

ARTICLE 2

Definitions [NEW]

§ 315-2.2. Definitions.

AGRICULTURE - Except as otherwise specifically defined, the words “Agriculture” and “Farming” shall include the:

- (i) cultivation of the soil, dairying, forestry, raising or harvesting agricultural or Horticultural Commodities;
- (ii) raising, shearing, feeding, caring for, training and management of livestock (including horses), bees, poultry (including the hatching of poultry), fur-bearing animals and wildlife;
- (iii) harvesting of maple sap, growing and/or harvesting of mushrooms;
- (iv) operation, management, conservation, improvement or maintenance of a farm and buildings, structures, tools and equipment used for agricultural purposes;
- (v) salvaging timber or clearing land of trees, brush or storm debris, as an incident to such farming operations;
- (vi) processing of produce, dairy products, meats, maple syrup, honey or any other Agricultural Commodity, including lumber, as an incident to ordinary farming operations;
- (vii) construction, operation or maintenance of ditches and ponds used exclusively for farming purposes;
- (viii) handling, planting, washing or other activities required by state or federal food safety regulations and best practices, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market or for direct sale of agricultural or Horticultural Commodities as an incident to ordinary farming operations.

AGRICULTURAL COMMODITIES - A primary Agricultural or Horticultural product deriving from Agricultural or Farming activity.

AGRICULTURAL PROCESSING - A activity accessory to the Agricultural use of a Farm in Lyme consisting of the preparation or processing of Agricultural Commodities for wholesale or retail sale, including but not limited to, maple syrup, preserves, cheese, yogurt, ice cream, meats and wool. Processing includes using Agricultural Commodities to produce a new or finished product for wholesale or retail sale and may include packaging.

AGRICULTURAL PROCESSING OPERATION(S) (SMALL SCALE) - Agricultural processing conducted primarily within the principal building or one or more accessory buildings on a Farm within Lyme where Agricultural Commodities primarily derived from the Farm, including but not limited to, fruit, vegetables, meat, poultry, milk, eggs, honey and wool, are processed or packaged for wholesale or retail sale. The processing of maple syrup and maple sugar products.

AGRICULTURAL-RELATED RECREATIONAL ACTIVITIES - Commercial recreational activities conducted on a Farm located in Lyme that are accessory to and support maintaining the economic viability of the Farm. Agricultural-related recreational activities consist of low-impact uses consistent with Agricultural activities on the Farm, such as farm tours, hiking, bird and wildlife observation and other non-motorized recreational activities that are predominantly outdoor in nature, including by way of illustration, walking, hiking, corn mazes, cross-country skiing, snow shoeing and horseback riding. In addition, motorized activities such as hay rides, wagon rides and similar activities that include use of tractors, wagons and other vehicles utilized on the Farm for Agricultural operations, are within the scope of Agricultural-Related Recreation Activities.

AGRICULTURAL-RELATED EDUCATIONAL ACTIVITIES - Activities that are geared to teach, illustrate or impart information about, or skills in, any aspect of Farming or other Agricultural pursuits.

DISPLAY AREA - An area where Agricultural Commodities and products may be presented and offered for sale to customers.

FARM - Land on which Agricultural use is the primary activity, which may include residences, farm buildings and accessory buildings that are primarily used for and incidental to Agriculture.

FARMING - See Agriculture

FARM CAFÉ – An accessory use in a suitable structure or defined outdoor area on a Farm, used, maintained, advertised and held out to the public to be a place where beverages, light refreshments and small meals are offered for retail sale and consumption on the Farm between the hours of 7:00 a.m. and 2:00 p.m. Light refreshments and small meals include, by way of example and not strict limitation, pastries, breads, salads, soups and sandwiches. Non-alcoholic beverages, hard cider, wine and beer, but not distilled alcohol may be served. The purpose of a Farm Café is to support and showcase bona-fide Farms in Lyme and is intended to be accessory to the Agricultural use of a Lyme Farm, not a primary activity.

FARM EMPLOYEE - A person who provides a service to a Farm for consideration. Consideration may include wages, housing, training, work experience or products of the Farm.

FARM MARKET - An accessory use occurring on a Lyme Farm with one or more structures or outdoor areas used for the display and retail sale of Agricultural and Horticultural Commodities. Over 50% of sales must derive from Agricultural and Horticultural Commodities of the Farm or of other Farms in Lyme. Additional Agricultural and Horticultural Commodities may come from Connecticut or other Southeastern New England farms. Hand-made crafts and goods deriving from

Agricultural Commodities that are produced in New London or Middlesex Counties may also be displayed for sale.

FARMERS' MARKET - An accessory use occurring no more than 2 days in any week on a Farm in Lyme, with or without structures, for display and retail sale of Agricultural and Horticultural Commodities and seafood. Over 50% of sales must be Agricultural and Horticultural Commodities from Connecticut or other Southeastern New England farms. Hand-made crafts and goods deriving from Agricultural Commodities that are produced in New London or Middlesex Counties may also be displayed for sale.

FARM STAND - A seasonal, temporary or movable, structure or area for the display and sale of Agricultural and Horticultural Commodities grown or raised on a Lyme Farm that is 64 square feet in display and sales area or less.

FARM TO TABLE DINNER - The preparation and service of food and beverages to guests at a planned event on a Farm for the purpose of showcasing and supporting the host Farm and Connecticut agriculture.

Flag Lot - A Flag Lot is a legal code conforming interior lot generally created from a larger parcel of land either by subdivision or re-subdivision of a larger parcel and connected to a Street by a stem consisting of a minimum fifty foot wide strip of land.

HORTICULTURE – The growing and raising of plants producing vegetables, fruit, nuts, herbs and flowering and other ornamental [plants](#), including shrubs and trees,

HORTICULTURAL NURSERY - Land on which plants producing vegetable, fruit, nuts, herbs and flowering and other ornamental [plants](#), including shrubs and trees, are [propagated](#) and grown to a desired age for retail or wholesale sale.

Pole Shed means a structure constructed on vertical poles or posts of natural materials, without full footings or a foundation.

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 most recent Plan of Conservation and Development for Lyme, as it may be amended from time to time. In particular, these regulations are intended to allow for future growth and development of the Town in a manner consistent with these regulations while protecting and preserving: (i) Lyme's rural character, (ii) the biotic integrity of Lyme's open space and other lands protected for conservation purposes, (iii) Lyme's remaining agricultural land, particularly areas with prime agricultural soils and soils of statewide importance, (iv) natural resources, including important natural communities and areas with known populations of listed species, and (v) enhance its sense of community for present and future generations.

ARTICLE 2

Definitions

§ 315-2.2 Definitions.

REFUSE: Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities. Natural agricultural waste that is being composted or recycled for use or sale in the Agricultural operation of a Farm in Lyme shall not be considered "refuse".

ARTICLE 4

Rural Districts.

§ 315-4.2. Uses Permitted in Rural Districts.

- E. Non-Commercial Farms and Agriculture. Commercial Farms and Agriculture, as defined in Article 2 and permitted in § 315-8.6.B, and Farm wineries as defined in Article 2 and permitted in § 315-8.5.

§ 315-4.3. Special permit uses and required Site Plans.

- J. MOVED TO § 315-8.6.4.D (5) & (6).
- M. Those commercial Agricultural uses requiring a Site Plan or special permit approval pursuant to § 315-8.6.C and D.

ARTICLE 6

Commercial Districts

§ 315-6.2. Uses permitted in Commercial Districts.

All uses within Commercial Districts, except those permitted under § 315-6.2A, shall be subject to the site plan requirements of Article 11, unless waived by the Commission or its designated enforcement officer.

A. Any use permitted in a Rural District as provided in Article 4 and § 315-8.6.

ARTICLE 7

General Requirements

§ 315-7.3. Accessory buildings or structures in required within a required Front, Side or Rear Yard areas.

Detached accessory buildings, or structures, not more than 15 feet in height and not used for human habitation or for the housing or shelter 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 percent of the area of the required rear yard. Notwithstanding the foregoing, accessory buildings or structures, not more than 15 feet in height where located within a required Front, Side or Rear Yard, that are used for Agricultural purposes are permitted where the adjoining lot is under common ownership and operated as a Farm.

§ 315-7.11. Number of family dwelling units per lot.

Except as provided in § 315-8.6.D(12), no more than two family dwelling units may be built on one lot.

§ 315-7.13. Lots with more than one family dwelling unit.

Except as provided for in S 315-8.6.D12and § 315-7.14, if more than one family dwelling unit shall be located on any one lot, all units shall be located so that each such dwelling and any buildings accessory to it could be set off as a separate lot conforming to all of the **applicable provisions of these regulations,**.

§ 315-7.16. Offensive uses.

No land, building, structure or part thereof, in any district shall be used in any manner injurious or offensive to a neighborhood because of the emission of odor, fumes, dust, smoke, vibration, noise, unsightliness, light pollution or other cause, or in any manner which will result in the discharge of waste or refuse into any stream or river. Agricultural activities conducted in accordance with these regulations and current best practices for Agricultural operations are not considered to be injurious or offensive to a neighborhood in the RU-80 and RU-120 Districts. No manure or Agricultural waste may be dumped,

disposed of or stored within any required Front, Side or Rear Yard or the stem of a Flag Lot.

§ 315-7.18. Commercial Cutting of Timber. Moved to § 315-8.6.B11

§ 315-7.19. Deer fences.

Fences commonly referred to as “deer fences” of up to 8 feet in height shall be permitted within required Front, Side or Rear Yards provided that the fence is dark in color, of an open mesh design and that zoning permit is issued by the Zoning Enforcement Officer. Fencing for Agricultural uses in connection with the operation of a Farm, including the exclusion of deer, are permitted within any required Front, Side or Rear Yard.

ARTICLE 8

Additional Requirements for Certain Uses

§ 315-8.2. Accessory apartments.

- A. Purpose: The purpose of this § 315-8.2, Accessory Apartments, is to allow the use of a room or set of rooms within or accessory to a principal residence, as a separate living facility in order to provide a separate living arrangement which allows privacy within the dwelling unit, permits homeowners a means of obtaining supplemental income, creates housing units for low income individuals, creates housing for Farm Employees, or creates housing for small household units within the Town of Lyme.
- C Standards: The following standards shall apply to all accessory apartments except those utilized for Farm Employees, in which case the Commission may modify or waive these standards:

ARTICLE 13

Coastal Management

§ 315-13.3. Exempt uses. The following uses, if and where permitted by these regulations in the coastal area, are exempt from the coastal site plan review requirements (such uses are not exempt from other Zoning permits and requirements):

- F. Gardening, grazing, pasturing and the cultivation and harvesting of crops that does not involve clearing a wooded or forested area or the construction of a structure.

ARTICLE 15

Floodplain District

§ 315-15.3. Definitions.

STRUCTURE - For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, greenhouses or hoop houses or other man-made facilities or infrastructure.

§ 315-15.6. Uses permitted in Flood Plain Districts (FP-40)

- B. Game farm, wildlife propagation and similar conservation activities that does not involve the construction of a structure.
- C. Gardening, grazing, pasturing and the cultivation and harvesting of crops that do not involve clearing a wooded or forested area or the construction of a structure.

ARTICLE 17

Cutting and Removal of Forest Species

§ 315-17.2. Permit required.

- A. It is unlawful for a person to harvest forest tree species without a permit, except as follows:
- (1) Except as otherwise provided in these Regulations, land to be used for Agricultural purposes and cultivation of crops other than forest products.

§ 315-17.3. Standards.

C. Aesthetic considerations.

- (1) Border strips.
 - (e) Management of slash.

[3] On all other harvest areas, severely bent, or broken trees that present a hazard to safety shall be dropped.

D. Harvest methods.

- (2) Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method. Therefore, clear-cutting will have the following restrictions:
 - (a) Maximum of five acres in size, unless otherwise approved by the ZEO or the Commission.
 - (e) Leave ridge tops visible from public streets and navigable waters uncut, as identified by the ZEO; these areas are the most visible.

ARTICLE 21

Parking, Access and Circulation

§ 315-21.1. Parking facilities required.

- A. The requirements of Article 21 shall be followed except where parking requirements are otherwise required for specified uses and activities elsewhere in these Regulations.
- B. Off-street parking space shall be provided for the total of all uses on the premises, 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 22

Signs

§ 315-22.5. Temporary signs.

No more than two temporary signs advertising special sales or events, not exceeding three square feet each, may be displayed on the premises; temporary signs shall not be illuminated; temporary signs may be attached to a window or placed so as to be seen primarily through a window subject to the restriction that the combined area of such signs shall not exceed 40% of the window area and such signs shall not be in place for more than 30 days. Temporary signs do not require a sign permit.

- A. A temporary sign advertising the sale of Agricultural Commodities on a Farm, not to exceed 16 square feet per side in area, may be displayed in lieu of the two allowed in this § 315-22.5.

§ 315-22.6. Signs in Rural Districts.

- A. The following signs are permitted in Rural Districts:
 - (1) One sign not exceeding three square feet in area bearing the name and occupation of the occupant.
 - (2) One sign not exceeding three square feet in area advertising the premises for sale or rent, or advertising a construction or repairing operation being carried out on the premises, while such sign is on display.
 - (3) A Farm may provide no more than two off-premises directional signs, each not to exceed 3 square feet in area.
 - (4) A Farm or Farm Café may display one permanent sign, not exceeding 16 square feet per side in area, bearing the Farm, location, and hours of operations.
- B. No illuminated signs are permitted in Rural Districts.

§ 315-8.6 Agriculture.

- A. Purpose. The purpose of these Regulations is to promote, protect, retain and encourage commercial Agricultural uses that are in harmony with Lyme's rural history, protect Lyme's remaining prime farmland soils and soils of statewide importance and to allow uses and activities that support economically viable Agricultural use of Lyme's Farms and remaining farmland. Due to the underlying geology and soils of the Town, Lyme's rural history was based on the small farm. Small and medium scale farms will only survive if the town supports continued Agricultural use in a variety of contexts as times change. These Regulations are intended to allow creative development of commercial Agricultural uses to support Lyme's Farms and farmland.
- B. Permitted Commercial Agricultural Uses That Do Not Require Site Plan Approval or a special permit.
- (1) Growing and raising Agricultural Commodities and the structures used for such operations for commercial purposes. The production and/or sale of raw milk, hay and silage, including grass silage, constitutes the growing or raising of an Agricultural Commodity not Agricultural Processing.
 - (2) For Agricultural Commodities grown or raised on a Lyme Farm, the:
 - (a) handling, filtering and cooling of milk,
 - (b) washing or other activities required by state or federal food safety regulations and best practices, and
 - (c) drying, sorting, packing, packaging, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market.
 - (3) Farm Stands on lots of 4 acres or more. The use of a required Front Yard for parking may be limited by the Zoning Enforcement Officer for public safety if there is no wall, fence or planted screen/barrier between the Farm Stand and the Street Line.
 - (4) The sale of Agricultural Commodities grown or raised on a Lyme Farm, including by way of illustration and not limitation, through community-supported Agricultural activities such as "crop sharing agreements"; provided that any such activity does not utilize Display Areas for the retail sale to the general public. The point of distribution or sale must be on a lot of 4 acres or more.
 - (5) Small-Scale Agricultural Processing Operations meeting the requirements of § 315- 8.1.
 - (6) Agricultural-Related Recreational Activities and Agricultural-Related Educational Activities when conducted no more than six (6) times per year on a lot of 4 acres or more and where the business operation does not serve more than 20 visitors at any one time.

- (7) Sawmills on a lot of 10 acres or more with no more than three employees, other than the owner(s) of the business and their immediate family. The mill must be situated more than three hundred (300) feet from all Street and Lot Lines. No timber, slabs or other processed wood products may be stored within any required Front, Side or Rear Yard or the stem of a flag lot.
- (8) Wholesale Horticultural Nurseries on a lot of 20 acres or more with fewer than 5 employees at any one time.
- (9) Temporary structures in excess of 4 feet in height in the aggregate of less than 7,500 square feet of Building Area. Temporary structures include, by way of example and not limitation, Pole Sheds, hoop houses and greenhouses..
- (10) Structures having footings or a foundation in the aggregate of less than 5,000 square feet of Building Area.
- (11) The commercial cutting of timber consistent with the requirements and minimum standards of Article 17.

C. Commercial Agricultural Uses Requiring Site Plan Approval.

- (1) Farm Stands, on a lot of less than 4 acres.
- (2) Farm Markets with 800 square feet or less of Display Area on a Farm with contiguous Agricultural land area of 4 acres or more.
- (3) Farmers' Markets conducted on a Farm with contiguous Agricultural land area of 20 acres or more. Agricultural land area separated by a street shall be deemed contiguous for the purposes of this Article.
- (4) Agricultural-Related Recreational Activities and Agricultural-Related Educational Activities conducted more than six (6) times per year on a Farm with contiguous Agricultural land area of 20 acres or more.
- (5) Agricultural Processing on a Farm with contiguous Agricultural land area of 20 acres or more where the number of employees exceeds those permitted in § 315- 8.1. The processing operation must be an accessory use to a Lyme Farm primarily engaged in growing or raising the Agricultural Commodities being processed. New structures used for processing that do not reflect a traditional New England Farm structure shall be adequately screened from the street and adjoining residential properties. An activity that requires more than 3 shipments by commercial carrier with vehicles of 3 axles or more, ingoing or outgoing, a week requires a special permit.
- (6) Sawmills on a lot of 10 acres or more that do not meet the requirements of § 315-8.6.B7. The mill must be situated more than two hundred (200) feet from all Street and Lot Lines. No timber, slabs or other processed wood products may be stored within any required Front, Side or Rear Yard or the stem of a flag lot.

- (7) Wholesale Horticultural Nurseries on a lot of 20 acres or more with 5 or more employees at any one time.
- (8) Equestrian facilities for the boarding or training of riders and horses that board fewer than 9 animals on lots of 10 acres or more. No buildings or structures used for the stabling of animals may be located within 200 feet from a Side or Rear Lot Line and no outdoor riding rings or training areas may be located within 50 feet from a Side or Rear Lot Line. Horse shows and other equestrian events require a special permit.
- (9) A Farm Café that does not serve any alcoholic beverage and is operated as part of a Farm Market or Farmers' Market on a lot of no less than 4 acres.
- (10) Up to 3 Farm to Table Dinners per year.

D. Commercial Agricultural Uses Requiring a special permit.

- (1) Farm Markets with more than 800 square feet of Display Area on a Farm with contiguous Agricultural land area of 8 acres or more.
- (2) Farmers' Markets on a Farm with contiguous Agricultural land area of less than 20, but more than 10 acres. Two Farm lots separated by a street may, at the Commission's discretion, be deemed contiguous for the purposes of this § 315-8.6.D.2.
- (3) A Farm Café serving hard cider, wine or beer with contiguous Agricultural land area of more than 10 acres on a Farm governed by this § 315-8.6. The applicant must provide the Commission with evidence that the Farm Café will use food and/or beverages derived from Agricultural Commodities grown or produced on the Farm or other Farms in Lyme, and the Permit holder shall maintain records demonstrating that the Farm Café uses more than a de minimis amount of Agricultural Commodities and products derived from the Farm or other Farms in Lyme.
- (4) Agricultural-Related Recreational Activities and Agricultural-Related Educational Activities conducted six (6) or more times per year or on a Farm with contiguous Agricultural land area of less than 20 acres.
- (5) Equestrian facilities for the training of riders or horses that board 9 or more animals or are on lots of less than 10 acres. No buildings, structures used for the stabling of animals may be located within 200 feet from a Side or Rear Lot Line and no outdoor riding rings or training areas may be located within 100 feet from a Side or Rear Lot Line. **[MOVED FROM 4.3.10]**
- (6) Equestrian shows or exhibitions. **[MOVED FROM 4.3.10]**
- (7) Wholesale Horticultural Nurseries on a lot of less than 20 acres.
- (8) Retail Horticultural Nurseries on lots of 10 acres or more on a Farm primarily engaged in propagating and growing Horticultural plants.
- (9) The processing of Agricultural Commodities on a Farm with contiguous Agricultural land area of 8 acres or more where the number of employees

exceeds those permitted in § 315-8.1. The processing operation must be an accessory use to a Lyme Farm primarily engaged in growing or raising the Agricultural Commodities being processed. New structures used for processing Agricultural Commodities that do not reflect a traditional New England farm structure shall be adequately screened from the street and adjoining residential properties.

- (10) Raising or keeping large animal livestock (pigs, cattle, horses and similar sized animals) on a lot within a residential subdivision approved by the Lyme Planning and Zoning Commission.
- (11) Hoop houses and greenhouses over 4 feet in height aggregating 7,500 square feet or more of Building Area that are visible from a public street, common driveway or navigable waters and any other structures, including Pole Sheds, hoop houses and greenhouses, and, Structures having footings or a foundation in the aggregate of 5,000 square feet or more of Building Area.
- (12) Single family and two family Dwellings in excess of the number otherwise allowed in these Regulations that are located on a Farm on a lot or contiguous lots that are part of a Farm of 20 acres or more on which all zoning requirements other than the requirement for a separate lot are met. All such housing shall be specifically limited for use to house year round Farm Employees employed at least thirty (30) hours per week to work on a Farm or Farms in Lyme. Any special permit granted for this purpose shall contain the limitation on use required by this Regulation and shall be recorded on the Lyme Land Records.
- (13) Temporary seasonal living quarters for employees primarily engaged in growing and raising Agricultural Commodities on a Farm in Lyme, subject to the conditions set forth in § 315-8.6.E.
- (14) More than 3 Farm to Table Dinners per year.
- (15) Farm Wineries – See § 315-8.5.

E. Seasonal Farm Employee Housing. In addition to the requirements for approval of a special permit, any approval for temporary seasonal living quarters for employees primarily engaged in growing and raising Agricultural Commodities, but not Agricultural Processing operations, on a Farm in Lyme shall meet the following conditions:

- (1) A special permit for temporary living quarters may only be issued for a period not to exceed 270 days in any one (1) calendar year and shall be limited to the crop production and harvesting period of the Farm. The special permit must be renewed annually.
- (2) Unless otherwise approved by the Commission, temporary living quarters shall be located a minimum of one hundred (100) feet from any Street Line, Side or Rear Lot Line and two hundred (200) feet from any primary dwelling on a lot that is not a part of the Farm.

- (3) The Commission may require temporary living quarters to be visually screened from all public streets and any residence on an adjacent lot that is not a part of the Farm;
- (4) The applicant must provide satisfactory evidence that the temporary living quarters meet all applicable State codes; and
- (5) Agricultural production must be the primary activity of the Farm.
- (6) Temporary living quarters are not meant to include dormitories or other permanent structures.

F. General Standards for Commercial Agricultural Uses under § 315-8.6.

- (1) A Farm Stand, Farm Market, Farmers' Market, Farm Café, retail Horticultural Nurseries, equestrian shows or exhibitions, Agricultural-Related Educational Activities and Agricultural-Related Recreational Activities shall only be open to the public during daylight hours unless otherwise approved by the Commission taking into account the objectives identified in § 315-11.6.D through § 315-11.6.J of these Regulations by limiting commercial activity that has or may have an adverse impact on nearby residential lots.
- (2) To the greatest extent allowed under Connecticut General Statutes, Section 19a-341: (i) all animals shall be kept in a manner that does not create a public health hazard or have an adverse effect on the environmental quality of adjacent properties and ecological resources; and (ii) manure and waste piles shall be located and maintained to prevent, runoff or infiltration of polluting material into wetlands, watercourses or wells, or onto adjacent properties or streets. Adequate fencing shall be maintained at all times.
- (3) Off-street parking space shall be adequate in size, layout and design to facilitate the free flow of traffic and safe ingress and egress of traffic from a property. The number of parking spaces shall be sufficient to accommodate use by all occupants, employees and guests. No on-street parking or parking within the public right of way shall be permitted. Unless otherwise approved by the Commission, on Flag Lots no vehicles may be parked or material stored between the building setback line and the street Line (See § 315-315-4.5.D).
- (4) Site Plan approval is required for employee or customer parking in a required Front, Side or Rear Yard. The ZEO or the Commission may prohibit employee or customer parking within 25 feet of a Street Line or Rear Lot Line and in required Side Yard.
- (5) Site Plan approval is required for commercial accessory structures in a required Front, Side or Rear Yard.
- (6) No shared or common driveway serving 2 lots or more, other than those owned by the Applicant, shall be used for the activities permitted in § 315-8.6.B(3), § 315-8.6.B(4), § 315-8.6.B(5), § 315-8.6.B(6), § 315-8.6.B(7), §

315-8.6.B(8), § 315-8.6.C or § 315-8.6.D without the written approval of all lot owners having an obligation to maintain the shared or common driveway.

- (7) Outdoor loudspeakers and amplified music shall not be permitted.

§ 315-8.1 Customary Home Occupations; Small-Scale Agricultural Processing Operations

- A. Purpose: The purpose of this section is to regulate customary home occupations and Small-Scale Agricultural Processing Operations that would not otherwise be considered a permitted use. A customary home occupation or Small-Scale Agricultural Processing Occupation shall conform to the following standards of these Regulations.
- B. A customary home occupation is a commercial enterprise, 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 uses of the dwelling for residential purposes. A 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 are required. "Customary Home Occupation" shall include the following activities:
- (1) Preparation and sale of those items produced in the home or garden, provided that such items are created entirely on the premises, such as home baking, needlework, dressmaking, tailoring, fruits and produce and home preserves. A customary home occupation involving retail sale of goods requires a special permit.
 - (2) Preparation and sale of items of arts and crafts based on individual talent, provided such items are created entirely on the premises, such as painting and illustrating, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working.
 - (3) Instructional classes and lessons for not more than six students at a time, which are customarily associated with home occupations, such as music, arts and crafts.
 - (4) The conduct of a professional office, where the principal resides on the premises, such as offices for real estate, insurance, accounting, building contractors, architect, lawyer, musician, doctor, physical therapist, engineer and surveyor.
 - (5) A private workshop necessary to the skilled trade of a resident of the premises, provided that there is no manufacture or sale of goods on the premises, such as a workshop for a plumber, electrician, carpenter, heating contractor, painter, paper-hanger, or appliance/electronics repairperson.
- C. A customary home occupation shall not include barber shops, beauty shops, dancing schools, karate schools, 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.

D. No customary home occupation shall be permitted unless all of the following requirements are met:

- (1) Such use shall be clearly subordinate to the use of the premises as a residence.
- (2) No additional on-street parking shall be permitted. Sufficient off-street parking shall be provided at least twenty-five feet from street and lot lines, and it shall be screened from adjoining residential properties.
- (3) Not more than 25% of the floor area of the residential building shall be so used, nor more than 750 square feet of an accessory building.
- (4) Not more than three non-residents shall be employed by the home occupation.
- (5) No finished goods shall be acquired from elsewhere for sale in connection with the home occupation except that internet resale of items not produced in the home are permitted provided that the items for sale can be shipped by normal United States Postal Service methods and don't result in any additional traffic beyond normal mail delivery.
- (6) No home occupation shall create interference with radio and television reception in the vicinity, nor create a health or safety hazard, nor be disruptive to adjacent property or the neighborhood. There shall be no discharges of a hazardous or toxic substance to the air, surface water, ground water or ground.

E. A Small-Scale Agricultural Processing Operation conforming to the standards of the Regulations and Agricultural-Related Educational Activities customarily associated with Agriculture for not more than six students at a time are additional uses for which an application for a zoning permit and certificate of zoning compliance are required. Small-Scale Agricultural Processing Operations involving retail sale of goods require a special permit.

F. No Small-Scale Agricultural Processing Operation or Agricultural-Related Educational Activities shall be permitted under this § 315-8.1 unless all of the following requirements are met:

- (1) Such use shall be accessory to the use of the premises as a Farm in Lyme that is primarily engaged in growing or raising Agricultural Commodities.

- (2) No on-street parking shall be permitted. Sufficient off-street parking shall be provided at least twenty-five feet from street and lot lines that border properties that are not part of the Farm. The Commission may:
 - (a) require off-street parking associated with a Small-Scale Agricultural Processing Operation or Agricultural-Related Educational Activities to be screened from adjoining residential properties where reasonably necessary to prevent the permitted commercial activity from adversely impacting contiguous residential properties; and
 - (b) prohibit parking on common driveways shared by more than one lot and within the stem of a Flag Lot.
- (3) No more than three non-resident or resident employees, other than the owners of the Farm and their immediate family, shall be employed on site.
- (4) No Small-Scale Agricultural Processing Operation shall: (i) create a health or safety hazard, (ii) be disruptive to adjacent property or the neighborhood, (iii) discharge any hazardous or toxic substance to the air, surface water, ground water or ground in violation of applicable federal and state laws and regulations.

G. Application: An application for a customary home occupation, Small-Scale Agricultural Processing Operation or Agricultural-Related Educational Activities associated with Agricultural use shall be submitted on a form provided by the Town, signed by the applicant, who shall be a resident or owner of the property in which the activity is proposed. The application shall include, at minimum, a detailed description of the proposed use and activity and any required machinery, equipment or materials to be used, the number of employees that will be employed, and the written consent of the landowner. A plan shall be submitted showing the floor area of any structures and any outdoor areas to be used by the home occupation, the Small-Scale Agricultural Processing Operation or Agricultural-Related Educational Activities associated with Agricultural use. A description of the frequency and type of commercial and customer vehicles associated with the occupation shall also be submitted. When issued, a permit for a home occupation, but not Small-Scale Agricultural Processing Operations or Agricultural-Related Educational Activities associated with Agricultural use, is personal to the applicant and shall not be used by any other person or persons to perpetuate the home occupation. An expansion or alteration of a home occupation, a Small-Scale Agricultural Processing Operation or Agricultural-Related Educational Activities associated with Agricultural use shall require a new permit.

ARTICLE 11 SITE PLANS

§ 315-11.1. Purpose.

A Site Plan is required for certain uses in order to determine the conformity of a proposed activity with these Regulations. The Site Plan shall be prepared with due consideration for the purpose and intent of these Regulations, including protection of public health, safety, comfort and convenience, coordination with and improvement of vehicular and pedestrian access, parking, provision of adequate drainage and utilities, appropriate lighting and landscaping, protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical, and maintenance of architectural harmony with the surrounding area. Article 11 establishes procedural and informational requirements for Site Plans.

§ 315-11.2 Requirements for a Site Plan.

When a Site Plan is required by these Regulations, no zoning permit shall be issued by the Zoning Enforcement Officer (ZEO) until a Site Plan meeting all applicable requirements of this Article has been approved by the Planning and Zoning Commission, or by its ZEO, if so delegated. Generally, the responsibility for site plan review and approval is delegated to the ZEO, unless the ZEO requests the Commission review and act on a specific application. The Commission may also direct the ZEO to forward the site plan to the Commission for its action. In addition, an applicant may request that the Commission serve as the reviewing authority for a specific application, which request the Commission may grant at its discretion. In all cases, the final decision as to who is the reviewing authority shall be made by the Commission.

- A. Unless otherwise specified in these Regulations, a Site Plan is required for all proposed uses or changes of use, except the following:
- (1) A family dwelling unit, except as subject to special permit review under Article 14, Conservation District, or where the proposed use is within 100 feet of tidal wetlands, coastal bluffs and escarpments. Applications for family dwellings must include the information required in § 315-10.3.1. In addition, a Site Plan may be required by the Commission or its representative (ZEO) when topography, soils, existing development, mixed uses or other factors make it infeasible to properly determine conformance with the Zoning Regulations without a Site Plan.
 - (2) Agricultural activities not requiring a Site Plan or special permit under § 315-8.6C and D.
 - (3) Within all Districts, when an existing permitted use located within a structure is changed to another permitted use located within the same structure, provided that the ZEO determines that the new use will not result in either the alteration of the exterior of the structure or an intensification of the use of the structure. Intensification shall be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than existed prior to the change of use. A plot plan and statement of use are required for the change of use.

(4) Any use for which the Commission/ZEO approves a waiver of Site Plan requirements under § 315-11.2.B and C.

- B. Waiver of Site Plan Requirements. In addition to uses and activities specifically exempted elsewhere in these Regulations, the ZEO or the Commission may waive the requirement for a Site Plan for Agricultural uses or if the ZEO determines that a proposed activity will not: (i) adversely affect existing traffic circulation, (ii) result in an increase in the need for parking, (iii) result in significant exterior change to a building or site, or (iv) have an impact on surrounding properties and the neighborhood substantially different from the existing use from which the change is requested. The Site Plan may not be waived for coastal site plans or for special permit uses.
- C. Waiver of Site Plan Information Requirements. In order to avoid unnecessary delay and expense, the ZEO or the Commission may exempt an application from specific information requirements as set forth in this Article for an applicant whose proposed activity is: (i) Agricultural or (ii) another activity that is minor in nature and limited in its impact on the surrounding area,. Such exemption may be approved if the ZEO finds that such information would not aid in determining the application's compliance with these Regulations.

§ 315-11.3 Optional informal discussion of Site Plan with Commission.

Any applicant for a use requiring Site Plan approval may request the placement of such a proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and for receiving preliminary comments, observations and questions, and identifying areas of concern. Neither the applicant nor the Commission shall be bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the applicant, the public, and the Commission upon further receipt, if any, of a formal submission of the Site Plan. At this informal discussion, the applicant may request a full or partial waiver of Site Plan requirements under § 315-11.2.B and § 315-11.2.C. Following informal discussion, the Commission may suggest that the proposal or certain aspects thereof be referred to other municipal, state or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for site plan approval.

§ 315-11.4 Application for Site Plan Approval.

- A. Formal Submission of Application. All applications for Site Plan review, including all maps, reports, legal documents, fee and other information required under § 315-11.5, shall be submitted to the ZEO or other designated agent of the Commission. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of § 315-11.5 have been received. Failure to submit a complete application may be cause for disapproval of the application.
- B. Official Date of Receipt. When a Site Plan is not waived in its entirety, the official date of receipt of the site plan application shall be the next regularly scheduled meeting of the

Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer, or 35 days, whichever is sooner. At its discretion, the Commission may hold a public hearing on any site plan.

- C. **Statutory Requirements.** Site Plan applications shall be acted upon by the Commission or its delegated agent under the provisions of Section 8-7d (b) of the Connecticut General Statutes. Maps and information which accompany a special permit application shall be considered part of the special permit application and action on such plan shall be taken in accordance with Article 12 of these Regulations.
- D. **Inland Wetland Report and Permit Required.** If any part of the site is within the jurisdiction of the Lyme Conservation and Inland Wetlands Commission in accordance with the Inland Wetlands and Watercourses Act, the report of said Commission together with any permit issued for regulated activities shall be submitted with the site plan. In accordance with State Statutes, the Planning and Zoning Commission shall take no action on a Site Plan application until the report of the Conservation and Inland Wetlands Commission has been received and considered.
- E. **Referrals.** The Commission may transmit copies of Site Plan materials to other officials and agencies for advisory reports and consultation and/or for approval as may be required by law

§ 315-11.5 Contents of a Site Plan application. Unless waived by the Commission under § 315-11.2.B or § 315-11.2.C, each application for Site Plan review shall include all the information required in § 315-11.5.

- A. **Statement of Use.** A written statement, signed by the applicant, and by the owner if different from the applicant, describing the nature and extent of the proposed use or occupancy in sufficient detail to determine compliance with the use provisions of these Regulations.
- B. **Maps.** All maps shall be on sheets measuring 24" x 36", and shall be neatly prepared from existing plans, surveys and maps.
 - (1) **Location Map.** An accurate map at a scale of one inch equals one thousand (1,000) feet showing the subject property and all property and streets within one thousand (1,000) feet of the subject property, including all lots and lot lines, all zoning district boundaries, and all existing streets and roads. The location map may be included as an insert on the Site Plan Map.
 - (2) **Site Plan Map.** Site plans shall be prepared at a scale of not more than fifty (50) feet to one inch and shall indicate the following information, where appropriate:
 - (a) **General information.**
 - [1] Name and address of the applicant and owner of record and all adjoining property owners as listed on the Town's tax roles;
 - [2] Date, north arrow, and numerical and graphical scale on each map;

- [3] Brief written description of the proposed use or uses;
 - [4] Table or chart indicating existing zoning and the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the zoning regulations; and
 - [5] The words, "Approved by the Town of Lyme Planning and Zoning Commission /ZEO", with designated places for the title and signature of the Commission Chairman/ZEO and the date.
- (b) The property.
- [1] Boundaries of the property;
 - [2] Location, width, and purpose of all existing and proposed easements and rights-of-way on the property;
 - [3] Existing and proposed contours or spot grades at intervals of five (5) feet or less, referred to a datum satisfactory to the Commission;
 - [4] Location of existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features; and where appropriate,
 - [5] Where appropriate, mean high water line, high tide line, wetlands boundary and flood hazard areas, and
 - [6] Where appropriate, channel encroachment line.
- (c) Buildings and Uses.
- [1] Location, design, and height of all existing and proposed buildings, signs, fences and walls;
 - [2] preliminary architectural elevations and floor plans for all buildings;
 - [3] location of all existing and proposed uses and facilities not requiring a building, such as tennis courts, light standards, tanks, fences, transformers, dumpsters, and the like;
 - [4] location and design of all existing and proposed uses not requiring a structure; and
 - [5] location and percentage of the total lot area of all impervious surfaces on the lot, including those in subsection 4 below.
- (d) Parking, Loading and Circulation.
- [1] Location, arrangement, and dimensions of all existing and proposed paved areas, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances and exits;

- [2] Location, arrangement and dimensions of loading and unloading areas; and
 - [3] Location and dimensions of pedestrian walkways, entrances and exits.
- (e) Open Space and Landscaping.
- [1] Percentage, size, arrangement, uses, and dimensions of open space on the site;
 - [2] Location and design of all required buffer strips and screening, including riparian buffers, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed;
 - [3] Location of existing trees with a trunk caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated;
- (f) Signs and Lighting. Location, size, height, orientation and plans of all existing and proposed sign and outdoor lighting.
- (g) Utilities. Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas including provisions for recycling, as well as other underground and above ground utilities.
- (h) Sedimentation and Erosion Control Measures. Location and design of all proposed sedimentation control measures in accordance with Article 16.
- (i) Other information.
- [1] A non-commercial cutting plan, if the proposed development is located within the Conservation Zone.
 - [2] Such additional flood hazard information as may be required by these Regulations, if the site or any portion thereof is located within an identified Flood Plain District.

C Additional requirements: Additional information may be required when such information is necessary in determining conformance with these Regulations. The Commission, or the ZEO acting as the Commission's delegate, may require the following additional information:

- (1) An accurate Class A-2 level survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.
- (2) That all plans be prepared, signed and sealed by a professional engineer, architect or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems

and water systems shall be prepared, signed and sealed by a licensed professional engineer.

- (3) Storm water drainage system details, including location, size and elevations of all catch basins, dry wells, culverts, drainage swales, detention or retention basins and other features.
- (4) The following written reports may be requested by the Commission/ZEO where appropriate:
 - (a) Sewage Disposal. The site plan shall show provisions for sewage disposal. A written report prepared by a licensed professional engineer on suitability of the site for on-site sewage disposal shall be submitted to and approved by the Town Sanitarian prior to submission to the Commission. The report shall contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal
 - (b) Potable Water Supply. The Commission may require that the applicant retain the services of a licensed water analyst who shall perform such chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests shall be submitted to the Town Sanitarian for review and written approval.
 - (c) Fire Protection. The applicant shall identify the source of water for fire protection, and shall where necessary, after consultation with the fire marshal, provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report shall include evidence that the comments of the fire marshal have been solicited and received.
 - (d) Traffic Generation. For all new commercial and industrial development, a report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed use or uses. For site plans involving fifty (50) or more parking spaces, a traffic impact analysis, prepared by a recognized traffic engineer, shall be submitted as part of the application.
 - (e) Hazardous Materials and Wastes. The applicant shall identify any hazardous materials and wastes to be associated with the proposed occupancy and use of the property. For the purposes of this subsection, hazardous materials and wastes are included in Section 3001 of the Federal Resource Conservation and Recovery Act, Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that the

substances will not specifically pollute or degrade natural resources or the surrounding environment.

- (f) Staging Plan. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development shall be submitted.
- (g) Protection of Significant Historical and Archaeological Sites. When a site or portion of a site has been identified by the State Archaeologist as historically or architecturally significant, the applicant shall identify on the plans the nature and location of the archaeological resource and shall indicate what measures are being taken to protect such resource.
- (h) Other Information: Any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

D Other Site Plan Requirements cited elsewhere in these Regulations. In addition to the requirements of Article 11, other plans and reports may be required under these regulations, including but not limited to the following:

- (1) coastal site plan, under Article 13;
- (2) special requirements for flood hazard areas, under Article 15.
- (c) erosion and sediment control plan, when the disturbed areas of such development is cumulatively more than one-half acre, under Article 16;
- (3) Residential Structures over four thousand square feet in total area, when located in the Conservation District, under Article 14.
- (4) Activities requiring a Permit under Article 19.
- (5) Any permits required from any state and/or federal agencies.

§ 315-11.6 Site Plan objectives: In reviewing a site plan application, the Commission/ZEO shall take into consideration the public health, safety and welfare of the public in general, the Purpose of these Regulations and adverse impacts of the proposed activity on the immediate neighborhood in particular, and may approve such modifications as are necessary to assure that the site plan complies with the requirements of these regulations. In particular, the Commission shall assure that the site plan meets the following objectives:

- A. Complete Application. That the application is complete and includes all materials and information required by the Commission under these Regulations in order to reach the findings contained herein.
- B. Conformance with Zoning Regulations. That the application conforms to all relevant provisions of these Regulations.
- C. Town Plan of Conservation and Development. That the proposed site plan is in general conformance with the intent of the Town Plan of Conservation and Development;

however the Plan of Development shall not take precedence over the specific provisions of these Zoning Regulations.

- D. **Emergency Services.** That all buildings, structures, uses, equipment, or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and other hazards to public safety.
- E. **Traffic Access.** That all proposed traffic access ways to and from the property do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder streets is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed use.
- F. **Circulation and Parking.** That adequate off-street parking and loading spaces are provided to prevent on-street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians to and through the parking area and to all uses, structures, and parking spaces.
- G. **Landscaping and Screening.** That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the maximum extent possible, and that parking and service areas are suitably screened and buffered during all seasons of the year from the view of adjacent residential districts and public streets. That plant material used shall be appropriate to the location and in healthy growing condition and shall be properly maintained over the time of the approved use of the site. Additional landscaping may be required at the discretion of the Commission
- H. **Lighting.** That glare and illumination from the installation of outdoor lighting and illuminated signs is properly shielded from the view of adjacent property and public streets and to prevent unnecessary light pollution. Lighting standards shall not exceed 12 feet in height. Parking and sidewalks may be lit for safety using only light bollards or other low level lighting standards with shielded light sources.
- I. **Public Health.** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.
- J. **Natural and Historical Resources.** That the development of the site will preserve sensitive environmental land features and natural resources such as steep slopes, wetlands, and large rock outcroppings, species identified as rare and endangered and species of special concern, and preserve scenic views or historically and archaeologically significant features.
- K. **Impact on Neighborhood.** That the location and size and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with, and will not be detrimental to, the appropriate and orderly development the neighborhood and the use of any adjacent land, building or structure. In general Agricultural uses, other than the Agricultural Processing and the retail sale of Agricultural Commodities, are considered to be part in harmony with the orderly development of lower density, rural areas of the town.

- L. Impact on Approved Residential Subdivisions. Where a proposed use or activity is located on a lot within a residential subdivision that has been approved by this Commission, that the location and size and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith will not be detrimental to the approved residential use of the remaining lots within the subdivision.

§ 315-11.7 Approval of Site Plan.

A decision to approve, modify or deny a site plan application shall be made within the time period specified by State Statute. The reason for the Commission's decision shall be stated on its records. Notice of the decision shall be published in accordance with state statutes. Once approval has been granted by the Commission, one (1) mylar and four (4) copies of the approved plan, on which all modifications approved by the Commission as part of its approval have been clearly indicated, shall be forwarded to the Commission for its endorsements.

§ 315-11.8 Surety.

The Commission may require, as a condition of Site Plan approval, that the applicant post surety in a form and amount satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan

§ 315-11.9 Amendments to an approved Site Plan.

- A Minor amendments. Minor amendments to a previously approved site plan may be approved by the Commission or its agent, provided said amendments do not materially alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan as approved. Minor changes shall include, but are not limited to slight relocation of paved areas, utilities, landscaped areas, lighting and other site features because of unforeseen topographic or other field conditions.
- B. Major amendments. Major amendments shall be treated as new applications for site plan approval in accordance with these regulations. Major amendments shall include but are not limited to any significant alteration in the square footage or location of landscaped areas; any alteration in residential density; any increase in building floor area or height, and any other alteration which significantly affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan. The Commission shall decide, on cases of question, whether a change shall be designated major or minor.

§ 315-11.10 Commencement of construction.

Construction shall commence on any site plan in accordance with the approved plan within one year of the date of the approval. Any plan not commenced shall become null and void unless an extension is granted by the Commission, and no building permit shall be issued until a new site plan is approved. Any site not completed within five (5) years of the date of the Commission's approval shall likewise become null and void, and no Certificate of Occupancy

shall be issued except upon the approval of a new site plan. The notice of approval of a site plan shall include a statement of the date on which such five (5) year period expires.

§ 315-11.11 Certificate of occupancy.

No Certificate of Occupancy shall be issued by the Building Official until the Commission/ZEO has determined that the site has been completed in accordance with the approved site plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until the Commission/ZEO has received written certification from the project architect, engineer, or land surveyor, if one has participated in the preparation of application materials, to the effect that the project has been completed in accordance with the approved plan. If amendments have been approved, "as built" drawings shall be submitted as well. The Commission/ZEO shall consider written certification and "as built" drawings, along with any inspections of the site. If the Commission/ZEO finds that the project is complete in accordance with the approved plan, a Certificate of Occupancy shall be issued. If the Commission/ZEO finds that the project is incomplete, a Certificate of Occupancy shall not be issued.

ARTICLE 12 Special Permits

§ 315-12.1 Purpose.

Comprehensive zoning regulations are based on the division of the community into separate districts in which the use of land and buildings are substantially uniform. It is recognized that there are certain uses which, because of their nature, cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area, and without careful evaluation of the public need for such uses in the particular locations proposed. Such uses, therefore, shall be treated individually through the use of special permits.

§ 315-12.2 Authority.

- A. Unless waived by the Commission pursuant to § 315-12.2.B, in all cases where these regulations require grant of a special permit, no zoning permit shall be issued by the ZEO except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Planning and Zoning Commission.
- B. Waiver of the requirement for a special permit. The Commission may waive the requirement for approval by special permit for Agricultural uses identified in § 315- 8.6.D where such use will not have an adverse impact on the surrounding neighborhood and will not be detrimental to the appropriate and orderly development or use of rural districts. In general and in accordance with the Plan of Conservation and Development, Agricultural uses are generally considered to be a natural and desired part of the of lower density, rural areas of the town. In the case of a waiver of the requirement of a special permit, Site Plan approval in accordance with Article 11 shall be required.

§ 315-12.3 Application for special permit.

- A. Submission of application. Each application for a special permit shall be filed with the Zoning Enforcement Officer on a form provided by the Commission at least fourteen days prior to the next regular meeting of the Commission, and shall be accompanied by a fee as established by the Commission. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Article 11 has been received. The information submitted for the special permit shall be voted on as part of the special permit Application. Failure to submit a complete application shall be grounds for denial of the application.
- B. Official date of receipt. The date of official receipt of a special permit application shall be the date of the next regularly scheduled meeting of the Commission following the date of submission of a completed application to the ZEO
- C. Public hearing. The Commission shall hold a public hearing on all applications for a special permit in accordance with the requirements of Section 8-3c of the Connecticut General Statutes

- (1) Mailing of Hearing Notice. At the beginning of a public hearing held on any application for a special permit, the applicant shall present proof that notice of the hearing has been mailed at least 10 days, but not more than 30 days, in advance of the date of the scheduled hearing by certified mail, return receipt requested, directed to each of the owners of records of lots located within 150 feet from the boundaries of the subject properties, as such owners and addresses appear on the last completed Grand List of the Town of Lyme.
- (2) Affidavit of Compliance. The petitioner requesting the special permit shall, on or before the date of the public hearing, file with the Commission proof of mailing documenting compliance with § 315-12.3.C

§ 315-12.4 Referrals.

Upon receipt of a special permit application, the Commission may refer the application to the Zoning Enforcement Officer and any other agency or department affected by the application for review and recommendations to be submitted prior to or at the public hearing,

§ 315-12.5 Conditions for granting special permit.

A special permit shall not be granted until the Commission has determined that all of the following conditions have been satisfied. In making such determination, the Commission may take into account the importance of continuing and supporting agriculture in the Plan of Conservation and Development. Except in the more densely developed areas of town, Agricultural uses, particularly non-retail uses or uses on larger lots where more intensive activities and retail sales activity will not adversely impact surrounding residential use, should be deemed to be in harmony with rural areas of the town.

- A. Complete Application. That the application contains all information required by these Regulations, that the information has been prepared by persons having the necessary expertise to prepare it, that the information is submitted so as to permit the Commission to understand it and determine compliance with these Regulations. Failure to meet these criteria shall be grounds for denial without prejudice to future complete applications.
- B. Compliance with Zoning Regulations. That, in addition to meeting all other conditions, the proposed use and the arrangement of all proposed buildings, structure, facilities and other site improvements shall comply with all applicable provisions of these Zoning Regulations, unless a certified copy of a variance is submitted with the application, or the Zoning Enforcement Officer determines that there is a legal preexisting non-conformity. Further, the application shall conform to all provisions of the Lyme Subdivision Regulations, the Lyme Wetlands Regulations, the Public Health Code, and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.
- C. Harmony with Development. That the proposed use is of such location, size, scale, density, character and intensity that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, in relation to existing land uses; and that the use will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties; and that the

use is in harmony with the Lyme Plan of Conservation and Development. In addition, where a proposed use or activity is located on a lot within a residential subdivision that has been approved by this Commission, the location and size and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith will not be detrimental to the approved residential use of the remaining lots within the subdivision.

- D. **Public Safety.** That the nature and location of the proposed use of any building or other structure in connection with the special permit is such that there is adequate access to it for the purpose of fire protection, police protection, and other emergency equipment, including fire lanes, access drives to remote portions of building or site, and adequate lighting; that there is adequate utility capacity for the use, including water supply for firefighting; that all appropriate flood proofing measures have been met; and that existing provisions for fire and police, water, sewerage and other public requirements are adequate.
- E. **Impact on Environment.** That the location and size of such use, the nature and intensity of operations involved in connection therewith, and the site layout and development will not have a material adverse impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood, particularly with regard to endangered, threatened, and special concern species and significant natural communities; that the use can be conducted without undue destruction of and or pollution of lakes, streams and other water bodies, natural topography, habitat and other natural resources.
- F. **Property Values and Neighborhood.** That the: (i) proposed use, (ii) intensity of proposed activity, (iii) size and height of all proposed structures, and (iv) the extent of all proposed site improvements will not materially depreciate adjacent property values; that the site design is the best possible design of structures and land uses compatible with the shape, size, topography and natural character of the area; that scenic vistas and public access are preserved; that materials used, rooflines, doors and windows, site and building lighting, paving materials, landscaping, signs, colors and other features of the site and buildings which are visible from the exterior of any building or from adjoining properties or streets are appropriate for the site's location; and that light, noise and odors are controlled so as to not be detrimental to the surrounding area.
- G. **Traffic Considerations.** That the streets serving the proposed use are adequate to carry all prospective traffic; that adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created; that adequate off-street parking and loading facilities are provided; that the development of the subject site provides for the continuation and appropriate improvement of streets terminating at or proposed to be constructed through the lot on which the proposed use is to be located; that the use is within the capacity of adjacent and feeder streets to accommodate peak and non-residential traffic through resident streets, that all driveways, parking areas, paths and sidewalks on the site for non-residential uses are interconnected and/or combined with adjacent parking areas, driveways, paths and sidewalks to minimize curb cuts and maximize pedestrian and vehicular movement; and that there is adequate and safe circulation within the property for vehicles and pedestrians.
- H. **Landscaping and Buffers.** That the site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent properties; that the

grading, improvements and landscaping of the site are designed to protect and enhance the historic and rural nature of the town; and that the proposed use of the property will maintain sufficient buffering between the subject site and adjacent single family residentially zoned properties. When adequate buffering does not exist, sufficient buffers between the proposed use and adjacent properties, satisfactory to the Commission, shall be provided through use of grade separation, landscaped buffer areas, and/or natural open spaces.

- I. Relationship to Utility Systems, Drainage Systems and Impact on Community Facilities. That the subject site shall have adequate water and sewerage systems for the proposed use; that the use will not place undue burden on utilities; that adequate provision for storm water runoff has been made so that quantity and quality of runoff from the property is maintained or improved; that adequate provision is made for the solid and hazardous waste disposal, and for recycling; and the proposed use will not adversely impact other existing community facilities.

§ 315-12.6 Permitted stipulations with special permit.

The Commission, in approving a special permit, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values, and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, and better overall neighborhood compatibility. Such restrictions may concern, without limitation, the actual operation of the proposed use and/or components of the special permit, including but not limited to the following: for Agricultural activities, the seasonal storage of animal wastes in a manner consistent with current best practices for Agricultural operations, hours and scope of operation, building location, size and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping and screening, signs and lighting, and the design and architectural treatment of all structures.

§ 315-12.7 Commission action.

The Commission will conduct a public hearing and act on the application within the time frame set out by the Connecticut General Statutes.

§ 315-12.8 Revocation of approval; abandonment.

- A. Violation of Conditions. Whenever the Commission shall find that any terms, conditions or restrictions upon which a special permit was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and to the applicant for the special permit.
- B. Abandonment. Whenever a use permitted by special permit is abandoned, the approval of such special permit shall be rescinded and revoked. Resumption of a use for which a special permit approval has been rescinded shall constitute a violation of these Regulations.

§ 315-12.9 Amendments or modifications.

Once a special permit has been granted under these Regulations, no subsequent change in the operations or conditions of the approved use or approved plan shall be permitted unless a new

application for a special permit is submitted to and approved by the Commission. Minor modifications which do not materially alter the special permit, as determined by the Commission, may be approved by the Commission without a public hearing.

§ 315-12.10 Time period and expiration.

- A. In approving a special permit, the Commission may set or impose time periods or limits on a special permit use, or require periodic renewal with or without a public hearing. In the event an appeal is taken from the Commission's approval of a special permit, then the time period shall commence on the date of final resolution or disposition of such litigation. Expired special permits shall be considered null and void and of no effect.
- B. Substantial construction within one year. If within one year of the date of approval of a special permit, substantial construction has not begun on a building or structure, or no use authorized by the special permit has been established, the special permit shall become null and void. Substantial construction shall include the erection of all foundation structures and at-grade slabs. At the Commission's discretion and for good cause, upon request of the applicant, the Commission may extend for an additional one year period the time allotted for the beginning of substantial construction or establishment of a use.

§ 315-12.11 Inspection.

Inspections may be made by the Commission or its designated 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 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. The cost of the inspections and consultants shall be paid by the applicant in accordance with the fee schedule.