Regulations, except that in cases of inconsistency with the following requirements, the following requirements shall apply in the SVVD:
 1. The development shall contain no more than six (6) dwelling units.

2. 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 six (6) dwelling units.
 3. Each dwelling unit shall contain a gross floor area of at least 800 square feet.
 4. If the multi-family development contains dedicated affordable housing units as defined in Conn. Gen. Stats. §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 (1) for each three (3) affordable units in the development.
 5. In evaluating an application for multi-family housing, the Commission shall encourage the consolidation of small existing dwellings into a smaller numbers of units, and/or units with fewer bedrooms.
- c. Philanthropic, educational, recreational or religious non-residential use by a duly organized non-profit organization, non-profit corporation or governmental unit excluding correctional institutions and institutions for the insane.
 - d. Dedicated affordable housing, either to own or to rent, as defined in Conn. Gen. Stats. §8-30g.
 - e. Entertainment and recreational uses (e.g., rides, arcades) meeting the provisions of these Regulations and Town Ordinances.
 - f. Community buildings providing meeting and recreational space for civic activities, including their administrative offices.
 - g. Retail business or retail service occupations not exceeding 3,000 square feet of gross floor area per structure.
 - h. Professional or business office of a resident of a dwelling unit, subject to additional standards of 7.8.1 of these Regulations.

- i. Customary home occupation, home industry and service occupations within a dwelling unit subject to additional standards of 7.8.1.2 of these Regulations.
- j. Bed and Breakfast, generally in accordance with 7.8.4 and 11.29, except as provided below, and the following requirements:
 - 1. Each room shall be used to house no more than two (2) persons.
 - 2. Each Bed and Breakfast shall have no more than four (4) rooms to be let out to lodgers.
 - 3. Each room shall be at least 300 square feet of living space, exclusive of bathroom.
 - 4. Each room shall have a private en suite bathroom consisting of a toilet, lavatory and bath tub or shower.
 - 5. Each room shall not contain any provisions for the cooking or refrigerated storage of food.
 - 6. The maximum length of stay by a lodger shall be 14 days with a prohibition from returning within 14 days.
 - 7. Parking for lodgers shall be on-site with the required number of spaces to be determined by the provisions of these Regulations.
 - 8. The separation requirements of Section 7.8.4(h) shall not apply in the SVVD.
- k. A Tourist Home subject to the provisions of these Regulations and Town of Old Lyme Housing Ordinance and the following requirements:

1. Each room shall be used to house no more than two (2) persons.
 2. Each Tourist Home shall have no more than six (6) rooms to be let out to lodgers.
 3. Each room shall be at least 200 square feet of living space, exclusive of bathroom.
 4. Each room shall have a private en suite bathroom consisting of a toilet, lavatory, and bath tub or shower.
 5. Each room shall not contain any provisions for the cooking or refrigerated storage of food.
 6. The maximum length of stay by a lodger shall be 30 days with a prohibition to return within 14 days.
 7. Parking for lodgers shall be on-site with the required number of spaces to be determined by the provisions of these regulations.
- l. Park, playground or open space operated by a non-profit organization or by the Town of Old Lyme.
 - m. Full service restaurant not exceeding 3,000 square feet of gross floor area per lot.
 - n. Take-out restaurants where the patrons pick up their food on foot, and there is no delivery service or drive-through service to persons located on or in vehicles.
 - o. Shared Septic Systems, as a principal use.
 - p. The conversion of an existing Seasonal Use, including mixed uses, to a Year Round Use or Uses.

5.13.5 Mixed Uses Where mixed uses are proposed for any lot, the Commission may, by Special Permit (if not otherwise required), permit such mix of uses where it finds that: (a) the proposed uses are compatible with each other as designed into the existing or proposed site and building(s); (b) the site can meet the parking requirements of Section 18 of these Regulations,

as the same may be modified by Section 5.13.8.7 of this SVVD Regulation; (c) the site demonstrates the ability to provide sufficient water supply and effluent disposal capacity to support the proposed uses; (d) the signs for the building are integrated into a single, unified sign plan which incorporates all proposed uses; (e) the mix of uses contributes to the purposes of the SVVD District as set forth in Section 5.13.1 of these Regulations. 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.

5.13.6 Prohibited Uses: Any use not listed or designated as a permitted use, Special Permit use or accessory use in this District is expressly prohibited. (See also, Section 17 – Water Resources Protection; and Section 6, Prohibited Uses).

5.13.7 Lot and Bulk Standards - All buildings, structures and uses in the Sound View Village District shall comply with the following table:

BULK STANDARDS IN THE SOUND VIEW VILLAGE DISTRICT (SVVD)

Line District: SVVD

1.	Minimum lot area (in square feet)	10,000 s.f.
2.	Minimum lot area for each dwelling (in square feet)	10,000 s.f. (3)
3.	Minimum dimension of a square on the lot	75'
4.	Wetlands/watercourse restriction (7.2.1)	0%
5.	Maximum number of stories	2 1/2
6.	Maximum height of building or structure	27' (1)
7.	Minimum setback from the street line	6' (2)
8.	Minimum setback from rear property line	10'
9.	Minimum setback from other property line	6' (2)
10.	Minimum setback from Residence and Rural Districts	N/A
11.	Maximum floor area as a percent of lot area	40%
12.	Maximum lot coverage by buildings and structures as a percent of lot area	30%
13.	Maximum total lot coverage as percent of lot area (Section 8.8)	75%

Notes:

1. The maximum height of new structures within the SVVD shall be 27' and shall be measured in the manner prescribed in Section 8.2. For existing structures within the SVVD, height shall be limited to their existing height or 27' 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 13B of these Regulations.

2. For an existing or new use or structure, one (1) of the non-rear property line setbacks (e.g., front or side setbacks) may be reduced to 0' provided if it can be demonstrated this reduction will not adversely affect public health and safety or abutting uses.
3. Applies to new single-family dwelling units.

5.13.8 Design Standards: In addition to the standards and criteria of Section 13B for Special Permit uses, the site design, architectural design, scale and massing of buildings and other structures shall be of such character 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:

- 5.13.8.1 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.
- 5.13.8.2 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.
- 5.13.8.3 Building Form and Materials - New development shall be of such scale and character as to harmonize with adjacent buildings and the Hartford Avenue streetscape.
 - a. 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.
- b. 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.
 - c. In accordance with the existing character 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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 sea-side communities (e.g., sawn wooden shake siding, stucco, wood clapboards) and are subject to approval of the Commission.

5.13.8.4

Landscaping – In addition to the requirements of Section 13A of these Regulations, 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 36 inches 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.

5.13.8.5

Signage. In addition to the provisions of Section 19 of these Regulations, all signs within the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD Regulation, shall be 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. Signs shall be integrated with site landscaping in style and location. Signs shall be uncluttered and clearly legible and shall include only the minimum information necessary to direct the public. Ground signs (free-standing signs) are prohibited. No sign shall project into or over the public street right of way, including public sidewalks.

5.13.8.6 Lighting - All exterior lighting shall be of a style and character that is harmonious with the character of the SVVD, regardless of whether the use or structure invokes the accommodations of the SVVD Regulation. Building mounted flood lighting and ornamental building lighting is prohibited within the District. All light sources shall be shielded so as to reduce glare onto adjacent properties. Lighting shall be properly scaled for pedestrians. Lighting structures shall not exceed 12 feet in height. Pedestrian walkways may be illuminated by light bollards or other low level lighting standards with shielded light sources. All lighting sources shall use bulbs that produce warm toned light, such as that produced by sodium vapor bulbs.

5.13.8.7 Parking Requirements - Parking and loading Spaces shall be governed by the requirements of Section 18 of these Regulations 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 5.13, to approve exemptions from Section 18 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.

5.13.8.8

Sidewalks

- a. Unless waived under this paragraph, 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.
- d.. Front Yard Use
 1. 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 character of the building where the establishment is located.

2. 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.
3. 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.

5.13.8.9 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.

5.13.8.10 Shared Septic Systems. 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.

5.13.8.11 Shared Septic Systems, WPCA Approval Required. 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 Connecticut

General Statutes Section 7-246f have been satisfied shall be provided.

- 5.13.8.12 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.

[Foregoing Section 5.13 adopted effective 9-1-2005, amended effective 3-7-08]

Rev. February 20, 2008 to add retail back into 5.10, C-30 District