

Chapter 315

Zoning Regulations

[Adopted by the Planning and Zoning Commission of the Town of Lyme 11-6-1964, as amended through 10-7-2019. Subsequent amendments noted where applicable.]

Article 1

Purpose and Authority

§ 315-1.1 Purpose and authority.

C. These regulations should be construed to implement and be consistent with the vision, policies and recommendations of the **current** Plan of Conservation and Development for Lyme, as it may be amended from time to time. In particular, these regulations are intended to preserve Lyme's rural character and natural resources and enhance its sense of community for present and future generations.

Article 2

Definitions

STRUCTURE

Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, patios, subsurface sewage disposal systems, wells, parking areas, curbing and fences which are six feet high **or less**.

HEIGHT

The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, cupolas, spires and silos, **or similar structures provided they are not used for human habitation or occupation** and the lowest point of a building or structure above natural grade prior to site grading, or which is visible from a new, excavated grade, whichever creates the greater height dimension. Stairwells for the purpose of human ingress and egress of buildings from below grade with a maximum width of four feet clear passage space and opaque doors are exempt from this provision. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

MANUFACTURED HOME (also known as a modular home)

A structure, manufactured **off-site** and assembled on site, transportable in one or more sections, designed for use on a permanent foundation and connected to the required utilities.

Article 7

General Requirements

§ 315-7.2 Building and structure height.

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of 35 feet. **Appliances**, towers, tanks, and other similar structural features, including wireless telecommunication facilities, that occupy no more than 10% of the building area and are not designed for human occupancy may be constructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the Lyme Planning and Zoning Commission.

§ 315-7.3 Accessory buildings or structures in required yard areas.

Detached accessory buildings, or structures, not more than 15 feet in height and not used for human habitation or for the housing of animals may be located in the required rear yard, and in that portion of the required side yard that lies not less than 75 feet from any street line, provided that they are not less than 20 feet from any side or rear line and provided further that they occupy in the aggregate not more than 20% of the area of the required rear yard.

Fuel tanks, generators including generator enclosures all less than 6 feet high or deep may be located in the side or rear yard 10 feet from that portion of the property line that is 60 feet or greater from a neighboring dwelling. The structure must be reasonably screened from view. The ZEO may reduce those distances for undersized lots.

Article 8

Additional Requirements for Certain Uses

§ 315-8.1 Customary home occupations.

- A. Purpose. The purpose of this section is to regulate any **occupation or non-residential** use customarily conducted entirely within a dwelling, within the principal building on a lot, or within an accessory building, and carried on by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residential purpose. The customary home occupation shall conform

to the following standards of these regulations and is an additional use for which an application for a zoning permit and certificate of zoning compliance is required. "Customary home occupation" shall include the following activities:

- B. A customary home occupation shall not include barbershops, beauty shops, dancing schools, karate schools, **fitness studios**, restaurants, printing shops, employment agencies, radio stations, dentist offices, or other such uses where traffic, water usage, disposal of waste products, noise, lighting or odors shall significantly exceed that of a typical single-family dwelling.

Article 10
Administration and Enforcement

§ 315-10.7 Exemption of free split for lots created for affordable housing use **or conservation.**

In accordance with Public Act 06-97 and Chapter 140, Affordable Housing, Article I, Exemption from Subdivision Regulations, of the Town Code, any lot which existed prior to November 6, 1964, and would otherwise be eligible for division without approval of a subdivision plan shall not forfeit eligibility for division by reason of division for the creation of one lot conforming with these regulations, provided that such lot is created for affordable housing to be developed by the municipality or a nonprofit organization **or that such lot is created for donation to a governmental entity or non-profit organization for conservation purposes.** This option is a single-use option only and once used cannot be used again.

Article 14
Conservation District

§ 315-14.2 Setback from water bodies.

No building or other structure shall be constructed, enlarged, extended, moved or structurally altered nor shall any land be filled within a distance of 100 feet of the high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the Commission may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity, such as piers, docks, boathouses and boat sheds.

- B. Illumination within the 100 feet setback and on docks shall be the minimum**

necessary for safety. Lighting shall be activated upon need and set to time off after use.

Article 15 Floodplain District

FLOOD INSURANCE RATE MAP (FIRM)

- B. ZONE AE The special flood hazard areas shown on the FIRM which are subject to inundation by the one-hundred-year flood determined in a Flood Insurance Study (FIS) by detailed methods. Base flood elevations are shown with these zones. Insurance risk level is indicated by the number. Mandatory flood insurance purchase requirements apply.

Article 21 Parking, Access and Circulation

§ 315-21.1 Parking facilities required.

Off-street parking space shall be provided for the total of all uses on the premises, **including agricultural (farm activities)**, adequate in size, layout and design to facilitate the free flow of traffic and the safe ingress and egress from the property. The number of parking spaces shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and other persons normally visiting such premises at any one time.

Article 23 Nonconformities

§ 315-23.1 Continuance of nonconforming uses.

Any nonconforming use of land, a building, structure, or premises may be continued or changed, and any nonconforming building or structure may be reconstructed and/or repaired, subject to the following:

- A. No nonconforming use may be changed to a different use without the approval of the Zoning Board of Appeals. Approval for a change to another nonconforming use shall not be granted unless the Board finds that the new use will be less nonconforming than the existing use and that the new use will be less intensive than the prior use. "Less intensive" means that the new use will meet one **or** more **of** the following criteria: total space occupied, hours of operation, required parking, number of employees, impact on the surrounding area, and impact on public health, safety and convenience.

315-23.3 Existing nonconforming lots.

The applicable requirements of these regulations pertaining to minimum gross lot area, net buildable lot area, and minimum lot width shall not prevent the construction of an otherwise permitted building or structure or the establishment of an otherwise permitted use on a lot which;

- A.** on July 9, 1954, contained less than one acre or a frontage of less than 150 feet upon a public or private way;
- B.** or any lot which on December 18, 1964, contained one or more acres but less than the minimum gross lot area at any time thereafter prescribed by the Commission for the district in which such lot is situated;
- C.** or any lot which on July 15, 1989, contained the minimum gross lot area for the district in which such a lot is situated but contains a minimum net buildable area less than 14,000 square feet;
- D.** or any lot which on June 30, 1993, contained a minimum gross lot area for the district and a minimum net buildable area of 14,000 square feet,

provided that continuously after the respective dates above mentioned, such lot was owned separately from any adjoining lot, and further provided that no dwelling or other building containing human habitation shall be constructed on any lot less than 15,000 square feet in area.

Attachments:

Attachment 6 - appendix F, Guidelines for Tidal Areas in Lyme

[Exchange term "ordinary" for "mean" in referencing a tidal level. "Ordinary" customarily used in non-tidal waters.]