ZONING REGULATIONS

Adopted May 4, 1954 –

As amended through April 15, 2016

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PURPOSE:

These Regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely; to promote the health, safety and general welfare of the Town of East Lyme, by:

- Preventing the overcrowding of land and avoiding undue concentration of population;
- Preventing or lessening congestion of the public highways;
- Providing for the preservation of desirable open space, tree cover, historic sites, recreation areas, scenic vistas, stream valleys, wetlands and related water sources, and other environmentally important lands, soils and geologic phenomena;
- Encouraging energy efficient development;
- Providing adequate open spaces for light and air;
- Securing safety from fire, panic, flood and other dangers;
- Facilitating adequate provisions for transportation, water, sewage disposal, schools, parks and other conveniences;
- Stabilizing and conserving the value of land, homes and other buildings;
- Encouraging the most appropriate use of land throughout the town; and
- Providing proper provision for soil erosion and sediment control.

PLAN:

The Regulations are made in accordance with a comprehensive plan, with consideration being given to: (1) The recommendations of East Lyme Plan of Development; (2) The character of each district and its peculiar suitability for particular uses; (3) Conserving the value of existing buildings; and (4) Encouraging the most appropriate use of land throughout the town.

AUTHORITY:

Pursuant to the authority conferred by Chapter 124, Connecticut General Statutes, 1958 Revision, as amended, the Zoning Commission of the Town of East Lyme adopts the following regulations controlling the use and development of land.

JURISDICTION:

Within the Town of East Lyme, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations. No lot or land shall be subdivided, conveyed or encumbered so as (1) To make said lot or land nonconforming or more nonconforming to these regulations, (2) To make any use, building or structure nonconforming or more nonconforming, (3) To reduce any setback, yard, open space, or off-street parking and loading or (4) To make a nonconforming setback, yard, open space or off-street parking and loading more nonconforming.

Any use, building or other structure or any lot 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 21.

ADOPTED: May 4, 1954

AS AMENDED THROUGH:

Effective Date: April 15, 2016

Printed: April 21, 2016

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SECTION 1

DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted or defined as follows unless the context clearly indicates to the contrary: The present tense includes the future, the singular includes the plural. The word "used" or "occupied" shall be construed to include the words "intended, arranged or designed to be used or occupied", the word "structure" shall include the word "building", a "building" or "structure" includes any part thereof, the word "person" includes corporation, partnership, and an incorporated association of persons such as a club, as well as an individual.

Where a question arises as to the precise meaning of a word, the Commission shall by resolution determine the meaning of the word, giving due consideration to the expressed purpose and intent of these regulations.

1.1 ACCESSORY BUILDING - Subordinate building located on the same lot with the principal building and devoted to an accessory use, but not used for human habitation.

1.2 ACCESSORY USE - A use subordinate to and customarily incidental to the principal use of land or buildings and located on the same lot.

1.3 ADULT USE ESTABLISHMENTS shall be defined to include any or all of the following:

A. ADULT ARCADE – An establishment where, for any form of consideration, one or more still or motion-picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital media, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

B. ADULT BOOKSTORE (also ADULT NOVELTY STORE or ADULT VIDEO STORE) – An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital media, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

C. ADULT CABARET – A nightclub, bar, restaurant, or similar establishment that regularly or occasionally features live performances that are characterized by the exposure of specified anatomical areas.

D. ADULT MOTEL – A motel, hotel, inn or similar commercial establishment which offers public accommodations, for any form of

consideration, and also offers patrons closed-circuit television transmission, films, motion pictures, video cassettes, digital media, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this type of entertainment by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

E. ADULT MOTION-PICTURE THEATER – An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital media, slides or other similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

F. ESCORT OR MODELING AGENCY – A person or business association, who furnishes, offers to furnish or advertises to furnish escorts or models, as herein defined, as one of its primary business purposes for a fee, tip or other consideration.

G. MASSAGE PARLOR – Any establishment where, for any form of consideration or gratuity, the administering of massage, alcohol rub, administering of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body is performed by a person or persons who exposes specified anatomical areas.

H. OTHER ADULT ENTERTAINMENT USES – Any live exhibition, performance, display or dance of any type, including but not limited to talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food or beverages, products or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on any premises to which the public, patrons, or members are invited or admitted, including any private club or membership organization, and including but not limited to business establishments identified as an adult arcade, escort agency, juice bar, coffee shop, cigar shop, nude modeling studio, sexual encounter center, massage parlor, or similar or like establishments.

1.3.1 <u>ANCHOR STORE – GATEWAY DISTRICT:</u> - A large retail store (including club type stores) of not less than 100,000 s.f. of net floor area containing a variety of retail categories and services, which may include, but are not limited to automotive parts, accessories; motor vehicle fuel sales; camping, outdoor and recreation goods; electric light fixtures and bulbs; pet supplies; floor and window coverings, furniture, bedding, furnishings, fabric and homewares; household appliances, household electrical goods and home entertainment goods; party supplies, office equipment and supplies; baby and children's play equipment and accessories; hardware, landscape and gardening supplies; grocery and beverage items, including alcohol for off premises consumption; prepared foods; paper goods and items of a bulky nature that require a large for handling, display and storage. A zoning permit for such store shall not require individual conformance of each category/service, nor compliance with any separation distances, as

applicable to individual uses, pursuant to the Zoning Regulations; provided however, no such category/service shall violate Section 20.2 of the Regulations.

1.4 ASSISTED LIVING FACILITY: - A managed residential community contained in one primary building, consisting of private residential units and providing assistance with activities of daily life with at least full meal service, together with laundry and housekeeping service, social and recreational activities and personal services, in a group setting primarily limited to persons 62 years and older who require help or aid with activities of daily life, but do not require full time nursing care.

1.5 BACK LOT – a lot that is located to the rear of another lot fronting on the same street meeting the requirements of Section 20.8.

1.6 BAKERY (RETAIL) – Any establishment whose principal business is the sale of baked products such as breads, cakes, cookies, donuts, pastries, bagels, rolls, and similar products. Said products are made and baked on the premises. This process includes mixing the primary ingredients such as flour, butter, sugar, eggs and yeast on the premises. These products are then baked and sold mainly at retail on the premises for consumption off premises. The sale of any beverages shall be incidental to the primary business. The public floor area shall not be more than 20% of the total premises. It shall not include seating or a restaurant. The total premise shall not exceed 2000 square feet.

1.7 BED AND BREAKFAST - A private house in which a portion of the building is maintained and held out to the public as transient overnight accommodations containing no more than the number of units allowed under Section 25.5 with a maximum of seven (7) units, which provide overnight accommodations to guests, and which provides meals only for registered overnight paying guests.

1.8 BOAT HOUSE - A building for storing a boat or boats.

1.9 BUFFER STRIP - A suitable landscaped open space unoccupied except by vegetative growth, cleaned of all rubbish and waste materials, and left in a natural state with the land surface protected with suitable ground cover.

1.10 BUILDING - Any structure with walls and a roof securely affixed to the land and entirely separated on all sides from any other structure and which is designed for the shelter, enclosure, or protection of persons, animals, or chattels.

1.11 BUILDING AREA - The ground area enclosed by the exterior walls of a building plus the area of all covered porches and other roofed portions.

1.12 BUILDING HEIGHT - The vertical distance from the average finished grade within ten feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gambrel, hip or gable roofs.

1.13 BUILDING LINE - The line parallel to a street which establishes the minimum depth of front yard for the particular district as measured from the street line.

1.14 CEMETERIES - A burial ground or graveyard and accessory caretaker's buildings and above ground tombs operated by a religious or non-religious association or private enterprise, but not including burial services such as crematoriums or buildings commercially used for interments.

1.15 CHILD CARE CENTER - means a program of supplementary care for more than twelve (12) related or non-related children outside their own homes on a regular basis or a part of the twenty - four (24) hours in one or more days in the week.

1.16 CHILD CARE FACILITY - A use of land and buildings that provides care to preschool children away from their homes, and by persons other than family members, guardians, or custodians, and where a payment, fee, or grant is made for such care.

1.17 COMMISSION - The Zoning Commission of the Town of East Lyme.

1.18 CONVALESCENT HOME - An establishment which provides full convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. A hospital or sanitarium shall not be construed to be included in this definition.

1.19 COURT - An open space, other than a yard, on the same lot with a building, which space is bounded on three or more sides by the walls of such building.

1.20 DWELLING, ONE FAMILY - A detached building designed for or occupied by one family.

1.21 DWELLING, MULTIPLE - A detached building designed or occupied by 3 or more families living independently of each other.

1.22 DWELLING MULTI-FAMILY, MULTI-STORY - A multi-family dwelling of two or more stories, but not exceeding the height limitation for the district in which the building is located.

1.23 DWELLING, TWO FAMILY - A detached building designed for or occupied by two families living independently of each other.

1.24 DWELLING UNIT - One or more rooms which are arranged, designed, or used as living quarters for only one (l) family and which have individual bathrooms and complete permanently installed kitchen facilities.

1.25 ESCORT or MODEL – A person who, for any form of consideration, agrees or offers to privately perform stripteases which expose specified anatomical areas or offers or agrees to model lingerie or other types of clothing which expose specified anatomical areas.

1.26 FAMILY - A family shall be:

A. One or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption; or

B. A group consisting of not more than five (5) persons, living together as a single housekeeping unit, who are unrelated by blood, marriage or adoption, or

C. A combination of A and B above, provided that such persons shall live together as a single housekeeping unit, and the number of unrelated individuals shall not exceed three (3).

1.27 FARM - A tract of land used for the necessary farm buildings in connection with the raising and/or caring for agricultural, livestock, poultry, or dairy products, but excluding the raising of fur bearing animals and the maintaining of dog kennels.

1.27.1 FARM EVENT - An accessory use on a parcel of land with an Agriculture or Farm principal use, which Farm Events may include the provision of meals and recreation for guests during the event duration. Such Farm Events shall include: Dinners at the Farm, farm education and health and wellness related events subject to the provisions set forth in Section 25.5.

1.28 FLOOR AREA -

A. Net Floor Area shall be actual occupied (filled, taken up) area above grade, not including accessory unoccupied areas, or thickness of walls.

B. Gross Floor Area would include the total sum of all measurable floor area, where measurement is made from the outside dimensions of the structure at the applicable floor levels, above grade, exclusive of attic area.

1.29 GASOLINE, SERVICE STATION - Any area of land, including structures thereon, or any building that is used for the sale of gasoline or other motor vehicle fuel, and which can include the repair of motor vehicles, but which shall not include painting or body and fender repairs.

1.30 HOME OCCUPATION, SERVICE OR PROFESSION - A use conducted by the resident occupant, entirely within the premises, which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof.

1.31 HOUSEBOAT - A watercraft used or designed to be used as a permanent or seasonal residence and all watercraft not primarily used for recreational or commercial fishing purposes which will remain stationary for more than thirty days.

1.32 HOTEL - A building or portion thereof, kept, used, maintained, advertised or held out to the public, containing thirteen (l3) or more units used for sleeping accommodations for guests, and providing lodging with or without meals, and other incidental services in which there are certain public rooms and service for the use of transient guests. The word "hotel" includes the word "motel".

1.33 HOUSEHOLD PET – Domesticated animals, including but not limited to dogs, cats or canaries which are customarily housed within the living quarters of a dwelling.

1.34 IN-LAW ACCOMMODATIONS - A single efficiency dwelling unit within the principal building having one room exclusive of bathroom, kitchen/dining/living room area, and laundry, for use by a family or no more than one individual not a part of the immediate family but associated by kinship, marriage or dependency.

1.35 INN - A building or portion thereof, kept, used, maintained, advertised or held out to the public, containing twelve (l2) or fewer units used for sleeping accommodations for guests, and providing lodging with or without meals, and other incidental services in which there are certain public rooms and service for the use of overnight guests.

1.36 JUNK YARDS - An area of land, within or without a building, used for deposit, collection or storage of discarded materials, such as waste paper, rags or sheet metal, used building materials, house furnishings, machinery, vehicles or parts thereof, etc. A deposit or the storage on a lot of one (l) or more wrecked or broken down vehicles or boats or parts of one (l) or more such vehicles for one (l) month or more shall be deemed a junk yard.

1.37 LIMITED REPAIRER - Includes any qualified person, having a suitable place of business and having adequate equipment, engaged in the business of minor repairs including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

1.38 LIVESTOCK - Animals including but not limited to horses, cows, goats and sheep.

1.39 LOT - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations. In the case of multiple dwellings, row dwellings, institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the lot.

1.40 LOT, CORNER - A lot at the junction of and abutting on two (2) or more intersecting streets or upon two parts of the same street forming an interior angle of less than l35 degrees.

1.41 LOT COVERAGE - The portion or percentage of the lot that is covered by the area of all buildings and structures. That portion of buildings or structures below the average finished grade shall not be included in lot coverage.

1.42 LOT WIDTH AT BUILDING LINE - The distance between the side lot lines parallel to the street line and at a distance from the street line equal to, or greater than the required setbacks from the street line. For corner lots the required width shall be applicable to that street on which the principal building faces.

1.43 LOT OR STREET FRONTAGE - The linear distance between the side lot lines of a lot measured along the street line.

1.44 LOT LINE - The outside dimension of a lot as defined in these regulations.

1.45 LOT LINE, FRONT - The lot line separating a lot from a street right-of-way; shall be deemed to be the same as the street line. In the case of a back lot, the front lot line shall be considered the line most nearly parallel to and closest to a street providing lot frontage.

1.46 LOT LINE, REAR - The lot line between the side lot lines and generally opposite to and most distant from the front lot line.

1.47 LOT LINE, SIDE - The lot line generally extending from the street or front lot line and connecting the front and rear lot lines.

1.48 LOT SIZE – Lot size shall be as specified for each district. In addition, all lots created after 8/11/1999 in the RU-40 and RU-80 Districts that are to be served by on-site septic systems shall meet minimum area of buildable land requirements. The term “minimum area of buildable land” is hereby defined to mean a parcel of land which contains at least 20,000 square feet of contiguous land meeting all of the following criteria:

A. Such minimum area of buildable land shall be capable of containing within its boundaries a parallelogram with side lengths of no less than 100 ft. on a side and no angles less than 75 degrees.

B. Such minimum area of buildable land shall not include any land determined to be inland wetlands or tidal wetlands as defined by the Connecticut General Statutes.

C. No more than 20% of such minimum area of buildable land shall be comprised of topography exceeding a 25% slope in grade as measured in 40-foot increments throughout the minimum area of buildable land.

D. A total of no more than 25% of such minimum area of buildable land shall be encumbered by easements including, but not limited to, easements for vehicular access, drainage and utilities. There are no limits for conservation easements.

E. Such minimum area of buildable land may include land within required setback areas.

F. A zoning compliance chart shall accompany each lot.

G. Lots within a conservation by design subdivision are excluded from this section.

1.49 MIXED USE DEVELOPMENT – A building or group of buildings each of which shall be devoted to a commercial use along the street line on the ground floor and at least one upper floor, or a portion thereof, shall be devoted to residential use. For the purposes of this definition, parking shall not be considered a commercial use.

1.50 MOBILE HOME - A one-family dwelling of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

1.51 MOTOR VEHICLE REPAIRER STATION - Includes any qualified person, having a suitable place of business and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle, but shall exclude a person primarily engaged in making repairs to tires, upholstering, glazing, general blacksmithing, welding and machine work on motor vehicle parts when parts involving such work are disassembled or reassembled by a licensed repairer.

1.52 NEW CAR DEALER - Includes any person engaged in the business of merchandising new vehicles under a manufacturer's or importer's contract for each such make of vehicle who may, incidental to such business, sell used motor vehicles and repair motor vehicles or cause them to be repaired by qualified persons in his employ.

1.53 NON-CONFORMING LOT, BUILDING OR USE - One which existed lawfully on the date these regulations or any amendment hereto became effective, but which fails by reason of such adoption, revision or amendment to conform to the present regulations.

1.54 OPEN SPACE, USABLE -Space on a lot or parcel that is:

A. Unoccupied by principal or accessory buildings above the finished grade;

B. Unobstructed to the sky;

C. Not devoted to service driveways, service areas, off-street parking at finished grade or loading areas;

D. Devoted to landscaping, active or passive recreation and other like uses;

E. Made available in the same proportion to all occupants of the building or buildings on the lot or parcel.

1.55 PARKING LOTS - An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off street parking.

1.56 PAVING - The term paving shall be construed to include only the following materials: Bituminous (asphalt), concrete, or bricks. Stone or three quarter processed acceptable on lots up to 30 parking spaces.

1.57 PERSONAL SERVICE ESTABLISHMENT - An establishment where a service is rendered to the ultimate customer such as bank, barber, beauty parlor, etc.,

1.58 PERSONAL OFFICE - The office of an attorney, architect, physician, Realtor, engineer or similar practitioner.

1.59 RECREATIONAL TRAILER - A vehicular type unit designed primarily as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or is drawn by another vehicle. Includes: travel trailer, camping trailer, truck camper and self-propelled motor home.

1.60 RESTAURANT, DRIVE-IN - Any establishment whose principal business is the sale of foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation includes a drive-up window so that foods or beverages are served directly to motorist customers or by means which eliminate the need for the customer to exit the motor vehicle.

1.61 RESTAURANT, FAST-FOOD - Any establishment whose principal business is the sale of prepared or rapidly prepared foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation is such that customers normally order the product at a central location separate from the tables or counters used for consumption. Cafeteria service establishments in which a customer serves himself while passing along a food-service line are also considered fast food restaurants. See Section 20.25.

1.62 RESTAURANT, STANDARD - Any establishment whose principal business is the sale of foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee normally takes the seated customer's order and serves the seated customer's food or beverages at tables and/or counters located inside or outside the building. A standard restaurant may have a take-out service, but not a drive-in facility, which is clearly incidental to the principal method of operation. See Section 20.25.

1.63 RETAIL SALES STORE - An establishment where goods are sold at retail including an establishment where articles are made or repaired and sold at retail on the premises.

1.64 SETBACK - The required horizontal distance from any lot line or street line to any building or structure, measured in a straight line from and perpendicular to such lot line or street line. For corner lots, the front setback shall be required on both street frontages.

1.65 SMALL ANIMAL VETERINARY CLINIC: A structure where household pets (as defined in Section l.32 of these Zoning Regulations) are given medical, surgical, or dental treatment. Said facility shall be within a completely enclosed structure with no outside facilities or accessory structures for animals. There shall be no boarding except as required for medical treatment. Said boarding shall be accessory to the principal veterinary outpatient use and shall occupy no more than 20 percent of the

total floor space. No structure shall be considered a veterinary clinic if it has obtained a commercial kennel license from the Commissioner of Agriculture, in accordance with Public Act 829l, Section l4.

1.66 SPECIAL PERMIT USES - Permitted uses which must meet specified conditions, subject to the standards set forth within the zoning regulations and which shall meet the approval of the Zoning Commission.

1.67 SPECIFIED ANATOMICAL AREAS – Include any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or

B. Human male or animal genitals in a discernibly turgid state, even if completely and opaquely covered.

1.68 SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Excretory functions as part of or in connection with any of the activities set forth as noted above; or

E. Human or animal genitals in a state of sexual stimulation or arousal.

1.69 SUBDIVISION OPEN SPACE - Land area within a subdivision deeded as a parcel or parcels separate from Building Lots and Streets and perpetually dedicated for Conservation and/or Recreational purposes. The ownership and purpose of subdivision open space is specified by the Planning Commission in approving a Subdivision, and only recreational facilities, underground utility facility, or other improvements consistent with the approved purpose shall be permitted within subdivision open space.

1.70 STREET - Any way which is an existing town or state highway or any way shown on a recorded subdivision map duly approved by the Planning Commission, or on any map duly recorded and approved prior to the adoption of Subdivision Regulations. "Street" shall be deemed to include the entire width of the right-of-way.

1.71 STREET LINE - The line separating the street from an adjacent lot.

1.72 STRUCTURE - Anything constructed or erected, the use of which requires location on, under or above the ground or attachment to something having location on the ground.

1.73 USED CAR DEALER - Includes any person, firm or corporation engaged in the business of merchandising motor vehicles other than new who may, incidental to such business, repair motor vehicles or cause them to be repaired by qualified persons in his employ.

1.74 VARIANCE - A modification to the area requirements of these regulations which may be granted in an individual case by the Board of Appeals.

1.75 WATER-DEPENDENT USES - Those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreation uses, navigation aids, basins and channels, and uses which provide general public access to marine or tidal waters.

1.76 TELECOMMUNICATION FACILITY (IES)- Any structure that is used for or incidental to receiving or distributing signals of any kind used for communication purposes. (See Section 20 and Section 31)

1.77 TELECOMMUNICATION TOWER – For the purposes of these Regulations, a structure that is significantly taller than it is wide and/or of sufficient height to stand apart and be noticeably different than its surroundings and which receives or transmits signals of any kind used for communication purposes. (See Section 20 and Section 31)

1.78 YACHT CLUB - A club whose primary function is to further the enjoyment of yachting and which may consist of meeting facilities, storage facilities for boats and boating equipment belonging to members, dining facilities and docking facilities, anchorages or moorings.

1.79 TAPROOM BREWERY- An establishment whose principal business is the manufacture and sale of malt beverages made from the fermentation of malt with or without cereal grains or other fermentable sugars or hops via retail sales through a taproom for on or off-site consumption.

1.80 Left Blank

1.90 **Brew Pub** – A manufacturing facility authorized pursuant to Section 30-16 of the Connecticut General Statutes which manufactures, stores, sells and may distribute beer. Such facility may sell beer or wine to be consumed on the premises, with or without food, and may sell beer brewed on premises in sealed containers for consumption on or off premises.

SECTION 2

DESIGNATION OF DISTRICTS

2.l DIVISION OF DISTRICTS - For the purpose of these regulations the Town of East Lyme is divided into the following classes of districts:

RURAL DISTRICTS

RU - 120 DISTRICTS

RU - 80 DISTRICTS

RU - 40 DISTRICTS

RESIDENCE DISTRICTS

R - 12 DISTRICTS

R - 10 DISTRICTS

COMMERCIAL DISTRICTS

CA DISTRICTS

CB DISTRICTS

CM DISTRICT

LIGHT INDUSTRIAL DISTRICTS

LI DISTRICTS

SPECIAL USE DISTRICTS

SU DISTRICTS

SU-E DISTRICTS

2.2 OVERLAY DISTRICTS - An overlay district is a mapped zone that imposes a set of requirements in addition to those of the underlying district.

CAM Coastal Boundary

Incentive Housing Zone

TM Tidal Marsh District

Parking Overlay CB Zones

2.3 ZONING OF STREETS - When opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

2.4 BOUNDARIES - The boundaries between districts are, unless otherwise indicated, either the centerlines of streets or railroad rights-of-way, or lines parallel or perpendicular thereto.

2.5 INTERPRETATION OF MAP - Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Zoning Commission shall by resolution determine the location of the boundary, giving due consideration to the indicated location on the Zoning Map, the scale of the Zoning Map, the location of property lines, the expressed purpose and intent of these regulations, and any pertinent factors.

2.6 LAND UNDER WATER - Zoning Districts shall include land under any lake, pond or stream lying within the districts' boundaries. The provisions of these regulations applicable to any district located adjacent to tidal waters shall apply to such tidal waters and to any island lying therein, as far as the jurisdiction of the Town of East Lyme extends.

SECTION 3

RU-120 RURAL DISTRICT

Areas characterized by severe constraints on development due to natural factors such as steep slopes, shallow depth to bedrock and high erosion potential.

3.1 PERMITTED USES – The following uses of buildings and /or land and no others are permitted:

3.1.1 Single Family Detached Dwelling

3.1.2 Agricultural or farm use, including raising of livestock or poultry providing they are kept not less than 100' from any property line.

3.1.3 Forestry

3.1.4 Nursery or greenhouse provided that they are not less than 100' from any lot line.

3.1.5 Accessory uses customarily incidental to any of the above permitted uses, including customary home occupations when located in the same building as the residence and which do not change the residential character of the property.

3.2 SPECIAL PERMIT USES Any of the following uses when granted as a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25.

3.2.1 Stand for the display and sale of produce grown on the premises.

3.2.2 Kennels, Veterinary Clinic, riding and boarding stables.

3.2.3 Saw mill.

3.2.4 Commercial greenhouse or nursery.

3.2.5 Antique shop.

3.3 DIMENSIONAL REQUIREMENTS

3.3.1 LOT SIZE – Within the RU-120 District, no lot shall be less than 120,000 square feet in area.

3.3.2 FRONTAGE – Each lot shall have not less than 250 feet of frontage.

3.3.3 SETBACK – No building or structure shall be placed on a lot less than 50 feet from the street line or 30 feet from any other property line.

3.3.4 COVERAGE – The total lot coverage of all buildings and structures on a lot shall not exceed 10 percent of the lot area.

3.3.5 HEIGHT – No building or structure shall exceed 30 feet in height.

*for residential subdivisions see Section 23 Conservation Design Development

SECTION 4

RU-80 RURAL DISTRICTS

Outlying areas of town generally characterized by agricultural or open land, with sparse population and served by local roads. It is the purpose of these regulations to preserve the rural character of RU-80 Districts.

4.l PERMITTED USES - The following uses of buildings and/or land and no others are permitted.

4.l.l Single family detached dwelling

4.l.2 Agricultural or farm use, including raising of livestock or poultry providing they are kept not less than l00' from any lot line.

4.l.3 Forestry

4.l.4 Nursery or greenhouse provided that they are not less than l00 feet from any lot line.

4.l.5 Accessory uses customarily incidental to any of the above permitted uses, including home occupations, subject to the provisions of Section 20.3.

4.l.6 Professional offices located within owner's place of residence and dwelling.

4.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

4.2.l Bed & Breakfast

4.2.2 Stand for the display and sale of produce grown on the premises.

4.2.3 Kennels, Veterinary Clinic, riding or boarding stables.

4.2.4 Commercial golf, tennis or similar club.

4.2.5 Saw mill

4.2.6 Commercial greenhouse or nursery

4.2.7 Antique shop

(ALSO SEE SECTION 20 - GENERAL REGULATIONS)

4.3 DIMENSIONAL REQUIREMENTS

4.3.1 LOT SIZE - Within the RU-80 District, no lot shall be less than 80,000 square feet in area.

4.3.2 LOT FRONTAGE - Each lot shall have not less than 200 feet of frontage, unless the lot is located on the half-circle of a cul-de-sac where 75 ft. frontage will be allowed. There may be a maximum of four lots with a 75 ft. frontage on the half-circle.

4.3.3 SETBACKS - No building or structure shall be placed on a lot less than 50 feet from the street line or 30 feet from any other lot line.

4.3.4 COVERAGE - The total lot coverage of all buildings and structures on a lot shall not exceed l5 percent of the lot area.

4.3.5 HEIGHT - No building or structure shall exceed 30 feet in height.

***for residential subdivisions see Section 23 Conservation Design Development**

SECTION 5

RU-40 RURAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - Areas generally outside of the developed sections of the Town, but not so remote as the RU-80 Districts, and characterized by sparse settlement and lack of utilities. It is the purpose of these Regulations to encourage low-density residential development for areas zoned RU-40.

5.l PERMITTED USES - The following uses of buildings and/or land and no others are permitted:

5.l.l Single family detached dwelling

5.l.2 Forestry

5.l.3 Nursery or greenhouse provided they are not less than l00 feet from any lot line

5.l.4 Agricultural or Farm Poultry – 6 or less (see Section 25.5)

5.1.5 Accessory uses customarily incidental to any of the above permitted uses, including home occupations subject to the provisions of Section 20.3.

5.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

5.2.l Convalescent home.

5.2.2 Bed & Breakfast

5.2.3 Agricultural or farm use, including the raising of livestock or poultry (more than 6)

5.2.4 Roadside stand for the display and sale of agricultural produce grown on the lot

5.2.5 Kennels, Small Animal Veterinary Clinic, riding or boarding stables

5.2.6 Commercial golf, tennis or similar club

5.2.7 Commercial greenhouse or nursery

5.2.8 Antique shop

5.2.9 Farm Event accessory to an existing Agriculture or Farm use

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

5.3 DIMENSIONAL REQUIREMENTS

5.3.l LOT SIZE- Within the RU-40 District, no lot shall be less than 40,000 square feet in area.

5.3.2 FRONTAGE- Each lot shall have not less than l50 ft. of frontage unless the lot is located on the half circle of a cul-de-sac where a 75-foot frontage will be allowed. There may be a maximum of four lots with a 75 ft. frontage on the half-circle.

5.3.3 SETBACK - No building or structure shall be placed on a lot less than 50 feet from the street line or 30 feet from any other property line except that in the case of an individual lot which was set off under an officially approved subdivision in the former R-20 District, no building or structure shall be placed less than 40 feet from any street line or 20 feet from any other property line. Included within the scope of this exception is any lot of record which was legally established prior to November 1, 1973, and which falls within the boundaries of an area bearing the dual designation of "RU-40" and "R-20" on the official Zoning Map of East Lyme.

5.3.4 COVERAGE - The total lot coverage of all buildings and structures on a lot shall not exceed l5 percent of the lot area. Except in the case of special circumstances defined in Section 4.3.3, the allowable coverage is 20 percent for RU-40/ R-20 lots.

5.3.5 HEIGHT - No Building or structure shall exceed 30 feet in height.

*for residential subdivisions see Section 23 Conservation Design Development

SECTION 6

R-12 RESIDENCE DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - A highly developed residential district transitional between suburban and urban densities and uses. The purpose of this zone is to provide for moderately high-density residential areas and where appropriate, special permit uses which allow for transitional commercial or agricultural uses.

6.1 PERMITTED USES - The following uses of buildings and/or land and no others are permitted.

6.l.l Single family detached dwelling

6.l.2 Two-family dwelling

6.l.3 Accessory uses customarily incidental to any of the above permitted uses, including home occupations subject to the provisions of Section 20.3.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

6.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission, subject to the Special Permit Requirements of Section 25 and 25.5.

6.2.l Bed & Breakfast

6.2.2 Agriculture or farm use, including the raising of livestock and poultry

6.2.3 Commercial greenhouse or nursery

6.2.4 Commercial golf, tennis or similar club

6.2.5 Undertaking establishment

6.2.6 Antique shop

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

6.3 DIMENSIONAL REQUIREMENTS

6.3.l LOT SIZE - Within the R-l2 Residence District, no lot shall be less than l2,000 square feet in area. For a two (2) family dwelling the lot shall not be less than l8,000 square feet.

6.3.2 FRONTAGE - Each lot shall have not less than 80 feet of frontage.

6.3.3 SETBACKS - No building or structure on a lot shall be placed less than 30 feet from any street line or l5 feet from any other property line.

6.3.4 COVERAGE - The total area of all buildings and structures on a lot shall not exceed 25 percent of the lot area.

6.3.5 HEIGHT - No building or structure shall exceed 30 feet in height.

SECTION 7

R-10 RESIDENCE DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - A highly developed residential district with urban character, transitional between residential and commercial use. The purpose of this zone is to provide for moderately high density residential uses mixed with limited commercial development.

7.1 PERMITTED USES - The following uses of buildings and/or land and no others are permitted.

7.l.1 Single family detached dwelling

7.1.2 Two-family dwelling

7.l.3 Accessory uses customarily incidental to any of the above permitted uses, including home occupations subject to the provisions of Section 20.3.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

7.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

7.2.l Bed & Breakfast

7.2.2 Commercial nursery or greenhouse

7.2.3 Undertaking establishment

7.2.4 Antique shop

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

7.3 DIMENSIONAL REQUIREMENTS

7.3.l LOT SIZE - Within the R-l0 Residence District no lot shall be less than l0,000 square feet in area. For a two-family dwelling no lot shall be less than l5,000 square feet in area.

7.3.2 FRONTAGE - Each lot shall have not less than 80 feet of frontage.

7.3.3 SETBACK - No building or structure on a lot shall be placed less than 30 feet from the street line or l2 feet from any other property line.

7.3.4 COVERAGE - The total area of all buildings and structures on a lot shall not exceed 25 percent of the lot area.

7.3.5 HEIGHT - No building or structure shall exceed 30 feet in height.

SECTION 8

CA COMMERCIAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - A commercial district along arterial routes. The purpose of this district is to provide for convenient neighborhood and community oriented commercial development.

8.l PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

8.l.l Single family detached dwelling

8.l.2 Two family dwelling

8.l.3 Business or professional offices

8.l.4 Inn, Hotel, Motel, Bed and Breakfast.

8.l.5 Hospital, or convalescent home

8.l.6 Retail sales stores less than 20,000 square feet of gross area, retail bakery, gasoline service station, standard restaurant

8.l.7 Personal service establishment

8.l.8 Undertaking establishment

8.1.9 Child Care Center

8.1.10 Private Education Use under 4000 square feet in gross floor area

8.1.11 Any related accessory uses customarily incidental to the above permitted uses

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

8.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

8.2.l Commercial facilities which provide indoor recreation, such as assembly halls, dance halls, bowling alleys, video arcades and similar places of public recreation operated as a business.

8.2.2 Mixed Use Dwelling Units - Dwelling units, limited to mixed use situations in which dwelling units are contained within a building dedicated principally to a permitted commercial, non-residential use. A portion of the jointly used building committed to dwelling units shall not exceed 50 percent of the improved floor area. Sub-grade floor area is not to be considered in this calculation.

8.2.3 Commercial golf, tennis or similar club

8.2.4 Wholesale store

8.2.5 Laundromat

8.2.6 Auto sales agency

8.2.7 Fast food restaurants

8.2.8 Elderly housing, CA

8.2.9 Small Animal Veterinary Clinic

8.2.10 Car Wash

8.2.11 Parking Lots

8.2.12 Drive-thru facilities are permitted as an accessory use for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants.

8.2.13 Private Educational uses over 4000 square feet in floor area

8.2.14 Assisted Living Facility

8.2.15 Retail sales store 20,000 square feet of gross building area and over.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

(See Section 25.5 Table of Minimum Controls for Special Permit)

8.3 DIMENSIONAL REQUIREMENTS

8.3.l LOT SIZE - All lots used for commercial purposes shall have a minimum of 7,500 square feet of lot area. All lots used for mixed residential and commercial purposes shall have a minimum of 5,000 square feet per family in addition to the 7,500 square feet required for commercial use. All lots used solely for residential use shall have a minimum of l0,000 square feet per family. (see Section 25.5 for Elderly Housing)

8.3.2 FRONTAGE - Each lot shall have frontage of not less than 80 feet.

8.3.3 SETBACKS - No building or structure shall be placed less than 20 feet from the street line or l2 feet from other property lines, if not built on the property line in accordance with Section 20.l8.

8.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 35 percent of the lot area.

8.3.5 HEIGHT No building or structure shall exceed 30 feet in height except that the Zoning Commission may, under the provisions of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of 55 feet, upon finding that the following standards are met;

A. Any building exceeding 30 feet in height shall be designed and used primarily for office and /or hotel use.

B. The total lot coverage of all buildings exceeding 30 feet in height shall not exceed 10 percent of the lot area.

C. The increase in height will not significantly impair views from, or the availability of light and air to, abutting or nearby properties.

D. Where a CA zone abuts a Residential zone, a setback of 100 feet shall be maintained from structures over 30 feet in height;

8.3.6 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided for each commercial use in accordance with the provisions of Section 22 of these regulations.

SECTION 9

CB COMMERCIAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - To represent the central business district of the Town, characterized by intensive commercial and related development. The purpose of this district is to concentrate the main commercial enterprises of the town.

9.l PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

9.l.l Two-family dwelling

9.l.2 Retail sales stores less than 20,000 square feet gross area

9.l.3 Business or professional offices

9.l.4 Standard restaurant, bakery, confectionery store, cafeteria.

9.l.5 Hotel

9.l.6 Personal service shops

9.l.7 Business service establishments

9.l.8 Inn, Bed and Breakfast

9.l.9 Wholesale commercial uses, cold storage lockers, in-building storage

9.l.l0 Gasoline service station, public lot or garage, automobile sales agency

9.l.ll Private educational uses under 2000 square feet in gross floor area

9.l.l2 All related accessory uses customarily incidental to the above permitted uses.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

9.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25 and 25.5.

9.2.l Private club

9.2.2 Commercial recreation, indoor theatre

9.2.3 Mixed Use Development.

9.2.4 Fast food restaurant

9.2.5 Small Animal Veterinary Clinics

9.2.6 Parking Lots

9.2.7 Additions to Assisted Living Facilities existing as the effective date of this provision, subject to the following:

A. No such addition shall increase gross floor area by more than twenty-five (25%) percent or extend to additional land not part of the facility as of the effective date of this provision.

B. The facility after any such addition shall comply with the standards outlined in Section 25.5.

9.2.8 Private Educational Uses 2000 square feet and over in gross floor area

9.2.9 Retail 20,000 square feet and over gross square footage.

9.2.10 Taproom Brewery.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

9.3 DIMENSIONAL REQUIREMENTS

9.3.l LOT SIZE - All lots used for commercial purposes shall have a minimum of l0,000 square feet of area. Lots used for mixed use shall have a minimum of 7,500 square feet plus 1,200 square feet for each efficiency or one bedroom living unit and 2,000 square feet for each two-bedroom living unit. Lots used for two-family dwellings shall have a minimum of 20,000 square feet.

9.3.2 FRONTAGE - Each lot shall have frontage of not less than 80 feet.

9.3.3 SETBACK – No building or structure shall be placed not less than six (6) feet or more than twenty (20) feet from the street line or less than ten (10) feet from other property lines if not built on the property line in accordance with Section 20.18. The front setback area shall be used for landscape purposes.

An increase in the twenty-foot (20') front setback may be permitted when granted a Special Permit by the Zoning Commission if the following standards are met:

A. The location of the building will not significantly impair views from, or the availability of light and air to, abutting properties.

B. The location of the building shall not adversely affect surrounding properties.

C. On site traffic patterns and parking design will not adversely affect other onsite issues.

9.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 40 percent of the lot area.

9.3.5 HEIGHT - No building or structure shall exceed thirty feet (30') in height.

9.3.6 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided in accordance with the provision of Section 22 of these regulations.

**See Architectural Review Guidelines Appendix B

SECTION 10

CM COMMERCIAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - Marine commercial district containing land with frontage on certain public waterways, and adjacent parcels. The purpose of this district is to encourage the development of new and the retention of existing water-dependent uses in those areas of the Town suitable for such development, consistent with the policies of the Connecticut Coastal Management Act.

10.1 PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

10.1.1 Facilities for the building, repair, servicing, storage, hauling and launching of boats, and for the building, repair and servicing of their component parts and accessories.

10.1.2 Marinas; yacht clubs

10.1.3 Sale of boats, marine engines, marine equipment and supplies

10.1.4 Boat launching areas

10.1.5 Boat rental; sailing school; boat licensing schools

10.1.6 Bait and tackle shop

10.1.7 Dockside facilities for dispensing fuel and lubricants for marine purposes only, but expressly excluding the bulk storage of fuel

10.1.8 Berthing facilities for vessels for hire carrying passengers on excursions, pleasure or fishing trips, but expressly excluding ferry service or freight terminals

10.1.9 Berthing facilities for vessels engaged in commercial fishery or shellfishery, but expressly excluding fish or shellfish processing plants

10.1.10 Marine research facilities

10.1.11 Public parks; public water-based recreational facilities

10.1.12 All related accessory uses customarily incidental to the above permitted uses. The following are specifically permitted as related accessory uses incidental to the uses listed in 10.1.1 through 10.1.11 for lots with water frontage, and are permitted as primary uses on lots which lack water frontage: sail and marine canvas lofts; restrooms, laundry facilities, and effluent pump-out stations to serve boating patrons; fast food service and/or convenience grocery (excludes gasoline pumps for cars) primarily to serve boating patrons; swimming pools, tennis courts, and similar facilities for outdoor recreation; marine-oriented office uses, including yacht brokerage, marine surveyor, and marine insurance and finance.

10.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a special permit by the Zoning Commission subject to the special permit requirements of Section 25.

10.2.1 Retail sales store or professional office other than those permitted by Section 10.1

10.2.2 Marine wholesale distribution

10.2.3 Standard restaurant

10.2.4 Inn, Bed & Breakfast

10.2.5 Dwelling units, limited to mixed use situations in which dwelling units are contained within a building dedicated principally to a permitted commercial, nonresidential use. The portion of the jointly used building committed to dwelling units shall be located on floors above the permitted commercial use and shall not exceed fifty percent (50%) of the building area.

The zoning commission shall grant a special permit for uses under this paragraph if it determines that the proposed special permit use will not have an adverse impact on future water-dependent development opportunities. The following standards shall be applied in assessing any special permit request:

A. No special permit use shall be granted which will replace, in whole or in substantial part, an existing water-dependent use with a special permit use.

B. Any special permit use on a waterfront lot shall be situated such that the water frontage is preserved for future structures and/or uses requiring direct water access.

C. A special permit use on a waterfront lot shall be granted only if a permitted water-dependent use exists or will be developed concurrently on the same lot and if such permitted use is or will be the primary and dominant use of the lot.

D. No special permit shall be granted which will substantially reduce or inhibit existing public access to marine or tidal waters.

10.3 DIMENSIONAL REQUIREMENTS

10.3.1 LOT SIZE - All lots shall have a minimum of 10,000 square feet of lot area. All lots used for mixed commercial and residential purposes shall have a minimum of 10,000 square feet of lot area for each dwelling unit, in addition to a minimum of 10,000 square feet of lot area required for the commercial use.

10.3.2 FRONTAGE - Each lot shall have not less than 80 feet of road frontage.

10.3.3 SETBACK - No building or structure shall be placed less than 20 feet from the street line or 10 feet from any other property line. Pursuant to Section 20.15, the Zoning Commission may permit a reduction of the waterfront setback to zero for buildings or structures necessary to the operation of a water dependent use.

10.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 50 percent of the lot area.

10.3.5 HEIGHT - No building or structure shall exceed 30 feet in height, except that the Zoning Commission may, under the provisions of Section 25 of these regulations, permit an increase in height to a maximum of 50 feet, upon a finding that the following standards are met:

A. Any building exceeding 30 feet in height shall be designed and used primarily for boat manufacture, maintenance, repair, or storage (excluding rack storage). Any building exceeding 30 feet in height cannot be a mixed use.

B. The total lot coverage of all buildings exceeding 30 feet in height shall not exceed 10 percent of the lot area.

C. The increase in height will not significantly impair views from, or the availability of light and air to, abutting or nearby properties.

10.3.6 No lot with water frontage shall be divided in such a way as to create a lot without water frontage.

10.3.7 Off-Street Parking and Loading Space - Off-street parking and loading space shall be provided in accordance with the provisions of Section 22 of these regulations. Because the land area suitable for inclusion in the CM District is limited and should be reserved to the maximum extent possible for water-dependent uses, the following exceptions to Section 22 shall apply:

A. Up to 80 percent of the off-street parking spaces required for marinas, boat yards, and yacht clubs may be utilized for the outside storage of boats during the off season.

B. Required parking spaces for uses within the CM District may be provided on sites other than the site which they serve, provided that:

1. Said spaces are located in a commercial district and are within 500 feet walking distance of the lot or use which they serve, and

2. Said spaces shall be in the same ownership as the use which they serve and shall be subject to a deed restriction binding the owner and any future owners to maintain the required number of spaces until such use is terminated or until such spaces are provided elsewhere, or shall be leased subject to a lease restriction binding the tenant and any future tenant in like manner.

SECTION 11

LI LIGHT INDUSTRIAL DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - A district suitable for heavy commercial and light manufacturing, oriented essentially to major transportation facilities. The purpose of this district is to provide areas for industrial and commercial uses in an open setting that will not have objectionable influences on adjacent residential and commercial districts.

ll.l PERMITTED USES - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

ll.l.l Light Industrial or manufacturing uses which are not dangerous by reason of fire or explosion, nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.

ll.l.2 Trucking terminal

ll.l.3 Printing or publishing

ll.l.4 Warehouse and wholesale storage; self-storage warehouses

ll.l.5 Commercial nurseries, greenhouses and garden centers

ll.l.6 Office complex

ll.l.7 All related accessory uses customarily incidental to the above permitted uses.

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

ll.2 SPECIAL PERMIT USES - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit Requirements of Section 25.

ll.2.l Deli, coffee shop or cafeteria

11.2.2 Private training facilities, trade and technical schools and facilities of higher learning

ll.2.3 Research, design and development facilities

ll.2.4 Health spas and gymnasiums, sports facilities and other commercial indoor recreations.

ll.2.5 Hotels

11.2.6 Contractor or trade service facilities

ll.2.7 Convalescent homes

11.2.8 Motor Vehicle and heavy equipment Repairers Station

11.2.9 Office and retail sales of industrial services manufactured items and/or processed items that are produced/provided on site wherein such retail services are an accessory use and take place in the same structure.

11.2.10 Adult Use Establishments subject to the following conditions: no building or premises shall be used, erected or altered, which is arranged, intended or designed to be used as an Adult Use Establishment if any part of such building or premises is situated on any part of a lot within a nine hundred feet radius in any direction of any lot zoned or used for, or upon which is located any building used for:

A. Any single family or multi-family residential use;

B. Any public or private school, or other educational facility attended by persons under the age of eighteen (18);

C. Any church or other religious facility or institutions;

D. Any hospital, library or licensed child care facility;

E. Any public park; or

F. Any other Adult Use Establishment.

No adult use establishment shall be conducted in any manner that permits the observations from any public right-of-way of any material depicting, describing or relating to the adult use, except for signage per Section 18 of these regulations.

11.2.11 Brew Pub

(ALSO SEE SECTION 20 - - GENERAL REGULATIONS)

ll.3 DIMENSIONAL REQUIREMENTS

ll.3.l LOT SIZE - Within the LI Light Industrial District no lot shall be less than 40,000 square feet in area.

ll.3.2 FRONTAGE - Each lot shall have not less than l50 feet frontage.

ll.3.3 SETBACK - No building or structure shall be placed less than 25 feet from the street line or 20 feet from other lines. The 25 feet to be used for lawn, trees and sidewalks only.

ll.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 40 percent of the lot area.

ll.3.5 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided as required in Section 22 of these regulations.

ll.3.6 HEIGHT - No building or structure shall exceed 40 feet in height.

ll.3.7 BUFFER STRIP - A suitable landscaped buffer strip not less than 50 feet wide shall be provided along the property line where any LI Industrial District abuts any non-industrial district within the Town or any adjoining town.

SECTION 11A

GPDD Gateway Planned Development District

Purpose – Coordinate development of properties under separate ownership and provide safeguards that one or another early development does not jeopardize maximum build-out. Promote high technology businesses and complimentary uses that will broaden the town's tax base, provide employment for highly skilled workers and be in harmony with the underlying aquifer protection district.

11A.1 PERMITTED USES – The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

- 11A.1.1 Research, Design and Development Facilities
- 11A.1.2 Trade and Technical Schools and Facilities of Higher Learning
- 11A.1.3 Corporate Headquarters
- 11A.1.4 Business, Professional Offices
- 11A.1.5 Deli, Coffee Shop, Cafeteria, Standard Restaurant
- 11A.1.6 Nursery School and Day Care Center serving more than six (6) children
- 11A.1.7 Tourist Information Center
- 11A.1.8 Business Service Establishments, Personal Service Establishments
- 11A.1.9 Retail complex totaling under 20,000 Square Feet
- 11A.1.10 Health Club
- 11A.1.11 Studios for recording Television, Radio and Motion Pictures.

11A.2. SPECIAL PERMIT USES – The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit Requirements of Section 25.

- 11A.2.1 Light Manufacturing Facilities
- 11A.2.2 Hotel with Conference Center
- 11A.2.3 Parking Garage as accessory use
- 11A.2.4 Retail complex 20,000 square feet and over. No one store over 20,000 square feet.
- 11A.2.5 Residential as Mixed Use (restricted to one floor above office or business use. Stand-alone residential units shall not be permitted.)

11A.3 DIMENSIONAL REQUIREMENTS

- 11A.3.1 Lot Size – Within the GPDD Gateway Planned Development District no lot shall be less than 40,000 square feet in area.
- 11A.3.2 Frontage – Each lot shall have not less than 150 feet of frontage.

11A.3.3 Setback – No building or structure shall be placed less than 25 feet nor more than 50 feet from the street line unless otherwise approved by the Commission. No building or structure shall be placed less than 20 feet from other property lines.

11A.3.4 Coverage – The total area covered by all buildings and structures on a lot shall not exceed 40 percent of the lot area. If required parking is contained within or on top of a structure, the total coverage, including the parking structure, may be increased to 80 percent subject to approval of a parking garage by Special Permit.

11A.3.5 Off-Street Parking and loading space – Off-street parking and loading spaces shall be provided as required in Section 22 of these regulations.

11A.3.6 Height - No building or structure shall exceed 40 feet in height except that the Zoning Commission may, under the provisions of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of 55 feet, upon finding that the following standards are met;

A. The increase in height will not significantly impair views from, or the availability of light and air to, abutting or nearby properties.

11A.4 GENERAL REQUIREMENTS

11A.4.1 Site plans and subdivisions proposed for parcels over 5 acres shall be consistent with the basic infrastructure plan for the zoning district as shown in Fig. A.

11A.4.2 Development of over 20 acres shall require a minimum of two access points to an approved Town or State road.

11A.4.3 All access roads shall be a boulevard design consisting of two (2) 16' wide lanes with an 8' wide median. Sidewalks shall be required along the outer lanes. Street trees are required in accordance with Section 11A.7.3.

11A.4.4 Any expansion or change in use of existing structures shall be subject to the requirements of this section.

11A.4.5 No outdoor storage, including box trailers, shall be permitted.

11A.4.6 All electric transmission lines, telephone lines and cable television lines shall be underground.

11A.4.7 The cumulative area of uses permitted in Section 11A.1.5, 11A.1.8, 11A.1.9, 11A.2.4 and 11A.2.5 shall not exceed 30% of the entire acreage of the Gateway Planned Development District. (Approximately 50 acres) Coffee shops and Cafeterias as accessory uses (not open to the general public) shall not be included in the above calculation. In calculating the area devoted to any of the above specified uses, the area of the footprint of the building dedicated to such use and all associated parking area shall be measured. Driveways between uses, sidewalks and landscaped buffer areas shall not be included.

11A.5 ENVIRONMENTAL REQUIREMENTS

11A.5.1 Only indirect discharge of storm water shall be permitted into the Pattagansett River.

11A.5.2 All wastewater shall be discharged to a municipal sewer system.

11A.5.3 All applications are subject to the controls outlined in the Aquifer Protection Agency Regulations for Aquifer Protection Districts.

11A.5.4 Within the Storm water Management plan there will be no net increase in peak flow by proper drainage design.

11A.6 ARCHITECTURAL REQUIREMENTS

11A.6.1 The desired architectural style is upscale suburban. Separate buildings shall be architecturally compatible.

11A.6.2 Materials shall consist of brick or stone or other material offering high quality appearance unless otherwise approved by the Commission. The use of strictly cinderblock, pre-form concrete or metal for the outside façade of a building is prohibited.

11A.6.3 Views of unattractive feature such as heating and air conditioning units, loading and unloading areas, garbage collection areas, electrical transformers and utility service areas shall be screened from view of neighboring properties and street approaches to the site (including future access roads depicted on basic infrastructure plan). Disguise should be the true objective. Screening may necessitate the use of landscaped buffers. See also Section 11A.7 Landscape Requirements. Also see Appendix B Standard Landscape Details.

11A.6.4 The density mix and arrangement of land uses shall encourage pedestrian movement within the district and to adjoining districts.

11A.6.5 Sidewalks shall be required along all interior roadways and connected to existing or proposed sidewalks on Boston Post Road and Route 161.

11A.6.6 Exterior parking lot lighting fixtures shall be consistent with the architectural style of the building and shown on a Lighting Plan. Pedestrian walkways shall be well lit for safe passage during all hours.

11A.6.7 All building and structure roofs shall be of gable, hip or gambrel design. Flat roof and shed roof designs are prohibited.

11A.7 LANDSCAPE REQUIREMENTS

11A.7.1 Buffers – Buffers shall consist of fences, landscaping, berms or mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. The following guidelines shall apply:

A. Buffers shall be considered in or for the following areas and purposes:

1. Along property lines between contrasting uses.

2. To totally screen garbage collection areas, loading and unloading areas, electrical transformers, air

conditioning units, utility service areas and similar features, which have not been architecturally disguised, from public view.

3. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.

4. To screen parking areas from the public view.

B. Natural features shall be maintained wherever possible to provide a buffer between proposed development and contrasting abutting uses including public roadways. See Fig.1. in Appendix B for tree preservation detail. Where natural features do not exist or are insufficient to provide a buffer, a landscaped buffer shall be required.

C. Landscaped buffers shall be sufficient, in the opinion of the Commission, to accomplish the intended purpose within 5 years of planting.

D. A buffer consisting of a public green space a minimum of 50' wide and a landscaped area meeting the standards of a buffer between contrasting uses as shown in Fig.2 in Appendix B shall be required between the cemetery and any other use. A 100-foot buffer shall be required between the GPDD and any abutting Residential Zone; building heights up to 40 feet shall have a 100-foot buffer; building heights between 40 feet and 55 feet shall have a buffer of 200 feet. Where an Open Space in a Residential Zone abuts the GPDD, the open space may be counted toward the buffer requirement.

E. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

F. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

11A.7.2 Interior Parking Areas – In addition to buffers required to screen parking from public view, a minimum of three (3) canopy trees, two (2) under story trees, and six (6) shrubs shall be required within the parking area for each twenty-four parking spaces. The minimum landscaped area within the parking lot shall be no less than ten percent (10%) of the total paved parking and vehicular circulation area. The landscaping shall be arranged in a manner that does not obstruct visibility required for traffic safety. See Fig.6 in Appendix B for sample parking lot landscaping. Landscaping shall be protected from vehicular damage per details shown in Fig. 7 of Appendix B.

11A.7.3 Street Trees – Street trees shall be required along all roads within the district unless otherwise approved by the Zoning Commission. The trees shall be spaced 25'-35' on center and placed 4' from the curb line of the road. Where a median is proposed, the median shall be a minimum of 8' wide and planted with trees spaced 25'-35' on center.

11A.7.4 Additional Landscaping Requirements for Light Industrial Uses – See Fig. 8 in Appendix B.

11A.7.5 Plant Maintenance Bond – Prior to issuance of any building permit, the applicant shall furnish to the Town of East Lyme a bond, letter of credit, or other form of security approved by the Zoning Commission, equal to at least ten percent (10%) of the value of all plantings as shown on the Landscape Plan submitted and approved as part of the Site Plan application. The bond shall be binding for a minimum of three (3) years and shall be subject to the condition that required plantings be maintained in accordance with the terms of the site plan approval and in a good and healthy condition. Notwithstanding the requirement of a bond from the applicant, the owner shall have a continuing obligation to maintain required plantings in accordance with the terms of the site plan approval and in a good and healthy condition.

11A.8 ADDITIONAL APPLICATION REQUIREMENTS – In addition to the requirements of Section 24 and 25, the following shall be submitted for all applications in this district:

11A.8.1 Storm water Management Plan prepared by a licensed Professional Engineer

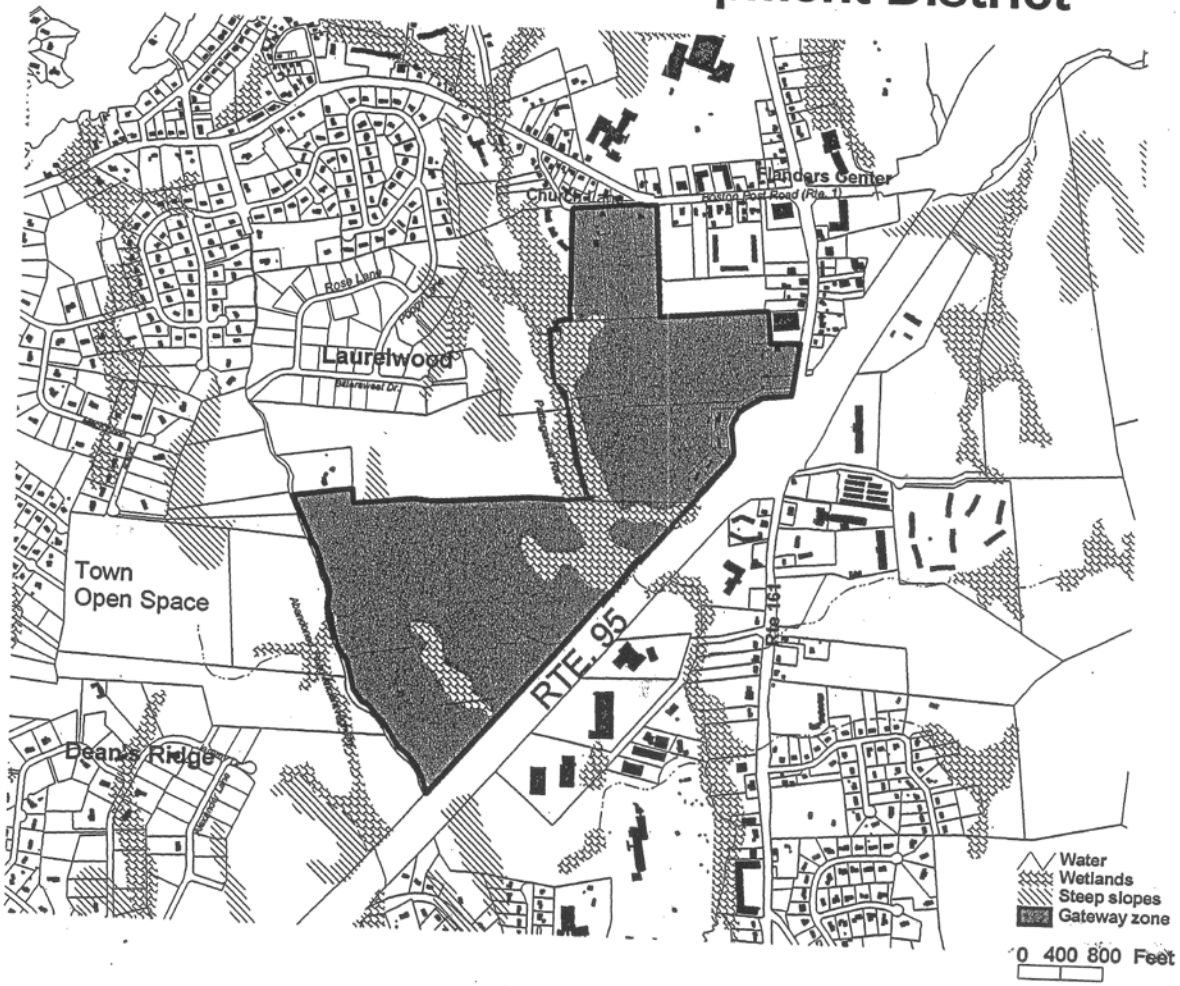
11A.8.2 Architectural Plan prepared by licensed Architect

11A.8.3 Landscape Plan prepared by licensed Landscape Architect

11A.8.4 Lighting Plan prepared by licensed Architect or Landscape Architect

11A.8.5 Traffic Report prepared by a licensed Professional Engineer if more than 20 cars generated.

Gateway Planned Development District



Basic Infrastructure Plan - GATEWAY PLANNED DEVELOPMENT DISTRICT

Residential Road

A residential secondary road begins at Main Street and parallels the cemetery road continuing down to intersect the Frontage Road. A traffic light at the intersection with Main Street, in conjunction with other traffic calming techniques along the road, would discourage rush-hour traffic and provide safe crossing for students.

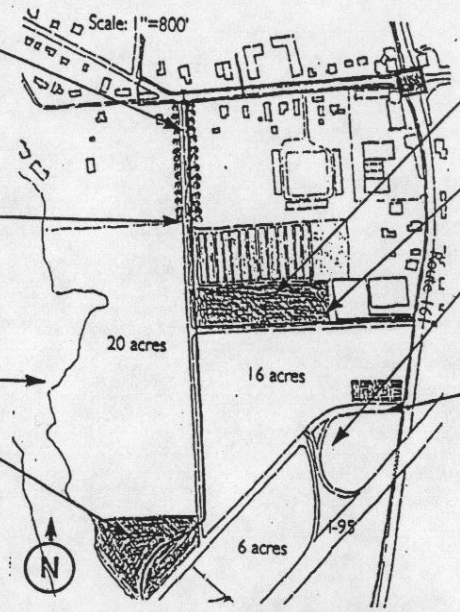
Bike Trail

An alternate (to Rt. 161) bike/pedestrian path begins at the school campus, runs along the residential road and cemetery, and crosses under I-95 to continue along Industrial Park Road to the schools and Community Center on Society Road.

Pattagansett River

Preserved Green Space

A green space is set aside where the Frontage Road meets the Pattagansett River. It buffers the residential blocks from the Frontage Road and provides additional public park space.



Village Green

A park is designed as a public green space and to act as a buffer to the cemetery on the south side.

Secondary Road

A secondary road runs perpendicular from the Residential Road to intersect Rt. 161 just south of the lumber yard.

Reconfigured Exit 74

Exit 74 is reconfigured to feed onto and off of a frontage road. There is still a lane which feeds directly to Route 161 for exiting cars. Traffic lights are added at the frontage road, and at Route 161.

Frontage Road

A new frontage road is created which intersects with Rt. 161 to the east and provides easy access to developable commercial sites along I-95 to the west.

From the East Lyme Charrette Report
Yale Urban Design Workshop
April 1997

FIGURE-A

APPENDIX B

STANDARD LANDSCAPING DETAILS –

Fig 1 – Tree Preservation Detail

Fig 2 - Buffering Between Contrasting Uses Without Fencing

With Fencing

Fig 3 – Screening of Accessory Site Elements

Fig 4 – Parking lot screening from Public view

Without Berm (section)

With Berm (section)

Screening from Street (plan)

Screening from Drive-thru (plan)

Fig 5- Parking Lot Screening from Compatible Uses

Fig 6- Interior Parking Lot Landscaping

Fig 7- Protection of Parking Lot Landscaping

Fig 8- Industrial Landscaping

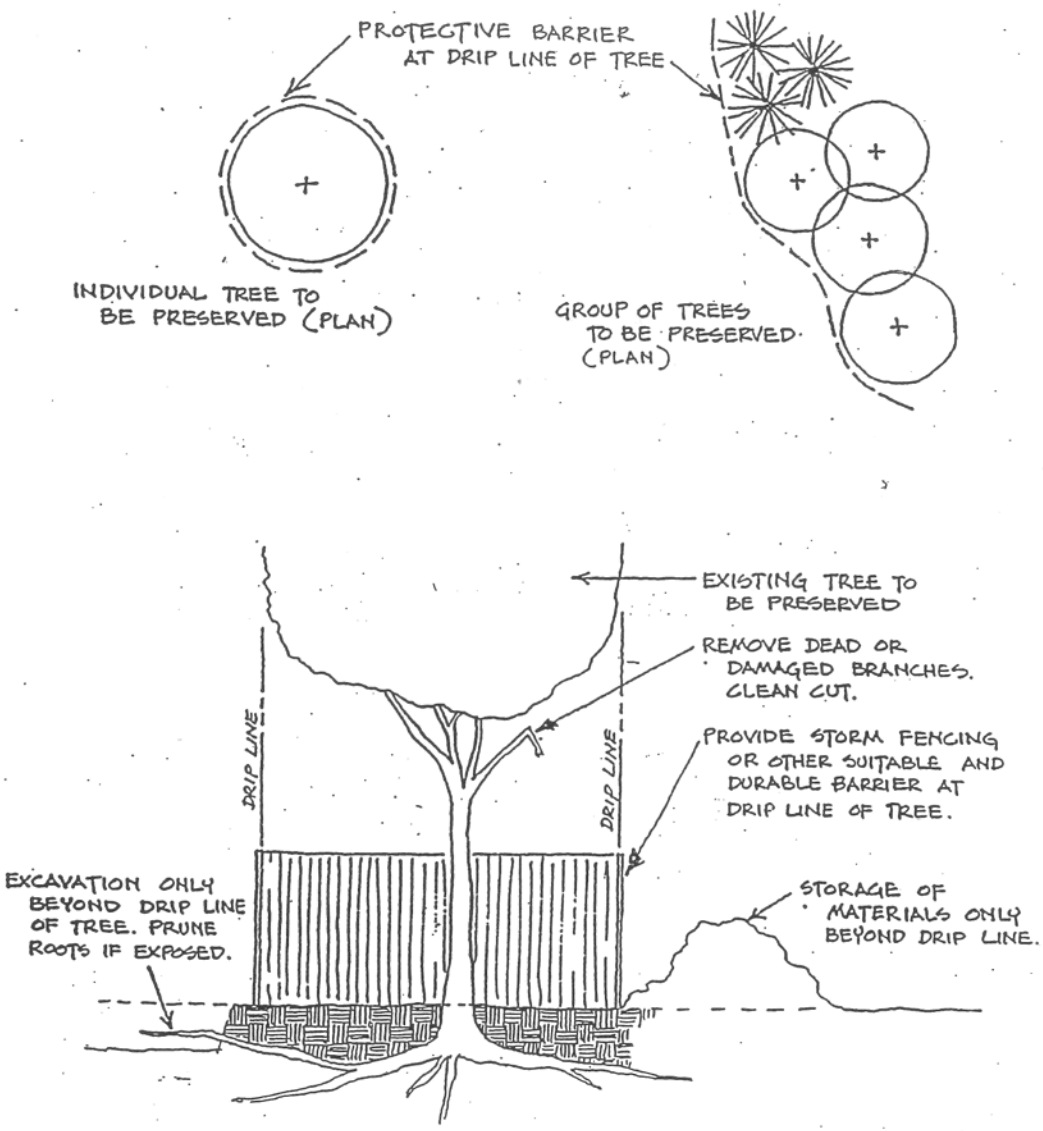
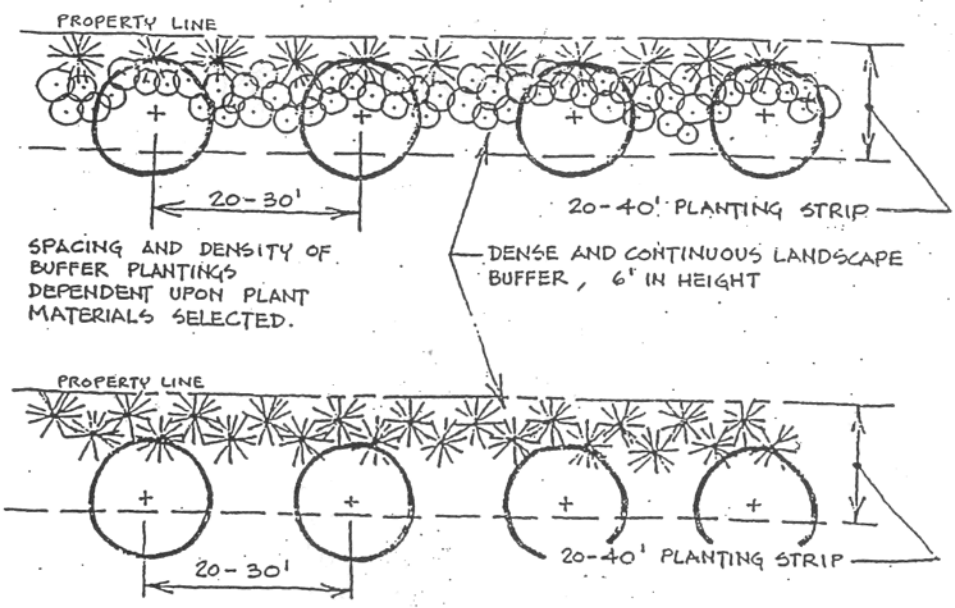
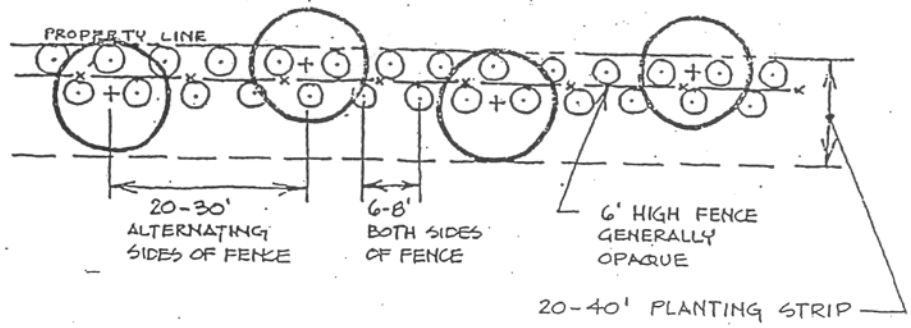


Figure 1
TREE PRESERVATION DETAIL



A. Without Fencing



B. With Fencing

Figure 2
BUFFERING BETWEEN CONTRASTING USES

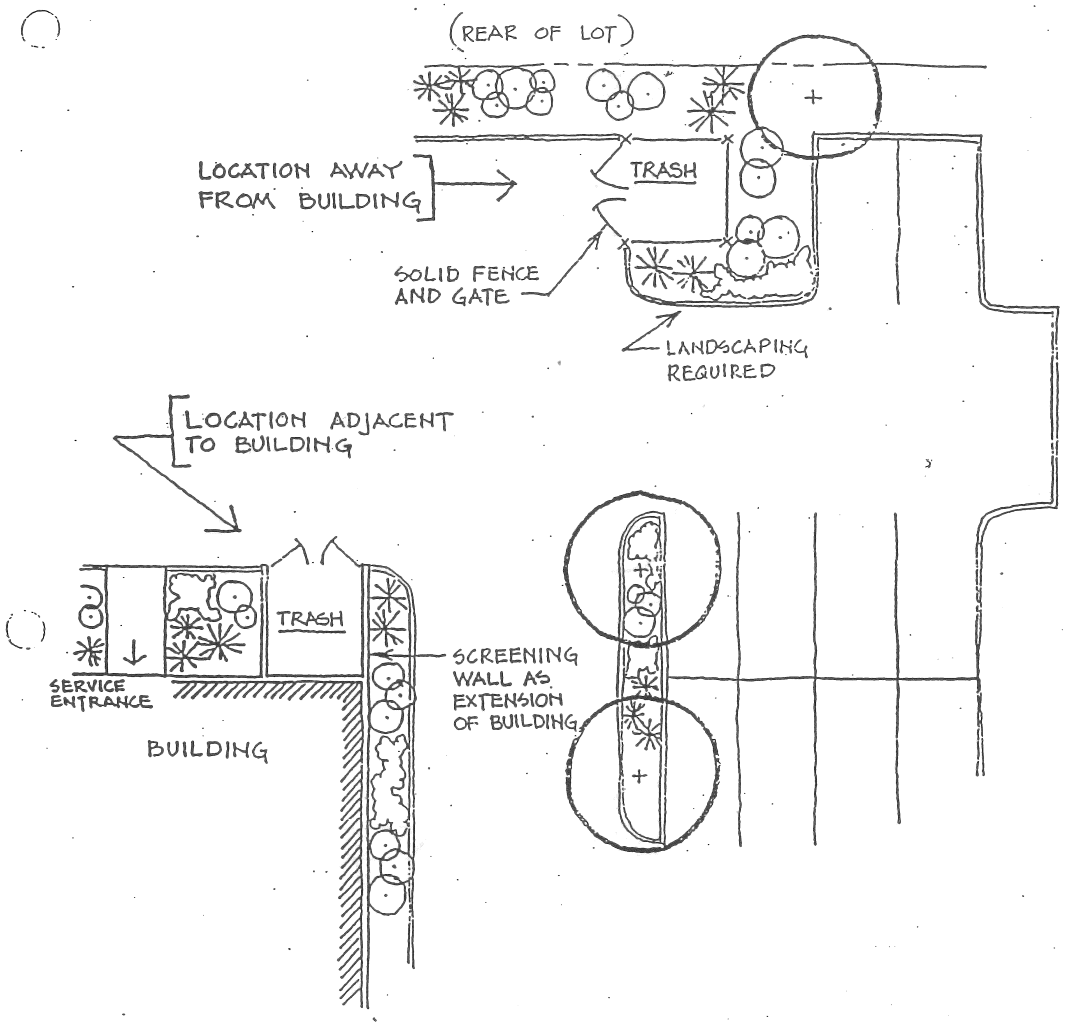
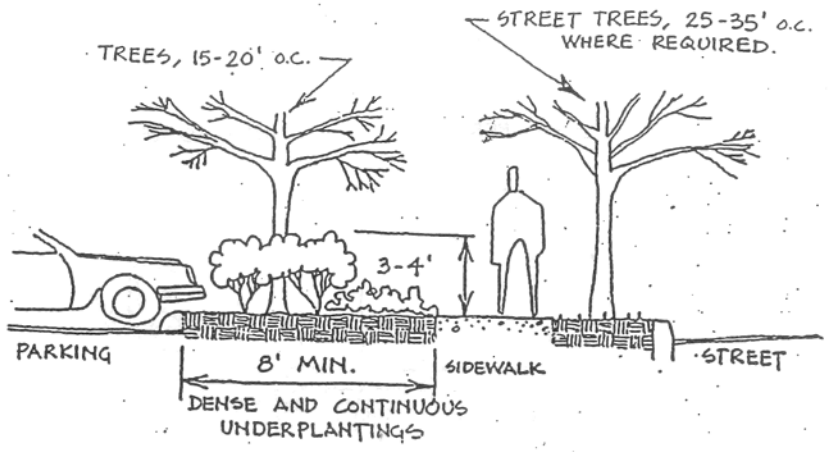
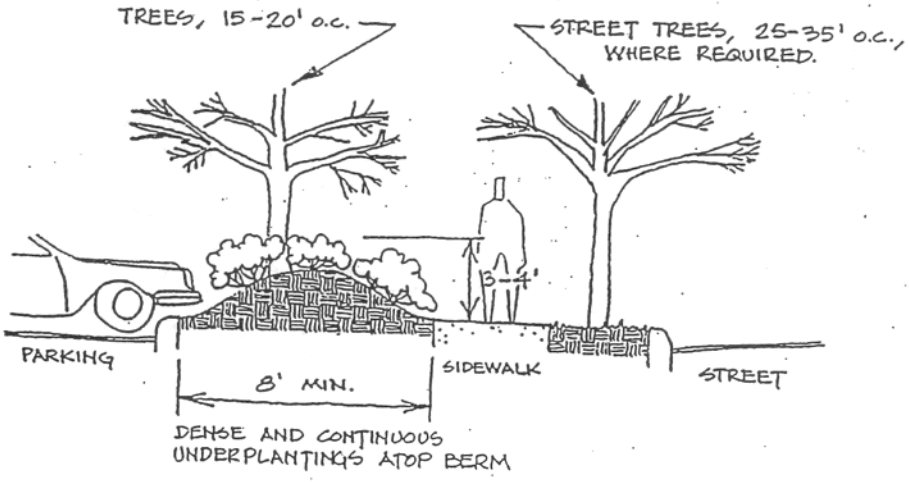


Figure 3
SCREENING OF ACCESSORY SITE ELEMENTS

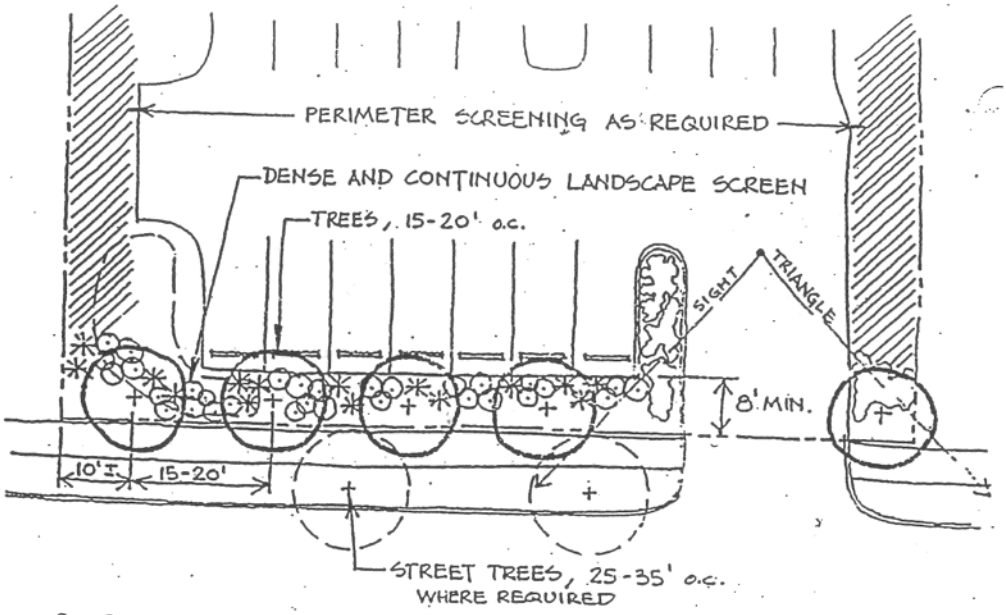


A. Screening from Street (section)

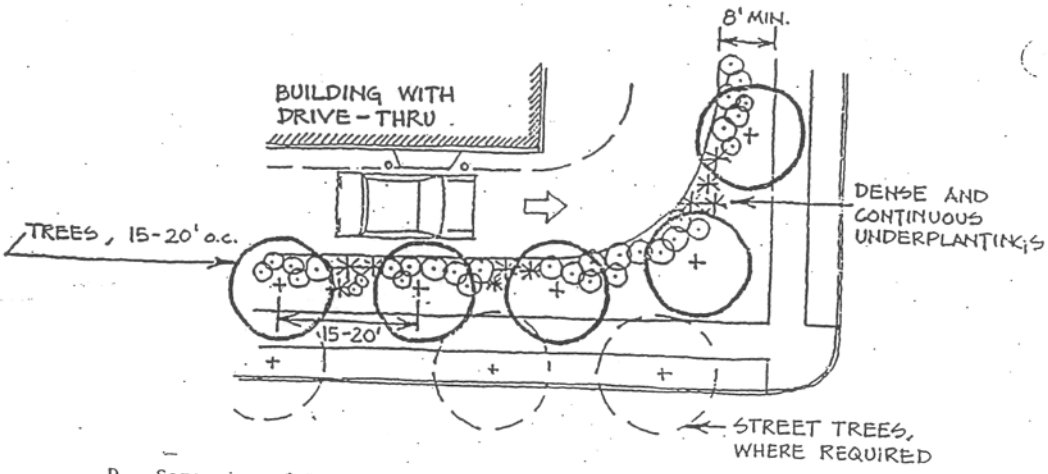


B. Screening With Berm (section)

Figure 4
PARKING LOT SCREENING FROM
PUBLIC VIEW



C. Screening from Street (plan)



D. Screening of Drive-Thru (plan)

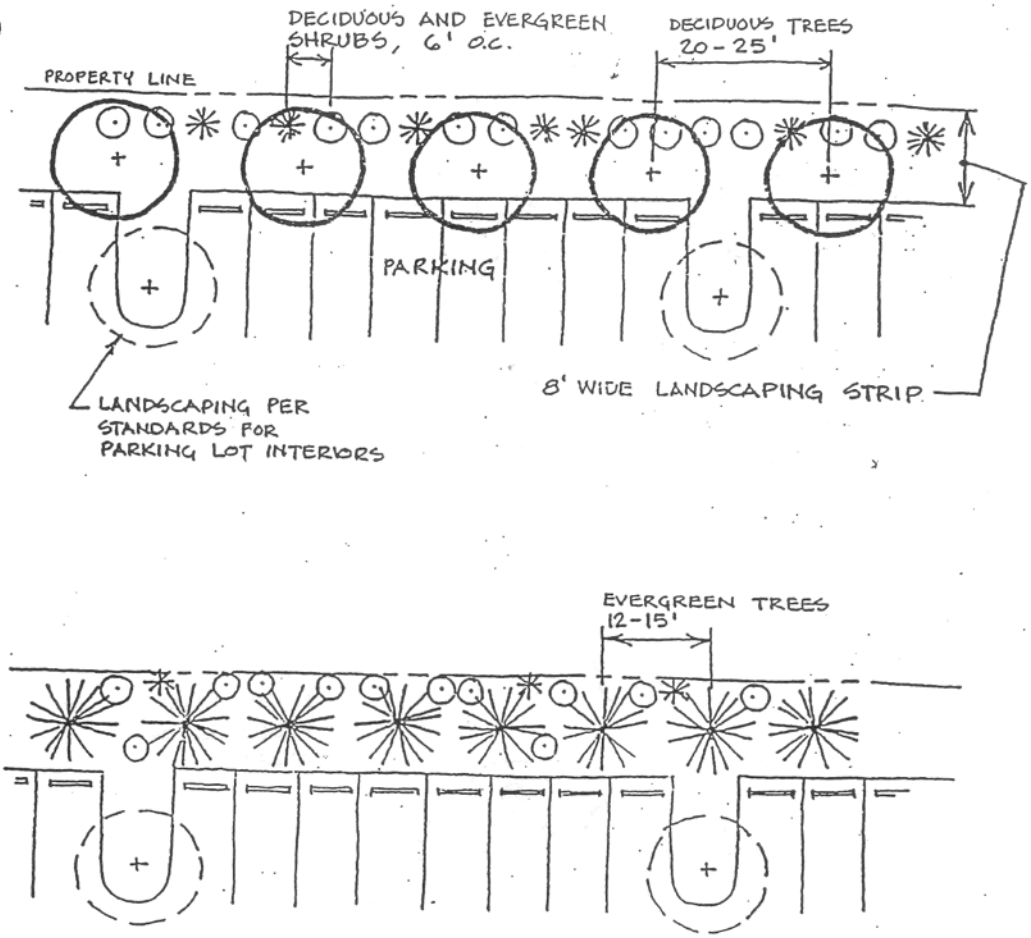
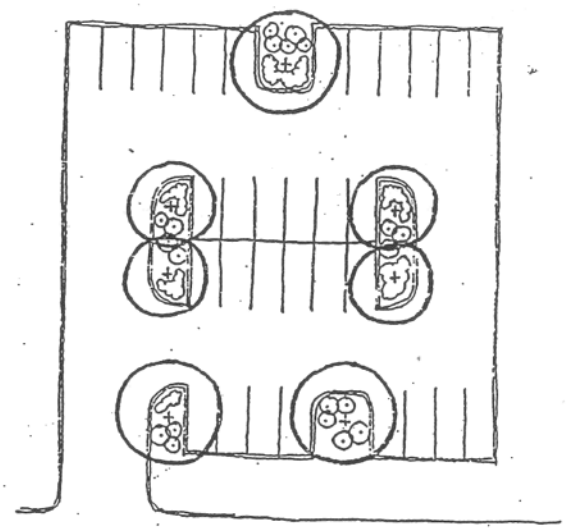
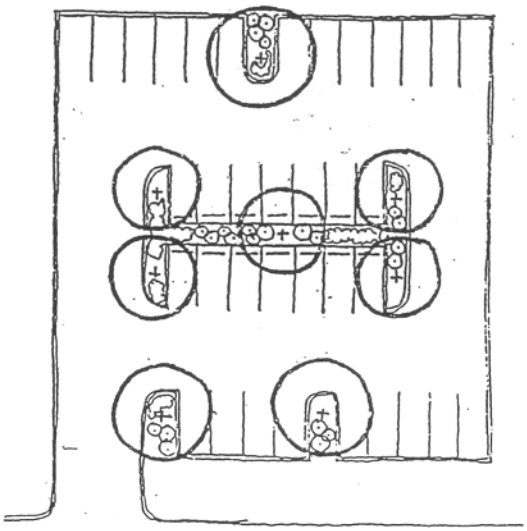


Figure 5
PARKING LOT SCREENING FROM COMPATIBLE USES



ALTERNATIVE SKETCHES DEPICTING WAYS TO PROVIDE INTERIOR PARKING LOT LANDSCAPING

MINIMUM LANDSCAPED AREA: 10 PERCENT OF TOTAL PAVED PARKING AND VEHICULAR CIRCULATION AREA.



NOTE:
PLANS SHALL DESIGNATE PROPOSED SNOW STORAGE AREAS.

Figure 6
INTERIOR PARKING LOT LANDSCAPING

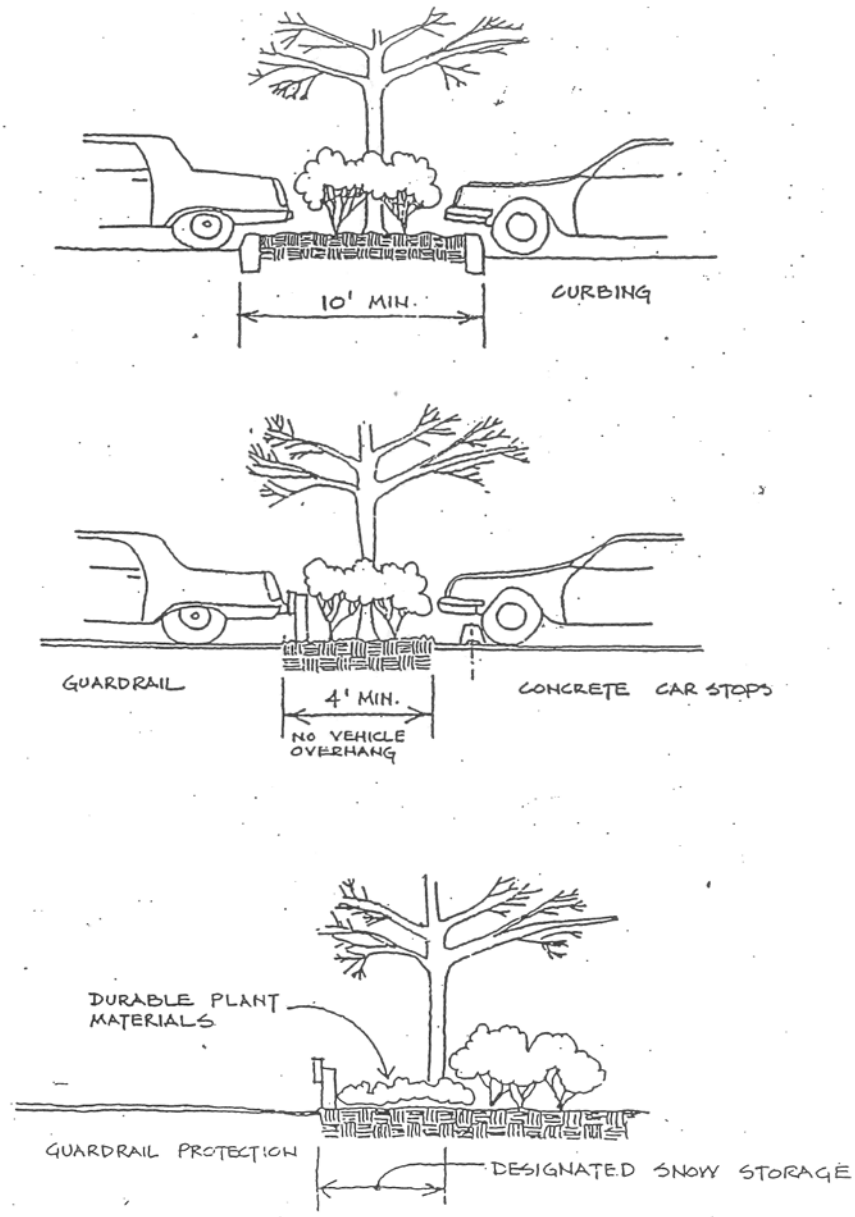


Figure 7
PROTECTION OF PARKING LOT LANDSCAPING

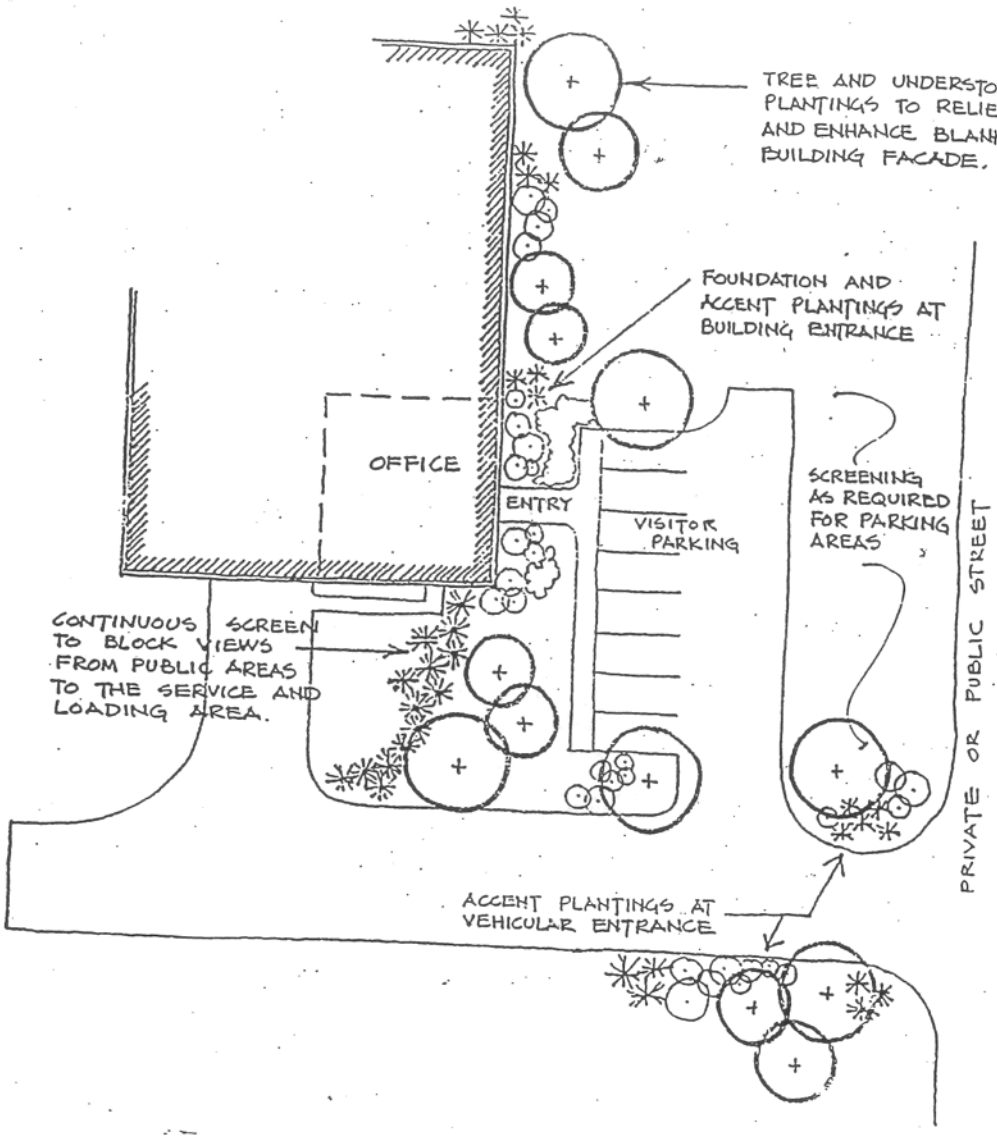


Figure 8
INDUSTRIAL LANDSCAPING

11.A.9 MASTER DEVELOPMENT PLAN (MDP)

As an alternative to the traditional parcel by parcel development of the GPDD Gateway Planned Development District under the preceding provisions, the Commission may, subject to a public hearing adopt a Master Development Plan (MDP) that modifies the zoning requirements of the District in accordance with the following standards.

11.A.9.1 Purpose

The purpose of the MDP process is to encourage the comprehensive planning and coordinated mixed-use development of multiple parcels within the District, promote creativity and superior design through flexible and context-sensitive development standards, support significant economic investment, reduce impacts associated with large-scale development, and provide protection to adjoining neighborhoods.

11.A.9.2 Effect

The adoption of an MDP shall modify the zoning requirements of the GPDD Gateway Planned Development District as specified by the MDP and except as provided in Section 11.A.9.2.1 and 11.A.9.2.2 shall allow for deviation from the typical requirements for use, bulk, and other development standards. Any provision of the East Lyme Zoning Regulations applicable to the property and not specifically superseded by adoption of the MDP shall continue in full force and effect.

11.A.9.2.1 Retail Use

To the extent that a MDP shall contain retail uses, such uses shall not exceed 425,000 square feet of net floor area in total, and shall be subject to the following bulk limitations:

A. Not less than twenty-five (25%) percent of all retail space in the MDP shall be contained in stores with less than 20,000 square feet of net floor area.

B. Not more than one (1) anchor store, containing no more than 140,000 square feet of net floor area, shall be allowed.

C. Not more than Five (5) junior anchor stores, typically ranging from 25,000 to 90,000 square feet shall be allowed, provided that no single store may exceed 90,000 square feet of net floor area, and not more than two (2) such stores may exceed 50,000 net floor area.

11.A.9.2.2 Residential Use

To the extent that a MDP shall contain residential uses on the west side of the Pattagansett River, such uses shall be subject to the following:

A. No single family detached unit shall be permitted.

B. Such uses shall be designed and located to minimize the impact on surrounding areas by incorporating one or more of the following:

1. Buffers to adjoining residential uses.
2. Locating the lower density uses in areas near existing residential uses.
3. Providing open space and/or recreational areas.
4. Providing architectural and lighting controls.

C. The total number of units shall not exceed 400.

11.A.9.3 Eligibility

A MDP application must include at least 75% of the land within the GPDD Gateway Planned Development District. A MDP must provide for reasonable access and utility interconnections to any portion of the District not included within a proposed MDP. The uses and bulk contained in the MDP shall not be considered with respect to site plans for portions of the District outside the MDP.

11.A.9.4 Submission Requirements

An application for MDP adoption shall require public hearing and in lieu of a site plan as described in Section 24, shall include the following components:

A. Existing Conditions Survey prepared by a licensed surveyor showing:

1. Existing topography with 5-foot contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, inland wetlands,
2. Watercourses and flood plains.
3. Land uses, zoning and approximate location of buildings and driveways within 100 feet of the site.
4. A-2 boundary survey.
5. Location map.

B. Conceptualized Layout Plan prepared by a licensed engineer, architect and/or landscape architect showing:

1. General location and nature of proposed land uses.
2. Proposed public and private rights-of-way, parking areas,
3. Easements, and public and private open space areas.
4. Proposed building footprints, floor areas, and building heights.

5. Proposed location of landscaping, buffering, and screening.

6. Utility and highway improvements.

7. Construction phasing plan.

C. Development Standards for the proposed development shall be provided in a narrative form including, but not limited to:

1. Permitted uses subject to Site Plan approval in accordance with Section 24.

2. Bulk and dimensional requirements.

3. Parking and loading.

4. Streets and sidewalks.

5. Landscaping and screening.

6. Lighting.

7. Signage.

8. Open space and conservation areas.

9. Any other standards the Commission may reasonably require.

D. Architectural Standards for the proposed development provided in both narrative form and visual representations prepared by a licensed architect showing:

1. Architectural styles.

2. Massing and scale.

3. Materials and colors.

4. Roof lines and profiles.

5. Typical building facades and elevations.

6. Provisions which require large format stores to contain features calculated to minimize the appearance of bulk.

E. Traffic Analysis prepared by a professional traffic engineer including:

1. A comprehensive traffic study detailing the impact of the proposed development.

2. Improvement plan and the measures necessary to mitigate those impacts.

11.A.9.5 Approval Criteria

The adoption of a MDP shall require a public hearing with notice of the hearing made by publication. The Commission shall

consider the following criteria in determining whether to adopt a proposed MDP:

1. Consistency with the Plan of Conservation and Development.
2. Consistency with the goal of the GPDD Gateway Planned Development District to broaden the Town's tax base while providing a coordinated development, in harmony with the underlying aquifer protection district, calculated to maximize the potential of the district.
3. Consistency with the purpose of the alternative MDP process.
4. Consistency with the orderly development of the district with provisions for necessary utility and traffic infrastructure and in harmony with the surrounding land uses.

The Commission shall reserve the right and discretion to deny the adoption of any MDP that, in the opinion of the Commission, fails to meet one or more of the above-mentioned criteria.

11.A.9.6 Implementation

The implementation of the MDP shall be subject to Site Plan approval by the Commission pursuant to Section 24 of these Regulations. The Site Plan submission shall also contain the information required pursuant to Sections 11.A.8.1-11.A.8.4 and shall comply with the standards outlined in Section 11A.5 (Environmental Requirements). All applications for Site Plan approval under an adopted MDP shall conform to the modified Development and Architectural Standards of the MDP and substantially conform to the size and location of buildings and uses as shown on the Conceptualized Layout Plan. All applications for Site Plan approval shall illustrate the adherence the adopted MDP through plans, renderings, architectural elevations, and other materials. Any Site Plan Application that substantially conforms to an adopted MDP shall be approved by the Commission.

11.A.9.7 Phasing and Public Improvements

Implementation of an adopted MDP may be phased on the condition that all public infrastructure associated with each phase of the MDP shall be constructed prior to the issuance of Certificates of Occupancy for such phase or shall be bonded to the satisfaction of the Commission.

SECTION 12

SU SPECIAL USE DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - A district designed to accommodate highly specialized uses on large tracts of land in appropriate locations to be determined by the Commission.

l2.l SPECIAL PERMIT USES - Any one of the following uses of buildings and/or land may be permitted when approved for a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25. Any change from one use to another shall require a separate application for Special Permit.

l2.l.l Any scientific, research or testing laboratory which is not dangerous by reason of fire or explosion nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.

l2.l.lA Commercial recreation complex, or resort area, including restaurants, dance halls, bowling alleys, theatres, billiard and pool parlors, picnic area, swimming pools, motels, hotels, tourist cabin establishments, and similar places of public recreation and accommodation operated as a business.

l2.l.2 Executive or administrative office buildings.

l2.l.3 Multi-family dwellings, including:

Individual dwelling units under a single common land ownership.

Apartments with dwelling units combined in a single structure or structures under single common ownership.

Condominiums consisting of apartments with dwelling units combined in a single structure or structures.

Parking, recreation and accessory structures limited to the use of the residents of the units permitted above.

l2.l.4 Accessory residential use for regulation eighteen (18) hole golf course of not less than five thousand (5000) yards in length, subject to the standards of Section 25.5.

12.1.5 Multi-Family, Multi-Story Dwellings to accommodate Supportive Housing for the Elderly as Administered by the U.S. Department of Housing and Urban Development under Section 202 of the Housing Act of 1959 and sponsored by a HUD recognized non-profit organization.

A. Any Accessory use customarily incidental to the above use.

l2.2 DIMENSIONAL REQUIREMENTS

l2.2.l LOT SIZE - Within the SU Special Use District no lot shall be less than 20 acres in area, except that a lot used for non-profit elderly housing may be less than 20 acres but not less than 10 acres in area.

l2.2.2 FRONTAGE - Each lot and/or land area shall have not less than 500 feet frontage.

l2.2.3 SETBACKS - No new building or structure shall be placed less than l50 feet from the street line or l00 feet from any other property line. The Zoning Commission may waive the 100 feet from the property line and/or the 150 feet from the street line. A 50-foot buffer is required along all SU district zone lines.

l2.2.4 COVERAGE - The total area of all buildings and structures on a lot shall not exceed ten percent of the lot area.

l2.2.5 HEIGHT - No building or structure shall exceed 30 feet in height except that the Zoning Commission may, under the provisions of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of 40 feet.

l2.2.6 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided in accordance with the provisions of Section 22 of these regulations.

l2.2.7 BUFFER STRIP - A suitably landscaped buffer strip not less than 50 feet wide, shall be provided along the property line where any SU Special Use District abuts any Rural or Residence District within the Town or any adjoining town.

l2.3 GENERAL PROVISIONS

l2.3.l The Zoning Commission shall consider for designation as a Special Use District, only parcels of 20 acres or larger, except that when an application for designation of a parcel as SU is accompanied by an application for a Special Permit to construct non-profit elderly housing, the Commission may consider parcels consisting of less than 20 acres but not less than 10 acres.

l2.3.2 An application for rezoning shall be accompanied by an application for a Special Permit in accordance with the requirements of Section 25. These shall be referred to the Planning Commission for consistency with the Town Plan of Development. The Planning Commission shall have 35 days to report its recommendations to the Zoning Commission.

For Multi-family development, the following plans and information shall be included in addition to the information required to be submitted under Section 25:

A. All principal structures and streets within 50 feet of the boundaries of the proposed development;

B. Rendering to show the appearance of representative structures within the development, the number and size of units and the number and size of rooms per unit, and the specific exterior materials to be used.

C. Copies of covenants and restrictions to be recorded in the land records of the Town before the Certificate of Occupancy is issued to assure the development and maintenance of the property in accordance with the complete development plan.

D. Such other information as the Commission may reasonably request to carry out the high standards of development contemplated by this section.

12.3.3 All applications for development in the Special Use District shall include a traffic study, which provides:

A. A description of the traffic circulation network within one mile of the site; existing and proposed intersections; proposed site access; roadway widths and rights-of-way; traffic signals and other control devices; existing and proposed public transportation services and facilities.

B. A description of existing traffic conditions based on three twenty-four hour weekday counts taken during the period from July l to September l on all roadways providing access to the site. Average daily traffic and average peak hour volumes shall be based on these counts.

C. Traffic projections for the proposed development prepared according to the data and procedures contained in the Institute of Traffic Engineers "Trip Generation Manual", indicating total average weekday and peak hour trips allocated to proposed phases and uses.

D. Analysis of projected traffic impacts from the development together with projected impacts of other developments approved for construction and utilizing the same elements of the traffic circulation network.

E. Recommended traffic circulation network improvements and traffic control devices required to maintain traffic operation at the level of service existing prior to the development.

l2.3.4 Any separate lot, hereinafter created from any part of a Special Use District, shall conform in all aspects to requirements of this section.

l2.3.5 The Commission may approve a development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five acres. The Commission may grant a Special Permit limited to each such stage of development. Each stage shall be capable of independent existence without the completion of succeeding stages. Buffer requirements shall not apply to the common line between stages of development.

12.3.6 The Commission shall hold a Public Hearing on an application for a rezoning as a Special Use District and Special Permit Approval.

SECTION 12A

SU-E SPECIAL USE DISTRICTS

GENERAL DESCRIPTOIN AND PURPOSE - A district designed to accommodate elderly housing uses on large tracts of land in appropriate locations to be determined by the Commission.

l2A.l SPECIAL PERMIT USES - The following uses of buildings and/or land may be permitted when approved for a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25.

12A.l.1 Elderly Housing - Single Family detached dwelling units operated by residents under a common interest ownership for senior citizens age 55 or over subject to appropriate controls as outlined in Section 25.

12A.1.2 Any accessory use customarily incidental to the above permitted uses.

12A.2 DIMENSIONAL REQUIREMENTS

l2A.2.l LOT SIZE - Within the SU-E Special Use District no lot shall be less than 10 acres in area.

l2A.2.2 FRONTAGE - Each lot and/or land area shall have not less than 50 feet frontage.

l2A.2.3 SETBACKS - No new building or structure shall be placed less than l50 feet from the street line or l00 feet from any other property line. The Zoning Commission may waive the 100 feet from the property line and/or the 150 feet from the street line. A 50-foot buffer is required along all SU-E district zone lines.

l2A.2.4 COVERAGE - The total area of all buildings and structures on a lot shall not exceed ten percent of the lot area.

l2A.2.5 HEIGHT - No building or structure shall exceed 30 feet in height.

l2A.2.6 OFF-STREET PARKING AND LOADING SPACE - Off-street parking and loading space shall be provided in accordance with the provisions of Section 22 of these regulations.

l2A.3 GENERAL PROVISIONS

l2A.3.l The Zoning Commission shall consider for designation as a Special Use Elderly District, only parcels of 10 acres or larger.

l2A.3.2 An application for rezoning shall be accompanied by an application for a Special Permit in accordance with the requirements of Section 25. For Elderly housing developments, the following plans and information shall be included in addition to the information required to be submitted under Section 25:

A. All principal structures and streets within 50 feet of the boundaries of the proposed development;

B. Floor plan and rendering to show the appearance of representative structures within the development, the number and size of units and the number and size of rooms per unit, and the specific exterior materials to be used.

C. Copies of covenants, condominium association documents and other deed restriction shall accompany the Special Permit application and shall be recorded in the land records of the Town before the Certificate of Occupancy is issued to assure the development and maintenance of the property in accordance with the complete development plan.

D. Such other information as the Commission may reasonably request to carry out the high standards of development contemplated by this section.

12A.3.3 All applications for development in this zone district shall include a traffic study which provides:

A. A description of the traffic circulation network within one mile of the site; existing and proposed intersections; proposed site access; roadway widths and rights-of-way; traffic signals and other control devices; existing and proposed public transportation services and facilities.

B. A description of existing traffic conditions based on three twenty-four hour weekday counts taken within a twelve (12) month period of the application submission on all roadways providing access to the site. Average daily traffic and average peak hour volumes shall be based on these counts.

C. Traffic projections for the proposed development prepared according to the data and procedures contained in the Institute of Traffic Engineers "Trip Generation Manual", indicating total average weekday and peak hour trips allocated to proposed phases and uses.

D. Analysis of projected traffic impacts from the development together with projected impacts of other developments approved for construction and utilizing the same elements of the traffic circulation network.

E. Recommended traffic circulation network improvements and traffic control devices required to maintain traffic operation at the level of service existing prior to the development.

l2A.3.4 Any separate lot, hereinafter created from any part of a zone district, shall conform in all aspects to requirements of this section.

12A.3.5 The Commission may approve a development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five acres. The Commission may grant a Special Permit limited to each such stage of development. Each stage shall be capable of independent existence

without the completion of succeeding stages. Buffer requirements shall not apply to the common line between stages of development.

l2A.3.6 The Commission shall hold a Public Hearing on an application for a rezoning as a Special Use Elderly District and Special Permit Approval.

12A.4 PARCELS OF 300 ACRES OR LARGER

12A.4.1 Elderly housing owned by residents under a common interest ownership for senior citizens, age 55 or older, when approved for a Special Permit by the Zoning Commission subject to Special Permit requirements of Section 25, and consisting of the following uses:

A. Single Family Detached Dwellings;

B. Townhouse Dwellings, consisting of attached single family units, not to exceed six (6) units per building, and not to exceed 30% of the total number of residential units for said parcel;

C. Multi-family Dwellings not to exceed 24 units per building and not to exceed 40% of the total number of residential units for said parcel;

D. Any accessory use customarily incidental to permitted uses including but not limited to the uses referred in Section 12A.4.3.C.

12A.4.2 DIMENSIONAL REQUIREMENTS

The dimensional requirements contained in Section 12A.2 above shall apply except that the following height requirements shall apply provided the setbacks of the buildings from the property lines are increased by five (5') feet for each foot of height above thirty (30') feet, not to exceed the following limitations:

A. Single Family Detached Dwellings
35'

B. Townhouse Dwellings
40'

C. Multi-family Dwellings serviced by an Elevator
50'

D. The Commission may further increase setbacks and/or reduce the maximum height as provided above if it finds that such a proposed structure will impair views, light or air or interfere with the use of neighboring properties.

12A.4.3 GENERAL PROVISIONS

A. The general provisions contained in Section 12A.3 above shall apply.

B. COMMUNITY AREA FOR RECREATION: The developer shall provide an area for passive and/or active

recreation for the residents of the Active Adult Community Development. Such areas shall include but are not limited to the following:

1. Sitting areas (covered or uncovered)
2. Walking paths and trails
3. Other dedicated public lawns and green space
4. Tennis Courts
5. Exercise room and equipment
6. Swimming pool

Such areas may include the following:

i. Croquet Lawn
ii. Billiards Room
iii. Bicycle Racks
iv. Volleyball Court

C. VILLAGE GREEN: The following Accessory Uses are permitted within the development, which will create a Village Green to compliment active adult residential uses, and will exist primarily for the benefit of the residents of said community.

These uses may include, but are not limited to the following:

1. Postal area (post office),
2. Coffee Shop/Restaurant
3. Meeting hall/clubhouse
4. Non-denominational chapel
5. Library,
6. Barbershop/hairdresser
7. Canning and potting sheds
8. General Store
9. Amphitheater
10. Arts and crafts gallery
11. Common green area.

The accessory uses in total shall not exceed a building coverage of 22,000-sq. ft.; the meeting hall/clubhouse shall not exceed 12,000-sq. ft.; and all other accessory uses in total will not exceed approximately 10,000-sq. ft.

D. UTILITIES:

1. The water supply shall be approved by the Town Director of health and State Department of Health.

2. All utilities shall be underground.

E. SEWAGE DISPOSAL: The development shall be served by a sewage disposal system(s) meeting Town Health Department and State Health Department Services regulations and as applicable, regulations of the State Department of Environmental Protection.

12A.4.4 PROCEDURES – PRELIMINARY SPECIAL PERMIT

A. PRELIMINARY SPECIAL PERMIT

Prior to filing an application for Special Permit, an application for a "Preliminary Special Permit" (PSP) shall be submitted, which application shall include the following:

1. An A-2 Survey;

2. Topographical plan with 10' intervals;

3. A wetland map;

4. A map showing slopes above 25%

5. Traffic Study;

6. Open Space Plan;

7. Recreational Facilities Plan;

8. Preliminary plan showing designs of buildings;

9. Conceptual plan showing designs of buildings;

10. Table showing number of units and number of bedrooms for each unit.

11. Zoning Compliance Block

B. A public hearing will be held on said application for said PSP following which the Commission shall either approve, approve with modifications, or deny said PSP.

C. If said PSP is approved, or approved with modifications, the applicant shall file a "Final Special Permit" (FSP) which shall include all information required under these Regulations for both a Site Plan and Special Permit application, along with such other information as the Commission may reasonably request to carry out the high standards of development contemplated by this Section.

D. If the FSP conforms to the PSP as approved, the Commission shall approve the FSP.

12A.5 SPECIAL PERMIT REQUIREMENTS SECTION 25

12A.5.1 For Applications under 12A.4, all Special Permit requirements under Section 25 and 25.5 shall apply except for the following under 25.5 (Elderly Housing SU-E).

A. Single-family detached residential units shall not be restricted to clusters of no more than eight (8) units.

B. Basements or attics shall not be required for multi-family units.

C. Notwithstanding the density allowed in Section A above, the maximum number of dwelling units per acre shall not exceed 2.5.

D. In lieu of the requirements of Section10, open space shall be provided as follows:

a. Not less than 50% of the parcel shall be set aside as open space. At least one-half of such open space area shall be in parcels of 20 acres or more. Such open space may be used for recreational activities

E. The following additional restriction shall be applicable:

No such development may be constructed on a parcel if any portion of it lies within a coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes, and as delineated in the coastal boundary map for the Town of East Lyme.

F. The setback and separation requirements of number 2 shall apply to single-family dwelling units only. With respect to all other structures a minimum setback of six feet (6’) from internal roadways shall apply.

SECTION 13

AqP AQUIFER AND PRIMARY RECHARGE DISTRICT AND
AqS SECONDARY RECHARGE DISTRICT

This section removed effective June 28, 2013.

SECTION 14

COASTAL AREA MANAGEMENT

l4.1 COASTAL SITE PLAN REVIEW REQUIRED - All buildings, uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of East Lyme shall be subject to the coastal site plan review requirements and procedures in Section 22a-l05 through 22a-l09 of the Connecticut General Statutes.

l4.2 COASTAL SITE PLAN REVIEW EXEMPTIONS

14.2.l Pursuant to Section 22a-l09 (b) of the Connecticut General Statutes the following activities are exempt from coastal site plan review requirements:

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 the following new or modification of the following existing on-premise non-residential structures: 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 by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach;

E. Construction of an individual single family residential structure except in or within one hundred feet (l00) of the following coastal resource areas as defined by Section 22s-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

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 modification to buildings;

H. Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

l4.2.2 The foregoing exemptions from Coastal Site Plan Review requirements shall apply to the following site plans, plans and applications:

A. Site plans submitted to the Zoning Commission in accordance with Section 22-l09 of the Connecticut General Statutes;

B. Applications for a Special Permit submitted to the Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section 25 of these Regulations;

C. Applications for a variance submitted to the Zoning Board of Appeals in accordance with the Connecticut General Statutes and these regulations;

D. A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

SECTION 15

FLOOD HAZARD AREAS

15.l DEFINITIONS

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

APPEAL means a request for a review of the interpretation of the Zoning Official of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD means land in the flood

plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALLS mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

COASTAL HIGH HAZARD AREA means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE.

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1981, the effective date of the floodplain management ordinance adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

FLOOD" OR "FLOODING, means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The usual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than l.0 feet.

FLOODWAY FRINGE means area between the "floodway" and the boundary of the l00 year flood area.

FLOOR means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage, seafood processing facilities, manufacturing, sales or service facilities.

HISTORIC STRUCTURE means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structure are not considered manufactured homes unless placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE means, as related to substantial improvement and substantial damage, the value of the structure shall be determined by an independent appraisal by a professional appraiser of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after June 15, 1981, the effective date of this ordinance and includes and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1981, the effective date of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be a self-propelled or permanently towable by light -duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonable use. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of these regulations.

SAND DUNES mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION includes substantial improvement, and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within l80 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grade and filing; 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 main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building manufactured home, or including a gas or liquid storage tank or mobile home that is principally above ground.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. "Substantial damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, taking place over a ten year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the start of construction of the improvement or repair, or
2. If the structure has been damaged and is being restored to its condition before the damage occurred. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "Historic Structure".

VARIANCE means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

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

WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

15.2 GENERAL PROVISIONS

15.2.1 LANDS TO WHICH THIS ORDINANCE APPLIES - This ordinance shall apply to all areas of special flood hazards within the jurisdiction of East Lyme, Connecticut.

15.2.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD - The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013, (Panels 09011C0459J, 09011C0467J, 09011C0477J, 09011C0478J, 09011C0479J, 09011C0481J, 09011C0483J, 09011C0486J, 09011C0487J) and July 18, 2011 (Panels 09011C0309G, 09011C0316G, 09011C0317G, 09011C0318G, 09011C0319G, 09011C0328G, 09011C0336G, 09011C0337G, 09011C0338G, 09011C0339G, 09011C0457G, 09011C0476G) and other supporting data applicable to the Town of East Lyme, 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 or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the Town Hall, East Lyme, Connecticut.

15.2.3 COMPLIANCE - No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

15.2.4 ABROGATION AND GREATER RESTRICTIONS - This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.2.5 INTERPRETATION - In the interpretation and application of these regulations, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and,

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.2.6 WARNING AND DISCLAIMER OF LIABILITY -The degree of flood protection required by these regulations are considered reasonable for regulatory purposes and are based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of East Lyme, Connecticut, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that Management Agency, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

15.3 ADMINISTRATION

15.3.1 ESTABLISHMENT OF DEVELOPMENT PERMIT - A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.2.2.

Application for a development permit shall be made on forms furnished by the Building Official and Zoning Official and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage or materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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 flood proofed;

C. Certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice and the flood proofing criteria in Section 15.5.2.B;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

E. Plans for any walls to be used to enclose space below the base flood level.

15.3.2 DESIGNATION OF THE BUILDING OFFICIAL AND ZONING OFFICIAL - The Building Official and Zoning Official are hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

15.3.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL AND ZONING OFFICIAL - Duties of the Building Official and Zoning Official shall include, but not be limited to:

A. PERMIT REVIEW

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied and whether proposed building sites will be reasonably safe from flooding.

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

3. Review all development permits in the area of special flood hazard except in the coastal high hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

4. Review all development permits in the coastal high hazard area or the area of special flood hazard to determine if the proposed development alters mangrove stands or sand dunes so as to increase potential flood damage.

5. Review plans for walls to be used to enclose space below the base flood level in accordance with Section 15.5.3.B.4.

B. USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 15.2.2, the Building Official and Zoning Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer these regulations.

C. INFORMATION TO BE OBTAINED AND MAINTAINED

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

2. For all new and substantially improved flood proofed structures:

i. Verify and record the actual elevation (in relation to mean sea level), and

ii. Maintain the flood proofing certifications required in Section 15.3.1 (C).

3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

4. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. ALTERATION OF WATERCOURSES

1. Notify adjacent communities, the Connecticut Department of Environmental Protection (Inland Wetland Resources Division) and the Southeastern Connecticut Regional Planning Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. INTERPRETATION OF FIRM BOUNDARIES - Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, for example, 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.

15.4 VARIANCE AND APPEALS PROCEDURE

15.4.1 APPEAL BOARD

A. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of flood hazard areas regulations.

B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Official and Building Official in the enforcement or administration of this ordinance.

C. Anyone aggrieved by the decision of the Zoning Board of Appeals or any taxpayer, may appeal such decision to the Superior Court as provided in the Connecticut General Statutes.

D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during the after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-ix) in Section 15.4.1 D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the other variance criteria are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

G. Upon consideration of the factors of Section l5.4.l (D) and the purposes of these regulations, the Board of Selectmen may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

H. The Zoning Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report.

15.4.2 CONDITIONS FOR VARIANCES IN FLOOD HAZARD AREAS

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

15.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

15.5.1 GENERAL STANDARDS - In all areas of special flood hazards, the following standards are required:

A. ANCHORING

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes to be placed, or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation and shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or

subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. Specific requirements shall be that:

i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; and

(iii)All components of the anchoring system be capable of carrying a force of 4,800 pounds.

3. All manufactured homes, as specified in part (2) above, 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.

B. CONSTRUCTION MATERIALS AND METHODS

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. UTILITIES

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

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. SUBDIVISION PROPOSALS

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewers, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

E. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, FLOODWAYS AND/OR FLOOD MAPPING

1. The Building Official and Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to 15.3.3. (b) or 15.5.1. (d) (4) of these regulations or section 6-6-1 (7) of the Town's Subdivision Regulations, as criteria for requiring that new construction, substantial improvements or other development in A, or AE Zones on the Community's FIRM meet the standards in Section 15.5.2.

2. In AE Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will 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.

3. The Building Official and Zoning Official may request or accept floodway data of an applicant for watercourses without FEMA- published floodways. When such data is provided by an applicant or from any other source, the Town shall adopt a regulatory floodway. The floodway shall be based on only the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

4. Where no base flood elevation (BFE) or floodway data is available, the Building Official and Zoning Enforcement Official shall obtain, review and reasonably utilize any base

flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 15.5.2.

15.5.2 SPECIFIC STANDARDS - In all areas of special flood hazards the following standards are required;

A. RESIDENTIAL CONSTRUCTION - New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. NON-RESIDENTIAL CONSTRUCTION - New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice. Such certifications shall be provided to the Zoning Official.

4. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood water to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

i. 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;

ii. The bottom of all openings shall be no higher than one foot above grade;

iii. Openings may be equipped with screens louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

C. MANUFACTURED HOMES

1. Shall be elevated so that the lowest floor is above the base floor elevation;

   All new manufactured homes must comply with the following:

   i. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;

   ii. Adequate surface drainage and access for a hauler are provided; and

   iii. In the instance of elevation on pilings, that:

   - Lots are large enough to permit steps,
   - Piling foundations are placed in stable soil no more than ten feet apart, and
   - Reinforcement is provided for pilings more than six feet above the ground level.

2. 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.

3. No manufactured home shall be placed in a floodway.

D. RECREATIONAL VEHICLES Recreational vehicles placed on sites within Zones A, AE and VE shall either be on the site for fewer than 180 consecutive days,

1. Be fully licensed and ready for highway use, (A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.), or

2. Meet all the general standards of Section 15.5.1 and the elevation and anchoring requirements of Section 15.5.2. (C). Additionally, all recreational vehicles in Zone VE shall meet the construction requirements for coastal high hazard areas provided in Section 15.5.3.

l5.5.3 COASTAL HIGH HAZARD AREA - Coastal high hazard areas (V Zones) are located within the areas of Special Flood Hazard. These Areas have special flood Hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply;

A. LOCATION OF STRUCTURES

1. All buildings or structures shall be located landward of reach of the mean high tide.

2. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision. Manufactured homes placed or substantially improved in an existing manufactured home park must meet the construction requirements for coastal high hazard areas provided in section 15.5.3. All manufactured homes within VE zones 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 pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes within VE zones shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided.

B. CONSTRUCTION METHODS

1. ELEVATION All buildings or structures shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level with all space below the lowest supporting member open so as not to impede that flow of water.

2. STRUCTURAL SUPPORT Pilings or columns used as structural support and the structure attached thereto shall be designed and anchored so as to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

a. There shall be no fill used for structural support.

3. CERTIFICATION A registered professional engineer or architect shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Sections l5.5.3 (b)(l) and l5.5.3 (b)(2).

4. SPACE BELOW THE LOWEST FLOOR

i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of these regulations shall not enclose the space below the lowest floor unless breakaway walls open wood

lattice work, or insect screening are used as provided for in these regulations.

ii. Non-supporting breakaway walls, open wood lattice work, or insert screening shall be allowed below the lowest floor provided they are 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 purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than l0 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 (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in the determination shall each have a one percent chance of being equaled or exceed in any given year (l00 year mean recurrence interval).

iii. If Breakaway walls are utilized, such enclosed space shall not be used for human habitation but solely for parking of vehicles, building access, or storage.

iv. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Zoning Official for approval.

C. SAND DUNES - There shall be no alteration of sand dunes which could increase potential flood damage.

15.5.4 FLOODWAY - located within areas of special flood hazard are areas designated as floodways. Since the flood way is in an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design.

15.5.5 EQUAL CONVEYANCE - Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

15.5.6 COMPENSATORY STORAGE - The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

15.5.7 ABOVE GROUND STORAGE TANKS - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

15.5.8 PORTION OF STRUCTURE IN FLOOD ZONE - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

15.5.9 STRUCTURES IN TWO FLOOD ZONES - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

15.5.10 NO STRUCTURES ENTIRELY OR PARTIALLY OVER WATER - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

SECTION l6

TM TIDAL MARSH DISTRICTS

GENERAL DESCRIPTION AND PURPOSE - Coastal areas and islands characterized by tidal wetlands as defined by Section 22-29 of the Connecticut General Statutes. These areas are of high value as wildlife conservation areas and flood retention areas and generally unsuited to any form of building development. The purpose of this district is to preserve Tidal Wetlands.

l6.l PERMITTED USES; - The following uses of land and no others are permitted:

l6.l.l Agricultural or farm use, but excluding construction of buildings.

l6.l.2 Recreation or open space use, but excluding construction of buildings or shelters other than boat houses, docks or similar structures not designed for human occupancy.

l6.l.3 The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25.

A. Boat Houses

B. Docks

l6.2 DIMENSIONAL REQUIREMENTS

l6.2.l LOT SIZE - Within the TM Districts no lot shall be less than 40,000 square feet in area.

SECTION 17

REMOVAL OF TOPSOIL, SAND AND GRAVEL

17.1 Unless otherwise provided in this section, a Special Permit is required for the excavation and removal from the premises, or grading or dumping of earth, sand, clay, gravel or quarry stone.

17.2 EXEMPTIONS - The provisions of this section and the requirements to obtain a permit shall not apply to the excavation and removal, or grading or dumping of less than 100 cubic yards or affecting an area of not more than 1000 square feet of material on any lot in any calendar year.

The following are also exempted provided that it involves only the quantity of material necessary to make the lot more suitable for the proposed use:

17.2.1 Necessary excavation and removal, or grading or dumping of earth in direct connection with the lawful construction on the lot of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, for which any required zoning approval has been obtained.

17.2.2 Necessary excavation and removal, or grading or dumping of earth in connection with improvements on the lot solely for farming or landscaping purposes, such as the construction of ponds, improvement of water courses, burying of stones or refuse, re-grading of difficult contours and the excavation of earth for use on the lot and not for sale.

17.3 APPLICATION - The applicant shall submit an application for a Special Permit in accordance with Section 25 which specifically includes the following information:

17.3.1 An estimate of the number of cubic yards to be excavated, removed, graded or dumped;

17.3.2 The hours and days of the week that the operation is to be conducted;

17.3.3 The number and kinds of trucks and other equipment to be used;

17.3.4 A plan shall be submitted as required in Section 24 and which includes the following:

A. The location and exterior limits of the area to be excavated graded or filled;

B. Existing contour lines on the lot, drawn to scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet;

C. Proposed contour lines within the area to be excavated, graded or filled, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet;

D. Proposed vehicular access to the lot and any proposed work roadways;

l7.4 STANDARDS

l7.4.l The plan shall provide for adequate fencing or screening between the operation and adjacent residential properties.

l7.4.2 At all stages of the work proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run-off, silting of streams and damage to public property, streets or drainage facilities.

l7.4.3 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;

l7.4.4 No excavation and removal, or grading, which is below the elevation of any abutting street or property line shall occur within l00 feet of such line, except that excavation and removal or grading within such distance and below the elevation of an abutting property line may be permitted if written approval from adjoining owners is received by the Commission.

l7.4.5 In other than the Light Industrial District, use of a stone crusher or other machinery not required for actual removal of material shall be allowed only by written approval of the Zoning Official and only for a maximum period of three (3) months.

l7.4.6 No building or other structure shall be erected on the lot except as may be otherwise permitted in the district or, as approved by the Commission, as a temporary shelter for equipment and field office;

l7.4.7 The work shall be limited to such hours as are determined reasonable by the Commission and to such days as specified by the Commission;

l7.4.8 Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; trucks shall be covered; suitable fences or other barricades shall be provided around the excavation.

l7.4.9 To protect pedestrians and vehicles, roads which have been damaged as a result of the applicant's operations shall be repaired by the applicant.

l7.4.l0 Upon completion of the authorized work, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:

A. Adequate drain ways of gradual slope shall be provided to assure drainage;

B. There shall be no excavation, grading or removal below an elevation of six (6) feet above any ledge.

C. All debris and all loose boulders shall be buried or removed from the lot; and

D. The top layer of any arable soil, to a depth of not less than six (6) inches, shall be retained in the lot and spread over the entire disturbed area with any large stones removed, and the area shall then be seeded with a perennial cover crop and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion, but this provision shall not apply to

the area of ponds nor to exposed areas of ledge existing prior to the work.

l7.5 Before a permit is granted under this section, the owner shall post a bond with the treasurer of the Town of East Lyme in an amount approved by the Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued there under.

l7.6 In approving such applications, the Zoning Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.

l7.7 Such permits shall be issued for a period not exceeding two years.

SECTION 18

Sign Regulations

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18.1.1 PURPOSES

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communications in East Lyme; to maintain and enhance the aesthetic environment and East Lyme's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign regulation is adopted under the zoning authority of East Lyme in furtherance of the more general purposes set forth in the zoning regulation.

18.1.2 APPLICABILITY - EFFECT

A sign may be erected, placed, established, painted, created, or maintained in East Lyme only in conformance with the standards, procedures, exemptions, and other requirements of this regulation.

The effect of this regulation as more specifically set forth herein, is:

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and permit procedures of this regulation;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this regulation, but without a requirement for permits;

To allow certain temporary signs in limited circumstances without a requirement for permits;

To prohibit all signs not expressly permitted by this regulation; and To provide for the enforcement of the provisions of this regulation.

18.1.3 DEFINITIONS AND INTERPRETATION

Words and phrases used in this regulation shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Section 1 of the zoning regulations of East Lyme shall be given the meanings set forth in such section. Principles for computing sign area and sign height are contained in Section 18.1.4. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BILLBOARD SIGN: Any sign which advertises a business, service, product, commodity, entertainment or similar object or activity which is conducted sold or offered on a lot other than the lot on which the sign is erected.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN: Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY SIGN MANUAL: A sign or portion thereof with characters, letters, or illustrations that can be changes or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this regulation. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this regulation. Any sign whereon provision is made for letters or characters to be placed in or upon the surface area of the sign manually to provide a message or picture without altering the surface of the sign.

CHANGEABLE COPY SIGN, ELECTRONIC: Any sign or portion thereof that is capable of displaying words, symbols or alphanumeric characters which are defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), liquid crystal displays (LCD's), fiber optics, light bulbs or other illumination devices that can be electronically or automatically programmed and may be changed by remote or automatic means.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government.

FREESTANDING SIGN: Any sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.

HIGHWAY SIGN DISTRICT: A land area in the vicinity of Interstate Route I-95 which is subject to special sign regulations intended to allow visibility of business signs within the district from that highway. The highway sign district consists of all parcels of land, existing on the effective date of these regulations, which have lot frontage on, or right-of-way access to, Connecticut Route 161, provided that any portion of such frontage or right-of-way lies between 1000 feet to the south and 350 feet to the north of Interstate I-95, such distances to be measured from the centerline of I-95 along the centerline of Route 161.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance",

"loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

MARQUEE: Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.

NEON SIGN: Any sign which features exposed glass tubing filled with fluorescent gas.

NON-CONFORMING SIGN: Any sign that does not conform to the requirements of this regulation.

OFF PREMISE SIGN: A sign which directs attention to a business, product, activity or service which is generally conducted sold or offered elsewhere than upon the premises where such sign is located.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN: Any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PRINCIPAL BUILDING: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirement of the zoning regulation.

ROOF SIGN, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN: Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public

performance, article, machine or merchandise whatsoever and printed or constructed and displayed in any manner whatsoever out of doors for advertising purposes. However, this shall not include any governmental, court or public notices nor the flag, emblem or insignia of a government, school or religious group when displayed for official purposes.

SIGN, INTERNALLY ILLUMINATED: Any sign incorporating an electrical light source which illuminates the sign face from within.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted.

WALL SIGN: Any sign attached parallel to, but within twelve inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

ZONING OFFICIAL: The Zoning Official of East Lyme or his or her designee.

18.1.4 COMPUTATIONS

The following principles shall control the computation of sign area and sign height.

18.1.4.1 Computation of Area of Individual Signs.

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulation and is clearly incidental to the display itself.

18.1.4.2 Computation of Area of Multifaceted Signs

Any sign may be double facing and all faces shall be counted in determining conformity to sign area limitations.

18.1.4.3 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) newly established grade after construction, exclusive of any filling,

berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

18.1.4.4 Computation of Maximum Total Permitted Sign Area for a Zone Lot

The total sign area on a lot shall be computed as the sum of the areas of the individual un-illuminated and externally illuminated signs on the lot PLUS twice the sum of the areas of the individual internally illuminated signs on the lot (No more than one internally lit sign shall be permitted for each zone lot). The total sign area so computed shall not exceed the maximum total permitted sign area determined by applying the formula contained in Table 1.5B, Maximum Total Sign Area, to the lot frontage or building frontage of the principal building(s), as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

18.1.5 <u>SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS</u>

Signs shall be allowed on private property in East Lyme in accordance with, and only in accordance with, Table 1.5A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 1.5A shall be allowed only if:

The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 1.5B;

The size, location, and number of signs on the lot conform with the requirements of Tables 1.5C, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 1.5A;

The characteristics of the sign conform with the limitations of Table 1.5D, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1.5A. In all instances, no internally lit sign shall be illuminated when the business it represents is closed.

18.1.5.1 Notwithstanding any provision in Section 18 to the contrary, because of their unique requirements, theaters located in a CB Zone may have

a marquee sign, including lights which may give the appearance of movement by serially controlling the illumination of each bulb. Such lights may not blink in total or in large groups. The first 80 square feet of signage on a marquee shall be excluded from the area calculations as provided in Section 18 of the Regulations. Such sign and lighting shall be subject to the following standards:

A. Individual bulbs may not exceed 15 watts, and shall be white.

B. The marquee signage may only identify the name of the theater.

C. Lights on the marquee shall only be illuminated during times of theater operation.

18.1.5.2 Notwithstanding any provision in Section 18 to the contrary, because of their unique characteristics, any legal pre-existing nonconforming free standing sign which is in excess of 50 feet in height and within 50 feet on Connecticut Interstate 95 may be used as a billboard sign as defined in these regulations provided the sign conforms to all other applicable regulations of Section 18.

18.1.6 PERMITS REQUIRED

If a sign requiring a permit under the provision of the regulation is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 18.1.13.

Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 18.1.14.

No signs shall be erected in the public right-of-way except in accordance with Section 18.1.9.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this regulation (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

18.1.7 DESIGN, CONSTRUCTION, AND MAINTENANCE

18.1.7.1 Design: The Zoning Commission shall establish a Sign Design Review Committee, consisting of three members. They shall be appointed by the Chairman of the Commission and each shall serve for two years. Their appointments may be renewed by the Zoning Commission Chairman serving at the time the appointments expire, or one, two, or three new Committee members may be appointed to replace those leaving the Committee. In the event a place becomes vacant for any reason before expiration of a term, the Chairman of the Commission may appoint a replacement to fill the unexpired term. At least one member of the Committee shall be a member or alternate member of the Zoning Commission, and at least one other member shall be selected from the East Lyme business community. The other members of the Committee shall be residents of the Town of East Lyme who have demonstrated interest in the Town relative to

landscaping, architecture, and/or esthetics. The Committee shall establish such by-laws and procedures for its operation as it deems appropriate.

Said Committee shall be empowered to render advisory opinions to the Zoning Commission or its agent with respect to sign permit applications for which its opinion is requested by the Zoning Commission or its agent. Such opinion shall be rendered in sufficient time for the Commission or its agent to act upon the application within the time limits set by statute or by regulation. Such opinion shall be based upon application of the design standards contained in this subsection. The committee may include in its opinion such recommendations for modification as it deems appropriate, but such recommendations shall not be binding upon either the applicant, or the Commission or its agent.

The committee shall consider the following standards in rendering its advice to the zoning commission, or its agent:

A. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

B. Signs should display simple and clear messages and symbols which should be legible by pedestrians and slow moving vehicles within a reasonable distance. Except as otherwise provided hereunder, a sign shall be limited to not more than the display of the name of the business establishment, one symbol, logo or drawing, and one feature product or service provided by the business.

C. 0To maintain simplicity and clarity of signs no sign shall feature more than 3 different colors including trim, framing, supports and braces. Sign colors should harmonize with the exterior colors, including trim, of the building to which the sign is attached. In the case of a freestanding sign, the colors on such sign should be compatible with the colors of the building to which the sign principally relates. The letter faces of an individual letter sign shall be kept in one single color.

D. Lettering on a sign shall be limited to a maximum of two different type styles. The lettering and the design of a sign should complement the architecture of the building to which the sign is attached. In the case of a freestanding sign its design should be compatible to the building to which the sign principally relates.

18.1.7.2 Construction: All signs shall be designed, constructed, and maintained in accordance with the following standards:

All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code of East Lyme at all times.

Except for street banners, temporary signs, and window signs conforming in all respects with the requirements of this regulation,

all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

18.1.7.3 Maintenance: All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, in a neat, clean, and attractive condition, and in conformance with this code, at all times.

18.1.8 MASTER OR COMMON SIGNAGE PLAN

No permit shall be issued for a permanent individual sign requiring a permit on a lot in a commercial, industrial, or highway, district unless and until a Master Signage Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Zoning Official and approved by the Zoning Official as conforming with this section.

18.1.8.1 Master Signage Plan. For any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Zoning Official a Master Signage Plan containing the following:

An accurate plot plan of the zone lot, at such scale as the Zoning Official may reasonable require;

Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;

Computation of the maximum total sign area, the maximum area for individual signs, and the height of signs specifically allowed on the zone lot (i.e. window) and need not specify the exact dimension or nature of every window sign.

18.1.8.2 Common Signage Plan

If the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one building (not including any accessory building) file with the Zoning Official for such zone lots a Common Signage Plan conforming with the provisions of this section, a 25 percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner(s) elects.

18.1.8.3 Provisions of Common Signage Plan

The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to:

Color scheme;

Lettering or graphic style;

Lighting;

Location of each sign on the buildings;

Material; and

Sign proportions.

18.1.8.4 Showing Window Signs on Common or Master Signage Plan

A Common Signage Plan or Master Signage Plan including permanent window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs "(e.g. painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

18.1.8.5 Limit on Number and Height of Freestanding Signs

The Common Signage Plan or Master Signage Plan, for all zone lots shall limit the number of freestanding signs to a total of one. In the commercial and highway districts, one additional freestanding sign may be permitted provided that:

A. The business seeking such a second freestanding sign must be shown to suffer a hardship in the absence of that second freestanding sign,

B. The second sign must be reviewed by the sign design review committee,

C. The applicant must receive a special permit from the Zoning Commission

D. The freestanding sign(s) in the highway district may stand not more than thirty feet high, and a special permit must be granted by the commission.

18.1.8.6 Other Provisions of Master or Common Signage Plans

The Master or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

18.1.8.7 Consent

The Master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Zoning Official shall require.

18.1.8.8 Procedures

A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the town for the proposed development and shall be processed simultaneously with such other plan.

18.1.8.9 Amendment

A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the regulation then in effect.

18.1.8.10 Existing Signs Not Conforming to Common Signage Plan

If any new or amended Common Signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this regulation in effect on the date of submission.

18.1.8.11 Binding Effect

After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this regulation. In case of any conflict between the provisions of such a plan and any other provision of this regulation, the regulation shall control.

18.1.9 SIGNS IN THE PUBLIC RIGHT-OF-WAY

No signs shall be allowed in the public right-of-way, except for the following, which shall not require a sign permit:

18.1.9.1 Permanent Signs, including:

Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

Bus stop signs erected by a public transit company; and

Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

18.1.9.2 Temporary Signs, including:

Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Street Banners: Banners advertising a public entertainment or event, if specifically approved under conditions set forth by the Board of Selectmen. Such banners may be displayed in locations designated by the Board of Selectmen for a period beginning 14 days before and ending 7 days after the event.

18.1.10 SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE

The following signs shall be exempt from regulation under this regulation:

Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

Works of art that do not include a commercial message;

Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and

Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

Open Flags of uniform design and fabric construction in red, white and blue shall be permitted. These signs will be limited to one per business, and be no larger than 3' x 5'; and although visible attached to the building, they shall not obstruct or interfere with the sight lines of pedestrians or vehicular traffic.

Community Bulletin Boards - The Town of East Lyme may have three (3) community bulletin boards for the purpose of advertising community events, which are sponsored by any civic or registered non-profit organization recognized as having its permanent address within the Town of East Lyme, and events are open to the general public, and take place within the Town of East Lyme. These signs may be erected on public or private land and be externally lit, but such lighting must be shielded from all adjacent properties

The bulletin board signs shall not exceed a total area of 80 square feet. Individual advertising signs placed on the board shall not exceed 6 square feet.

The final design of the Community Bulletin Boards shall be reviewed and approved by the Zoning Commission.

Restaurant Menu Outdoor Signs – a standard or fast food restaurant may display one menu advertising sign, said sign shall be single sided and shall be no greater than 11” x 17”. The sign may be wall mounted, or mounted on the exterior of a door or the interior of a window. The sign shall not be internally illuminated. Outdoor enclosed menu display cases designed for such purposes may be illuminated.

Internally Illuminated “Open” Signs - One internally illuminated “open” advertising sign shall be permitted per business. Such sign shall not exceed 12” x 24”, be single faced and be turned off at the close of business each day. The sign shall not be animated or blinking and shall only be displayed within the window of a business. Such signs shall not be permitted in any zone other than CA Commercial.

Farm Stand Signs – An approved farm stand or farm store may have one non-illuminated off premises directional business identity sign provided that the sign is placed at the nearest state road intersection. The sign area shall be no greater than 24” x 36” per side and may be double faced. Height shall be no greater than 6’. The location of the sign shall not create a site line hazard. If located on town property, permission must be approved by the Board of Selectman.

18.1.11 TEMPORARY SIGNS

18.1.11.1 The following temporary signs are allowed on private property without a sign permit. Section 18.1.11.2 "Temporary Business/Identity Signs" and Section 18.1.11.3 "Temporary Chalk Board Signs" shall require a registration with the Zoning Office.

18.1.11.1.1 Construction Signs: Signs which identify the architects, engineers, contractors and other individuals of firms involved with the construction and/or the purpose for which the building is intended. One temporary construction sign shall be allowed per lot, and such sign shall not exceed a maximum area of 32 square feet. The sign shall be confined to the site of the construction and shall be removed within 14 days of completion of the project.

18.1.11.1.2 Political Signs:

Signs associated with political campaigns within a time period of 90 days before and 14 days after an election. The total area of all temporary political signs on a lot shall not exceed 32 square feet.

18.1.11.1.3 Real Estate Signs: Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 8 square feet in residential and 32 square feet in commercial and light industrial zones. Such signs shall be removed within 14 days of the sale, rental or lease.

No off premises signs advertising the sale, rental or lease of property are permitted in any zone. Directional signs for an open house occurring for a limited period of time are permitted off premises provided that maximum sign area shall not exceed 8 square feet. Signs may not be erected more than 7 days prior to the open house and must be removed within two days after following the event.

18.1.11.1.4 Show Window Signs (commercial districts only): Signs temporarily attached to the inside surface of a window, or temporarily painted on a window, announcing a sale or special feature are permitted provided they do not exceed 25 percent of the area of said window. Temporary show window signs shall be removed immediately after the termination of such sale or special feature and in no case shall be displayed for a period longer than 30 days.

18.1.11.1.5 Business Opening Signs (commercial districts only): Signs, which may include fabric banners, temporarily attached to the front wall or windows of a building, announcing the opening of the business operating within. Business opening signs may be of any size that does not extend beyond the horizontal or vertical limits of the front wall of the building or, in the case of buildings housing more than one business, of that portion of the building occupied by the new business. Business open signs shall not be displayed for a period longer than 14 days.

18.1.11.2 Temporary Business/Identity Signs

These signs shall be authorized on individual private commercial properties in CA, CB and CM Zones, when, in the judgment of the Zoning Official, operations of existing businesses on such properties are temporarily disadvantaged during road construction of sewer and water main installation and public maintenance projects. A business is considered to be temporarily disadvantaged when such construction is taking place at the time of application within 1000 feet of the lot upon which the business is located.

However, no such sign shall be erected until a permit specifying the period of authorization has been obtained from the Zoning Official. In no case shall a temporary sign exceed a width of three feet and a vertical height above ground level of four feet, except for shopping centers. With reference to businesses located within shopping centers, consisting of eight or more businesses, signs directing entrance into the shopping center will be allowed, but individual signs for each business within the center will not be allowed. Temporary signs for shopping centers can be 4 feet by 8 feet. Up to two signs for a shopping center will be allowed.

A sign may be of the double-faced linear or V-shaped configuration. No permit shall be issued for a period in excess of 60 days, provided that the Zoning Official may grant one or more extensions of up to 60 days when his inspection of the premises reveals that such extension is warranted. NO TEMPORARY SIGNS, AS ALLOWED UNDER THIS SECTION, SHALL BE ELECTRIFIED.

All permits shall be securely fastened to the authorized sign(s). Upon expiration of a permit, the authorized sign shall be removed within 24 hours after expiration.

18.1.11.3 Temporary Chalk Board A Frame Signs CA, CB, CM zones

One chalkboard A frame sign shall be permitted per business and shall be located on the lot on which the business is conducted/registered. Such signs shall be no larger than 18” in width x 42” in height, double faced and shall not be illuminated. The sign shall be displayed no more than five feet (5’) from the entrance into the building in which the business is conducted. The sign shall advertise only the products and activities of the business located on the lot and shall not impede pedestrian traffic if placed on a side walk. Any sign displayed under this regulation shall be removed at the close of business each day.

All Temporary chalk board A frame signs are required to register with the Zoning Official. Such registration shall be valid for a period not to exceed one (1) year. Failure to adhere to any of the above requirements shall be cause for termination of the Registration.

18.1.12 COMMUNITY BULLETIN BOARDS

The Town of East Lyme may have a total of two (2) Community Bulletin Boards for the purpose of advertising community events which are sponsored by any non-political, civic or registered non-profit organization. Such organizations shall be recognized as having a permanent address within the Town of East Lyme that are open to the general public and take place within the Town of East Lyme. The Community Bulletin Boards may be located only on the Town's high school property, and at one other location on Town property.

The Community Bulletin Boards may be any of the following types of signs as defined in Section 18.1.3 of these Regulations: (a) Changeable Copy Sign, Manual, (b) Changeable Copy Sign, Electronic.

The final design of the Community Bulletin Boards shall be reviewed and approved by the Zoning Commission.

If a Community Bulletin Board is a Changeable Copy Sign, Electronic, it shall be subject to the Special Permit requirements of Section 25 of these Regulations and shall also be subject to the following conditions:

The changeable copy shall have a minimum duration of ten seconds and must be a static display. No portion of the message may flash, scroll, twirl, change color, fade in or out, or in any manner imitate movement

The background portion of the bulletin board's display shall not contain any illumination that moves or changes in intensity

The bulletin board shall display only written text

Illumination from the bulletin board shall not be directed at or intrude upon a residential neighborhood or residential district. Any external lighting must be shielded from all adjacent properties.

The brightness level of the illumination shall be in harmony with the location of the sign

The height of the bulletin board shall not exceed eight (8) feet

The bulletin board shall not exceed four (4) feet by eight (8) feet in size and may be double faced. The total area shall not exceed thirty-two (32) square feet for a single faced bulletin board, or sixty-four (64) square feet for a double faced bulletin board

The bulletin board must be a Freestanding Sign as defined in Section 18.1.3

There shall be no more than one bulletin board per Lot.
The bulletin board shall be a minimum of five hundred (500) feet from a signaled traffic intersection

18.1.13 SIGNS PROHIBITED UNDER THIS ORDINANCE

All signs not expressly permitted under this regulation or exempt from regulation hereunder in accordance with the previous section are prohibited in East Lyme. Such signs include, but are not limited to:

Animated signs

Banners, except temporary business opening banners (Sec. 18.1.11)

Beacons

Marquees

Portable signs, except temporary business/identity signs (Sec. 18.1.11.2)

Projecting signs

Roof signs

Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and

Inflatable signs and tethered balloons.

18.1.13.1 No light, sign or other advertising structure or device shall be erected or maintained in such a manner or location as to be confused by reason of position, shape, color or wording with any authorized traffic sign, signal or device.

18.1.13.2 No green or red illuminated signs shall be located within 200 feet of a traffic signal light.

18.1.13.3 Neon signs may be permitted in a business only in the commercial district, and only if said signs are (1) reviewed by the sign design review committee, and (2) issued a special permit from the Zoning Commission.

18.1.13.4 No sign other than a canopy sign or street banner shall project over or hang over any sidewalk, driveway, walkway, roadway, or access way, except that signs attached to the wall of a building may thus project not more than 12 inches there from, provided that such projection does not occur within 10 feet vertical clearance of the ground. Canopy signs may project over a private sidewalk or building entrance provided such projection does not occur within 10 feet vertical clearance of the ground.

18.1.13.5 No sign may contain or consist of flags, banners, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar moving devices. These devices when not part of any sign are similarly prohibited unless they are permitted specifically by other legislation.

18.1.13.6 No animated, flashing, rotating, noise making, reflecting, mirrored or intermittently illuminated signs shall be permitted to be erected. Illuminated signs which indicate the time, temperature, date or similar public service information shall not be considered flashing or intermittently illuminated signs for purposes of this prohibition

provided only white intermittent lighting is employed and provided further that the longest dimension of such indicating device on the sign does not exceed five feet.

18.1.13.7 Illuminated signs shall be so designed and arranged that any external illumination is so effectively shielded that no direct rays of light are cast into residential areas or public streets. No exposed reflective type bulb or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

18.1.13.8 Billboards or other off premises business, identity, or outdoor advertising signs shall not be permitted except for those businesses located on lots having no frontage on a public highway or approved town road provided the following conditions are all met:

18.1.13.8.1 The business is of such a nature as to require location and identification by the public, as well as the town.

18.1.13.8.2 The property on which the business activities are situated is clearly disadvantaged by its lack of exposure to the normal flow of traffic.

18.1.13.8.3 The proposed location of the sign and supporting structure is the minimum feasible distance from the disadvantaged property required for practical location and identification of the business activities thereon.

18.1.13.8.4 Where a multiplicity of businesses are established on a lot having no frontage on a public highway or approved town road, all location and identification signs shall be incorporated into a single supporting structure.

18.1.13.8.5 Only one double-faced sign shall be allowed for each business, the exposed surface of the sign shall not exceed five square feet per side, and no sign structure shall exceed an overall height of fifteen feet above ground. When necessary, the sign may be arranged in two or more tiers within the supporting structure.

18.1.13.8.6 The installation of the sign and supporting structure shall not present an obstacle to the visibility and safe passage of traffic moving in all relevant directions.

18.1.13.8.7 Applicants for special permits under the above provisions shall present the Commission with conclusive evidence of their right to erect the off premises sign in the proposed location.

18.1.14 GENERAL PERMIT PROCEDURES

The Zoning Official shall have the exclusive authority to issue or reject sign permits under these regulations, except in the case of signs requiring a Special Permit. Applications for signs requiring a Special Permit shall be acted upon by the Zoning Commission in accordance with Section 25 of these regulations.

The following procedures shall govern the application for, and issuance of, all sign permits under this regulation, and the submission and review of Common Signage Plans and Master Signage Plans.

18.1.14.1 Applications

All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Zoning Official on an application form or in accordance with application specifications published by the Zoning Official.

18.1.14.2 Fees

Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the Zoning Commission of East Lyme from time to time by resolution.

18.1.14.3 Completeness

Within 30 days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Zoning Official shall review it for completeness. If the Zoning Official finds that it is complete, the application shall then be processed. If the Zoning Official finds that it is incomplete, the Zoning Official shall, within such 30-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this regulation.

If, in the view of the Zoning Official, the application requires review by the Sign Design Review Committee, he shall submit said application for such review as set forth in Section 1.7 of these regulations.

18.1.14.4 Action

Within 30 days of the submission of a complete application for a sign permit, the Zoning Official shall either:

Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this regulation and of the applicable Master or Common Signage Plan; or

Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this regulation and of the applicable Master or Common Signage Plan. In case of a rejection, the Zoning Official shall specify in the rejection the section or sections of the regulation or applicable plan with which the sign(s) is inconsistent.

18.1.14.5 Action on Plan

On any application for approval of a Master Signage Plan or Common Signage Plan, the Zoning Official shall take action on the applicable one of the following dates:

Fourteen days after the submission of a complete application if the application is for signs for existing buildings; or

On the date of final action on any related application for building permit, sit plan, or development plan for signs involving new construction.

On or before such applicable date, the Zoning Official shall either:

Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this regulation; or

Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this regulation. In case of a rejection, the Zoning Official shall specify in the rejection the section or sections of the regulation with which the plan is inconsistent.

18.1.15 PERMITS TO CONSTRUCT OR MODIFY SIGNS

Signs identified as "P" or "S" on Table 1.5A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Zoning Official. Such permits shall be issued only in accordance with the following requirements and procedures.

18.1.15.1 Permit for New Sign or for Sign Modification

An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.

18.1.15.2 Inspection

The Zoning Official shall cause an inspection of the zone lot for which permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is substantially complete but not in full compliance with this regulation and applicable codes, the Zoning Official shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

18.1.16 SIGN PERMITS - CONTINUING

No sign shall be erected, structurally altered, enlarged, extended, or relocated without a sign permit issued by the Zoning Official except as otherwise provided herein.

18.1.16.1 Lapse of Sign Permit

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found. Removal shall occur within 30 days of such cessation. When failure to comply with the foregoing provision occurs, the Zoning Official shall order removal of such sign, within 30 days of written notification, and expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

18.1.16.2 Assignment of Sign Permits

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Official may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

18.1.17 TIME OF COMPLIANCE: NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS

The owner of any zone lot on which exists a sign for which there is no current and valid sign permit shall be obligated to remove such sign.

18.1.17.1 Signs Existing on Effective Date

Nonconforming signs - Conforming signs which are rendered nonconforming by the adoption or amendment of these regulations shall have the status of legal nonconforming signs. No nonconforming sign shall be altered by increasing its overall dimensions, nor shall it be moved from its established position and erected or reconstructed in any other location on the premises. If destroyed, or damaged by any means to the extent of one-half (50%) of its replacement cost, no nonconforming signs shall be reconstructed or restored, provided that nothing contained herein shall prevent customary maintenance, repainting or posting of such signs or structures.

18.1.18 VIOLATIONS

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning regulation, and by state law:

To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

To install, create, erect, or maintain any sign requiring a permit without such a permit;

To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;

To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

18.1.19 ENFORCEMENT AND REMEDIES

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the zoning ordinance of the town. The remedies of the town shall include the following:

Issuing a stop-work order for any and all work on any signs on the same zone lot;

Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

Imposing any penalties that can be imposed directly by the town under the zoning ordinance;

Seeking in court the imposition of any penalties than can be imposed by such court under the zoning ordinance; and

In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the town under the applicable provisions of the zoning ordinance and building code for such circumstances.

The town shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning regulation.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

FEE SCHEDULE

The fees for sign permits and plans for the period beginning November 1 shall be:

Master Signage Plan, Application Fee	$ 50
Common Signage Plan, Application Fee	$ 50
Sign Permit, Initial, including inspection,	
per zone lot $	$ 20

TABLE 1.5A PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

Type of Sign	Zoning District				
	Residential Use	Non-Residential Use	Commercial	Industrial	Highway*
Freestanding					
Residential	S	N	S	N	S
Other	N	S	S	S	S
Incidental	P	P	P	P	P
Building					
Banner	N	N	N**	N	N
Building Marker	P	P	P	P	P
Canopy	S	S	S	S	S
Identification	S	S	S	S	P
Incidental	P	P	P	P	P
Industrial Park ID	N	N	S[1]	S[1]	N
Marquee	N	N	N	N	N
Projecting	N	N	N	N	N
Residential	S	N	S	N	S
Roof, Integral	N	N	N	N	N
Suspended	P	P	P	P	P
Temporary	P	P	P	P	P
Wall	N	S	S	S	S
Window	N	S	S****	S	****
Miscellaneous					
Banner (street)*****	P	P	P	P	P
Portable	N	N	N	N	N

P = Allowed without a sign permit **S** = Allowed only with sign permit **N** = Not Allowed

***** This column does not represent a zoning district. "Highway" refers to commercial and industrial areas in the vicinity of certain major highways to which special sign regulations apply.

** Temporary wall banners announcing business openings are allowed without a permit.

*** Temporary signs not requiring a permit include construction, political, real estate and show window signs. A permit is required for temporary business/identity signs.

**** Temporary show window signs are allowed without a sign permit.

***** Street Banners do not require a sign permit but must be approved by the Board of Selectman

S[1] Industrial Park Identification Signs- Industrial Park Identification Signs – One park identification sign may be erected per industrial park for the purpose of identifying the park and businesses within. Individual business signs shall be limited to one per business and shall advertise only the name of the subject business, and shall be constructed of similar material. The park identification sign shall not exceed six feet (6') in width and fifteen feet (15') in height and 90 square feet of area. The sign may be double faced. The signs may be erected in public or private land and may be externally illuminated provided that such lighting must be shielded from all adjacent properties. Such signs shall be by special permit.

TABLE 1.5B MAXIMUM TOTAL SIGN AREA PER LOT BY ZONING DISTRICT

The maximum total area of all signs on a zone lot except incidental, building marker identification, and temporary signs shall not exceed the greater of the following:					
	Zoning District				
	Residential Use	Non-Residential Use	Commercial	Industrial	Highway* (Commercial and Industrial)
Maximum number of total square feet	4**	24			
Square feet of signage per linear foot of building frontage			2.0	3.0	2.0
Square feet of signage per linear foot of street frontage			1.0	1.5	1.0P

* This column does not represent a Zoning District. "Highway" refers to commercial and industrial areas in the vicinity of certain major highways to which special sign regulations apply.

** 6 square feet total per multi-family development.

TABLE 1.5C NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table 1.5B					
Type of Sign	**Zoning District**				
	Residential Use	Non-Residential Use	Commercial	Industrial	Highway* (Commercial and Industrial)
Freestanding Suspended Sign (Permanent)					
Area (Sq. Ft.)	See Table 1.5B				
Height (feet)*****	15	15		15	15
Minimum Setback from property line (feet)	0	0		0	0
Number Permitted:					
Per Zone Lot	1	1	1	1	1
Building (Permanent)					
Area (sq. Ft.)	See Table 1.5B				
Temporary* **					
Business/Identity****			12		
Construction; area in sq. ft.	32	32	32	32	32
Political, area in sq. ft.	32	32	32	32	32
Real Estate, area in sq. ft.	8	8	32	32	32
Show window, % of total area of window			25		

* This column does not represent a Zoning District. "Highway" refers to commercial and industrial areas in the vicinity of certain major highways to which special sign regulations apply.

** Freestanding signs in the highway district may exceed 15 feet in height by special permit issued by the Zoning Commission

******* See Section 1.11 for number of temporary sign permitted per zone lot.

******** 2 temporary business/identity signs, each with maximum area of 32 square feet, are permitted for each shopping center.

******* The minimum height from the ground to the bottom of the suspended sign shall be Ten feet.**

TABLE 1.5D PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

Type of Sign	**Zoning District**				
	Residential Use	Non-Residential Use	Commercial	Industrial	Highway* (Commercial and Industrial)
Animated	N	N	N	N	N
Changeable Copy	S	S	S	S	S
Illumination, Internal*	N	N	N	N	N
Illumination, External	S	S	S	S	S
Illumination, Exposed bulbs or neon	N	N	N	N	N

P= **Allowed without sign permit**

S= Allowed only with sign permit

N= Not Allowed

***** No more than one internally lit sign shall be permitted for each zone lot. Suspended signs shall not be internally illuminated

****** Neon signs are permitted by special permit

SECTION 19

SOIL EROSION AND SEDIMENT CONTROL

These regulations shall apply to all Zoning Districts.

l9.l DEFINITIONS

CERTIFICATION means a signed, written approval by the Zoning Commission or its agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

COMMISSION means the Zoning Commission of the Town of East Lyme.

COUNTY SOIL AND WATER CONSERVATION DISTRICT means the New London County Soil and Water Conservation District established under subsection (a) of Section 22a-3l5 of the General Statutes.

DEVELOPMENT means any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

EROSION means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING means the excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

INSPECTION means the periodic review of sediment and erosion control measures shown on the certified plan.

SEDIMENT means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SOIL means by unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SPECIAL EROSION CONTROL AREA means that portion of a lot which lies within 50 feet of one or more of the following natural resources:

A. Tidal wetlands, as defined by Section 22a-29 of the General Statutes and as delineated on the Tidal Wetlands maps for the Town of East Lyme prepared by the Connecticut Department of Environmental Protection.

B. Watercourses, as defined by the Inland Wetlands and Watercourses Regulations of the Town of East Lyme and as delineated on the inland wetlands and watercourses map of the Town, including: rivers, streams, brooks, lakes, ponds, freshwater marshes, swamps and bogs.

C. Beaches, dunes and naturally eroding coastal bluffs, as defined by Section 22a-93 of the General Statutes and delineated as to their approximate location on the coastal resource maps for the Town of East Lyme prepared by the Connecticut Department of Environmental Protection.

19.2 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

19.2.1 A soil erosion and sediment control plan shall be submitted for any development of land when the disturbed area of such development is cumulatively more than one-half acre.

19.2.2 Unless an exemption is granted in the individual case under the provisions of Section 19.8.1 of these regulations, a soil erosion and sedimentation control plan shall be submitted for any development of land when: (a) the disturbed area of such development is cumulatively less than one-half acre; and (b) the disturbed area lies wholly or partially within a special erosion control area.

19.2.3 Construction of a single-family dwelling shall be exempt from these regulations. Any development of land which is subject to the jurisdiction of the Planning Commission shall be exempt from these regulations.

19.3 EROSION AND SEDIMENT CONTROL PLAN

19.3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control, accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative, equivalent principles, methods and practices may be used with the prior approval of the Commission.

19.3.2 Said plan shall contain, but not be limited to:

A. A narrative, which shall be on the site plan, describing

1. The development;

2. The scheduling for grading and construction activities including:

i. Start and completion dates;

ii. Sequence of grading and construction activities;

iii. Sequence for installation and/or application of soil erosion and sediment control measures;

iv. Sequence for final stabilization of the project site.

3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

4, The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;

7. Identification of a designated on-site individual responsible for installation, monitoring and correction of sediment control plan requirements and authorized to take corrective action as required to ensure compliance with certified plans.

B. A site plan map at a sufficient scale to show:

1. The location of the proposed development and adjacent properties;

2, The existing and proposed topography including soils types, wetlands, watercourses and water bodies, beaches, dunes and bluffs;

3. The existing structures on the project site, if any;

4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

6. The sequence of grading and construction activities;

7. The sequence for installation and/or application of soil erosion and sediment control measures.

8. The sequence for final stabilization of the development site;

9. Before and after contours at not less than 2 foot intervals;

10. Certification block entitled "Erosion and sediment control plan certified by the East Lyme Zoning Commission on (Date)" and a space for the signature of the Chairman or agent of the Commission.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its agent.

l9.4 MINIMUM ACCEPTABLE STANDARDS

l9.4.l Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 or the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and sedimentation.

19.4.2 The standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant as long as the proposed activity will not result in consequences inconsistent with the purpose of these regulations and those standards.

19.4.3 The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative equivalent method is approved by the Commission.

19.5 ISSUANCE OR DENIAL OF CERTIFICATION

19.5.1 The Zoning Commission or its agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations.

19.5.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 124a of the General Statutes.

19.5.3 Prior to certification, any plan submitted to the Commission or its agent may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

19.5.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

19.6 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

19.6.1 The estimated costs of measures required to control erosion and sedimentation, as specified in the certified plan, shall be covered in a performance bond or other assurance acceptable to the Commission, if the Commission or its agent determines that such bond or other assurance is necessary to guarantee conformity with the provision of the certified plan.

19.6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

19.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

19.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

19.7 INSPECTIONS shall be made by the Commission or its agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission or its agent may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

l9.8 SPECIAL EROSION CONTROL AREAS: EXEMPTIONS:

l9.8.l The Commission or its agent may grant exemptions to the requirements of Section l9.2.2 of these regulations concerning special erosion control areas upon a determination in the individual case that the development, if carried out without any erosion and sediment control measures or facilities, will have no effect on the adjacent natural resource, either during construction or after completion. A request for exemption under this section shall contain a site plan map showing items l through 4 of Section l9.3.2.B and a narrative describing the development and a schedule for grading and construction activities.

l9.8.2 The location and boundaries of tidal wetlands, watercourses, beaches, dunes and coastal bluffs are shown on their respective maps at such a scale that some margin of error is possible. If an applicant disputes the designation of any part of his land as special erosion control area, the applicant may be required to produce such information, including documentation by a soils scientist, as the Commission or its agent deem necessary to permit an informed decision.

SECTION 20

GENERAL REGULATIONS

No building, structure or lot shall be used, and no building or structure shall hereafter be erected or altered, except in conformity with these regulations.

20.l USES PERMITTED IN ANY DISTRICT - The following uses are permitted in any Zoning District subject to these regulations:

20.l.l Streets, Public and Subdivision Open Space, parks and playgrounds.

20.l.2 The following uses are permitted in any Zoning District when granted as a Special Permit by the Zoning Commission subject to appropriate controls as set forth in Section 25.5 of these regulations.

A. Churches and religious institutions, and human Cemeteries (with or without religious affiliations).

B. Railroad and public utilities.

C. Private, non-profit club or lodge

D. Private, non-profit schools

E. Telephone exchange stations and electric transformer substations are permitted uses in any district subject to the following:

1. The minimum lot area shall be as required by the applicable district or 20,000 square feet, whichever is less.

2. No building shall be located within 50 feet of any property line.

3. The station or substation shall be suitably screened by a fence and/or landscaping.

F. Town Buildings and Uses

Note: Public Schools, Fire Departments, and libraries are considered Town Buildings and uses.

20.1.3 Any event or assembly which will continue for not more than seven consecutive days and is sponsored by a Town agency, or is authorized by a Town agency under existing ordinance or regulations.

20.2 PROHIBITED USES - Within the Town of East Lyme, no building or structure shall be erected or used and no lot shall be used or occupied for any of the following purposes:

20.2.l Any use, trade, business or process which is noxious or offensive by reason of gas, odor, dust, smoke, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise.

20.2.2 Commercial slaughterhouse.

20.2.3 Dumping or incineration of refuse or garbage except where authorized by the town. Sites for septic disposal or for dumping, incineration, reclamation or

transfer of solid wastes including refuse or garbage except where authorized by the town.

20.3 HOME OCCUPATION, SERVICE OR PROFESSION includes, but is not limited to, the office, studio or workshop of an architect, artist, dentist, dressmaker, economist, engineer, insurance agent, lawyer, milliner, musician, photographer, physician, psychologist, real estate broker, serviceman or a dwelling used for laundering, preserving and cooking. Such uses as restaurants, tearooms, funeral homes, barbershops, beauty parlors, tourist homes and animal hospitals shall not be deemed to be a home occupation, service or profession.

20.3.l REQUIREMENTS

A. The total area devoted to the home occupation shall not exceed one half of the livable floor area of the single-family residence.

B. No more than one person not a resident of the single-family dwelling shall be employed in the home occupation.

C. There shall be no display or advertising of the home occupation of the lot except for a sign as permitted in Section l8.

D. There shall be no outside storage associated with the home occupation.

E. No offensive noise, vibration, smoke, dust odors, heat or glare shall be produced; no health or safety hazard shall be created; no interference with radio or television reception in the neighborhood shall be produced.

20.4 LOT LYING IN MORE THAN ONE DISTRICT - In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 30 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

20.5 LOTS ON NARROW STREETS - In the case of lots fronting on streets less than 50 feet in width, the required setback from the street shall be increased by one-half the difference between 50 feet and the actual width of the street.

20.6 ESTABLISHED BUILDING LINE - When three (3) or more lots within a distance of seven hundred fifty feet (750) feet along a common street line have been improved with buildings, the minimum required front yard setback for the construction of any new buildings or additions to existing buildings within said distance shall be the average of any three existing buildings.

20.7 MINIMUM FRONTAGE - No building or structure shall be erected for residential purpose on any lot unless such lot has a frontage on a street, or an unobstructed right-of-way not less than 25 feet wide leading to a street. (Except as provided for in Section 23)

20.8 BACK LOTS – Notwithstanding the minimum frontage requirements for each district back lots are permitted in any zone. Lots created after August 9, 2002 shall have a minimum of 25’ frontage on an accepted or approved street and be accessible by a 25’ wide permanent, unobstructed access-way of the same ownership. The ownership requirement may be waived by the Zoning Commission by a two-thirds vote of all members upon demonstration by the

applicant that the physical features of the property preclude strict compliance with the requirement and that the granting of the waiver will not have a significantly adverse impact upon adjacent property, the environment, or the public health and safety. The following additional requirements shall be met for the creation of back lots:

A. The minimum lot width at the building line shall be equal to the frontage requirement specified for the district.

B. The area of the access-way shall not be included in the minimum required area of the lot.

C. The maximum length of the access way measured from the street line to the front building line of the back lot shall not exceed 1000 feet.

D. No back lots shall be created on the following streets (Rte. 1, Rte. 156, & Rte. 161) unless access is combined with a driveway serving a lot which fronts on the street.

E. Lots created using a cluster/open space design which have less than the required average frontage shall not be considered back lots as long as the average frontage requirement for the entire subdivision is met.

20.9 GARAGE OR ACCESSORY BUILDING - No garage or accessory building shall be built in a required side or rear yard except that: l) a home care equipment and tool storage building not exceeding 8 feet by l0 feet and l0 feet high may be constructed not less than 5 feet from any side or rear lot line and not less than 75 feet from any street line; and 2) except that an in ground private swimming pool may be constructed and extend into a required side or rear yard by 50 percent of such required yard as set forth in the district in which the premises is located.

20.l0 REDUCTION OF LOT - No lot shall be reduced so that its area or dimensions shall be smaller than herein prescribed for the district in which it is located, except as approved for cluster zoning in the specific district.

20.ll REQUIRED FLOOR AREA - No single or two family dwelling shall be erected, or moved unless the living space per family unit is not less than 800 square feet. Only interior living space with minimum head room of seven feet, and if located above the first floor, is accessible by a permanent inside stairway shall be included as living space. Porches, basements and other attached accessory structures shall not be included as living space.

20.12 HEIGHT LIMITATION - The building height limit shall be as required in each district's regulation. Spires, cupolas, towers, chimneys, flagpoles, solar panels, ventilators, tanks and similar features occupying in the aggregate not more than l0 percent of the building area and not used for human occupancy may be erected to a reasonable and necessary height as determined by the Zoning Commission.

20.l3 SETBACKS REQUIRED FOR EACH BUILDING - Except as specifically provided herein, no part of any yard or other space required about any building may be included as part of a yard or other open space required for any other building,.

20.l4 PROJECTION INTO SETBACKS - Nothing in these regulations shall prohibit the projection, of up to one foot of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor planting or landscaping in the required yards.

20.l5 SETBACK FROM WETLAND OR WATER BODY - No building or structure shall be erected or placed within 25 feet of a tidal wetland or of a watercourse or other body of water except for boating facilities or other water dependent use if it is determined that no adverse impacts to the wetland or water body would result.

20.l6 VISION OBSTRUCTION - No wall or other structure shall be erected, and no hedge, tree or other obstruction shall be maintained on a lot which may cause danger to traffic on a public street by obscuring the view. Notwithstanding minimum yard dimensions as set forth in these regulations, fences, seawalls and retaining walls may be erected in any district along the lot line provided that there be compliance with all other regulations and Building Code and that such structure shall be located within the limits of a lot or lots owned by the applicant.

20.l7 RECREATIONAL TRAILERS - MOBILE HOMES - Such units, occupied as a residence, will not be permitted on any lot in any district except for recreation purposes and in an approved camping site. Occupancy of the trailer shall be limited to seven months per year. One unoccupied mobile home or recreational trailer may be stored on a lot except that it shall not be located in front of the front line of the building or within any of the required side or rear yards. Recreational trailers or mobile homes can be set up temporarily as an emergency type shelter by approval of the Zoning Official. This approval must be renewed every ninety days.

20.17.1 AGRICULTURAL TRAILER - MOBILE HOMES: A maximum of two (2) mobile homes shall be permitted on farms located in any zone as a temporary residence for seasonal agricultural workers, subject, however, to the following conditions:

A. To qualify as a farm, agricultural production shall be the principal business and means of livelihood from the operation as determined by the appropriate filing and recording in the Tax Assessor's Office of State Tax Commissioners' forms M-28 and M-29.

B. No mobile home shall be located within one hundred feet of property lines. Adequate screening and shielding, e.g. shrubs, bushes, trees, etc., from the road and/or adjacent property owners shall be maintained.

C. The mobile home shall comply with all federal, state and local health, sanitary, building and fire code requirements.

D. Prior to occupancy of the mobile home, written application of a temporary occupancy permit shall be made to the Zoning Officer at the Zoning Office. No permit shall be issued by the Zoning Officer until after an on-site inspection has been made by the Officer in order to ensure compliance with this section.

E. Although the mobile home shall be permitted to remain in place on the farm during the year, temporary occupancy of the mobile home shall not exceed nine months per calendar year.

F. The mobile home shall provide a minimum living area as specified by current Department of Labor regulations. The

mobile home shall only house the seasonal agricultural workers and may not be used to house family, guests, etc. of the worker.

20.17.2 AGRICULTURE FARM STORE (Accessory Use)

An accessory retail farm store shall be permitted by Special Permit on farms in any zone where agricultural or farm use is permitted subject to the following conditions:

A. To qualify as a farm, agricultural production shall be the principal business and means of livelihood from the operations as determined by the appropriate filing and records in the Assessor's Office of State Tax Commissioner's forms M-28 and M-29.

B. The farm store must be located on an active farm site. Said farm shall consist of a minimum of ten acres.

C. All such stores shall be no more than 1000' square feet in area.

D. Parking shall be in accordance with the requirements of Section 22 plus employee parking spaces.

E. The products sold in the store shall be those that are produced on the farm except that up to 40% of the store area may be used for the sale of related complementary products that are not produced on the premises. Items such as agricultural fertilizers, bark mulch, topsoil, peat moss, plant pots, statuary items, and prepackaged convenience food items shall not be permitted for sale.

F. Such stores shall meet the setbacks for the underlying zone including parking areas. Adequate screening and shielding, e.g., shrubs, bushes, landscaping from the road and/or adjacent properties shall be maintained.

G. The Zoning Commission may limit the size and scope of the farm store in relation to the size of the farm based on acreage and production.

H. The farm store must have a primary means of access and egress from a through street capable of safely accommodating anticipated volumes of traffic. Preference shall be given to arterial roadways.

I. The farm store will cease operation and the Special Permit shall terminate should the farm cease to operate

20.l8 In CM, CA and CB Districts, by agreement of the owners of the two adjacent lots, duly recorded in the land records of the Town of East Lyme, one side of each lot may be omitted and buildings built on the common line, provided that the party or other walls separating them are masonry construction. Except in case of a building on a lot line, no side yard may be less in width than as prescribed in this section.

20.18.1 In CM, CA, and CB districts, by agreement of the owners of the two adjacent lots, duly recorded on the records of the Town of East Lyme, either party may reduce or eliminate the side yard requirements with respect to the construction of unenclosed decks not exceeding Six (6) feet in height measured to the upper surface of the deck to be built along or near the common line. Any such agreement shall be deemed to eliminate the buffer requirements in the area affected by any such deck, together with such area, which shall be needed for access to it.

20.l9 GASOLINE OR DIESEL FILLING STATIONS, REPAIRER'S OR LIMITED REPAIRER'S STATION, OR NEW AND/OR USED CAR DEALER'S BUSINESS

20.l9.l Except as hereinafter specified, no gasoline or diesel filling station, repairer's or limited repairer's station, or new and/or used car dealer's business shall be installed within a building or erected or established upon a lot or premises within a radius of l500 feet of any part of any other building, lot or premises used for such purpose. Existing premises which have been designed or used for the above stated purposes, although now inoperative, shall not become a nonconforming use upon adoption of these regulations, unless such premises have been converted to use for another purpose.

20.19.1.1 It is hereby expressly provided that a Motor Vehicle Repairers Station in a Light Industrial (LI) Zone shall be exempt from spatial separation distances found in Section 20.19.1 above.

20.l9.2 Used car dealer and repairer businesses shall be exempt from the above spacing requirements, subject to the following conditions:

A. The business is operated as a subordinate part of a gasoline service station which existed at the time this regulation was adopted.

B. Operation of the used car dealer and/or repairer business shall cease in the event that the gasoline service station no longer functions as such.

C. Implementation of the used car dealer and/or repairer business does not involve structural alterations to the existing gasoline service station building, nor enlargement of the lot on which the building is situated.

20.l9.3 An exemption granted to a gasoline service station shall in no way relieve all other applicants from meeting the requirements of this section.

20.20 ALCOHOLIC LIQUOR OUTLETS - In commercial and industrial Districts, no building or premises shall be used erected or altered which is arranged, intended or designed to be used:

20.20.1 For the sale of alcoholic liquor or alcoholic beverages for consumption on the premises if any part of said building or premise is situated on any part of a lot within 1500 feet radius in any direction of any lot upon which is located a building or premises used for the purposes of selling alcoholic liquor or alcoholic beverages for consumption on or off the premises.

20.20.2 As any store selling alcoholic liquor or alcoholic beverages if situated on a lot within 1500 feet radius in any direction of any lot upon which is located a building or premises used for the purposes of selling alcoholic liquor or alcoholic beverages for consumption on or off the premises.

20.20.3 For the sale of alcoholic liquor or alcoholic beverages for consumption on or off the premises if such building or premises is situated on a lot within 500 feet radius of a lot used or reserved to be used for the purpose of a public school or library, a duly organized school other than a public school, a hospital or charitable institution whether supported by public or private funds, a public park or playground, or if such building or premises is situated on a lot which is within 200 feet along the street frontage from any lot located in a residential or rural district or across any public street and within 200 feet from any lot or plot having street frontage in a residential or rural district. The measurements of said 200 feet distance shall be from the nearest point of intersection of the street line with the lot line on which such building or premises is located to the intersection of the nearest line of said lot in a residential or rural district with a street line as measured along such street line.

20.20.4 The foregoing provisions shall not be deemed retroactive except where an existing building or premises serving or selling alcoholic liquor or alcoholic beverages shall discontinue use for a period of ninety (90) days; such use shall not be resumed except in conformity with the foregoing provisions.

20.20.5 LIQUOR FOR MOTELS/HOTELS - Notwithstanding the foregoing provisions, it is hereby expressly provided that any hotel of 85 or more guest rooms may be permitted to sell alcoholic liquor or alcoholic beverages for consumption on the premises provided that said hotel is located in a commercial or light industrial district

20.20.6 LIQUOR FOR RESTAURANT, STANDARD: Notwithstanding the foregoing provisions, it is hereby expressly provided that any standard restaurant, as that term is defined in Section 1.62 of these regulations, may apply for and operate under a restaurant permit for the sale of Alcoholic liquor or alcoholic beverage. The sale of such Alcoholic liquor or alcoholic beverage shall be incidental to the

principal business of selling food. Such alcoholic liquor or alcoholic beverage must be sold for consumption on the premises and such standard restaurant must be located in a commercial or light industrial district.

20.20.7 GROCERY BEER PERMIT: Notwithstanding the foregoing provisions, a grocery store having a gross floor area of not less than 20,000 square feet may apply for and operate under a grocery beer – permit as set forth in Section 30-20(b) of the Connecticut General Statutes.

20.20.8 Notwithstanding the foregoing provisions, it is hereby expressly provided that any taproom brewery as defined in section 1.79 of these regulations may apply for and operate under a manufacturer permit for the production of alcoholic liquor or alcoholic beverage.

20.2l No multiple housing project shall be subdivided and no part of any such project shall be sold or otherwise conveyed unless each part so subdivided shall comply with all the requirements of these regulations and unless the site plan for each part so subdivided shall have been approved by the Planning Commission as herein provided.

20.22 No Multi-family housing project shall be physically altered externally or enlarged unless the site plan for such alteration or enlargement has been approved as provided for a new project.

20.23 PRIVATE DRIVEWAYS - Private driveways designed for vehicular traffic for more than two residences, or for commercial purposes, shall have the following minimum widths:

Two-way traffic:	24 feet wide
One-way traffic:	l6 feet wide

The widths do not include space for parking vehicles. All private driveways are to be cleared to a height of l4 feet in order to ensure passage of fire and emergency vehicles.

20.24 HOUSEBOATS - No houseboat as defined in these regulations may be docked or tied up at any location within the Town of East Lyme except those areas in which a legally established marina or boat yard exists. The permitted existence of a houseboat shall be allowed only as an accessory use to said marina or boat yard, and all houseboats shall be located strictly within the confines of said marina or boat yard.

20.25 Restaurant Outdoor Dining in CA and CB Zones

The purpose of this section is to promote and regulate Outdoor Dining. Outdoor dining shall be permitted outright subject to compliance with Section 20.25 and approval by the Zoning Official. Such dining shall be subject to a Special Permit for establishments that serve alcoholic beverages (see section 25 “Special Permits”).

A standard or fast food restaurant, may, as an accessory use, provide outdoor dining subject to the following standard:

A. Applicant shall submit a site plan to the Zoning Official for administrative review and the Zoning Commission for Special Permit Applications.

B.

1. The area subject to such dining ~~may~~ shall not exceed one thousand square feet (1000sqft.). It shall be located on a deck, patio, or a grass area immediately adjacent to the restaurant. Existing outdoor dining areas shall be included in the total outdoor dining square footage calculation.

2. Notwithstanding the 1000' square foot limitation above, a standard or fast food restaurant may have, subject to these regulations (Section 20.25) up to an additional 450 square feet of outdoor dining area provided the additional square footage is adjacent to the subject restaurant and fronts on a public sidewalk and is a separate space from any other outdoor dining area. The separation shall be at a minimum 25 feet from any other on premises outdoor dining area. Existing outdoor dining areas shall be included in the total outdoor dining square footage calculation.

C. Outdoor dining shall be used in conjunction with, and shall be under the same management and exclusive control of the restaurant located on the same property.

D. Outdoor dining shall be designed as an integral element of the restaurant. The outdoor dining area shall be architecturally separated from public spaces by a wall, fence, or plantings of significant size where alcoholic beverages are permitted.

E. The restaurant operator shall provide adequate facilities for refuse disposal.

F. Alcoholic beverages may be served in approved outdoor dining areas provided that they are served as part of the dining experience. Such beverages may not be served to patrons who are not seated. Restaurant patrons may not bring alcoholic beverages out of the restaurant onto the outdoor dining area unless being seated for food services.

G. The Zoning Commission may designate closing times for outdoor dining areas. The commission may permit entertainment and shall limit such entertainment including hours and operation. Outdoor public address system and outdoor speakers may be permitted during designated hours as approved by the Zoning Commission.

H. Any outdoor lighting shall be of low intensity.

I. The area devoted to outdoor dining shall not be included in the calculation for parking pursuant to Section 22, nor included in the calculation for lot coverage pursuant to Section 9.3.4. The Zoning Board/Zoning Official shall consider the availability of shared and public parking when deciding on an application.

J. Notwithstanding Section 9.3.4 the Zoning Commission may waive the setback requirements for outdoor dining areas. (See Section 20.25 L 1). A waiver of setbacks for establishments where alcohol is not served may be

granted as an administrative action and shall not require a special permit or public hearing. (See Section 20.25 L 2)

K. Advertising or promotional signage shall not be permitted in outdoor dining areas, including advertisements on umbrellas.

L. Outdoor dining areas shall not be enclosed either by permanent or temporary structures, tents or buildings. It may be established under a covered porch area which is an integral part of the building in which a restaurant operates.

Permitting Process

1. The special permit for establishments which serve alcoholic beverages under this section shall be valid for one year from the date of approval and may be renewed for a period not to exceed one (1) year subject to an approval of a special permit.

2. Permits for establishments which do not serve alcoholic beverages, shall be valid for three years from the date of approval and may be renewed subject to an approval of a permit by the Zoning Official.

M. Restaurants with outdoor dining that pre-date May 18, 2006, this Section 20.25 shall not be subject to these regulations. Restaurants which fall under this category shall be required to conform to the special permit requirements when proposing an expansion of outdoor dining facilities.

N. Notwithstanding the above Section, restaurants as that term is defined in Section 1.61 Restaurant, Standard, Section 1.60 Fast Food Restaurants, Section 1.6 Bakeries, which do not serve alcoholic beverages, may have up to two tables with four chairs each in an area immediately adjacent to the establishment without a permit provided that they comply with standards 20.25 B through 20.25 L in Section 20.25 above. Such tables shall be used for dining and shall not be served by wait staff.

20.26 DRIVE THRU FACILITIES:

Drive-thru Facilities are permitted for Banks, Financial Institutions, Pharmacies, Bakeries and Fast Food Restaurants only in CA Zones and are subject to the following requirements:

A. The drive-thru facilities shall clearly be accessory and subordinate to the primary use;

B. Drive-thru facilities, including required stacking lanes, shall be located in the rear or side yards only;

C. Drive-thru facilities shall not generate the need for additional driveway curb cuts;

D. A minimum of five vehicle-stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. Where a restaurant order board and service window are proposed each service aisle shall provide a minimum of ten (10) stacking spaces with a minimum of five (5) stacking spaces before the order board. Each service aisle shall not have more than two service windows;

E. Stacking lanes shall be separate from internal traffic aisles to allow traffic to circulate through the site without entering the drive-thru facilities;

F. Stacking lanes shall be a minimum of ten feet (10') wide and each vehicle stacking space shall be twenty feet (20') in length;

G. Stacking lanes shall be designed to minimize traffic congestion and to promote pedestrian safety;

H. Drive-thru facilities shall be screened from view from public streets with substantial landscaping using a variety of evergreen and deciduous species;

I. Outdoor speakers shall be located a minimum of one hundred (100) feet from the boundary of any residentially zoned property and shall not be audible from other property;

J. Drive-thru facilities should be designed as a compatible architectural element of the primary building;

K. No Restaurant or food service establishment with a drive through facility shall be built or established upon a lot or premises within a radius of 1000 feet of any part of any other building, lot or premises used for such purpose.

L. No restaurant or food service establishment with a drive through facility shall be built or established upon a lot or premises within a radius of 1000 feet of any part of any other building, lot or premises used for such purpose. Existing premises used for such a purpose prior to this regulation shall not be deemed non-conforming. Notwithstanding the foregoing provisions it is hereby expressly provided that a retail bakery as that term is defined in Section 1.6 of these regulations may be permitted a drive-thru facility subject to Section 8.2.12 Drive-thru facilities.

NOTE: All Fast Food Restaurants are by Special Permit. See Section 8.2.7.

20.27 <u>CLUSTER SUBDIVISION SETBACKS</u>:

For any lot which was set off under a former officially approved cluster subdivision, no building or structure shall be placed less than 20' from any street line or less than 15' from any side yard or less than 30' from any rear line. Lot coverage shall be as prescribed in the underlying zone.

SECTION 21

NONCONFORMING USES, BUILDINGS AND LOTS

2l.l NONCONFORMING USES AND BUILDINGS - Any lawful use of a building or land existing at the effective date of these regulations, or any amendment thereto may be continued subject to the following conditions:

2l.l.l A non-conforming use shall not be enlarged or extended. Excluded from this prohibition is: (l) The extended (including year-round) occupancy of a nonconforming seasonal dwelling whose only deficiencies relate to the "open space" requirements specified for the district in which it is situated; and (2) The winterization, refurbishment, and/or remodeling of such dwelling within its existing perimeter. The exclusion does not apply to: (l) The physical extension or enlargement of a nonconforming dwelling; nor (2) The prolongation of the period of occupancy of any building for a purpose not specified under the "permitted uses" of the relevant district.

2l.l.2 A nonconforming use which ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, shall not thereafter resume.

2l.l.3 If any nonconforming building or building non-conforming in use shall be destroyed by any means the building or use may be restored provided that such restoration is started within a period of one year from the date of such construction and is diligently pursued.

2l.l.4 NONCONFORMING LOTS - Nothing in the East Lyme Zoning Regulations shall prevent the construction of a permitted building or a permitted use of a lot which prior to the adoption of the regulations or any additions or changes thereto, and continuously thereafter, was established as a separate lot by deed or approved subdivision plan recorded in the land records of the Town.

21.1.5 No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

EXCLUDED FROM THIS PROHIBITION ARE:

A. Additions of a second story to one-story single family dwellings.

B. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.

C. Conversions to two stories of one-story appendages to two-story single-family dwellings.

NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

D. Extend beyond the perimeters of the existing buildings.

E. Exceed the vertical projection limits specified elsewhere in these regulations.

F. Alter the single-family status of the dwellings, and

G. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.

21.1.6 Not withstanding the other provisions of Section 2l, nothing shall prevent the construction of additions to single family detached residential dwellings which have been reduced to the status of a "non-conforming use" in consequence of a zone change from "Residential" to "CB Commercial," provided that the following conditions are met:

A. No lot within the scope of these provisions may contain more than one dwelling.

B. The dwellings are used solely as private residences, except as provided in Section 20.3, "Home Occupations, Services, and Professions," and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)

C. The gross increase in living area to be provided by any additions shall not exceed twenty-five percent of that now contained in the dwelling or 300 square feet, whichever is greater.

D. Single-car accessory garages shall be limited to an inside floor area of 300 square feet; two-car garages shall be limited to an inside floor area of 500 square feet.

E. All additions shall be subject to the following special requirements:

Lot Coverage - No dwelling, including all additions, shall occupy an overall area which is greater than 40 percent of that contained in the building lot.

Setbacks -Except as provided in Section 20.6 ("Established Building Line"), all additions shall be at least 20 feet back from the street line and l0 feet back from all side and rear yard property lines.

F. Accessory garages constructed under the provisions of this section shall be used only for the sheltering of automobiles, lawn and garden tools, recreational equipment, and such other items as are customarily stored therein.

2l.l.7 <u>PRE-EXISTING NON-CONFORMING GASOLINE SERVICE STATIONS</u> - Notwithstanding the preceding provisions of Section 2l,

preexisting nonconforming gasoline stations may be modernized, structurally altered, enlarged, rearranged, relocated or reconstructed when authorized by special permit issued by the Zoning Commission in accordance with the requirements of Section 25; provided that the following conditions are met:

A. The station is situated in a Commercial District, irrespective of any collateral zonal designation.

B. There is no increase in the total capacity of the gasoline storage tanks previously authorized.

C. Implementation of the special permit will be accomplished within the boundaries of the lot now occupied by the station and no use or acquisition of additional land is involved.

D. Implementation of the special permit will be accomplished in such a manner as to conform to all "dimension requirements" of the applicable commercial zone. as specified in the East Lyme Zoning Regulations.

E. In the judgement of the Zoning Commission, implementation of the requested special permit will not impair the visibility of motorists entering or leaving the station, nor that of motorists approaching or passing by the station on any adjacent roads or highways; nor will it imperil the public safety in any other unseemly manner.

F. Application for special permit includes certification by the installing contractor that:

1. All of the filling station's underground tanks for the storage of petroleum liquids conform to the requirements of Section 22A-449(d)-l, paragraph (e)(l)(A)(i) and (ii) of the State of Connecticut's regulations for the "Control of the Non-residential Underground Storage and handling of Oil and Petroleum Liquids."

2. All other underground facility components used for the storage, transmission and dispensing of petroleum liquids are (A) protected against corrosion by use of non-corrosive materials or steel components with factory applied corrosion-resistant coating and cathodic protection and permanent cathodic protection monitoring devices; (B) designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and (C) chemically compatible with the contained oil or petroleum liquid as determined by the manufacturer’s warranty.

3. The installation of all underground facility components meet the provisions of NFPA 30 and the manufacturer's specifications and recommendations, whichever provides the most stringent and protective provisions.

4. The facility incorporates spill prevention equipment that will prevent release of petroleum to the environment during transfer of petroleum liquid from delivery tank trucks into underground storage tanks.

5. The facility incorporates an alarm system capable of alerting operating personnel to any leakage in underground tanks and associated piping.

21.1.8 CHANGE IN USE The Zoning Official may allow a change from one non-conforming use to another non-conforming use if the proposed use is similar to the existing use, and will have less of an impact upon the surrounding area than the existing use, and will have no greater demand for parking or related facilities.

21.1.9 RECONSTRUCTION OF EXISTING RESIDENTIAL STRUCTURES

Notwithstanding the provisions of Section 21.1.3 of the East Lyme Zoning Regulations, a residential building and its attendant foundation may be removed and/or demolished in conjunction with an approved reconstruction of the building subject to the following conditions and procedures:

A. Prior to any demolition or removal, an Application for a Building Permit for the reconstruction of the building shall be filed and approved by the required officials of the Town of East Lyme, including but not limited to the zoning and the building official.

B. The Applicant shall submit to the zoning official, a class A-2 survey showing the location of the existing structures and their proximity to any boundary lines, with a zoning compliance box showing all non-conforming setbacks and the proposed construction, which plan shall show no increase in any preexisting non-conformities except as may be allowable pursuant to Section 21 of the East Lyme Zoning Regulations.

C. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit to the Zoning Official an A-2 Survey, showing the actual location of the reconstructed building which survey shall show it to be in conformity with Subsection B above.

SECTION 22

OFF STREET PARKING AND LOADING

22.1 Off-street parking and circulation area shall consist of not less than 300 square feet per space, which area shall be suitably surfaced. Each vehicle-parking stall shall contain a rectangular area not less than 9 feet by 18 feet. For commercial, industrial, and multi-family development, parking areas shall be paved and screened by landscaping or other approved method from adjacent residential areas. Off-street parking space shall be provided for the following uses as follows:

22.1.1 DWELLING, SINGLE FAMILY OR TWO FAMILY - Two spaces for each dwelling unit.

22.1.2 DWELLING, MULTI-FAMILY - One-and-one-half spaces for each efficiency or one bedroom unit. Two spaces for each two bedroom or larger unit. One additional guest space for every 3 units.

22.1.3 DWELLING, MULTI-FAMILY, MULTI-STORY (CB District) and RESIDENTIAL UNITS IN COMMERCIAL STRUCTURES (CA, CB, AND CM Districts) - One and one half space for each bedroom.

22.1.4 ELDERLY HOUSING - One space for each dwelling unit plus one space for each employee.

22.1.5 DWELLING, MULTI-FAMILY, MULTI-STORY SECTION 202 HOUSING FOR THE ELDERLY – Three spaces for every four units plus one space for each employee.

22.1.6 HOTEL, MOTEL, AND OTHER TRANSIENT ACCOMMODATIONS -One space for each sleeping room plus spaces as required for restaurant, lounge, or other related use.

22.1.7 STANDARD RESTAURANT, CAFE, TAVERN, BREW PUB - One space for each 50 square feet of public floor area.

22.1.8 FAST FOOD OR DRIVE-IN RESTAURANT - One space for each 25 square feet of public floor area.

22.1.9 THEATRE, AUDITORIUM, CHURCH OR PLACE OF PUBLIC ASSEMBLY - One space for every five seats.

22.1.10 RETAIL STORE (INCLUDING PERSONAL SERVICE ESTABLISHMENT, BANK, AND MEDICAL OR DENTAL OFFICE) - One space for each 250 square feet of gross floor area.

22.1.11 FURNITURE, ANTIQUE SHOP, APPLIANCE, BUILDING MATERIALS, GARDEN SUPPLIES, AUTO, BOAT AND MACHINERY SALES - One space for each 400 square feet of gross floor area plus one space for each 800 square feet of outdoor sales area.

22.1.12 OFFICE - One space for each 250 square feet of gross floor area.

22.1.13 INDUSTRIAL BUILDING, WHOLESALE ESTABLISHMENT - One space for each two employees on largest shift plus one space for each company-owned vehicle.

22.1.14 MARINA, BOAT YARD OR YACHT CLUB - One space for every one and one-half slips, moorings, or storage rack spaces.

22.1.15 HOSPITAL - One space for each bed plus one space for each two employees on largest shift.

22.1.16 CONVALESCENT HOME - One space for each three beds plus one space for each two employees on largest shift.

22.1.17 SPECIAL USE DISTRICT - One space for each employee or as otherwise specified in this regulation.

22.1.18 USES NOT SPECIFIED - Parking requirements for any use not specified in this section may be set by the Zoning Commission in the particular instance, taking account of similarity of the use to other uses for which requirements are specified herein.

22.2 OFF-STREET LOADING - Every commercial, industrial, wholesale or hospital use, or addition thereto, must maintain at least one paved off-street loading space of not less than 10 feet in width, 30 feet in length and l4 feet vertical clearance. For wholesale and industrial buildings, there shall be one such off-street loading space for every 40,000 square feet of floor area or portion thereof, excluding basements.

22.3 DRIVE-UP WINDOWS - The access way to a drive-up window must not impede the free flow of traffic on the approaching street or in the designated parking area.

22.4 PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL DISTRICT - No commercially operated or licensed vehicle having a gross weight in excess of 10,000 pounds shall be parked or stored on public or private property in an RU-120, RU-80, RU-40, R-12 or R-10 District except as follows:

A. When actively engaged in providing a service directly related to the property where it is parked.

B. In connection with any legally existing non-conforming, non-residential use, located in a residential zone; as long as said vehicle is not parked in the area construed to be the front setback and as long as said vehicle is parked outside of the applicable side yard and rear setbacks.

C. On an occasional basis, not exceeding an average of once a month, when said use is in conjunction with the need for emergency repair such as by a utility service man or mechanical systems repair man or other similar incidental use.

22.5 SHARED PARKING IN CA AND CB DISTRICTS the purpose of this section is to specify criteria under which existing uses may share off street parking facilities with other properties by demonstrating a parking disadvantage. The term, disadvantage, within this section, shall be construed to mean those existing properties which can demonstrate an onsite parking deficiency for existing buildings and uses.

22.5.1

A. The shared arrangement will permit demonstrably more efficient utilization of parking spaces between property owners.

B. There shall be no "reserved parking" other than that allocated for handicapped use.

C. Shared Parking areas shall be within 500 feet of the activities applying for the permit.

D. Any permit granted under this section shall apply only to the specific activities in force at the time it was granted and shall not include any property devoted exclusively to residential use.

E. Shared parking may be utilized between the property of the involved business/businesses and only one other site.

F. Location of off-site parking is to be indicated by a sign (in accordance with section 18) at the participating businesses.

G. Any agreement developed in accordance with this section shall bear the signatures of the tenant and owners of the relevant properties. The terms of such agreement shall be set forth in sufficient detail to permit the Zoning Officer to judge their effectiveness. The Zoning Officer may require an A-2 survey for any shared parking proposal in order to determine the adequacy of existing parking spaces.

H. Any permit granted under this section shall be recorded in the Town's land records and shall be valid for a minimum period of five years. Application for renewal of such permit shall be made in accordance with the above provision.

I. The permit shall be revoked if one of the involved activities ceases to operate or the use changes.

22.6 AREAS OF EXEMPTION FROM PARKING REQUIREMENTS: Notwithstanding new construction on vacant lots, existing and new uses associated with existing properties and buildings delineated on the following overlay map shall be exempt from the requirements of Sections 22.1.1 through 22.1.15 provided that lot coverage existing on or before 10/19/1999 is not increased.

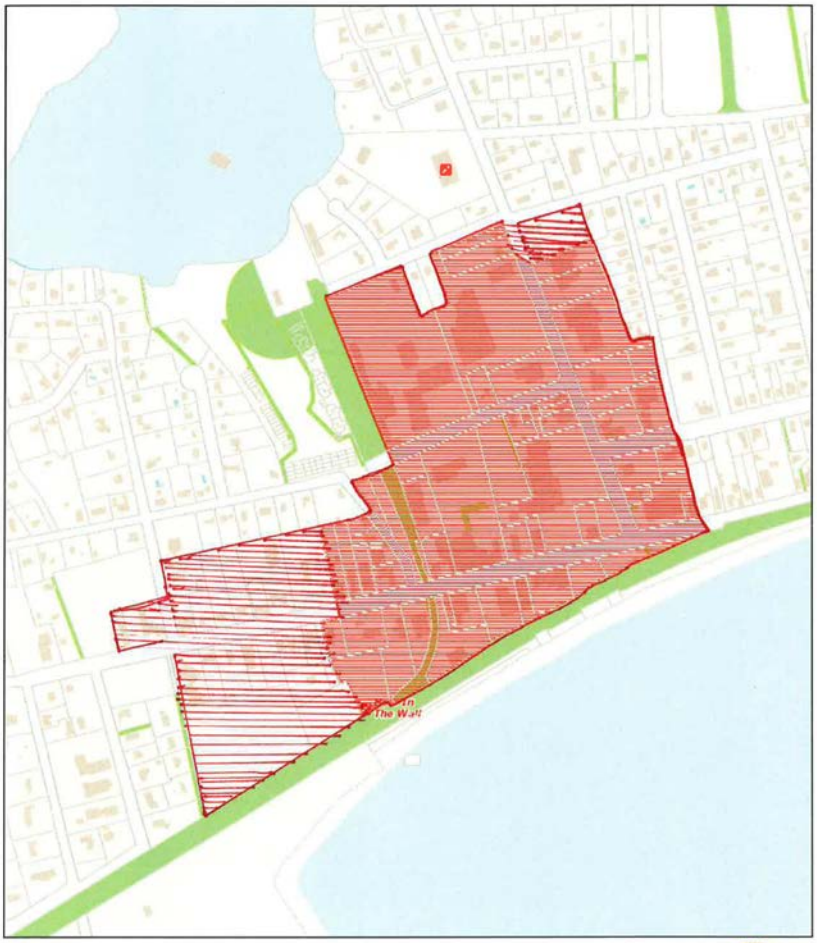
An increase in lot coverage is not exempted and shall adhere to all the requirements of Section 22.

22.7 CB ZONES ON STREET PARKING CREDIT

Notwithstanding the provisions of Section 22 of the Zoning Regulations, on street parking spaces which directly front a commercial lot may be counted toward the overall required parking space calculation for parking compliance purposes for commercial uses.

A. Such space shall be not less than 9 feet x 18 feet;

B. Parking spaces shall not be signed nor reserved.



The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

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PARKING OVERLAY

SECTION 23

CONSERVATION DESIGN DEVELOPMENT

23.1 PURPOSE - It is the purpose of this section to provide more flexible standards (Conservation Design Development Subdivisions) to permit residential lots in specified districts to be reduced in dimension and designed to occupy less than the total tract to be subdivided. The undeveloped portion of the tract shall be designed and dedicated as open space. It is intended that use of these flexible standards and requirements will direct development to those land areas most suitable for development, will produce a more attractive, creative and efficient use of land and will achieve the following objectives:

A. The preservation of natural or agricultural open space within new residential developments, the maintenance, and enhancement of the appearance, character and natural beauty of an area.

B. The protection of the local ecology and the quality and quantity of underground and surface water; the preservation of significant stands of trees, steep slopes, ridge lines, vistas and archaeological and historic sites and stone walls and other areas of value including significant geological features, water bodies, wetlands, watercourses and other areas of environmental and aesthetic value; the minimization of flood hazards; and the prevention of soil erosion.

C. The provision of active and passive recreation areas in close proximity to residents.

D. The reduced cost of providing public services and infrastructure such as shorter more narrow roads and water & sewer infrastructure.

23.2 GENERAL PROVISIONS –The Planning Commission shall require the provision of this section in the subdivision of any parcel of 10 acres or more in area or any subdivision of 4 or more lots.

A subdivision under this section shall meet the following requirements:

A. Property must be in a RU-40, RU-80, and RU-120 Zoning Districts.

B. The Conservation Design Development must not result in the creation of more building lots than would occur in a standard conventional subdivision, except as provided in Section 6-1-3 of the East Lyme Subdivision Regulations.

C. The Conservation Design Development must be consistent with the East Lyme Plan of Conservation and Development.

D. The Conservation Design Development must otherwise comply in all respects with the Zoning and Subdivision Regulations of the Town of East Lyme.

E. The Conservation Design Development must be designed to meet all local and state sanitation ordinances, codes, and requirements for waste water disposal.

23.3 The Planning Commission may require Conservation Subdivision by Design for subdivisions of any parcel of land less than 10 acres or a subdivision of less than 4 lots upon finding that such development will further the objectives specified in Section 23.1.

23.4 PROCEDURE - Applicants for Conservation Design Development shall submit proposed plans in conformance with the application procedures of the East Lyme Subdivision Regulations.

23.5 DEVELOPMENT STANDARDS AND CONTROLS

A. Lots approved under this section shall meet the following minimum dimensional requirements:

FRONT YARD SETBACK (MINIMUM)	10’
REAR YARD SETBACK (MINIMUM) REAR YARD SETBACK (when along perimeter of CDD Dev)	30' 50’
SIDE YARD SETBACK (MINIMUM) SIDE YARD SETBACK (when along perimeter of a CDD Dev)	15’ 50’
LOT COVERAGE (MAXIMUM)	25%
BUILDING SETBACK TO WETLANDS/WATERCOURSES**	100’

B. BUFFERS

1. A wooded or otherwise landscaped buffer shall be provided along the perimeter of the Conservation Design Development to Screen Development on the proposed lots from existing contiguous lots. The minimum width of the buffer shall be 40 feet, any portion of which may be either subdivision open space area or area contained within lots (e.g. conservation easement). Where variations in topography, natural features, or compatible land uses obviate the need for such a buffer, the Planning Commission may waive or reduce these requirements if it can be shown that such a modification will further the purposes of the Conservation by Design Development.

2. In the case of non-wooded areas, or open agrarian landscapes absent of scenic views and vistas, the Planning Commission shall require the planting of evergreen trees or similar vegetation (min 3-½ caliper), to screen this proposed development from the arterial or collector road.

   Scenic views and vistas shall remain unblocked or uninterrupted, particularly as seen from public thoroughfares (arterial & collector road).

   A. In open agrarian landscapes, a deep "no-build, no-plant" buffer of a minimum of 200' shall be maintained along the public thoroughfare where those views or vistas are prominently or locally significant.

   B. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer of a minimum of 200' shall be respected, to preserve existing vegetation.

   The Planning Commission may waive or reduce such buffers to no less than 100-feet if it can be shown that such waiver or reduction shall protect rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads and establishes a buffer zone along the scenic corridor or rural road with historic buildings, stone walls, hedgerows, and so on.

3. In either case, wooded or non-wooded areas, natural features such as existing trees, vegetation, unique site features and significant resources such as wetlands and watercourses will be retained and protected to the maximum extent practicable. The Planning Commission may require additional plantings as necessary to enhance screening in the buffer. The buffer area within forty-feet (40') of the perimeter of a CDD Development shall not be used for the placement of any above ground structures of any type.

C. PRIVATE OR COMMON DRIVEWAYS, STREETS, AND ROADWAYS

1. The Planning Commission may require surety (e.g. performance and maintenance bonds or letters of credit), sufficient to ensure compliance and completion of site improvements with an approved subdivision or resubdivsion and any conditions placed thereon. Bonded improvements may include both public and common improvements, but are not limited to, erosion and sedimentation control measures, drainage, landscaping buffers, utilities, parking, recreational facilities, streets, private or common driveways, roadways, and sidewalks, or other elements as approved by the subdivision or resubdivision plan. Surety requirements shall conform to the requirements of Section 8 of the East Lyme Subdivision Regulations.

23.6 OPEN SPACE STANDARDS AND CONTROLS

A. The Conservation Design Development Plan shall result in preservation of subdivision open space with access, shape, dimension, character, location, and topography to accomplish one or more of the open space purposes specified in Section 23.1, as determined by the Planning Commission.

B. The minimum area of open space for a Conservation Design development shall be as follows:

	Public/Community Sewer	Individual Septic
RU-40	55%	30%
RU-80	75%	50%
RU-120	75%	50%

C. Not more than fifty (50) percent of the land to be dedicated as open space shall consist of wetlan

D. All building lots shall have reasonable access to subdivision open space areas, and the maximum number of lots compatible with good design should abut the open space.

E. Small areas of subdivision open space scattered throughout the development shall be avoided. To the extent possible, a contiguous system of open spaces shall be achieved by linking open space areas with pedestrian pathways. Where there exists a contiguous development with an area of open space and when possible, the area of open space for the proposed CDD subdivision shall be designed to abut the open space area of an adjoining development.

F. The subdivision open space land shall be shown on the plan and shall be labeled to specify the open space purpose. Such purposes may include underground utilities such as a community septic system or water service if approved by the Planning Commission. The plan will specify that the

open space land shall not be further subdivided and is permanently reserved for open space purposes.

G. The Subdivision open space land shall be conveyed by the applicant in accordance with Section l0 of the East Lyme Subdivision Regulations.

H. Any setbacks required to wetlands and watercourses as part of these regulations may be included in the dedicated open space for conveyance in accord with Section 10 of the Subdivision Regulations or protected by a conservation easement on individual lots. Areas protected by conservation easement for this purpose may be used to meet minimum open space requirements if those wetlands and watercourses are dedicated as open space.

SECTION 24

SITE PLAN REVIEW REQUIREMENTS

Pursuant to C.C.S. Section 8-3(g), a site plan is required for certain uses permitted within these Regulations, in order to determine the conformity of a proposed building, use, or structure with the provisions of these Regulations. This section establishes procedural and information requirements for fast track, administrative, and formal applications for site plan review. These requirements are in addition to other applicable standards and requirements of these regulations.

Where a site plan is required, the site plan shall be prepared in accordance with the purpose and intent of these Regulations which is to: provide for safe and efficient vehicular and pedestrian circulation, prevent the erosion of soil and the excessive run-off of drainage water, protect natural resources: enhance the appearance of the Town and maintain property values through the preservation of existing vegetation and planting of new landscaping material: protect adjacent properties from excessive noise, glare, heat, dust, litter and loss of privacy; and protect public health, safety and general welfare.

24.1 ACTIVITIES FOR WHICH A SITE PLAN IS REQUIRED

Where required by these Regulations, no building or structures shall be erected, altered or enlarged, no building or structure shall be used, nor uses altered in space, time, or intensity, and no permit shall be issued by the Zoning Official, until a site plan or plot plan as required by these regulations and meeting all applicable requirements of this Section herein has been approved by the Zoning Official or the Zoning Commission.

24.1.1 SITE PLAN EXEMPTIONS

The following shall be exempt from permit review and shall only require the completion of a business registration form in the Zoning Office.

A. Any use which is permitted as of right where there is no change in the building dimensions and which does not result in an intensification of use as defined in Section 24.2 A-3.

B. Any change in the use for a nonconforming use or alteration for a nonconforming structure which decreases the nonconformity of the use or the structure.

24.2 FAST TRACK SITE PLAN AND PERMIT REVIEW

A. A plot plan, as described in section 24.5, and a statement of intent shall be submitted to the Zoning Official for review for the following uses and structures:

1. Construction of a new residential structure, or addition to a residential structure and/or accessory structure.
2. Any non-residential or non-agricultural use within a residential zone.
3. Within CA, CB, CM, or LI districts:

A change of use within an existing structure and/or additions sized under 500 square feet of total ground floor area to existing commercial and industrial buildings provided that the Zoning Official, acting as an agent for the Commission, determines that the new addition will not result in an intensification of use. An intensification of use shall require an administrative review as described in Section 24.3. For the purpose of this Section, intensification shall be defined as:

a. An increase of 25 percent of more in the number of off-street parking spaces in CA Zones unless the Zoning Official determines that a shared parking agreement provides adequate parking for the proposed use or addition.

b. An increase of 50 percent or more in the number of off-street parking spaces in CB and CM Zones unless the Zoning Official determines that a shared parking agreement provides adequate parking for the proposed use or addition.

c. Additional employment exceeding 10 additional persons, additional floor space for sales of services, or additional required parking in LI zones.

B. The Zoning Official shall render a decision within 15 business days of receipt of the plot plan and a statement of intent.

24.3 <u>ADMINISTRATIVE APPLICATION FOR SITE PLAN REVIEW - ZONING OFFICE</u>

A. A site plan, as required in Section 24.5, will be submitted to the Zoning Official for site plan review for the following:

1. For an addition to an existing structure 500-20,000 square feet in total ground floor area in CA, CM & LI Zones or an addition to an existing structure in CB Zones 500-10,000 square feet in total ground area.

2. A new structure for a commercial and industrial use within CA, CM, and LI Zones, which is under 20,000 square feet in total ground floor area or a new structure for commercial use in a CB Zone which is under 10,000 square feet in total ground area.

3. Any change in a property which results in an intensification of use as defined in Section 24.2 A.3.

B. The Zoning Official, acting on behalf of the Commission, shall review applications to determine conformity with the Zoning Regulations. The date of receipt shall be designated as the date on which a complete application as described in Section 24.5.2 is submitted to the Zoning Office. The Zoning Official may refer the site plan to other Town Departments for review as necessary. All comments from other departments shall be submitted to the Zoning Official within 25 days. The Zoning Official will review the site plan to ensure compliance with the Zoning Regulations and shall issue a permit within 30 days of receipt if all other applicable requirements of these regulations have been met. The Zoning Official shall notify the applicant of the decision by certified mail within 30 days of the receipt of the application. The Zoning Official may

waive any part or all of the site plan application requirements, if he determined the information is not necessary for determining the conformity of a new use in an existing building. The Zoning Official may waive the requirement for an A-2 survey, if he determines that the new use or structure will not alter the existing traffic or drainage patterns, the landscaping, or change the existing ground floor building dimensions.

24.4 FORMAL APPLICATION FOR SITE PLAN REVIEW - ZONING COMMISSION

A. An application for formal site plan review will be submitted to the Zoning Commission in accordance with Section 8-3(g) of C.G.S. for the following:

1. A Special Permit application.

2. An addition to an existing structure or a new structure within CA, CM, and LI Zones, which is over 20,000 square feet in total ground floor area or an addition to an existing structure or new structure within a CB Zone which is over 10,000 square feet in total ground area.

3. An application for any new construction of multi-family or mixed commercial and multi-family building(s).

B. The requirement of an A-2 survey shall be waived for the following:

1. An application for a special permit if there is no change in the building dimensions and the new use, as determined by the Zoning Official, will not alter the existing on-site and off-site traffic pattern, drainage, or landscaping.

24.5 CONTENT OF SITE PLAN APPLICATIONS

24.5.1. Plot Plans - when required in these regulations, a plot plan shall be drawn to scale and submitted on a white sheet of paper no smaller than 8 1/2” by 11”. The plot plan shall show the following information:

A. Name and address of the applicant and owner of record

B. Date, north arrow, numerical scale

C. Property boundaries with dimensions of property lines indicated

D. Location of the existing or proposed buildings

E. Areas for parking and driveway

F. Demonstration of minimum required parking spaces for use

24.5.2 SITE PLAN APPLICATION - A site plan is required by these regulations shall include the following information:

A. General Requirements

1. Name and address of the applicant and owner of record

2. Date, north arrow, numerical and graphic scale

3. A Class A-2 survey, signed and sealed by a land surveyor registered in the State of Connecticut (Waivable under Section 24.3 and 24.4)

4. A written description of proposed use or uses.

5. A table demonstrating the compliance of the site plan with the requirements of these regulations for lot size, frontage, setbacks, lot coverage, building height, number of parking spaces, and landscaping

B. Existing and Proposed

1. Property and street lines

2. Adjoining property lines and names of adjacent property owners

3. Easements and rights of way

4. Topographical contours at two-foot intervals or other suitable intervals acceptable to the Zoning Official

5. Wetlands, watercourses, slopes over 10%, wooded areas, rock outcrops, and other significant natural features

6. Buildings, signs, fences, walls, and other structures, including elevations and exterior materials of all proposed structures

7. Outdoor illumination facilities, including number, location, height if light standard, and method of shielding glare from adjoining properties

8. Driveways, off-site parking and loading areas, pedestrian walks, fire lanes and vehicular and pedestrian traffic patterns

9. Storm drainage

10. Sewage Disposal

11. Water supply

12. Open Space Areas

13. Existing vegetation to be retained and proposed landscaping with specific location, size, and scientific and common name

14. Where applicable, the mean high water line, flood hazard area, coastal boundary and aquifer boundary

15. Erosion and sedimentation controls

16. Location of trash receptacles and screening

C. Architectural Design

No site plan under the jurisdiction of the Zoning Commission or Special Permit required under these Regulations shall be approved until the Zoning Commission and/or the Zoning Official determines that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character;

protects property values in the neighborhood, and preserves and enhances the beauty of the community. The applicant shall provide adequate information to enable the Commission and/or the Zoning Official to make that determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, rooflines, door and window details, exterior buildings materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life on adjoining properties and throughout the Town of East Lyme. The Zoning Official shall apply these regulations to all site plan applications submitted for review and may refer such application to the Zoning Commission for review and approval.

Applicants shall adhere to the following guidelines:

1. Building elements (e.g. protective canopies, stairs, columns, wall or roof projections and recesses, etc.) are designed to human scale at sidewalk level to encourage pedestrian use.
2. HVAC Units shall be fully screened.
3. Balance the visual relationships of building bulk and size with its site, especially when viewed from a distant vantage point.
4. Building designs should create variety through compatibility rather than conformity.
5. Maintain proportions between building height, length and width consistent with prevailing architectural standards. Avoid distortion or exaggeration.
6. Break large building volumes into smaller forms to lessen the total building mass and to provide continuity with nearby smaller scale buildings. Smaller forms could include projections (e.g. overhang, awnings, etc.) or recesses (e.g. windows) on smaller buildings, or stepping back upper levels on larger buildings.
7. Building faces should present a clear, well defined and balanced façade.

24.6 STANDARDS - The following general standards shall apply to all uses subject to approval of a site plan.

A. SURFACING AND DRAINAGE - Driveways to and from all buildings, outside storage, sales and display areas will be properly graded and paved. The flow of storm water from the site onto the street will be minimized to reduce peak flow volume and sediment loads to predevelopment levels. When deemed necessary by the Commission or Zoning Official due to such factors as emergency vehicle access requirements or the anticipated level of on-site traffic, the commission or the Zoning Official may require private driveways and/or parking areas to be constructed to Town road standards, as contained in the East Lyme Subdivision Regulations, for: width, geometry and cross-section; base construction and surfacing; sidewalks; lighting; street signs; and drainage.

B. DRIVEWAYS - Driveway entrances and/or exits will be the minimum number necessary to provide efficient and safe access to the site. Combined entrances/exits will be no less than 24 feet in width. One-way entrances or exits will be no less than 16 feet in width.

C. SIDEWALKS - Sidewalks shall be constructed to Town standards along the entire street frontage. This requirement may be waived by the Commission upon a finding that sidewalks at the proposed location are not necessary or desirable for pedestrian safety and circulation. Where required, sidewalks will be located within the road right-of-way, one foot off the front lot line. If insufficient right-of-way exists to accommodate a frontage sidewalk, the property owner will deed property to the town or State of Connecticut, as appropriate, to increase the width of the right-of-way. When deemed necessary for pedestrian safety, internal sidewalks may be required; internal sidewalks will connect to frontage sidewalks.

D. SITE CONDITION - Provisions will be made for maintaining an uncluttered site so that equipment or refuse will not be stored or located on sidewalks, pedestrian ways, driveways, or parking areas, except when required for refuse pick up.

E. LANDSCAPING AND BUFFERS - Landscaped areas will be provided on each lot requiring a site plan review.

1. NATURAL FEATURES - Existing trees, vegetation, unique site features and significant resources such as wetlands and watercourses will be retained and protected to the maximum extent practicable. Existing healthy trees and other vegetation of proper type, size and location will be fully credited against the requirements of this section.

2. FRONT LANDSCAPING – Each lot will be provided with a landscaped strip, 6 feet or more in width, along the street line. This strip will be curbed, planted with grass or suitable ground cover, and will include appropriate trees and shrubs. At a minimum, one deciduous shad or evergreen tree, having a caliper of not less than two inches and a height of not less than six feet at the time of planning will be planted for each 20 feet of lot frontage or fraction thereof. In cases where the edge of the pavement or sidewalk within a public right of way does not coincide with the front lot line, the property owner will also landscape the area between the front line and the edge of the pavement or sidewalk.

3. BUFFER STRIP - A landscaped buffer strip will be required along all lot boundaries abutting any other lot. The minimum width of buffer strips will be as follows:

Commercial or multi-family District abutting a single-family residential district: 25 feet

Industrial District abutting a commercial district: 25 feet

Industrial District abutting a residential District: 50 feet

Special Use District abutting a residential use or district: 50 feet

Commercial uses within a Commercial district: 6 feet

All others: 10 feet

The buffer area will contain evergreen planting sufficient to shield abutting properties from headlight glare and visual intrusion and to reduce noise. At a minimum, the planting will consist of one row of trees 6 feet in height planted at intervals of 10 feet on center. An earthen berm, wall, or architectural fence may be substituted for any portion of the required planting with the approval of the Zoning Commission.

Where appropriate, the commission may eliminate the side or rear buffer strip requirement.

4. PARKING AREA LANDSCAPING - All off-street parking areas of 30 or more spaces will include a minimum of 15 square feet of interior landscaping for each parking space, located within the paved portion of the parking area. Landscaping will be contained in curbed islands, located to aid in the safe and efficient channelization of both pedestrian and vehicular traffic and to separate the major access ways through the parking area from the parking aisles. Each separate landscaped area will contain a minimum of 100 square feet, will have a minimum dimension of 6 feet, will be planted with grass, ground cover, and/or shrubs, and will include at least one deciduous shade tree of not less than 2 inch caliper, at least 6 feet in height at time of planting

5. SCREENING - All outside storage areas, loading bays, machinery and equipment installations, and disposal containers will be fully screened from view from any street by a building, fence, wall, shrubbery, or embankment not less than 6 feet in height.

F. MAINTENANCE AND REPLACEMENT - All structures and areas contained within an approved Site Plan will be maintained. Replacement of dead trees or shrubs is required within the next planting season.

24.7 EXCEPTIONS - If any of the requirements of Section 24.6 cannot be met because of previously existing physical conditions, the Zoning Commission may authorize appropriate modification consistent with the objectives if this regulation.

24.8 BONDING - Bonding may be required at the decision of the Zoning Official and/or Zoning Commission.

24.9 AS-BUILT SURVEY - If a Class A-2 boundary survey was required as part of site plan submission, a Class A-2 as-built survey will be required, prior to issuance of a certificate of occupancy, to verify accuracy of construction. The Zoning Official may require an as-built survey for any development subject to site plan approval, if the Officer has reason to believe that the development may not have been constructed according to the approved plan.

SECTION 25

SPECIAL PERMITS

25.l GENERAL PROVISIONS: - The uses for which conformance to additional Special Permit standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such unique and special characteristics that the specific use shall be considered as an individual case.

25.2 APPLICATION: An application for a Special Permit shall be accompanied by a site plan prepared in accordance with Section 24. The application shall describe the proposed use in sufficient detail to determine compliance with the provisions of these regulations and the following standards :

25.3 STANDARDS APPLICABLE TO ALL SPECIAL PERMIT USES

25.3.1 The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

25.3.1.1 ARCHITECTURAL DESIGN

No site plan under the jurisdiction of the Zoning Commission or Special Permit required under these Regulations shall be approved until the Zoning Commission and/or the Zoning Official determines that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character; protects property values in the neighborhood, and preserves and enhances the beauty of the community. The applicant shall provide adequate information to enable the Commission and/or the Zoning Official to make that determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, rooflines, door and window details, exterior buildings materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life on adjoining properties and throughout the Town of East Lyme. Application for administrative site plan approval for new buildings and structures under 20,000 sq. ft.

in total ground floor area fall under the jurisdiction of the Zoning Official (as provided for in Section 24, Site Plan Review). The Zoning Official shall apply these regulations to all site plan applications submitted for review and may refer such application to the Zoning Commission for review and approval.

A. Applicants shall adhere to the following guidelines:

B. Building elements (e.g. protective canopies, stairs, columns, wall or roof projections and recesses, etc.) are designed to human scale at sidewalk level to encourage pedestrian use.

C. HVAC Units shall be fully screened.

D. Balance the visual relationships of building bulk and size with its site, especially when viewed from a distant vantage point.

E. Building designs should create variety through compatibility rather than conformity.

F. Maintain proportions between building height, length and width consistent with prevailing architectural standards. Avoid distortion or exaggeration.

G. Break large building volumes into smaller forms to lessen the total building mass and to provide continuity with nearby smaller scale buildings. Smaller forms could include projections (e.g. overhang, awnings, etc.) or recesses (e.g. windows) on smaller buildings, or stepping back upper levels on larger buildings.

H. Building faces should present a clear, well defined and balanced façade.

25.3.2 Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted use.

25.3.3 Procedures: The Commission shall hold a public hearing on the application in accordance with the Connecticut General Statutes.

25.3.3-1 Public Notice - In addition to notice of hearing by publication, public notice of application for special permit shall be made as follows:

Posting of Sign - At least 15 days prior to any public hearing on a special permit, the applicant shall post a sign on the premises indicating that such action is proposed. The sign shall be of durable material 4’ by 4’ in size and shall be firmly set at least three feet above ground surface and located so as to be clearly visible and legible from the most heavily used adjacent Town road or two lane state highway. When in

the opinion of the Commission or its designee, there is not sufficient land area to post the sign, a 2' by 2' sign may be posted in a window which is clearly visible and legible from the most heavily used adjacent Town road or two lane state highway. The sign shall contain the following, in black block lettering not less than 3 inches in height for a road sign and 2 inches in height for a window sign on a white background: The sign shall be removed within 10 days of completion of Public Hearing.

25.3.4 Expiration: A special permit shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than six months for any reason.

25.3.5 Existing Violations: No special permit shall be issued for property where there is an existing violation of these regulations.

TABLE OF MINIMUM CONTROLS FOR SPECIFIC SPECIAL PERMIT

USE	DISTRICT	CONTROLS
Additions to Assisted Living Facilities	CB	1. Minimum lot area: 40,000 square feet, with public water & Sewer.
		2. Minimum living floor area:
		Efficiency Unit without cooking facilities 275 Square Feet
Assisted Living Facilities	CA	Efficiency Unit with cooking facilities 325 Square Feet
		One Bedroom 475 Square Feet
		Two Bedroom 650 Square Feet
		3. Common area: The common area of the structure shall be at least 35% of the total building area. Common area shall be defined as all area not devoted to residential units.
		4. Parking requirements: .4 spaces per living unit.
		5. Transportation: The facility shall provide daily private transportation for residents to local facilities and services.
		6. Occupancy: Residential units shall be for persons of at least 62 years of age and in the case of multiple occupancy of a dwelling unit, one (1) person shall be at least 62 years of age, none less than 55 years.
		7. Emergency Call System: Each residential unit shall have an emergency call/intercom system with 24 hour on site response.
		8. Residential Unit Facilities: a) Each residential unit shall include at least a toilet, sink and one shower. b) a residential unit may include cooking facilities
		9. Density: 40 residential units/acre maximum density.
		10. Noise regulation: No outdoor sound systems shall be allowed.
		11. Sidewalks: Sidewalks shall be available or constructed to provide access to

		neighborhood facilities and services. 12. Gross Floor Area: the minimum gross floor area for a building containing an Assisted Living Facility shall be 20,000 square feet. 13. Common kitchen/dining facilities: The facility shall have kitchen facilities for preparing and serving full meals to residents. Common dining facilities shall be provided. 14. Open Space: In addition to required buffers and parking/roadway area the facility shall provide a suitably landscaped recreational/open space of not less than 10% of the total lot area. Calculation for this area shall include all passive/active outdoor recreational facilities as well as other landscaped areas exclusive of the buffers and roadway/parking area. 15. Staffing: a registered or licensed practical nurse shall be on site on call 24 hours/day.
Agricultural or Farm	All Rural & Residence Districts	1. Use shall be on a lot not less than two acres. 2. No animals or poultry (except household pets) shall be kept less than l00 feet from any property line.
Farm Events accessory to Agricultural or Farm Use	RU-40	1. A Farm owner or operators of a Farm to Agricultural or Farm Use having more than fifty (50) acres of land may obtain a Special Permit to conduct the allowable Farm Events set forth below. 2. Permitted Farm Events: a. <u>Dinners At The Farm:</u> A Farm dinner event with a maximum of 200 persons that occurs one (1) time per calendar year for five (5) consecutive nights subject to the requirements set forth below. b. <u>Farm Education Events</u>: Small events, classes and dinners with a maximum of twenty-five (25) persons that occur a maximum of twenty (20) times per calendar year subject to the requirements set forth below.

3. General Provisions Applicable to Farm Events.

   a. Events shall be limited to the areas as shown on an approved Special Permit, including outdoor and indoor areas of the Farm property.
   b. In no case shall the activities be conducted closer than 350’ to a residential property line.
   c. All outdoor activities shall cease no later than 10:00 p.m.
   d. Outdoor lighting shall not shed light beyond the boundaries of the subject property.
   e. For each Farm Event, the owner of the property shall obtain a zoning permit from the Zoning Official and shall provide to the Zoning Official the location of the event on the property, the hours of the event and the number persons attending the event.
   f. No two Farm Events will take place simultaneously with each other.
   g. The Farm Events must cease operation and the Special Permit shall terminate should the Agriculture and Farm use cease on the property.

4. <u>Dinners at the Farm.</u>

   a. Following issuance of a Special Permit, a Farm owner or operator may host a Dinner at the Farm event which may be held for a maximum of five (5) consecutive nights, Wednesday thru Sunday, one (1) time per calendar year.
   b. The maximum number of guests at a Dinner at the Farm event shall not exceed two-hundred (200) persons.
   c. A designated off-street Parking Area, which is temporary in nature, of sufficient size and suitability to accommodate the maximum number of persons attending the Dinner at the Farm event shall be provided and shall be shown on the Special Permit. Such Parking Areas may be sited on an adjacent property with written consent of the property owner.
   d. Tents and portable restrooms may be utilized on the grounds.
   e. Outdoor amplification of music shall be prohibited.
   f. Non-musical outdoor amplification shall

		cease by 10:00 pm and shall be subject to the provisions of the Town of East Lyme Noise Control Ordinance, as may be amended from time to time. 5. <u>Farm Education Events.</u> a. A Farm owner or operator may obtain a Special Permit to host Farm Education and Health and Wellness Events, such as cooking classes, seminars, programs, Farm to Table dinners, movies. at the Farm up to a total maximum of twenty (20) Farm Education Events per year. b. The maximum number of guests at an event shall not exceed twenty-five (25) persons. c. A designated on-site, Off-Street Parking Area shall be shown on the approved Special Permit.
Agricultural or Farm Poultry **6 or less *****	RU 120, RU 80, RU 40	1. Use shall be on a lot not less than one acre. 2. Minimum of 1 Acre required 3. No roosters permitted. 4. No more than six (6) hens may be kept. 5. A chicken coop and enclosure (pen) shall be required on all properties where chickens are kept. 6. Chickens are allowed only in the chicken coop and outdoor enclosure. Free range activity is not permitted. 7. The coop shall accommodate not more than six chickens. The coop and coop yard may not be located in a front or side yard and shall not be visible from a street or neighboring property. 8. The coop shall be a maximum size of six feet (6’) by eight feet (8’) by six feet (6’) in height. 9. The coop enclosure area shall be fenced. 10. The coop and enclosure may not be located within the required setback of the underlying zone

		11. Any composting of waste shall comply with the state of Connecticut's Best Management Practices for Agriculture.
		12. Waste materials must be disposed of in a manner that will not cause odors, flies or attract vermin.
		The coop and enclosure must be clean and odor free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring properties.
		Note: A Special Permit is not required for uses under this section.
Antique Shop	RU-80 RU-40	1. No permanent exterior displays.
		2. All temporary exterior displays shall be kept in a neat and orderly manner.
Antique Shop	R-l0	1. Lot shall not be less than 40,000 square feet.
		2. No permanent or temporary exterior displays.
		3. Business must be in dwelling of proprietor.
Bed & Breakfast	R-12, R-10	1. The lot must be a minimum of 10,000 square feet. There will be not less than 5000 square feet of lot area for each bedroom in the facility including those of the resident or designated manager.
	RU-40, RU-80	2. The lot must be a minimum of 40,000 square feet for RU 40 and a minimum of 80,000 square feet for RU80. There will be not less than 5,000 square feet of lot area for each bedroom in the facility including those of the resident or the designated manager.
		3. No retail facilities are permitted.
	CA, CB, CM	4. In all districts the Owner of the facility or a designated manager must reside on the premises. In the event a manager is designated, the Owner must provide an affidavit to the Zoning Official which includes the name and contact information for the designated manager.
	all districts	5. Rooms must have bath facilities separate from those of residents.
		6. Parking Area must be screened from adjoining properties with appropriate fencing of landscaping. A landscaped buffer of not

			less than ten feet must be provided. In lieu of a fence, plantings within the buffer must provide for six-foot vertical growth with sufficient density to protect adjoining properties.
		7.	There will be a maximum stay of seven nights for guests of the facility.
	CA, CB, CM all districts	1.	1 Parking Space per bedroom is required.
Brew Pub	LI Zone	1.	Public service/sales area shall not exceed forty (40%) percent of the gross floor area of the facility.
		2.	The Commission may establish hours of operation for service/sales of beverages for consumption on the premises.
		3.	Non-premises produced beer and/or wine shall not exceed forty (40%) percent of gross sales of beer and/or wine for consumption on the premises.
Car Wash	CA	1.	Facility must hook into Municipal Sewers.
Cemeteries	Rural, Residential & Commercial	1.	Located on a plot of not less than two acres
Commercial Golf or Tennis Club, Private Club	Rural, Residence & Commercial	1.	It shall be located on a plot of not less than five acres.
		2.	No building shall be located within l00 feet of any street line nor within l50 feet of any other property line.
		3.	No activity shall be carried on which results in objectionable noise audible off the premises.
Commercial Indoor Recreation	LI	1.	Lot shall not be less than 80,000 square feet.
		2.	Off-street parking shall be provided in accordance with the use as determined by the Zoning Commission.
Drive-in Theatre	LI	1.	The lot shall be not less than five acres.
		2.	Lights must be adequately screened from

adjacent residential areas.

3. The access road must be adequate to handle traffic loads.

Drive-thru	Drive-thru facilities for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants.

1. The drive-thru facilities shall clearly be accessory and subordinate to the primary use.
2. Drive-thru facilities, including required stacking lanes, shall be located in the rear or side yards only.
3. Drive-thru facilities shall not generate the need for additional driveway curb cuts.
4. A minimum of five vehicle stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. Where a restaurant order board and service window are proposed each service aisle shall provide a minimum of ten (10) stacking spaces with a minimum of five (5) stacking spaces before the order board. Each service aisle shall not have more than two service windows.
5. Stacking lanes shall be separate from internal traffic aisles to allow traffic to circulate through the site without entering the drive-thru facilities.
6. Stacking lanes shall be a minimum of ten feet (10’) wide and each vehicle stacking space shall be twenty feet (20’) in length.
7. Stacking lanes shall be designed to minimize traffic congestion and to promote pedestrian safety.
8. Drive-thru facilities shall be screened from view from public streets with substantial landscaping using a variety of evergreen and deciduous species.
9. Outdoor speakers shall be located a minimum of one hundred (100) feet from the boundary of any residentially zoned property and shall not be audible from other property.
10. Drive-thru facilities should be designed as a compatible architectural element of the

		primary building; NOTE: All Fast Food Restaurants are by Special Permit. See Section 8.2.7.
Elderly Housing	CA	1. All lots used for Elderly Housing, CA use shall have a minimum of 15,000 square feet 2. At least one (l) off street parking space shall be provided per family unit. 3. No building shall be less than 20 feet from the street line or l2 feet from the property lines, if not built on the property line in accordance

with Section 20.l8

4. Each lot shall contain not less than 80 feet frontage

5. Required floor area in units shall contain not less than 650 square feet for one bedroom and 800 square feet for each two-bedroom unit

6. Each dwelling unit shall be occupied by:

    a. At least one person who is 55 years of age or older

    b. Occupant pursuant to (a) above who survives

    c. Occupant pursuant to (a) above who's co-occupant has entered into a long-term continuing care facility

    In b. and c. above, remaining occupant who remarries or cohabitates must meet all occupancy requirements

7. A suitable landscaped buffer zone ten (l0) feet wide, suitable to provide, within a reasonable period of time, a visual barrier between different land used shall be provided

8. No building or structure shall exceed thirty (30) feet in height

9. The total floor area of all buildings and structures on a lot shall not exceed thirty-five (35) percent

10. The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all weather surfacing may be required where the density of population makes such advisable for convenience and safety unless such pedestrian walkways are provided across the street from the complex

11. No elderly housing shall be approved unless municipal water and municipal sanitary sewers are provided

12. Each structure shall consist of no more than six (6) units. The shortest distance between any two (2) structures shall be not less than twenty-four (24) feet. The Commission may waive the separation if the design of the

			proposed development is benefited by closer spacing
		13.	The minimum required area of a lot used for Elderly Housing, CA shall be the total of 2,200 square feet for each one bedroom unit and 2,400 square feet for each two-bedroom unit
		14.	The burden of complying with 42 U.S.C. Section 3607 and 242 CFR Section 100.304, as amended, in providing housing for older persons shall be on the owner, association of homeowners or user of the property
Elderly Housing	SU-E	1.	Open space shall consist of 30% of the lot area. The open space may be used for passive recreation. The open space shall be contiguous. Such open space shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soils Survey. No more than 50% of the open space can consist of wetlands.
		2.	No building shall be less than 20 feet from all internal roadways. No unit may be located less than 15 feet from any other single family detached residential unit.
		3.	A. Each dwelling unit shall be occupied by: 1. At least one person who is 55 years of age or older. 2. Occupant pursuant to (a) above who survives. 3. Occupant pursuant to (a) above who's co-occupant has entered into a long-term continuing care facility. In 1 and 2 above, remaining occupants who remarries or cohabitates must meet all occupancy requirements. B. Required floor area in all units shall contain not less than 650 square feet for one bedroom and 800 square feet for each two bedroom.
		4.	A project consisting of single-family detached residential units shall be designed in clusters

of no more than 8 units, and each cluster shall be separated from adjoining clusters by a distance of 50 feet or more.

5. Internal roadways for a project consisting of single-family detached residential units shall be constructed to the following standards. The roadways shall be constructed to town standards for geometry and cross sections, base construction and surfacing, lighting, underground utility and drainage. The main access roadway shall be no less than 24 feet in width and other interior roadways shall be no less than 20 feet in width. No on - street parking shall be permitted on internal roadways.

6. No more than 40 percent of the lot area may be covered with impervious surfaces.

7. Each dwelling unit shall contain a basement or attic for storage.

8. The purchase of a dwelling unit for investment purposes, i.e., by a person or entity not intending to occupy the unit, is prohibited except that a non-resident family member may purchase up to one unit for persons who will reside in the unit and who otherwise comply with the provisions of this regulation.

9. An owner of a dwelling unit may rent his or her unit for a term(s) of not less than one year provided that the tenant fully complies with all of the conditions of this regulation.

10. A walking trail system shall be provided within the proposed development. Unpaved walking trails may be counted as open space.

Dwelling, Multi-Family, Multi-Story Section 202 Housing for the Elderly	SU	1. Density: The minimum required area of a lot used for Multi-Family, Multi-Story Dwellings shall be a total of 2800 square feet for each efficiency or one bedroom unit, and 6000 square feet for each two bedroom unit. In no case shall the total required area be less than ten acres. 2. Required floor area for each unit shall not be less than the following: EFFICIENCY: 480 sf ONE BEDROOM 540 sf TWO BEDROOM 700 sf 3. Elevators: Multi-Family, Multi Story Dwellings shall be equipped with a minimum of one elevator for three stories or more. 4. No Multi-Family, Multi-Story Dwelling shall be approved unless municipal water and municipal sanitary sewers are provided. 5. No parking shall be permitted within the buffer area.
Hotel and Motel		1. No other commercial activities shall be carried on, except as incidental to servicing the needs of guests. 2. Must be connected to sewers when available
Kennels, Veterinary Clinic, Riding or Boarding Stables	All Rural	1. Use shall be located on lots not less than three acres. 2. No animals shall be kept in any building less than 100 feet from any lot line.

CB Zone

Mixed Use Development

1. The purpose of this Regulation is to encourage development of Niantic Village, create an attractive environment, and provide an incentive for commercial development in the context of a mixed use.

2. Submission Requirements:

   A. Site Plan as provided in Section 24.

   B. Traffic Study for developments exceeding 15,000 sq ft gross floor area.

   C. Architectural plans including building, elevations, floor plans, and exterior materials. All such plans shall be prepared by a licensed architect. Such design shall reflect New England Village Character and shall be an enhancement to neighboring buildings. Architectural consideration shall be a significant element of the commission decision.

   D. Those items as shall be required in Section 25 or Section 24.

   E. Such additional items as may be required by the Commission to fully evaluate the proposal.

3. Controls:

   A. Minimum lot size: 7,500 sq ft.

   B. Residential Density: In addition to the minimum lot size, the following additional lot area shall be required for the residential portion of the Development.

   1,200 sq ft for each efficiency or one bedroom

   2,000 sq ft for each two bedroom

   C. Parking: Notwithstanding Section 9.3.6, parking shall be provided based upon the greater of the calculation for the commercial portion of the premises, <u>or</u> the residential calculation as provided in Section 22.1.3 plus 50% of that for the use requiring the lesser calculation. Required parking may

be provided at ground level under a portion of the building provided that the first floor thereof along the street line shall contain commercial use(s). The Commission may require all or portions of covered parking to be enclosed.

D. Building height: In order to encourage attractive roof line designs, except for the south side of Main Street, the Commission may approve a building height not to exceed 40'; provided however, no such building shall exceed three (3) stories. The Commission may consider the goal of this regulation in determining whether to grant such additional height.

E. Minimum floor area:

Efficiency: 500 sq ft

One bedroom: 650 sq ft

Two bedroom: 850 sq ft

F. Municipal Sewer and Water must be provided.

G. No individual building shall exceed 30,000 sq ft. gross floor area. Covered parking, whether or not enclosed, shall not be included in “gross floor area”.

H. The ground floor commercial use must occupy no less than 30% of the footprint of any building, including elevated portions.

In-Law

1. Eighty square feet of Accommodations separate sleeping area.
2. No more than one set of additional housekeeping facilities.
3. One off-street parking space.
4. Separate fireproof entrance.
5. Health Department approvals for sanitary facilities.
6. No such accommodations are allowed where the "Family" is a group of four (4) unrelated

		persons.
Residential Accessory Use (Golf Course SU)	SU	1. Such use shall only be available on a parcel of not less than two hundred fifty (250) acres. 2. Not less than forty (40) percent of the overall area thereof, shall be devoted to such open space or golf course use. 3. Single family, duplex and/or triplex units, only, shall be allowed under a common interest form of ownership. 4. Density: The average number of dwelling units per acre within the community shall not exceed that which would be allowable based upon the minimum lot size of the underlying residential zone. This density calculation shall be based on eighty-five (85%) percent of the gross land area of the parcel. 5. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, with a minimum of 24 feet. Courts shall be completely open on one side. Maximum heights of any building in the development shall be two stories, but such height shall not in any even exceed 30 feet. The Commission may waive the separation requirement if design of the proposed development is benefited by closer spacing. 6. Buffer Area: There shall be provided a landscaped side or rear yard buffer area of at least 100 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet. If, the opinion of the Zoning Commission, the individual topographical and natural qualities of the site should suggest that this buffer region is not appropriate, the Commission reserves the right to alter the buffer requirements by vote of three-fourths of all the members of the Commission. This buffer may not be increased to more than double nor decreased to less than half of the requirements herein.

7. Use Restrictions: Not less than fifty (50%) percent of the residential units (each portion of a duplex or triplex being a residential unit) shall be occupied by a senior citizens, age fifty-five (55) or older as follows:

   a. At least one person who is at least fifty-five (55) years of age or older.

   b. Occupant pursuant to (a) who survives;

   c. Occupant pursuant to (a) above who is co-occupant has ended into a long term continuing care facility.

   d. In (b) and (c) above remaining occupants remarries or co-habitats must meet all occupant requirements.

   e. For the purpose of such calculation, age restricted units contained on the same parcel as part of an SUE Zone shall be included.

8. Access Streets and Sidewalks: The placement, size, arrangement, and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. The Commission may require the sidewalks and/or walking trails to be constructed in portions of the Community where the nature of contemplated activities indicates that there will be significant amounts of pedestrian traffic. Where it is anticipated that children will be waiting for a school bus in or near a public highway, sufficient area shall be reserved and/or shelter provided. In developments in excess of fifty (50) units, at least two points of access shall be provided to a public highway, provided however that in the event the topography or location of the frontage of the property makes such impracticable or impossible, the Commission may waive the requirement of two entrances upon the showing that one entrance is sufficient to maintain the public health and safety of the residents, including consideration of emergency access.

9. Internal Roadways: The main access road shall be no less than twenty-four (24) feet in

		width and interior roadways shall be no less than twenty (20) feet in width. Provided however, the Commission may require roadways in portions of the community to be in excess of the required width where the higher traffic levels, or visits from the general public in conjunction with recreational activities may be expected. The Commission may also require that such roads be constructed to one or more of the standards contained in the East Lyme Subdivision Regulations for geometry, surfacing, lighting and drainage. In areas of twenty (20) foot roadways, parking on the street shall be prohibited by adequate signage.
		10. Utilities: No such development shall be approved unless the Commission is given clear satisfactory evidence of the means of providing water supply, has public sewer, or is suitable for approval by the Department of Health and/or Department of Environmental Protection for on-site septic systems. This provision shall not require a permit from such agencies prior to such approval; but only sufficient evidence that the site is capable of supporting such approval.
		11. No such development may be constructed on a parcel if any portion of it lies within 2000 feet of the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated in the coastal boundary map for the Town of East Lyme.
Multi-Family	SU	1. Area: A minimum of twenty Dwelling acres of contiguous land is required for a multi-family development.
		2. Density: The average number of dwelling units per acre in a development shall not exceed two. In computing the number of acres in the parcel of land proposed for development for the purposes of this paragraph, the number of square feet in the buffer area pursuant to subparagraph (7) following, shall be excluded.
		3. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, with a minimum of 24 feet. Courts shall be completely open on one

side. Each structure shall consist of no more than l2 units. Maximum height of any building in the development shall be two stories, but such height shall not in any event exceed 30 feet. The Commission may waive the separation requirement if design of the proposed development is benefited by closer spacing.

4. Open space shall consist of 30% of the lot area. The open space may be used for passive recreation. The open space shall be contiguous. Such open space shall not include wetland soils classified as poorly drained or very poorly drained by the National Cooperative Soils Survey. No more than 50% of the open space shall consist of wetlands.

5. Buffer Area: There shall be provided a landscaped side or rear yard buffer area of at least l00 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet.

   If, in the opinion of the Zoning Commission, the individual topographical or natural qualities of the site should suggest that this buffer region is not appropriate, the Commission reserves the right to alter the buffer requirements by vote of three-fourths of all the members of the Commission. This buffer may not be increased to more than double nor decreased to less than half of the requirements herein.

6. Parking: Parking spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area

7. Required Floor Area: in multi-family dwelling shall contain not less than the following area for each type of family unit:

BEDROOMS	MINIMUM FLOOR AREA
EFFICIENCY	500 square feet
ONE	650 square feet

		TWO 800 square feet DETACHED DWELLING 900 square feet Efficiency means a dwelling unit-containing bathroom and kitchen facilities. 8. Access Streets and Sidewalks: The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. 9. Utilities: No Multi-family development shall be approved unless there is provided public sanitary sewers and clear evidence of safe and satisfactory means of providing water supply.
Nursery Greenhouse	All Residential Districts	1. Lot shall be not less than one acre. 2. Buildings shall not be less than l00 feet from any lot line.
Off-Premises Identity and Location Signs	CA, CB, CM SU, LI,	Signboards are required to the location and identification of facilitate businesses which are located on lots having no frontage on a public highway or approved town road. The businesses are of such a nature as to require location and identification by the public, as well as the town. The property on which the business activities are situated is clearly disadvantaged by its lack of exposure to the normal flow of traffic. The proposed location of the sign(s) and supporting structure is the minimum feasible distance from the disadvantaged property required for practical location and identification of the business activities thereon. Where a multiplicity of businesses are established on a lot having no frontage on a public highway or approved town road, all location and identification signboards shall be incorporated into a single supporting structure. Only one double-faced signboard shall be allowed for each business, the exposed surface of the signboard shall not exceed five square feet per side,

		and no signboard structure shall exceed an overall height of fifteen feet above ground. When necessary, the signboards may be arranged in two or more tiers within the supporting structure. The installation of the signboards and supporting structure shall not present an obstacle to the visibility and safe passage of traffic moving in all relevant directions. Applicants for special permits under the above provisions shall present the Commission with conclusive evidence of their right to erect the off-premises signboards in the proposed locations.
Research	LI	Researching or testing use Laboratory shall not be dangerous by reason of fire or explosion, nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.
Residential Units in CA and CB Commercial Structure		1. Residential units above first floor. 2. Required floor area of dwellings shall not be less than

MINIMUM FLOOR AREA	BEDROOMS
EFFICIENCY	500 square feet
ONE	650 square feet
TWO	800 square feet

Deli/Coffee Shop, Cafeteria	LI	1. Lot shall be not less than 40,000 square feet. 2. Off-street parking shall conform to these regulations. 3. Location shall be directly accessible to a major street.
Saw Mill	RU-120, RU-80 Only	1. It must be located on a lot of not less than five acres. 2. All operations must be carried on not less than l00 feet from any street or property line. 3. All sawing operations must be carried on at a distance of not less than 500 feet from any residence, except a residence on the same premises.
Stand for Display and Sale of Farm Produce	RU-120, RU-80, RU-40	1. Such stand shall occupy not over 200 square feet in area (if temporary) or l,000 square feet (if permanent). 2. Off Street parking shall be provided for at

			least three cars.
		3.	Such stand must have a minimum 20 ft. setback from the street.
		4.	If it is a permanent building, it can only be used seasonally.
Taproom Brewery	CB	1.	No more than 5,000 barrels (155,000 US gallons) shall be produced annually.
		2.	At minimum, 50% of all beer produced shall be sold via retail through the taproom for on or off-site consumption.
		3.	Sales volume of products manufactured on site/premises shall be at least 50% of the toal annual volume.
Undertaking Establishment	R-12, R-10	1.	Lot shall be not less than Establishment 20,000 square feet.
		2.	Off-street parking shall be provided for all vehicles of the establishment plus not less than six additional vehicles.
Small Animal Veterinary clinic	RU-80, RU-40, RU-120, CA & CB	1.	The business may be contained within a separate building, shopping mall, or office business complex. No external animal accessory facilities or structures shall be permitted.
		2.	No objectionable or injurious wastes or other materials shall be discharged or emitted into any river, stream, pond or other body of water; public or private disposal system; or the ground, so as to endanger public health or safety or constitute an objectionable source of pollution.
		3.	All solid waste shall be disposed of in special containers and collected by an agency maintained and operated for this purpose.
		4.	Biomedical waste shall be disposed of in accordance with the regulations of the State Department of Health and local sanitary mandates.
		5.	The ventilation system shall be of such design and construction that no objectionable odors are emitted to adjacent offices, businesses or residences.
		6.	Kennel space provided for hospitalized

			animals shall not exceed 20% of the total clinic floor space.
		7.	No animals will be boarded except as may be hospitalized when required for medical or surgical treatment.
		8.	No objectionable sound shall be emitted through exterior walls or roofs enclosing the clinic. When situated within a building accommodating other enterprises, the clinic area shall be treated acoustically in such a manner that no noise in excess of 45 decibels shall be presented to the other occupants.
Wholesale Store	CA	1.	Lot shall be not less than 40,000 square feet.
		2.	Access must be from a street adequate to handle traffic loads.
Yacht Club (Special Permit)		1.	It shall be located on a plot of not less than five acres.
		2.	No building shall be located within 50 feet of any street line nor within 75 feet of any other property line.
		3.	No activity shall be carried on which results in objectionable noise audible off the premises.

SECTION 26

ADMINISTRATION AND ENFORCEMENT

26.l The provisions of these regulations shall be enforced by the agent of the Zoning Commission of the Town of East Lyme, who shall be known as the Zoning Official.

26.l.1 It shall be the duty of said agent to receive applications and to issue zoning permits and certificates of occupancy and he is hereby given the power and authority to enforce the provisions of these regulations.

26.l.2 Such agent shall require that the application for building and zoning permits and the accompanying site plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of these regulations. No permit shall be issued until the agent has certified that the proposed building or structural alteration complies with all provisions of these regulations.

26.l.3 Such agent shall, upon notice and after inspection of the premises and building, issue a certificate of occupancy if the work done complies with the plans as authorized. It shall be unlawful to use any part of any building or structure hereinafter erected. Until a Certificate of occupancy shall have been issued therefore by the said agent, showing that the proposed use and construction are in accordance with these regulations.

26.2 Under such rules and regulations as may be established by the Zoning Commission, a temporary certificate of occupancy for a part of a building may be issued by the Zoning Official.

26.3 Upon written request from the owner, the Zoning Official shall issue a certificate of occupancy for any building or premises existing at the time of passage of these regulations certifying, after inspection, the extend and kind of use made of the building or premises, including the number of employees and whether such use conforms to the provisions of these regulations.

26.4 Violations of the Zoning Regulations of the Town of East Lyme shall be penalized in accordance with the provisions of Section 8-l2, Chapter l24 of the General Statutes, l958 Revision, as amended.

SECTION 27

ZONING BOARD OF APPEALS

27.l The Zoning Board of Appeals shall consist of five members and three alternates chosen as provided by law, who shall serve without compensation. Said board shall elect a chairman from among its membership and shall appoint a secretary who shall keep a record of all its proceedings showing the vote of every member upon each question, or if absent or failing to vote, indicating such fact. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

27.2 All meetings of said board shall be held at the call of the chairman and at such times as said board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

27.3 The Zoning Board of Appeals shall have the following powers and duties:

27.3.l To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission or any other official charged with the enforcement of these regulations.

27.3.2 To hear and decide all matters upon which it is required to pass by the specific terms of these regulations, and

27.3.3 To determine and vary the application of the area requirements of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare preserved. Use variances shall not be granted.

27.4 The Zoning Board of Appeals shall not be required to hear any application for the same variance for a period of six months after a decision by the Board or by a Court on an earlier application.

27.5 Pursuant to the powers and duties of the Zoning Board of Appeals as set forth in the General Statutes of Connecticut and the Zoning Regulations of the Town of East Lyme, all appeals to said board must be filed with the agent of the commission and the chairman or secretary of the board within 30 days of the date of the action from which the appeal is entered.

SECTION 28

Amendments to regulations and Zoning District Map.

28.1 General – These regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provisions of Chapter 124. Section 8-3, of the Connecticut General Statutes, Revision of 1984, as amended.

28.2 Application – Any individual, firm or party owning land within the Town of East Lyme may petition in writing for a change of zone or amendment of these regulations. Such petition shall be delivered to the Zoning Official for submission to the Zoning Commission. A request for a change in zoning district boundaries shall be accompanied by a plan drawn to scale showing the area of the lots included in such proposed change and designating the record owner or owners of said lots and of all adjacent lots within 500 feet from the boundary of the area subject to the zone change request. Such applications shall also contain an accurate description by metes and bounds, of the lots included in such proposed change and shall further contain a statement of the reasons why such change is sought.

28.3 Notification of adjacent property owners – The applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties 500 feet or less distant there from, all as shown on the latest grand list of the Town of East Lyme in the Assessor's Office (or the actual owners of record or otherwise known to the applicant). The applicant shall mail notifications of said pending application to at least one owner of each such property not more than 30 days or less than ten days before the date set for the public hearing, by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Post Office Certificates of Mailing to the Zoning Official at least two days prior to the hearing date.

The provisions of this section shall not apply in the case of re-zoning initiated by the East Lyme Zoning Commission.

28.4 Referral – Application for zoning district boundary amendments shall be referred to the East Lyme Water and Sewer Commission for assessment of the availability of water and sewage capacity.

28.5 Fees – An application fee in the amount of $300.00 shall accompany each application for a text amendment of these regulations. An application fee in the amount of $400.00 shall accompany each application for a zone change. Such fee shall be paid by check or money order payable to the order of the Treasurer of the Town of East Lyme and shall be used to defray the costs of the publication of required legal notices. Such fee shall be non-refundable. Furthermore, if the actual cost of legal advertising is found to be more than the application fee, the applicant shall pay such additional money as may be required to cover all legal advertising costs to the Town of East Lyme prior to the Commission taking action on the applicant's petition.

SECTION 29

VALIDITY

29.l If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

SECTION 30

AQUIFER PROTECTION DISTRICTS

This section removed effective June 28, 2013.

SECTION 31

TELECOMMUNICATIONS FACILITIES

31.1 GENERAL PURPOSE The purpose of this regulation is to provide for the location of wireless telecommunication towers and antennae; reducing adverse effect through careful design, siting and vegetation screening; and to minimize the number of towers by encouraging shared use or joint use where practical. These Regulations are consistent with the Federal Communications Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provision of personal wireless services or regulate the placement and construction of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with Federal Communications Commission regulations regarding such emissions.

Except for the location and height of tower/antennae, this Regulation does not regulate any aspect of licensed (under Federal Communications Commission 47 CFR 97) amateur radio and small business communications.

Should jurisdiction over the siting of telecommunication towers or facilities fall outside of the Town of East Lyme, a Public Hearing shall be held in accordance with state statutes and East Lyme Zoning Regulations. The record of the Public Hearing and the findings of the East Lyme Zoning Commission shall be forwarded to the Connecticut Siting Council or other appropriate agency(ies) of jurisdiction.

Telecommunication towers are permitted in all zones subject to the approval of a Special Permit and site plan approval. A Special Permit shall be granted if the requirements of Section 25, Section 24 where applicable, and the following are satisfied.

Telecommunication antennae and facilities are permitted in all Zoning Districts subject to site plan approval and the following conditions:

31.2 GENERAL STANDARDS

31.2.1 To discourage the proliferation of telecommunication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. Applications for new towers shall be accompanied by documentation that no existing or planned tower or other structure can accommodate the applicant's tower or transmitter. The applicant shall include documentation regarding the availability of any existing or approved telecommunication towers or other non-residential structures within the transmission area that meets the needs of the applicant.

It is a condition of any Special Permit issued under this Regulation that the permit holder shall provide an affidavit assuring good faith in

allowing other providers to share space or co-locate on the site, provided that such shared use does not impair the technical level or quality of service. In the event that a dispute arises as to whether the permit holder has exercised good faith in accommodating other users, the Town of East Lyme may require a third party technical study at the expense of either or both the permit holder and the applicant.

31.2.2 Applications involving the co-location of antennae on existing telecommunication towers are exempt from the need for a Special Permit and shall only be subject to site plan approval from the Zoning Commission.

31.2.3 The lot on which a new telecommunication tower is constructed shall meet the minimum lot area requirements for the underlying zone.

31.2.4 The tower and/or antennae shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a professional telecommunication systems engineer, shall accompany the application for Special Permit. Such documentation may include propagation modeling and/or test results.

31.2.5 All new structures shall meet the setback requirements of the respective zone or be set back from all property lines a distance equal to the height of the structure, whichever is greater. Guy anchors shall meet the setback requirements of the respective zone. A fall zone clear of utilities and structures other than the applicants accessory equipment, structures and sheds within the proposed site, shall be provided.

31.2.6 Towers and antennae shall be a subdued, non-reflective color which shall blend in with all surroundings.

31.2.7 Landscaped buffers shall be required around the perimeter of all structures, including guy anchors. Such landscape buffers shall include evergreen trees of sufficient height and planted at sufficient distance to provide visual buffering as determined during the site plan approval process.

31.2.8 Signal lights or illumination shall not be permitted unless required by the Federal Communication Commission or the Federal Aviation Commission.

31.2.9 No advertising or signage, other than warning signs, is permitted on any tower.

31.2.10 All unused telecommunication towers shall be removed within 12 months after cessation of use. As a condition of site plan approval, the Zoning commission shall require a bond to insure removal of abandoned towers.

31.2.11 No new or existing telecommunication service shall interfere with public safety, telecommunications or with any existing television or radio signal. All applications for facilities under this Regulation shall be accompanied by a study which provides technical evaluation of

existing and proposed transmissions including Electromagnetic Field transmissions and indicates all potential interference problems.

31.2.12 Satellite dishes under 3 feet in diameter are exempt from this Regulation when ground mounted.

31.2.13 The entry road and surrounding area of the facility and/or site must allow sufficient room for approach and deployment of fire rescue apparatus. In addition, the following minimum requirements shall be provided for;

A. Road service able to accommodate a vehicle of at least 60,000 pounds gross vehicle weight.

B. Grade not to exceed 8%.

C. A minimum vertical clearance of 12 feet.

31.3 SITING PREFERENCES

Siting preferences are listed in order of preference:

A. On existing approved towers.

B. On existing structures such as non-residential building/facades, utility poles, steeples, clock or bell towers, silos and water towers.

C. On new towers located on property occupied by one or more existing towers. The applicant must demonstrate that existing towers could not be replaced and/ or updated to avoid an increase in the number of towers on any one site unless the Zoning Commission determines that additional towers could be more appropriate to the site.

D. On new towers located in Commercial Zones.

E. On non-residential structures in Residential Zones.

F. On residential structures in Residential Zones.

31.4 LOCATION STANDARDS FOR WIRELESS TELECOMMUNICATION

31.4.1 Wireless telecommunication facilities where a new tower is located on property occupied by one or more towers erected prior to the effective date of these Telecommunication Zoning Amendments:

A. All attempts shall be made to co-locate the antennae on existing towers.

B. Tower height shall be site specific and of the minimum height necessary to meet technical transmission requirements.

C. New equipment structures and buildings shall meet all applicable requirements of the East Lyme Zoning Regulations.

D. The Zoning Commission may require independent engineering or technical review of submitted materials at the applicant's expense.

31.4.2 Wireless telecommunication facilities in a Commercial Zone where the existing topography, vegetation, building or other structures provide appropriate buffering:

A. All attempts shall be made to co-locate the antennae on existing towers, buildings and structures.

B. Equipment structures and sheds shall meet all applicable requirements of the East Lyme Zoning Regulations.

C. All attempts shall be made to mitigate adverse impacts on surrounding residential areas.

31.4.3 Wireless telecommunication facilities in a residential zone

A. All attempts shall be made to co-locate the antennae on existing towers, buildings or structures outside of residential areas. The application shall be accompanied by documentation prepared by a radio engineer that no other existing or planned tower or structure can accommodate the applicant's antennae. All structures existing within ¼ mile radius of the proposed site, documentation shall be provided that the owners of these locations have been contacted and have denied permission to install the antennae on these structures for other than economic reasons.

B. Equipment structures and sheds shall meet all applicable requirements of the East Lyme Zoning Regulations.

31.5 PLACEMENT STANDARDS FOR WIRELESS TELECOMMUNICATIONS

31.5.1 Wireless communications may be located as specified below provided the following standards are met:

A. No change is made to the height of a building.

B. Panel antennae shall be of the smallest dimensions necessary and documentation shall be provided confirming this. Dish antennae shall not exceed 36 inches in diameter.

C. Equipment structures and sheds shall meet all applicable requirements of the East Lyme Zoning Regulations.

D. Facilities shall be of a material or color matching the exterior of the building and shall blend into the existing architecture to the extent possible.

E. Façade mounted antennae shall not protrude above the building structure and shall not project more than 3 feet beyond the wall or façade.

F. Roof mounted antennae shall not exceed the highest point of the rooftop by more than 10 feet.

G. Roof mounted antennae shall be set back from the front or side roof edge a minimum of 10 feet or 10 percent of the roof width, whichever is greater.

31.5.2 Wireless Communication facilities where the antennae is mounted on existing utility poles, steeples, clock or bell towers, chimneys, silos, windmills and water towers, provided the following standards are met:

A. No change is made to the height of the building or structure.

B. Panel antennae shall be of the smallest dimensions necessary and documentation shall be provided confirming this. Dish antennae shall not exceed 36 inches in diameter. Whip antennae shall not exceed 25 feet in length and shall not exceed the height of the existing structure unless the Zoning Commission determines that it would be appropriate due to the nature of the structure and its location.

C. Equipment structures and sheds shall meet all applicable requirements of the East Lyme Zoning Regulations.

D. Facilities shall be of a material or color matching the exterior of the building and shall blend into existing architecture to the extent possible.

31.5.3 Wireless telecommunication facilities where the antennae is mounted on an existing residential structure:

A. Every effort shall be made to minimize the visual impact of telecommunication equipment on residential structures including the use of Radio Frequency screening materials.

B. Shall meet the requirements of Section 31.5.2 of these Regulations.

31.6 ACCESSORY FACILITIES, BUILDINGS AND STRUCTURES

All accessory facilities, buildings and structures associated with wireless telecommunication facilities shall comply with the following:

31.6.1 Within Residential Zones, the accessory building shall be as small as possible and shall have a roofline characteristic of other buildings in the vicinity. Only one building per facility is allowed in Residential Zones.

31.6.2 Each building shall comply with setback requirements, as well as other applicable zoning requirements for accessory buildings for the Zoning district in which it is located.

31.6.3 If located on the roof of a building, it shall be designed to blend with the color and design of the building to the closest extent possible.

31.6.4 All ground level buildings, boxes or structures shall be surrounded by a six-foot fence of materials appropriate to the zone. All landscaping shall be maintained.

31.7 SITE PLAN REQUIREMENTS

A full site plan review shall be required of all applications for a telecommunication facility pursuant to Section 24 of the East Lyme Zoning Regulations. In addition, a State of Connecticut licensed engineer must submit all plans. The following information shall be submitted for each application where applicable. The Zoning Commission may require independent engineering or technical review of submitted materials at the applicant's expense.

A. A map indicating the extent of the provider's existing and planned coverage within the Town of East Lyme and a map indicating the search radius for the proposed wireless telecommunications site, identifying the

location of potential site locations on existing structures within one mile of the proposed site.

B. A report from the applicant indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system and why at least one alternate site within one mile is not suitable.

C. A scaled plan and elevation drawing showing where and how the proposed antennae and mounting supports will be affixed to a particular building or structure.

D. A detailed list of all antennae and mounting supports indicating size and color.

E. Elevations of all proposed visual screening and fencing and details of materials including color.

F. Elevations of all proposed equipment buildings, enclosures and structures.

G. Design plans and tower base elevation showing height and fall circles of all towers.

H. A description of the tower capacity, including the number and type of antennae it can accommodate as well as the proposed location of all mounting positions for co-located antennae and minimum separating distances.

I. A signed statement from the licensed radio engineer indicating that the proposed wireless telecommunications facility will comply with FCC radio frequency emission standards and will be operated in accordance with the owner's Federal Communications Commission license and Federal Aviation Administration requirements.

J. All proposed landscaping with a list of all materials.

K. Proposed access to the site.

L. Proximity of the site to residential structures.

M. Nature of uses on adjacent and nearby properties.

N. Surrounding topography with 1,000 feet at contour intervals not exceeding 10 feet.

O. Design of the tower with particular references to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

P. A visual analysis showing all areas from which the tower would be visible and, if requested by the Zoning Commission, a simulation of the proposed site in order to help the Zoning Commission determine the visual impacts associated with the proposal. This visual analysis should include a simulation (using balloon or computer generated landscape view from each octant of the compass) of the tower's appearance during the winter months from the furthest extent of the tower's visibility from the perimeter of the Town of East Lyme.

Q. The Zoning Commission reserves the right to make its own assessment of visual impact of any tower or structure and further identify any additional sight lines.

31.8 APPLICATION REVIEW STANDARDS

In addition to other appropriate review standards found in these regulations, the Zoning Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

A. Detailed analysis of alternative sites, structures, antennae and access as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 31.3 of the Regulations.

B. Detailed propagation and antennae separation analysis relative to tower height.

C. Tower sharing or co-location to facilitate the telecommunication needs of municipalities, emergency services, and other entities in order to reduce the need to construct additional towers. The Zoning Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the State of Connecticut General Statutes to achieve tower sharing.

D. Assessment of tower structure type.

E. Design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on surrounding areas.

F. If located on a property of important historic and/or architectural character consideration shall be made of the preservation of such character.

G. Future use or re-use of the site, with provisions for facility removal and site restoration if the towers or antennae are no longer used.

SECTION 32

AFFORDABLE HOUSING DISTRICT

32.1 GENERAL DESCRIPTION AND PURPOSE: A district designed to provide for, encourage and accommodate affordable housing, as defined by the Connecticut General Statutes Section 8-39a and Section 8-30g, *et seq*.

32.2 DESIGNATION OF AFFORDABLE HOUSING DISTRICT: An Affordable Housing District (AHD) may be proposed for and located on parcels of land, or combinations of adjacent parcels of land, containing at least ten (10) acres.

32.3 PERMITTED USES: The following uses of buildings and/or land and no others shall be permitted subject to site plan approval in accordance with Section 24:

32.3.1 An affordable housing development, as defined in Connecticut General Statutes Section 8-30g. The development may consist of single-family or multi-family dwellings arranged on single or multiple lots within the District.

32.3.2 Accessory uses customarily incidental to the above permitted uses.

32.4 DIMENSIONAL AND BULK REGULATIONS

32.4.1 LOT SIZE: Lots for single-family dwellings shall contain no less than ten thousand (10,000 square feet). Lots for multi-family dwellings shall contain no less than ten (10) acres.

32.4.2 HEIGHT: The maximum height of single-family detached dwellings shall be thirty (30) feet.

32.4.3 MULTI-FAMILY UNIT DENSITY: The maximum number of multi-family dwelling units permitted on any lot shall be as follows:

1 bedroom:	5,445 square feet / unit (8 units / acre)
2 bedrooms:	7,260 square feet / unit (6 units / acre)
3 or more bedrooms:	8,712 square feet / unit (5 units / acre)

On lots to which public sewer and water facilities are not available, the maximum density of multi-family dwelling units shall be one unit per ten thousand (10,000) square feet of land.

32.4.4 FRONTAGE: Each lot and/or land area shall have not less than fifty (50) feet frontage.

32.4.5 SETBACKS: No new building or structure shall be placed less than one hundred fifty (150) feet from the street line or less than one hundred (100) feet from the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses.

32.4.6 BUFFERS: A suitable landscaped buffer strip not less than one hundred (100) feet wide shall be provided along the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the

Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.

32.4.7 BUFFER AREA: There shall be provided a landscaped side or rear yard buffer area of at least one hundred (100) feet in width adjacent to the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet.

32.4.8 GROUPING: The minimum distance between any two (2) structures shall be twenty-four (24) feet, unless the Commission finds that the design of the proposed development would be benefited by closer spacing.

32.4.9 YARDS

Front Yard:	25 feet
Side Yard:	25 feet
Rear Yard:	50 feet

32.4.10 LOT COVERAGE: The total lot coverage of all buildings and structures on any lot shall not be greater than thirty (30) percent of the lot area.

32.4.11 TIDAL WETLANDS: A 150’ non-disturbed buffer shall be required from tidal wetlands and watercourses.

32.5 OFF-STREET PARKING: Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 22 of these regulations. Spaces within garages shall count towards the required minimum number of spaces.

32.6 OPEN SPACE: For any affordable housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips required pursuant to Section 32.4.6 shall be included in the computation of open space.

32.7 AFFORDABLE HOUSING RESTRICTIONS

Prior to the issuance of any building permit for a development approved pursuant to this Article, there shall be recorded in the East Lyme land records a document entitled "Affordable Housing Development Restrictions," executed by the owner of the AHD; dated, witnessed, and acknowledged in the manner required for deeds; containing a real estate description of the AHD and containing substantially the following language in accordance with General Statutes Section 8-30g *et seq.*:

> Not less than thirty (30) percent of the dwelling units of a development in the AHD will be conveyed by deeds containing covenants or restrictions ("deed restrictions") which shall require that such dwelling units shall be

sold or rented at or below prices which will preserve the units as housing for which persons pay thirty (30) percent or less of their annual income, where such income is less than or equal to eighty (80) percent of the median income. Such restrictions shall remain in force for at least forty (40) years after the initial occupation of the proposed development.

Within the AHD herein described, not less than fifteen (15) percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty (60) percent of the median income. The remainder of the dwelling units conveyed subject to the deed restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty (80) percent of the median income.

"Median income" means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which East Lyme is located, as determined by the United States Department of Housing and Urban Development.

32.7.1 The owner of the land and buildings within the AHD may, during such forty (40) year period, change the designation of which units within the AHD shall be maintained as affordable, provided that the minimum thirty (30) percent set aside shall be maintained, and the AHD as a whole shall continue to comply with the provisions of these restrictions.

32.7.2 These restrictions may be enforced by the applicant or by the East Lyme Zoning Official or the East Lyme Housing Authority, or any other suitable town agency selected by its Board of Selectmen.

32.8. PHASED APPROVAL: The applicant may request an approval of the development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five (5) acres. Each stage shall be capable of independent existence without the completion of succeeding stages. Buffer requirements shall not apply to the common line between stages of development. Each phase must contain the required percentage of affordable units.

32.9 GENERAL PROVISIONS

An application for designation as an AHD may be initiated in three ways: (i) a conceptual site plan in accordance with General Statutes Section 8-30g; or (ii) an application for approval of a Preliminary Site Plan ("PSP"); or (iii) an application for approval of a Final Site Plan ("FSP"). The Commission shall have the discretion to hold a public hearing on an application for approval of a PSP and/or on an application for approval of a FSP. An application for designation as an AHD cannot be approved without an approved FSP.

32.9.1 PRELIMINARY SITE PLAN: The purpose of a PSP is to require the submission to the Zoning Commission of information sufficient to allow it to evaluate a development plan for under the standard of §8-30g, and to allow an applicant to defer, until approval is granted, completion of details and specifications that will define what is to be built but are not essential to §8-30g analysis. Therefore, a PSP

submitted with an application to rezone an eligible parcel or parcels of land as an AHD shall contain the following:

A. An A-2 property line survey.

B. Topographical contours at ten (10) foot intervals.

C. Location of wetlands, watercourses, and slopes in excess of twenty-five (25) percent.

D. General layout of all proposed buildings and structures.

E. Areas proposed for open space and/or recreational purposes.

F. Sewage disposal and water supply locations and system**,** ownership, operation, and maintenance**.**

G. Preliminary storm water management plan;

H. Coastal zone resources information.

I. Traffic impact statement or report.

J. Preliminary design plans for all proposed buildings and structures.

K. A table showing the number of units and number of bedrooms for each unit.

L. An Affordability Plan containing all of the documents and information required by General Statutes Section 8-30g.

M. A list of all coordinate permits and approvals needed by the applicant before beginning construction

N. Soil types from the New London County Soil Survey**.**

O. A statement describing any impact on public health and safety, including emergency services.

32.9.2 FINAL SITE PLAN: An application for FSP approval shall contain all of the information required for a PSP, as well as any additional information that may be required for site plan applications under Section 24 of these Regulations. An application for FSP approval shall also demonstrate that (a) public water and sewer can serve the entire development, or (b) community septic and water can serve the entire development, or (c) a combination of public and onsite or community water and waste disposal can serve the entire development.

32.9.3 DECISIONS ON SITE PLAN APPLICATIONS: If the applicant submits an application for approval of a PSP in connection with an application for designation of an AHD, the Commission shall either approve, approve with modifications, or deny said PSP at the time it acts on the proposed AHD designation. If the PSP is approved, or approved with modifications, the applicant shall file an application for approval of an FSP, which application shall include all information required under Section 24 of these Regulations for a site plan application. If the FSP conforms to the PSP as approved, and includes all information required by section 24 of these Regulations, the

Commission shall approve the FSP. If the applicant submits an application for approval of an FSP in connection with an application for designation of an AHD without having first obtained PSP approval, the Commission shall either approve, approve with modifications, or deny said FSP at the time it acts on the proposed AHD designation.

SECTION 33

INCENTIVE HOUSING ZONE

33.1 PURPOSE:

The Incentive Housing Zone is intended to:

a. Encourage a range of affordable housing types.
b. Permit mixed-use development sensitive to neighborhood character.
c. Enable infill development and the adaptive reuse of vacant or underutilized properties.

33.2 AUTHORITY:

The Incentive Housing Zone is adopted under the provisions of Sections 8-13m through 8-13x of the Connecticut General Statutes.

33.3 DESIGNATION OF INCENTIVE HOUSING ZONE:

The Incentive Housing Zone shall be an overlay zoning district subject to the provisions and requirements contained in Sections 8-13m through 8-13x of the Connecticut General Statutes and within the Zoning Regulations of the Town of East Lyme. The Incentive Housing Zone shall consist of four subzones designated as follows:

– Midway;

– Niantic Village, three sites.

The location and extent of each subzone is defined on the zoning map of the Town of East Lyme. The Zoning Commission may, at a future date, consider reducing or adding to the number of subzones.

33.4 APPLICABILITY:

Where the general provisions of the Zoning Regulations of the Town of East Lyme conflict with the specific provisions of Section 33, Incentive Housing Zone, the permitted uses, requirements, and standards contained in Section 33 shall apply.

33.5 DEFINITIONS:

Following are definitions of terms related specifically to the Incentive Housing Zone. Reference should be made to Section 1 of the Zoning Regulations of the Town of East Lyme for definitions of other terms.

33.5.1 AFFORDABLE HOUSING – Housing that may be purchased or rented by households earning no more than eighty percent (80%) of the area's median household income, as determined and reported by the U.S Department of Housing and Urban Development, and using no more than thirty percent (30%) of their annual income for housing costs.

33.5.2 DEVELOPABLE LAND – The area within the boundaries of an approved Incentive Housing Zone that feasibly can be developed into residential or mixed uses consistent with the provisions of Sections 8-13m through 8-

13x of the Connecticut General Statutes. Excluded from the area classified as developable land are the following:

A. land already committed to a public use or purpose, whether publicly or privately owned;

B. existing parks, recreation areas and open space dedicated to the public or subject to a recorded conservation easement;

C. land otherwise subject to an enforceable restriction on or prohibition of development;

D. wetlands or water courses as defined in Chapter 440 of the Connecticut General Statutes;

E. areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

33.5.3 DWELLING TYPES

A. Single-family dwelling – A detached building designed for or occupied by one family.

B. Duplex (two-family dwelling) – A detached building designed for or occupied by two families.

C. Townhouse – A residential building consisting of three or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides.

D. Mixed-use dwelling – A building dedicated principally to a permitted non-residential use that also contains residential units.

E. Multiple-family dwelling – A building designed for or occupied by three or more families living independently.

33.5.4 ELIGIBLE HOUSEHOLD – A household whose annual income is at or below eighty percent (80%) of the area median income, as determined and reported by the U.S. Department of Housing and Urban Development.

33.5.5 INCENTIVE HOUSING DEVELOPMENT – A residential and mixed-use development located in an Incentive Housing Zone approved in accordance with Section 33 of these regulations.

33.5.6 INCENTIVE HOUSING ZONE – A zone, or a series of subzones, adopted by the Zoning Commission pursuant to Sections 8-13m through 8-13x of the Connecticut General Statutes as an overlay to one or more existing zoning districts under the Zoning Regulations of the Town of East Lyme, and situated in an eligible location.

33.5.7 INCENTIVE HOUSING ZONE CERTIFICATE – A written certificate issued by the Secretary of the Connecticut Office of Policy and Management in accordance with Sections 8-13m through 8-13x of the Connecticut General Statutes.

33.5.8 INCENTIVE HOUSING RESTRICTION – A deed restriction, covenant or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Sections 8-13m through 8-13x of the Connecticut General Statutes, as amended, and Section 33 of the Town of East Lyme Zoning Regulations.

33.5.9 INCENTIVE HOUSING UNIT – A dwelling unit within an Incentive Housing Development that is subject to incentive housing restrictions.

33.5.10 MIXED-USE DEVELOPMENT – A development consisting of one or more multi-family or single-family dwelling units and one or more commercial, public, institutional, retail or office uses.

33.6 PERMITTED USES:

Subject to approval by the Zoning Commission of a site plan for any proposed incentive housing development, the following uses shall be permitted within all subzones of the Incentive Housing Zone.

A. Single-family detached dwellings;

B. Duplex (two-family) dwellings;

C. Townhouses;

D. Multi-family dwellings.

33.7 MIXED-USE DEVELOPMENT:

Mixed-use development shall be required within Incentive Housing Zones.

Non-residential uses permitted as-of-right or by approved site plan in the underlying zoning district of any Incentive Housing Subzone shall be permitted, subject to the determination by the Zoning Commission that such uses are compatible with the character of the neighborhood. Additionally, other non-residential uses, as allowed in the underlying zone, shall be permitted.

The Commission may allow by an approved site plan uses otherwise permitted by right or by site plan in the underlying zoning district, provided that the minimum residential densities are met for the total incentive housing development. Bulk requirements for stand-alone non-residential uses in an incentive housing development shall be in accordance with the requirements of the underlying zoning district. The first floor shall be limited to non-residential uses.

33.8 LOCATION:

33.8.1 DEVELOPMENT ON NON-CONTIGUOUS PARCELS – The dwelling units within an incentive housing development need not be located on contiguous parcels but shall be identified within a single integrated development plan. This requirement shall apply even if the incentive housing development is to be constructed in phases.

33.8.2 SUBDIVISION APPROVAL – Different housing types within an incentive housing development may be located on the same lot or on different lots. If lots are to be subdivided, the approval of an incentive

housing development is subject to prior subdivision approval by the East Lyme Planning Commission.

If the Zoning Commission adopts a regulation for an Incentive Housing Zone that permits single-family detached homes on subdivided lots, requiring subdivision approval under the Subdivision Regulations of the Town of East Lyme, the Zoning Commission shall make a written finding that the applicability of such Subdivision Regulations shall not unreasonably impair the economic or physical feasibility of constructing housing at minimum densities and subject to an incentive housing restriction as required by Sections 8-13m through 8-13x of the Connecticut General Statutes.

If housing on subdivided lots is proposed in an Incentive Housing Zone, the Zoning Commission shall use its best efforts to encourage the Planning Commission to adopt subdivision standards that will ensure consistency of the single-family detached housing with the purposes of Sections 8-13m through 8-13x of the Connecticut General Statutes.

33.9 DIMENSIONAL REQUIREMENTS:

33.9.1 GENERAL – As provided in Sections 8-13m through 8-13x of the Connecticut General Statutes, the Zoning Commission may modify, waive or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing Zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to: building height, setbacks, lot coverage, parking ratios and road design standards.

If an incentive housing development is to be developed in phases, each phase shall comply with the minimum residential densities and the incentive housing restrictions set forth in this subsection.

33.9.2 MIMINUM DENSITY – The following densities for incentive housing development shall be based on developable land, as defined in Section 8-13m(3) of the Connecticut General Statutes and Subsection 33.5.2 of the Zoning Regulations of the Town of East Lyme.

The minimum allowable density for incentive housing development, per acre of developable land, shall be:

A. six (6) units per acre for single-family detached housing;

B. ten (10) units per acre for duplex or townhouse housing;

C. twenty (20) units per acre for multi-family housing.

The town may request a waiver of the above density requirements of this subsection, as authorized in Section 8-13n(3) of the Connecticut General Statutes, and the Secretary of the Office of Policy and Management may grant a waiver, if the town demonstrates in the application that the land to be zoned for incentive housing development is owned or controlled by the town itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. In such case, one hundred percent (100%) of the proposed residential units will be subject to an

incentive housing restriction, and the proposed Incentive Housing Zone will otherwise satisfy the requirements of Sections 8-13m through 8-13x of the Connecticut General Statutes and Section 33 of the Zoning Regulations of the Town of East Lyme.

33.9.3 FRONTAGE – Each lot shall have not less than 50 feet of frontage on an approved street.

33.9.4 MINIMUM LOT WIDTH ALONG BUILDING LINE – The width of each lot at the building line shall not be less than 50 feet unless a lesser width is permitted in the underlying district.

33.9.5 COVERAGE, SETBACK, AND HEIGHT – The provisions of the underlying zone shall determine the coverage, setback, and height requirements within an Incentive Housing Zone

33.9.6 MODIFICATIONS, WAIVERS OR DELETIONS – In accordance with Section 8-13n(7)(c) of the Connecticut General Statutes, the Zoning Commission may, on a case-by-case basis, modify, waive or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing Zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

33.10 ARCHITECTURAL DESIGN:

No site plan required under these Regulations shall be approved nor shall any structure be constructed or exterior renovations or substantial improvement to an existing structure in the Incentive Housing Zone be permitted until the Zoning Commission has determined that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character; protects property values in the neighborhood, and preserves and enhances the beauty of the community, its historical integrity and architecture. The applicant shall provide adequate information to enable the Commission to make that determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, roof lines, door and window details, exterior building materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life of adjoining properties and throughout the Incentive Housing Zone. Design review requirements shall apply to all structures, exterior renovations, and substantial improvements within the Incentive Housing Zone.

33.11 OPEN SPACE:

Where deemed necessary and desirable, the Zoning Commission may require the

provision of reserved open space in any incentive housing development. Land so reserved shall be of such size, location, shape, topography and general character as to satisfy the need for open space as determined by the Commission.

Open space reserved under this regulation may be used to protect natural resources, to enhance neighborhood character, to preserve or enhance historical or cultural resources or to provide both active or passive recreational opportunities.

Where the Commission has determined the desirability of open space reservation within an incentive housing development, such reservation, typically, shall not exceed ten percent (10%) of the total land area of such development and, typically, shall contain not less than one acre of contiguous land, as determined by the Zoning Commission.

Open space reserved under this regulation shall be permanently reserved for the intended use(s) by means acceptable to the Commission.

33.12 INCENTIVE HOUSING RESTRICTION:

33.12.1 PRIVATE APPLICANT FOR INCENTIVE HOUSING

DEVELOPMENT – In the case of an incentive housing development proposed by a private applicant, at least twenty percent (20%) of the dwelling units shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at or below prices that will preserve the units for housing for which persons pay thirty percent (30%) or less of their annual income, where that income is less than or equal to eighty percent (80%) of the area median household income, as determined by the U.S. Department of Housing and Urban Development. In determining compliance with this subsection, the Zoning Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any other successor agency designated in accordance with Sections 8-13m – 8-13x of the Connecticut General Statutes.

33.12.2 PUBLIC APPLICANT FOR INCENTIVE HOUSING

DEVELOPMENT – In the case of an incentive housing development proposed by a public applicant, one hundred percent (100%) of the dwelling units shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at or below prices that will preserve the units for housing for which persons pay thirty percent (30%) or less of their annual income, where that income is less than or equal to eighty percent (80%) of the area median household income, as determined by the U.S. Department of Housing and Urban Development. In determining compliance with this subsection, the Zoning Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any

other successor agency designated in accordance with Sections 8-13m – 8-13x of the Connecticut General Statutes.

33.12.3 SUBMISSION OF AFFORDABILITY PLAN – Each applicant for an incentive housing development shall provide an affordability plan that details the administration, monitoring and enforcement of the dwelling units to be rented or conveyed under the requirements set forth in Sections 33.12.1 and 33.12.2 of these regulations. The affordability plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and such other information as the Zoning Commission may require to establish compliance with Section 33 of the Zoning Regulations of East Lyme and Sections 8-13m – 8-13x of the Connecticut General Statutes.

33.12.4 DESIGNATION OF ADMINISTERING AGENCY – The applicant shall identify the name, address and other contact information for the agency that will administer the sale or rental of dwelling units that are subject to the below-market sale or rental under Section 33 of the Zoning Regulations of the Town of East Lyme.

33.13 METHODS OF OWNERSHIP:

33.13.1 DWELLING UNITS – Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation of the management, organization and incorporation of applicable ownership associations shall be submitted at the time an application for an incentive housing development is filed with the Zoning Commission.

33.13.2 OPEN SPACE – All open space or supporting facilities and systems shall be in compliance with applicable law and provide for maintenance, liability, financing, and the rights of access and use by residents of the incentive housing development. Open space areas shall be permanently reserved for the dedicated use(s) by means acceptable to and approved by the Zoning Commission. The permanent reservation of open space may be achieved through, but is not limited to, the following:

A. deeded to the Town of East Lyme;

B. deeded to a non-profit organization acceptable to the Commission;

C. held in corporate ownership by owners of the lots within the

D. development;

E. perpetual easement.

33.13.3 CONDITIONS OF OPEN SPACE CONVEYANCE – Title to the open space shall be unencumbered and shall be transferred at a time approved by the Zoning Commission. Such transfer shall occur not

later than the time at which title to the streets in the incentive housing development is accepted by the Town of East Lyme.

33.13.4 DEED GUARANTEE – Regardless of the method employed, the

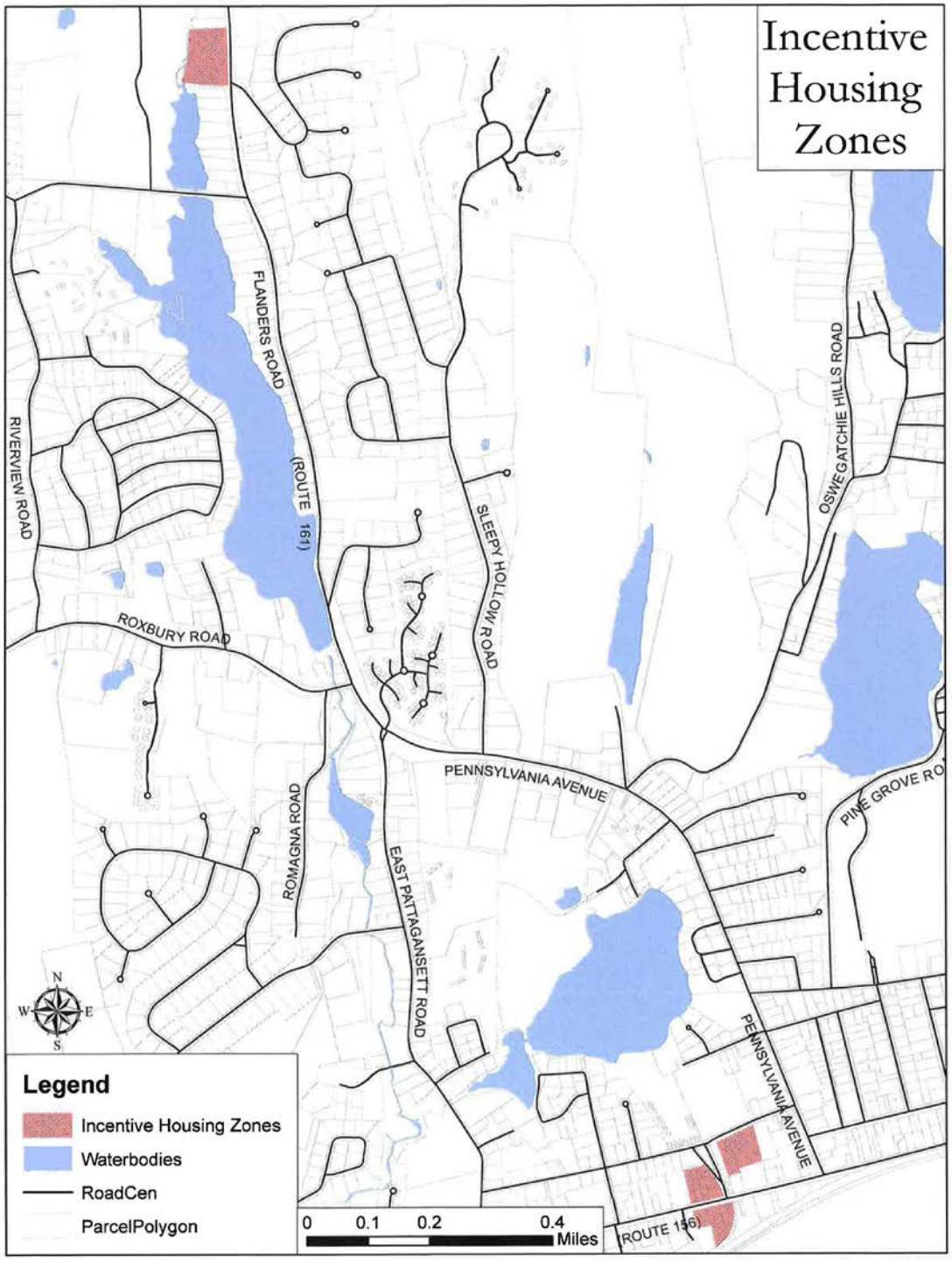
instrument of the open space conveyance must include provisions acceptable to the Zoning Commission and its legal counsel for guaranteeing the following:

A. Continuity of proper maintenance for those portions of the common open space land and facilities requiring maintenance.

B. When appropriate, the availability of funds required for such maintenance.

C. Recovery of loss sustained by casualty, condemnation or otherwise.

33.14 INCENTIVE HOUSING APPLICATION FEES – In addition to any fees required under the Zoning Regulations of the Town of East Lyme, the Zoning Commission, in accordance with Section 8-13t of the Connecticut General Statutes, may require the applicant for an incentive housing development approval to pay for the cost of reasonable consulting fees for the peer review of the technical aspects of the application for the benefit of the Zoning Commission.


Incentive Housing Zones
FLANDERS ROAD
(ROUTE 161)
RIVERVIEW ROAD
ROXBURY ROAD
SLEEPY HOLLOW ROAD
OSWEGATCHIE HILLS ROAD
PENNSYLVANIA AVENUE
PINE GROVE RO
ROMAGNA ROAD
EAST PATTAGANSETT ROAD
PENNSYLVANIA AVENUE
(ROUTE 156)
N
S
E
W
Legend
Incentive Housing Zones
Waterbodies
RoadCen
ParcelPolygon
0 0.1 0.2 0.4
Miles

APPENDIX B

ARCHITECTURAL DESIGN REVIEW GUIDELINES CB COMMERCIAL ZONE NIANTIC VILLAGE

Introduction

Niantic is a traditional New England Village within the Community of East Lyme with unique qualities and a strong sense of place. It has small and cohesive neighborhoods; a vibrant main street; extensive waterfront with marinas, beaches and a public walkway which promotes extensive pedestrian access along Niantic Bay. The village center has historically functioned as the social, civic and commercial center of the community.

These characteristics in themselves constitute a sense of place which contributes to the high quality of livability of the village. A physically and aesthetically enhanced village also typically results in increased property values. These values ultimately reflect on the degree of a place's desirability.

Purpose

The purpose of these Architectural Guidelines is to provide a framework for design that draws inspiration from the traditions of Niantic and similarly situated New England Seacoast communities. They promote safe, functional and attractive development of the village district, enhance the public experience, and grow and protect the commercial property values by beautifying the communities' appearance. These design standards establish guidelines for new or renovated commercial buildings that will preserve and augment the New England Character of the Niantic Village.

Architectural Design

Design: New buildings and renovations should be designed to fit the specific characteristics of their particular site. The architecture should be influenced by traditional New England building forms and town making patterns, the specific needs of the intended users, the nature of the intended use and other site specific factors. All buildings shall follow fundamental architectural principles of scale, massing and appropriate detail, and special attention will be paid to the essential elements of building design. These elements include, but are not limited to: foundations; windows, doors and shutters; porches, stoops, entries and railings; siding and trim; roofs and dormers; and appurtenances such as: chimneys, gutters and downspouts, columns, vents, exterior lighting and building identification.

The overall architectural character of any proposed building design should be in harmony with the neighborhood in which such activity is taking place, or accomplish as a transition in character between areas of unlike character, protects property values in the neighborhood and preserves and enhances the beauty of the community, its integrity and architecture.

Human Scale

Buildings and site elements should be designed to human scale. The forms, massing and openings of buildings should be proportional to the size of a human figure. Many architectural elements can add scale to a building – watertables, planters, recessed openings, divided pane windows, building mounted light fixtures, dormers, cupolas, projecting rooflines, covered walkways, colonnades, and similar features – provided they are designed as integral parts of the overall structure.

Freestanding Accessory Structures

Where freestanding non-habitable structures are allowed (e.g., ATMs, garages, service stations, canopies, storage units, recycling sheds, trash enclosures, cart corrals, utility buildings) they should meet the same design standards as the principal building through repetition of architectural forms, materials, colors and detailing.

Guide Line Criteria The following criteria should be considered in all the designs. Designs should be in keeping with the architectural fabric of the CB zone and Niantic Village.

Design Guidelines

Design, Massing, Scale & Proportions

Building design should incorporate features that add *visual interest* to the building while reducing the appearance of bulk or mass. Buildings should avoid long, monotonous, uninterrupted walls or roofs on their visible facades. They also should avoid long expanses of repetitive architectural elements. Whether symmetrical or asymmetrical, the buildings' facades should be *balanced in their composition*.

A good example of an active commercial block- visually, interesting, balanced, modest in scale with many architectural elements.

With the objective of maintaining a small-town character, buildings should appear to be *modest in scale*, relating to the scale of the immediate surroundings. The massing of larger commercial buildings should be deemphasized by the use of projecting and recessed sections, to reduce their apparent overall bulk.

An example of a balanced and well-proportioned building.

The mass of buildings can be reduced by further introducing small-scale architectural features. The use of shutters, columns, and chimneys on building elevations and similar features help to establish a human scale at the street level.

Architectural Style and Detail

Buildings may be either traditional in their architectural character or a contemporary expression of traditional styles and forms

Visually interesting roof of a commercial building.

Buildings should articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other architectural features. The cornice and/or parapet is an area where architectural detail and materials are important, as they can add distinctiveness and visual emphasis to a building, but they should be consistent with the body of the design in scale and detail.

The use of special architectural elements, such as but not limited to towers & turrets, muntins & window shutters, chimneys and dormers etc., is encouraged at major street corners to accent structures and provide visual interest.

Visually appealing façade in the Greek revival architectural style.

Cupola.

Storefront

Well-designed storefronts add vitality to the streetscape, encouraging pedestrian as well as vehicular traffic. Retail storefronts should make generous use of glass, face the street or sidewalk and not be obstructed by piers or other features that block view of the display windows. Carefully designed awnings coupled with appropriately scaled signage and lighting will further enhance the storefront's appearance.

Roof Types

It is characteristic of traditional New England architecture that smaller-scaled structures have roofs that are *sloped* and *articulated* with dormers, chimneys, gables, cupolas, fascias etc.

Larger structures likewise can benefit from similar treatment that breaks up the massing into appropriately scaled elements. Avoid large flat-roofed areas, or conceal them behind parapets or sections of sloped roof.

Vertically-aligned windows and entrances.

Windows

Fenestration (arrangement of windows on the wall) should be architecturally related to the style, materials, colors, and details of the building. Windows and door openings should be proportioned so that verticals dominate horizontals. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

Upper stories should incorporate window patterns and designs that are compatible with and complimentary to existing upper-story window patterns on the block.

First-floor window and display design should create a feeling of *transparency* on the ground floor of the building. This contributes to a sense of safety and is welcoming to pedestrians. The viewing zone of the first floor façade should be made up of approximately 75% transparent non-reflective glass. Window displays are encouraged, but visibility into the building from the sidewalk should be maintained.

Window with muntins. *Window with shutters.*

With the exception of retail storefronts, modestly scaled, vertically proportioned windows articulated with *muntins* (dividers of panes of glass) are most appropriate to the local building vernacular. *Shutters* are also an enhancement.

Entrances

Greek revival entrance.

Architectural detail should be incorporated into the ground-floor façade to create an easily identifiable and welcoming entrance. As one of the most important parts of the facade, the main entrance should be easily identifiable. Doors and entryways should follow a traditional storefront design (usually recessed) and should be compatible with the architectural style of the structure. The entrances should also address the primary street or pedestrian pathway.

Victorian era entrance.

When rear parking is provided, the provision of secondary *rear entrances* and pleasing rear facades is strongly encouraged. The design of the rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront.

er building with attractive entrances and windows facing both major streets.

Where a new building is to be located on a *corner*, each side visible from a street should be considered a primary storefront façade and incorporate these fenestration patterns, unless doing so would unduly obtrude into a primarily residential street.

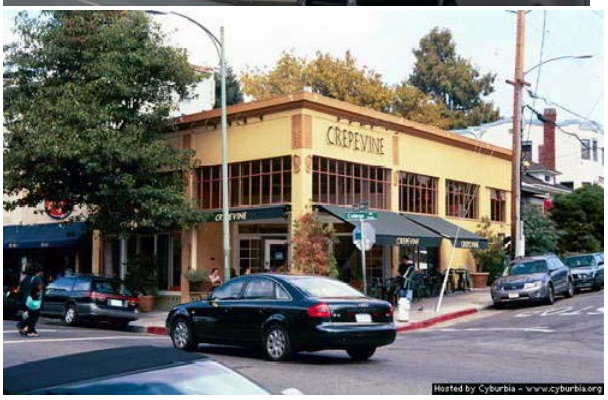
Materials and Colors

The town strongly prefers authentic natural materials such as *wood, brick, and stone* for the exterior of structures and landscape features. Construct windows, storefronts and public doorways of wood where possible. Synthetic materials should be as close in appearance and detail to the natural material it simulates.

All sides of the building should use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully designed with similar detailing, comparable quality, and compatible materials.

Awnings

Awnings that are functional for shade and shelter are encouraged. These awnings should be made of canvas or a canvas-like material should fit the shape and scale of the window or door they are sheltering, and should be designed to be compatible with and complimentary to building signage and design. Awnings should break at the vertical divisions of the structure (i.e., the break between the display windows and the entrance).



The color and pattern of awnings affect the entire building and therefore should be carefully chosen. A facade with minimal architectural detailing can be enhanced with bright colors and patterns, while a more decorated facade may be complemented with a plain, subtle shade. The shape of awnings should be designed to fit the building's architecture and relate to other awnings that exist along the street. Traditional retractable awning styles are encouraged.

Other Elements That Add to New England Heritage:

Shade Trees

Trees are an important element of landscape design. The inclusion of shade trees in site design is encouraged. Shade trees provide an aesthetic value as well as a functional purpose to Niantic village. Shade trees are large deciduous trees with spreading canopies, with the most popular being oaks, maples, ashes, elms, and lindens. In addition to aesthetic qualities and commercial appeal of these trees, they also have more practical benefits such as reducing heating and cooling costs, reducing heat reflected from paved areas, converting carbon dioxide to oxygen, helping prevent soil erosion, increasing property value and much more. Therefore, preservation and protection of old shade trees as well as planting new ones is strongly encouraged.

Plantings/Landscaping

Thoughtfully designed landscaping appropriate to the context of a small New England town should include the careful use of stone walls, wood fencing, paving materials and plantings. These features can tie a structure to its landscape, define spaces and make for a pleasant pedestrian experience. Preserve mature plantings, stone walls and other historic features where possible and minimize modifications to the natural topography of the site.

Lighting

The exterior lighting scheme is important to the success of a storefront design. Lighting that highlights the sign and display area is often more effective than general lighting of the entire store. When a larger building has a number of storefronts, exterior lighting should be coordinated. Energy efficient lighting is also encouraged. East Lyme encourages energy conservation through the use of energy efficient bulbs and the elimination of extraneous light that can spill offsite or cause glare. Select pedestrian-scaled light fixtures appropriate to building type and location. Avoid the use of floodlighting, wall packs, and tall light posts intended for lighting large areas.

Signage

In buildings with multiple storefronts, a coordinated approach to signage throughout the building is particularly important. Use signs of similar size, proportion, and materials on each store. Varying the color of individual signs can add variety.

Signage should be appropriately scaled to the building or surface onto which it is placed, should not obscure important architectural features. East Lyme has comprehensive signage regulations (see Section 18 of the Zoning Regulations), which provide further detailed requirements.

In addition to all other requirements of the Zoning Regulations, the applicant for all buildings or structures and subject to these guidelines, should submit scaled elevation drawings of the proposed structures for a design review. The scale of such drawings should not be smaller than one-eighth inch equals one foot (1/8”=1’-0”). The drawings should locate and identify exterior materials, fixtures, roof pitch, and building or structure height and include dimensions and architectural characteristics.

Pictured below are examples of types of Architecture that are discouraged.

Modification

Substantial changes to the proposal after approval should be reviewed by the commission if the application was a special permit or formal site plan approved by the commission. Minor changes that would not materially affect the applicant's compliance with any of the criteria may be reviewed by the Zoning Official.

Special Criteria for Exterior Renovations and Substantial Improvement of Existing Buildings:

In addition to the above criteria, exterior renovation or substantial improvement of a building or structure visible from a public street or from navigable waters should adhere to the following criteria.

The removal or alternation of any historic material or distinctive architectural features should be avoided unless the alteration is a positive improvement to the renovation. The distinguishing original qualities or character of a building or structure, its site, and its environment should not be destroyed.

All buildings, structures, and sites should be recognized as products of their own time. Renovations should generally be compatible with the existing structure or buildings on-site, but renovations that have no historical character and which seek to create an inappropriate appearance are discouraged.

Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, its site and its environment. These changes may

have acquired significance in their own right, and this significance shall be recognized and respected.

Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure, or site should be treated with sensitivity.

Deteriorated architectural features should be repaired or replaced to the extent possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities when feasible. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

Renovations and additions which destroy significant historical, architectural, or cultural characteristics are discouraged.

Designs should generally be compatible with the size, scale, material, and character of the original structure.

Whenever possible, new additions or renovations to buildings and structures should be done in such a manner that if such additions or renovations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Vocabulary

◊ **Arcade**: A range of arches supported on piers or columns attached to or detached from the wall.

◊ **Awning**: A roof-like cover extending over or in front of a storefront (as over the deck or in front of a door and/or window) as a shelter.

◊ **Bay**: A main division of a structure. A regularly repeated unit on a building elevation defined by columns, pilasters, or other vertical elements, or defined by a given number of windows or openings.

◊ **Bay window**: A window or series of windows forming a bay in a room and projecting outward from the wall.

◊ **Blank Wall**: An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

◊ **Brackets:** Ornamental pieces placed under eaves, cornices, window sills, etc., which appear to provide structural support.

◊ **Bulkhead**: A vertical partition separating compartments.

◊ **Canopy**: An ornamental projection, over a door, window, niche, etc.

◊ **Clerestory**: An outside wall of a room or building that rises above an adjoining roof and contains windows.

◊ **Column**: A supporting post--often round in shape--found on storefronts, porches, and balconies; may be fluted or smooth.

◊ **Corner block:** A square, relatively flat block of wood, often decoratively carved, placed at the upper corners on each side of the wood framing around a door.

◊ **Cornice**: The projecting uppermost portion of a wall, sometimes treated in a decorative manner with brackets.

◊ **Cupola**: A small roof tower, usually rising from the roof ridge.

◊ **Dormer**: A window set vertically in a structure projecting from a sloping roof.

◊ **Eave**: The part of the roof which extends beyond the side wall.

◊ **Façade**: The face of a building, especially the principal face.

◊ **Fascia**: Any relatively broad, flat, horizontal surface, as the outer edge of a cornice, a stringcourse, etc.

◊ **Fenestration**: The arrangement of windows and other openings in a wall.

◊ **Frieze**: The portion of the facade found just below the point where the wall surface meets the building's cornice or roof overhang.

◊ **Front Lot-Line**: On a regular lot, the front lot line is the shared line between the lot and a sidewalk/public right-of-way.

◊ **Gambrel:** A roof having two slopes on each side of the peak, the lower slope usually steeper than the upper one.

◊ **Gable**: The vertical triangular wall between the sloping ends of gable roof.

◊ **Gable Roof**: A roof that consists of two sloping planes that meet at the ridge or peak. The planes are supported at their ends by triangular, upward extensions of walls known as gables.

◊ **Hipped Roof**: A roof with four sloped sides.

◊ **Mansard Roof**: A roof that has two slopes on all four sides.

◊ **Massing of the Building(s):** The combined effect of the arrangement, volume and shape of a building or group of buildings. Also called bulk.

◊ **Muntin** (or Window Bar) – A short bar used to separate glass in a sash into multiple lights. Also called a windowpane divider or a grille.

◊ **Parapet**: The portion of an exterior wall that rises entirely above the roof, usually in the form of a low retaining wall; the parapet may be shaped or stepped.

◊ **Pediment:** A low triangular gable above a cornice, topped by raking cornices and ornamented.

◊ **Pilaster**: A column partially embedded in a wall, usually non-structural and often decorated to resemble a classical column.

◊ **Public Right-of-Way**: Includes the street, curb and sidewalk area in front of private property at the front lot line.

◊ **Quoin**: Corner treatment for exterior walls, either in masonry or frame buildings.

◊ **Roof**: Flat or Pitched. Pitched roofs can be: Hip, Mansard, Gambrel, Gable, and more.

◊ **Sash**: (Window Sash) Framework of stiles and rails in which the lights of a window are set.

◊ **Scale**: A relative level or degree; to make in accordance with a particular proportion or scale with the surrounding architecture.

◊ **Setback**: An architectural expedient in which the upper stories of a tall building are stepped back from the lower stories; designed to permit more light to reach the street.

◊ **Shingles:** Thin pieces of wood or other material set in overlapping rows to form a roof or wall cladding.

◊ **Side light**: A framed area of fixed glass alongside a door or window opening.

◊ **Storefront**: The front side of a store or store building facing a street

◊ **Texture**: The visual or tactile surface characteristics and appearance of a building

◊ **Transom**: A small-hinged window above a door or another window.

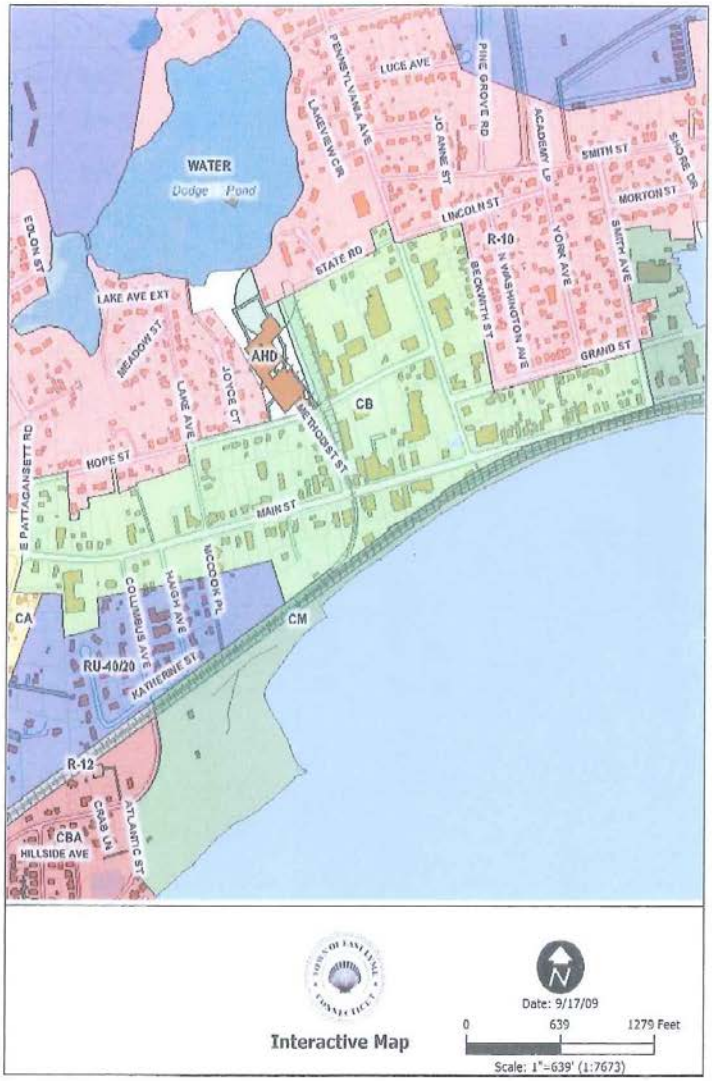
◊ **Transparent Glass**: Degree of Tinting: Capable of transmitting light so that objects may be easily seen on the other side.

◊ **Turrets**: A small tower that projects from the wall of a building, such as a medieval castle or baronial house. A building may have both towers and turrets; turrets might be smaller or higher but the difference is generally considered to be that a turret projects from the edge of the building, rather than continuing to the ground.

◊ **Type A buildings:** buildings originally built for commercial uses and constructed at the sidewalk edge which include commercial uses at the first floor area.

◊ **Type B buildings:** buildings of residential character which are now at least partially used for commercial purposes. These buildings, which often occur at the edge of the commercial district, are typically set back from the street line and incorporate landscaped front yard.

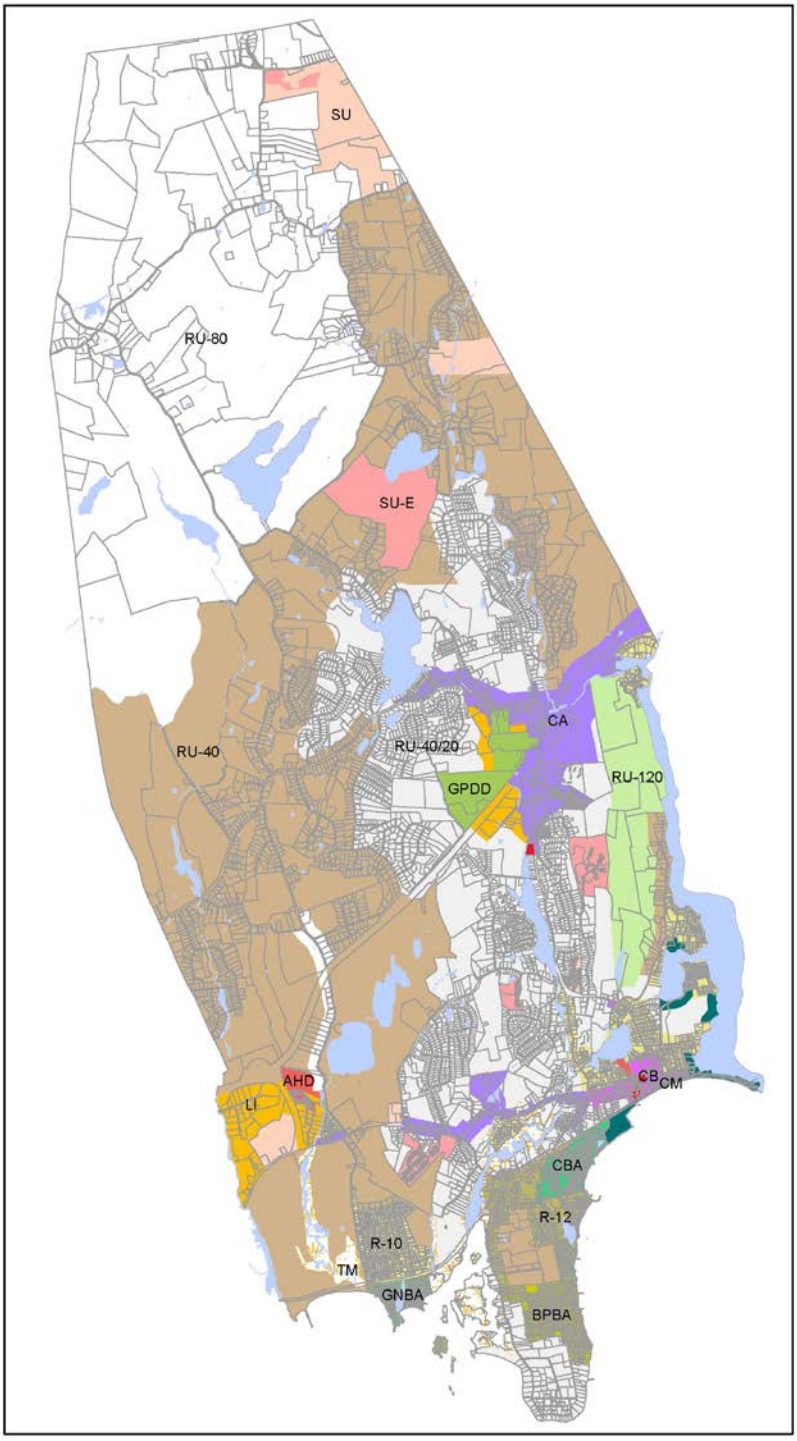
◊ **Valance**: A short drapery, decorative board, or metal strip mounted across the bottom of an awning to con-



APPENDIX B

ARCHITECTURAL DESIGN (CB COMMERCIAL ZONE)

NIANTIC VILLAGE



East Lyme Zoning Map

Disclaimer

Although every effort has been made to ensure that the spatial data on any map that is produced is of the highest accuracy and quality, it is, nevertheless, only appropriate for planning purposes. The information, as presented, is not intended for the legal interpretation of boundary or property lines, either municipal or private.

Legend

- Waterbodies
- Parcel Lines
- Incentive Housing

Zoning

- BPBA
- WATER
- RU-120
- AHD
- CA
- CB
- CBA
- CM
- GNBA
- GPDD
- LI
- R-10
- R-12
- RU-200
- RU-40
- RU-40/20
- RU-80
- SU
- TM
- SU-E

REVISION RECORD

#	Section	Description	Date
1	18	Complete rewrite of sign regulations	10/10/91
2	21.1.6	Additions to single family nonconforming dwellings CB zones	12/12/91
3	20.20.6	Liquor for standard restaurant	12/27/91
	20.20.7	Proximity to place of worship	12/27/91
4	1.62	Definition Small Animal Veterinary Clinic	12/27/91
	8.2.9	Small Animal Veterinary Clinic	12/27/91
	9.2.6	Small Animal Veterinary Clinic	12/27/91
5	20.1.2-A	Cemeteries	11/28/92
6	25.5	Cemetery controls	9/25/92
7	1.10.1	Definitions – Cemeteries	11/28/92
8	23	Open Space Cluster Development	11/28/92
9	18.1.10	Open Flags	1/7/93
10	20.20.7	Liquor Proximity to places of worship (Reduction 500 Ft to 200 Ft)	6/16/93
11	8.2.10	Car Wash	7/1/93
12	21.1.7	Gasoline Service Stations	3/26/94
13	4.3.4	Lot Coverage RU	
14	25.5.2	(Add) Amendment to Special Permit - Elderly Housing SU zone	11/10/94
	25.5.8	(New) Controls for Elderly Housing (SU zone)	11/10/94
	25.5.9	(New) Internal Roadways (SU zone)	11/10/94
15	25.5	Yacht clubs / Special Permit minimum controls 1,2 and 3	12/16/94

16	8.2.11	CA Commercial District Parking Lots	12/16/94
	9.2.7	CB Commercial District Parking Lots	12/16/94
	1.40a	Definitions – Parking Lots	12/16/94
17	22.5	Shared Parking CA and CB Commercial Districts	2/9/95
18	20.1.3	Temporary Activities	7/10/95
19	15	Flood Hazard (update)	8/9/95
20	1.49	Definition – Standard Restaurant	9/1/95
21	24.1	Site Plan Exemptions	6/28/96
	24.1.4	Parking Spaces from 9 to 12 as waived by the Commission	
22	8.1.8.1	Child Care Center	5/13/96
23	24	Site Plan Review requirements	12/11/96
24	1.44a	Definition – Paving	12/11/96
25	25.4.3-1A	Posting of Special Permit Application Sign	9/8/97
26	20.20.6	Liquor for Standard Restaurants	9/19/97
27		***Note sections renumbered as appropriate***	
	1.5	DELETE – Definition – Boarding House	3/13/98
	1.58	DELETE – Definition – Tourist Home	3/13/98
	3.2.1	DELETE – Hotel &Motel	3/13/98
	3.2.1	ADD – Bed and Breakfast (New permitted use)	3/13/98
	3.2.2	Delete – Tourist Home	3/13/98
	4.2.2	Delete – Hotel and Motel	3/13/98
	4.2.2	ADD – Bed and Breakfast (New permitted Use)	3/13/98

	6	General Description and purpose (modified)	3/13/98
	7.2.1	ADD – Bed and Breakfast (New permitted use)	3/13/98
	8.1.4	DELETE – Boarding House, ADD – Inn	3/13/98
	9/1/8	DELETE – Boarding House, ADD – Inn	3/13/98
	10.2.4	ADD – Bed and Breakfast	3/13/98
	25.5	Table of Minimum Controls for Special Permit	3/13/98
28	22.1.3	Multi Family/ Parking increase CB Zones	11/17/98
29	20.25	" Temporary Water Moratorium"	12/11/98
30	18.1.10	Sign Code, to permit "Community Bulletin Boards"	12/11/98
31	11	Light Industrial District, to permit motor vehicle repairers stations as a use	12/11/98
32	12.1.3	Elderly Housing: Modify minimum age requirement from 62 years of age to 55 years of age.	1/13/99
	25.5	Table of Minimum Controls Elderly Housing CA & SU Zones	1/13/99
33	12A	Special Permit Uses Elderly Housing create new Special Use District	6/25/99
	25.5	Table of minimum controls: SU-E Special Permit	6/25/99
34	2A	Greenway Conservation District Regulations	10/12/01
34a	23	Open Space Cluster Development Regulations; Modify development standards and controls	8/11/99
35	1.38	Definition of LOT SIZE	8/11/99

36	1.21	Assisted Living	8/14/99
37	20.13	General Regulations, Setback requirements for each Building	9/15/99
	24.6.E.3	Site Plan Review, Standards, Buffer Strip	9/15/99
38	22.6	(New) Areas of exemption from parking requirements.	10/15/99
39	20.18.1	(New) Commercial Zones (Decks-eliminate side yards)	1/12/2000
40	20.25	Temporary Water Moratorium (Change date to July 1st, 2000)	2/16/2000
41	18.1.5.1	Theater Marquee Signs	4/19/2000
42	28	Amendments to Zoning Regulations and Zoning District Map	7/21/2000
43	20.26	Restaurant or food service establishment with Drive-through facility	7/21/2000
44	20.17	Recreational Trailers – Mobil Homes, occupancy	1/15/2001
45	11A	(New Zone) Gateway Planned Development District	3/13/2001
46	8.3.5	Height	3/30/2001
47	31	New Section: Telecommunication Facilities	9/14/2001
48	21.1.8	Change in Use	11/09/2001
49	18.1.5.2	Pre-existing Nonconforming Free Standing Signs	12/14/2001
50	1.3 and 20.8	Back lots	8/8/2002
51	20.20.7 and 20.20.8	Grocery Beer	8/8/2002
52	SU-E 12A.2.1, 12A.2.2, 12A.2.3 and add 12A.3.2c	Amend Lot Size, Frontage, Setbacks and Required Document filing	6/13/2003

53	24.5.2c and 25.4.1.1	Add Architectural Design review	6/13/2003
54	32	(New Section) Affordable Housing	8/15/2003
55	18 & 8.2.2, 9.2.3	Signs (Permit Suspended signs)	4/11/04
56	21.1.9	(New Section) Reconstruction of existing residential structures”	6/12/2004
57	12 & 25.5	Accessory Residential Use – Golf Course	9/24/04
58	12A	Parcels of 300 Acres or More, Residential Use SU-E	10/29/04
59	25.5	SU & SU-E Open Space	5/13/05
60	9.3.3	Setback (Niantic Main Street)	6/24/05
61	12.1	Non-Profit Subsidized Elderly Housing	3/16/06
62	1.48	Outdoor Dining/Patios	5/18/06
63	1.4	Bed & Breakfast	5/18/06
64	11.0 & 24.6	Light Industrial and Buffer	1/26/07
65	20.28 & 9.3.5	Drive Thru Facilities & CB Height	2/1/2007
66	8.2.12 & 25.5	Drive-thru	4/12/2007
67	1.3.1, 8.1.6 & 20.26	Retail Bakeries	4/12/2007
68	13.3	Prohibited uses	6/29/2007
69	20.1	Government Buildings	2/7/2008
70	25.5	Mixed Use Eliminate restriction	2/21/2008
71	11.A.9	Gateway Planned Development MDP	3/6/2008
72	9.2.5, 9.2.8, 25.5	Multi-family, multi-story,	1/30/2009
73	20.27	Outdoor Dining in CB Zones add 13.1 Renewal	6/4/2009
74	1.2.1, 1.17.1, 1.60.1, 1.60.2, 11.2.10	Adult Uses	7/9/2009

75	25.5	Section 202 Housing	8/6/09
76	1.1,9.2.3,25.5	Multi Use	12/3/09
77	24.0	Site Plan Regulations	1/21/2010
78	20.27	Outdoor Dining CA	6/18/2010
79	20.17.2	Agricultural Farm Store (Accessory Use)	07/08/2010
80	33.0 – 33.14	Incentive Housing Zones	11/25/2010
81	1.38 and 23	Cluster/Conservation by Design	12/17/2010
82	20.27	Outdoor Dining	5/5/2011
83	15	FEMA	7/18/2011
84	Appendix B	Architectural Review Guideline	10/6/2011
85	18	Sign Regulations	12/9/2011
86	20.27 #2	Outdoor Dining	7/12/2012
87	32	Affordable Housing District	12/14/2012
88	9/25.5	Assisted Living Facility	4/12/2013
89	13/30	Removal of Aquifer Sections	6/28/2013
90	22	Parking Regulations	7/11/2013
91	15	Flood Hazard Areas	7/11/2013
92	4, 25.5	Chickens, less than 6	8/8/2013
93	11.A.9.2.2	Gateway Residential Units	11/22/2013
94	20.27	Outdoor Dining	6/13/2014
95	20.29	Cluster Setbacks	9/12/2014
96	18	Community Bulletin Boards	9/12/2014
97	20.20.3	Sale of Alcoholic Beverages	11/6/2014
98	9.2.10, 20.20.8, 25.5	Taproom Brewery	7/9/2015
99	11.A.9.2.2 (C)	Gateway Master Deveopment Plan	10/1/2015

100	11.2.11, 22.1.7, 25.5	Brew Pub	10/1/2015
101	1.7, 25.5	Bed & Breakfast	2/26/2016
102	1.3.1	Anchor Store Definition Gateway District	4/1/2016
103	1, 5.2.9, 25	Farm Events	4/15/2016