



SECTION 53

Special Standards for Specific Uses

53.0 [RESERVED]

53.1 STANDARDS

The following special standards, conditions, and procedures are applicable to the establishment of these specific uses when permitted in a District.

Accessory Apartment, (mixed use). An accessory apartment (mixed use) is a *dwelling unit* that is accessory and subordinate to a permitted non-residential *use* and is an additional *use* which the Commission may approve by Special Exception.

A maximum of two accessory apartments (mixed use) may be permitted on a lot in the Central Business B-1 Zoning District and the Incentive Housing Zone, Mixed Use Subzone. The location within the Incentive Housing, Mixed Use Subzone is only for purposes of indicating an eligible location and is not subject to the Regulations listed in Section 54 Incentive Housing Zone or Public Act 07-04.

The following standards, conditions, and procedures are applicable to the establishment of all accessory apartments (mixed use):

- A. When two accessory apartments (mixed use) are proposed on a lot, the total s.f. of both apartments will not exceed 50% of the *gross floor area* of the *buildings on a lot*. One apartment will not exceed 800 s.f. of *gross floor area* and the other will not exceed 1,500 s.f. of *gross floor area* not to exceed 2,300 s.f. If only one apartment is proposed, the accessory apartment (mixed use) will not exceed 800 s.f. or 1500 s.f. of *gross floor area*.
- B. Except for an access door, lobby, or hallway, no portion of an accessory apartment (mixed use) will be located on a first *story* will be located facing a street in a manner that disrupts a series of commercial uses (i.e., non-residential uses permitted in the underlying zone) as viewed from a street or other public space. The purpose of this provision is to restrict first story accessory apartments (mixed use) to those areas where commercial uses transition to nearby residential uses located along the street. A door along the street to access second *story* apartments or to a hallway to access rear apartments is to be permitted and is encouraged.
- C. For corner lots, the Commission in its discretion may allow for first *story* accessory apartments (mixed use) facing a street when the location does not break up an existing or planned commercial streetscape.
- D. Any *gross floor area* remaining on any story of the building that is not *used* for accessory apartments (mixed use) must be *used* in accordance with the *uses* permitted in the *underlying district*, or, if vacant, is being actively marketed such uses.

- E. Residential uses shall comply with the provisions of Section 68, specifically Sections 68.1.3 and 68.1.4.
- F. Any Special Exception issued under this Section shall be valid until the following January of each year ending in a five (5) or a zero (0), at which time the owner of the premises will file with the Enforcement Officer an affidavit, and such other evidence as the Enforcement Officer may require, establishing that the accessory apartment (mixed use) continues to comply with the criteria set forth above, the approved plans, and any condition of approval attached to such Special Exception.

Accessory Apartment (residential). An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family is a use subordinate to the *dwelling* and an additional *use* for which a Certificate of Zoning Compliance is required. The following standards, conditions, and procedures are applicable to the establishment of the accessory apartment (residential):

- A. The accessory apartment (residential) will be located within, or in an addition to, the single detached *dwelling* and will be provided with a kitchen and complete bathroom, separate from the facilities of the remainder of the dwelling, as well as two(2) means of egress including a separate outside door. A garage *structure* attached to the *dwelling* and converted to contain an accessory apartment (residential) is considered to be within the dwelling.
- B. Either the single detached *dwelling* or the accessory apartment (residential) will be occupied by a person who owns the premises, except, under this subsection, a person may also be a *non-profit corporation* organized for the purpose of providing housing for low and moderate income individuals and families, where the premises is not operated for profit, in which case both the single detached *dwelling* and the accessory apartment (residential) may be occupied by non-owners.
- C. The single detached *dwelling* to which the apartment is *accessory* will be located on a *lot* having at least the minimum area as required by these Regulations for the District where the *lot* is located and as specified when served or not served by public water supply. A single detached *dwelling*, located in a Planned Residential Development (PRD), as defined in these Regulations, is not eligible to contain an *accessory* apartment (residential).
- D. The single detached *dwelling* will be provided with the number of off-street parking spaces required by these Regulations, and the accessory apartment (residential) will be provided with at least one (1) additional off-street parking space that is usable independently of the spaces required for the *dwelling*.
- E. The single detached *dwelling* will have no less than the minimum square feet of gross *floor area* specified in Paragraph 8.12.1, and the accessory apartment (residential) will have a minimum floor area of not less than five hundred (500) square feet. The *gross floor area* of the accessory apartment will not exceed one-third of the total habitable gross floor area of the *dwelling*, or seven hundred fifty (750) square feet, whichever is less. The accessory apartment (residential) is not eligible for use as a professional office, a *home business* in a *dwelling unit*, or for the renting of rooms.
- F. The single detached *dwelling* containing an accessory apartment will have a design that maintains the appearance of the premises as a single detached *dwelling* for



one (1) family. The *dwelling* when constructed or converted to contain an accessory apartment will have only one (1) outside door along the front facade elevation unless two (2) doors existed at the time of a conversion. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* will be located on the side or rear of the *dwelling* and will be fully enclosed.

- G. The application for Certificate of Zoning Compliance will be accompanied by the following:
1. An affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory apartment or the remainder of the single detached *dwelling* is to be occupied by an owner of the premises as the principal place of residence;
 2. A certification from the Connecticut River Area Health District that the water supply and sewage disposal Systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the accessory apartment and remainder of the *dwelling*;
 3. A plan of the premises as specified in Paragraph 72.2; and
 4. Competent floor plan drawings of the *dwelling* and apartment, and suitable sketches, architectural drawings or photographs sufficient to show the character and extent of exterior *building* and facade construction including any alterations.
- H. Issuance of a Certificate of Zoning Compliance for an apartment *dwelling unit* that is accessory to a single detached dwelling for one (1) family is conditioned upon the following:
1. In January of each year ending in the numeral five (5) or zero (0), person who owns the premises will file with the Enforcement Officer a new affidavit of ownership of the premises and certifying that either the accessory apartment or the remainder of the *dwelling* is occupied by the *person* who owns of the premises as required for the original application; and
 2. The Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.

Accessory Use. *Accessory uses* will not include *uses* that are otherwise not permitted or specifically prohibited in the District. In Residence Districts, *accessory uses* will also conform to the following additional standards and conditions:

- A. The *accessory use* will be located on the same *lot* with the *use* to which it is *accessory*.
- B. *Accessory uses* may include a *boat* landing, and dock to accommodate no more than two (2) *boats*.

- C. *Accessory uses* may include off-street parking spaces and private garages, except in connection with a farm or a Special Exception *use*, there will be no more than one (1) commercial vehicle parked on any *lot*, and the vehicle will not exceed one and one-half (1 1/2) ton capacity.
- D. No part of a *lot* located in any of the Residence Districts will be used for access to a *use* not permitted in the District.

Adult Entertainment Businesses. The purpose of this section is to regulate *uses*, which, because of their nature, have potentially serious objectionable operational characteristics, particularly when concentrated, and under certain circumstances, having a deleterious effect upon surrounding areas. Special regulation of these *uses* is necessary to insure that these adverse effects will not result in the downgrading of the surrounding neighborhood. These regulations prevent clustering of these *uses* in any one location and protect health, safety, general welfare and property values in the Town of Old Saybrook. In addition to conforming to standards elsewhere in these regulations, any adult entertainment *business* will also conform to the following special standards:

- A. **Specific Concerns** – An *adult entertainment business*, as defined in Section 9, Definitions, may be approved as a Special Exception *use* in a Business B-4 District only, provided the following standards and criteria are met in addition to the standards, criteria, and conditions stated elsewhere in Section 52.7.15:
 1. No *lot* containing the *adult entertainment business* will be located within two hundred fifty feet (250') of a district which, pursuant to these regulations and the Zoning Map of the Town of Old Saybrook is classified AAA, AA-1, AA-2, AA-3, A, B, B-1, B-2, B-3, I, MC or SP Districts.
 2. No *lot* containing the *adult entertainment business* will be located within one thousand feet (1,000') of an adjacent municipality.
 3. No *lot* containing the *adult entertainment business* will be established within one thousand feet (1,000') of another business.
 4. No *lot* containing the *adult entertainment business* will be located within one thousand feet (1,000') of the property line of any public, private or parochia school, day-care center, library, park, playground or other recreational facility, whether commercial or non-profit, or any other area where numbers of minors regularly travel or congregate, in any *zone*. Nor will any the business be located within one thousand feet (1,000') of the property line of any church, convent, monastery, synagogue or other similar place of worship, or cemetery.
 5. For purposes of this section, distances will be measured in a straight line, without regard to intervening *structures* or objects, from the nearest portion of the *lot* containing or proposing to contain an *adult entertainment business use* to the nearest boundary of the *uses* specified above.
 6. In businesses where the adult entertainment section accounts for less than ten percent (10%) of a business stock in trade, display space, or floor space, the adult entertainment section of the business will be secluded from the principle section of the business in a manner acceptable to the Commission.
 7. No accessory apartment or apartments or other *dwelling units* will be permitted on the premises of an *adult entertainment business*.



8. In accordance with C.G.S. §8-6, these regulations (Section 52.7.15, inclusive) will not be varied by the Zoning Board of Appeals to permit an *adult entertainment business*.
- B. **Application Procedure** – Application for a permit for an adult entertainment business will be made to the Commission in accordance with Sections 34, 51, and 52.7.15, demonstrating compliance with these sections.
 - C. **Required Renewal** – Renewal of *adult entertainment businesses* is required in January of each calendar year and will conform to the following standards:
 1. Purchasers of *buildings* that have had Special Exception *uses* for *adult entertainment businesses* who want to continue the Special Exception *use* will obtain a Certificate of Zoning Compliance and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the *adult entertainment business*.
 2. Any renewal will be referred to the Commission for consideration. The Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Exception *use* before the continued operation of the *adult entertainment business*.

Amusement Device. No more than two (2) *amusement devices* are permitted for *use* by the public on a fee basis unless sponsored by a local charitable or benevolent organization and located in a Business or Industrial District and then for a period not to exceed six (6) days; any establishment, including arcade, amusement center, store or shop, where more than two (2) amusement machines or devices are available for *use* by the public on a fee basis.

Animals, Domestic. The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted towards this limit.

See also **Farm; Kennel; Livery or Boarding Stable; Livestock or Poultry.**

Automotive Use. A motor vehicle service station, and the additional automotive *uses* specified in Paragraph 34.2.1 and 32.3.2, will conform to the following special standards:

- A. No *building* or *structure* used for a motor vehicle service station or other automotive *use*, and no land used for the purposes, will extend within one hundred feet (100') from a residential district boundary line. In addition, no motor vehicle service station or other automotive *uses* will have any entrance or exit for motor vehicles at the *street line* within a radius of five hundred feet (500') of any entrance or exit at the *street line* of any public or private school grounds, library, church or other place of worship, park, playground or institution for sick, dependent or children under sixteen (16) years of age.
- B. No pump or other fuel-filling devices for the retail sale of gasoline or other motor vehicle fuel on any *lot* will be located within less than twenty-five feet (25') of any *street line* or property line or within a radius of one thousand feet (1,000') of any pump or device on any other *lot*.
- C. There will be no repair work, except of a minor or emergency nature, performed out of doors.

- D. Except with respect to automotive *uses* specified under Paragraphs 32.3.1 and 32.3.2, in the Business B-2 District, and *outside storage areas* as set forth in Paragraph E. below, no more than five (5) undamaged motor vehicles awaiting repair will be stored or parked out of doors.
- E. More than five (5) vehicles, including damaged vehicles, may be stored or parked outdoors if located in an enclosed *outside storage area*. Said *outside storage areas* will be enclosed by *buildings* or *fences*, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any *street*, but will be allowed necessary access drives.
- F. The requirements of this section 52.7.18 will be in addition to, not in lieu of, the requirements set forth in C.G.S. §14-54, §14-67i, and §14-321.

Bed and Breakfast Transient Lodging. A *bed and breakfast transient lodging use* consists of a room or rooms for overnight accommodation of visitors in a *dwelling*, including service of breakfast to the visitors, and the *use* is subject to the following special standards:

- A. The *dwelling* will be located on a *lot* in the Residence AA-2 or A Districts or the Central Business B-1, Shopping Center Business B-2, Restricted Business B-3 or Gateway Business B-4 Districts.
- B. The owner of the *dwelling* will reside on the premises, and the premises will be the principal place of residence of the owner.
- C. The *dwelling* will have a minimum *gross floor area* of two thousand square feet (2,000 s.f.) and will be found to be capable of accommodating rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment. There will be no more than four (4) the rooms in the *dwelling* and each room will be limited to double occupancy. One (1) full bathroom will be provided for each two (2) rooms for transient visitors. Not less than seven hundred fifty square feet (750 s.f.) of the *dwelling* will be reserved and assigned as the *dwelling unit* for occupancy by the owner of the premises.
- D. The *use*, including any modification or additions to the *dwelling*, will preserve the architectural style and integrity of the *building* as a *dwelling* and any stairways for access to floors above ground level will be located inside the *dwelling*. In the event that the *dwelling* is an historic *structure*, the *use*, including any modifications to the *dwelling*, will not preclude the structure's continued designation as an historic *structure*.
- E. In addition to off-street parking spaces required for other *uses* on the *lot* one (1) off- street parking space will be provided for each room for transient visitors, and in residence districts, no parking spaces will be located in the area required for *building setback* from a *street line* and in business districts the parking spaces will be located.
- F. The *dwelling* will be served by public water supply. The sewage disposal system, existing, or as proposed to be modified to serve the proposed *use*, will be approved by the Connecticut River Area Health District. The transient lodging occupancy will be approved by the Fire Marshal.



- G. Occupancy of rooms for transient lodging by any person will not exceed fourteen (14) consecutive days in the ninety-day (90) period commencing with the day of first occupancy. Meals for occupants of the rooms will be limited to breakfast only.
- H. In determining the appropriate number of rooms to be permitted on a *lot* in a Residence District the Commission will be guided by the following:
1. A *dwelling* on a *lot* of at least twenty thousand square feet (20,000 s.f.) may contain no more than two (2) rooms or a *dwelling* on a *lot* of at least thirty thousand square feet (30,000 s.f.) may contain no more than three (3) rooms or a *dwelling* on a *lot* of forty thousand square feet (40,000 s.f.) or more may contain no more than four (4) rooms.
 2. The Commission may modify the above *lot area* standards to allow for more or fewer rooms based upon, but not limited to, factors such as the size and shape of the *lot*, the more distant or closer proximity of a *dwelling* on other *lots* and across the *street* and the provision for and layout of off-street parking in a manner supporting the residential character of the neighborhood, including screening. In any event, there will be no more than four (4) the rooms in the *dwelling*.
- I. No bed and breakfast transient lodging *use* is permitted in a *dwelling* where rooms are rented as provided in Paragraph 8.7.
- J. In the event of any change in ownership of the *lot* where an approved bed and breakfast *use* is located, the new owner, before continuation of the operation of the *use*, will submit an application for Certificate of Zoning Compliance and the application will be approved and Certificate issued by the Enforcement Officer when the Officer determines that the continued *use* will be in compliance with these regulations and the original Special Exception *use* requirements for the *lot*.

Boarding House. A *building* where lodging with or without meals for no more than three (3) persons are provided to long term (i.e.: non-transient) residents only, for compensation, utilizing one central kitchen facility. A boarding house will be confined to the principal *building* on the *lot*. No more than three (3) rooms will be rented per boarding house.

Club. Golf, tennis, swimming or similar clubs will be located on a *lot* of not less than ten (10) acres, and no *building*, *structure* or recreation facility established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street line*.

Commercial Kennel or Stable. A commercial *kennel*, livery or boarding stable, or riding academy will be located on a *lot* of not less than five (5) acres. Dogs will be kept in *buildings*, enclosures or runs located not less than one hundred fifty feet (150') from any property or *street line*. Any *building* in which livestock are kept will be located not less than one hundred feet (100') from any property or *street line*.

Convalescent Home or Hospital. A convalescent home, private hospital or sanitarium, licensed by the State of Connecticut, will conform to the following special standards:

- A. In the Residence AAA or AA-1 District, the *use* will be located on a *lot* having a minimum area of ten (10) acres and there will be no more than one (1) patient

bed for each ten thousand square feet (10,000 s.f.) of *lot area*. In the Residence AA-2, A, B or Restricted Business B-3 Districts, the *use* will be located on a *lot* having a minimum area of five (5) acres, and there will be no more than one (1) patient bed for each five thousand square feet (5,000 s.f.) of *lot area*. In the Gateway Business B-4 District, the *use* will be located on a *lot* having a minimum area of ten (10) acres, and there will be no more than one (1) patient bed for each twenty-five hundred square feet (2,500 s.f.) of *lot area*. In the Industrial (I) District, the *use* will be located on a *lot* having a minimum area of fifteen (15) acres and there will be no more than one (1) patient bed for each five thousand square feet (5,000 s.f.) of *lot area*.

- B. No *building or structure* established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street line*.
- C. The *use* will be served by public water supply.
- D. The *use* will comply in all respects to applicable laws and regulations of the State of Connecticut.
- E. The application will be accompanied by a report from the Connecticut River Area Health District attesting to the adequacy of the proposed location, site plan, *buildings*, and facilities for the intended *use*.
- F. The application will be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, site plan, *buildings* and facilities.

Conversion of Dwelling. The *dwelling* to be converted to contain two (2) *families* will be a single-family detached *dwelling* for one (1) family and will conform to the following special standards:

- A. Such *dwelling* will have been in existence on January 1, 1944, will contain not less than two thousand square feet (2,000 s.f.) of enclosed floor space, and, upon conversion, neither of the two (2) *dwelling units* will contain less than eight hundred square feet (800 s.f.) of enclosed floor space.
- B. The *dwelling* will be located on a *lot* having a minimum area of twenty-five thousand square feet (25,000 s.f.) if served by public water supply or having a minimum of forty thousand square feet (40,000 s.f.) if not so served.
- C. In making changes to the exterior of the *dwelling*, the appearance and character of a single-family house will be preserved, and no structural changes will be made other than to provide the necessary means of egress for each *dwelling unit*.
- D. Stairways leading to the second and any higher floor will be located within the walls of the *dwelling*.
- E. Sewage disposal facilities will be designed and constructed in accordance with applicable State and Town codes and regulations.

Daycare. *Daycare* will conform to the following special standards:

- A. The *use* will be limited to daytime group care of six (6) or more unrelated children or adults outside their homes including the providers' relatives for compensation on a regular basis not exceeding twelve (12) hours in a twenty-four (24) hour period.



- B. In an Industrial I District, the *daycare* facility will be located within a *building* on a *lot*, which *building* is also occupied by other *uses* or within a separate *building*. The facility may have an outside fenced playground area. The *daycare* facility, including but not limited to its location within a *building*, its location in relation to other *buildings* on the *lot*, its playground area and its drop off and pick up points in relation to truck and other vehicular traffic, will be subject to the applicable requirements of these Regulations.

Drive-through Window for Financial Institutions & Pharmacies. In the Business B-1, B-2, and B-4 Districts, a financial institution or a pharmacy licensed by the State of Connecticut may include service to customers in motor vehicles at a *drive-through window* as an *accessory use* within a *building* of not less than two-thousand square feet (2,000 s.f.) by Special Exception Ue. Any *drive-through window* must conform to the following additional standards and conditions:

- A. A *drive-through window* at a pharmacy will only be permitted for the presentment of prescriptions and the pickup of prescription medicines.
- B. The Applicant will demonstrate to the satisfaction of the Commission that provision has been made for the stacking of vehicles in a lane which is separate from the traffic circulation pattern associated with the *use* and its parking area.
- C. The Applicant will demonstrate, to the satisfaction of the Commission, that adequate provision has been made for customers to park and safely enter/exit the *building* without crossing through adjacent lanes of moving traffic or stacking lanes for the *drive-through window* service.
- D. Drive-through vehicle lanes will be located so as to be physically separated from parking lot aisles and *driveway* entrances.
- E. The applicant must plant evergreen or other tree species with similar visual canopy of not less than three (3) inch caliper, at least six feet (6') in *height* for every twenty five feet (25') along the perimeter landscaping area wherever a *drive-through window* is located adjacent to a residential *use*.
- F. There will be no more than one *drive-through window* and one *substation* per *building*. The *substation* will be within twenty-five feet (25') of the *drive-through window*. Any *drive-through window* will be located, whenever possible at the back of a *building* or that portion of the *building* least visible from all public roads. Any *drive-through window* will have no more than two (2) lanes per *building* and for *use* by only (1) business per *building*.
- G. There will be no more than two additional "drive-through" *signs* for directional flow provided that the directional *signs* are no wider than forty-eight inches (48") nor higher than eight inches (8") with the words "Enter" or "Exit" only. No more than two (2) "Open" or "closed" *signs* will be allowed only when directly located above the drive-through lane and will be no wider than forty-eight (48") inches nor higher than eight inches (8"). Advertisements located at *substations* are *signs*.

Domestic Animals. The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted towards this limit.

Dwelling for Elderly or Handicapped Persons. A *dwelling* for elderly or handicapped persons will conform to the following special standards:

- A. The *dwelling* will be owned by a *non-profit corporation*, established under the laws of the State of Connecticut for the specific purpose of owning, constructing and operating the *dwelling*. A copy of the articles of incorporation, as well as a copy of a management plan, will be submitted with the application for a Special Exception *use*.
- B. The *dwelling* or *dwelling unit* will be designed and equipped specifically to meet the special needs of elderly or handicapped persons, and each *dwelling unit* will be occupied by at least one (1) person who is either sixty-two (62) years of age or older or is physically handicapped. The management plan will include a provision that a surviving spouse under the age of sixty-two (62) may be permitted to remain in the complex.
- C. The *dwelling* may:
 1. Contain not less than two (2) nor more than eight (8) *dwelling units* or
 2. Consist of one or more clusters of up to six (6) single detached *dwelling*s per cluster for one (1) family. No *dwelling unit* will contain more than two (2) *bedrooms*. Each one-*bedroom dwelling unit* will contain not less than four hundred square feet (400 s.f.) of enclosed floor space and each two-*bedroom dwelling unit* will contain not less than five hundred fifty square feet (550 s.f.) of enclosed floor space. No separate *dwelling unit* will be located above any other *dwelling unit* unless the upper *unit* has at-grade access (principal doorsill not more than twenty-four (24) inches above the grade of the adjoining land).
- D. The *dwelling* will be located on a *lot* having a minimum area of two (2) acres that have an average seepage rate of one (1) inch in ten (10) minutes or less. A *dwelling* will be located on suitable *building* land on the *lot*, and the total number of *dwelling units* will not exceed twelve (12) per acre of land having the above seepage rate. All the *dwelling*s will be served by public water supply.
- E. No *dwelling* or *accessory building* or *structure* will extend within less than twenty-five feet (25') of any *street line* or property line, and no parking spaces or access aisles in connection therewith will extend within twenty-five feet (25') of any *street line* or within fifteen feet (15') of any property line. No *dwelling* will extend within less than fifteen feet (15') of any other *dwelling* on the *lot*.
- F. The *use* may include *accessory* community rooms and facilities for the *use* of the occupants of the *dwelling*s, as well as utility and maintenance *buildings* and facilities necessary for support of the *dwelling*s on the *lot*.

Farm. A farm, including a truck garden, nursery, greenhouse, forestry or the keeping of livestock, will conform to all standards for animals listed in this section. A farm will not include a commercial piggery, and there will be no commercial slaughtering, fertilizer manufacturing, or any commercial reduction of animal matter.



Food and Beverage Concession Service. A food and beverage concession service is an *accessory use*, involving the indoor or outdoor retail sale of food for consumption on the premises, such retail sale *not* being to the general public nor for consumption off the premises, but *accessory* to a *park or playground* operated by the Town of Old Saybrook when said *park* abuts Long Island Sound. A food and beverage concession service may be permitted in any district by Special Exception Use when in accordance with the following standards and conditions:

- A. A food and beverage concession service will not operate when the *park* to which it is *accessory* is not open to the public, and in no event will a *food* and beverage concession service operate for more than six (6) months in any calendar year.
- B. A food and beverage concession service will not obstruct parking, loading, emergency access areas, pedestrian walkways or paths.
- C. A food and beverage concession service will provide service to patrons of the *park* to which it is *accessory*. Signs, advertising, promotion, or other market efforts directed to off-site patrons is prohibited.
- D. A food and beverage concession service will have a maximum floor area of no more than four hundred square feet (400 s.f.) of indoor or otherwise enclosed space. One wheeled cart or one motor vehicle situated on the property for a minimum of four hours per day may be permitted in lieu of a permanent building. No outdoor seating will be provided for this accessory use however *park* benches, picnic tables and other furniture located at the *park* on a year round basis may be used for seating.

Heliport. Any heliport will be a private heliport for non-scheduled periodic landing and takeoff of rotor-craft, will be *accessory* and incidental to another permitted *use* on the *lot* and will conform to the regulations of State and Federal agencies having jurisdiction over aircraft landing and takeoff facilities and *use* of airspace.

Home Business in a Dwelling Unit. A home business in a dwelling unit located in a Residence District is an additional use or which a Certificate of Zoning Compliance is required. A home business consists of an activity conducted for gain and will conform to the following standards and conditions:

- A. The person conducting the home business will reside in the dwelling unit, and there will be no more than one (1) non-resident person employed on the premises in connection with the business.
- B. There will be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home business.
- C. The home business will be confined to but one (1) floor of the dwelling unit and will not exceed more than twenty five percent (25%) of the gross floor area of the dwelling unit.
- D. No finished consumer goods will be acquired outside the dwelling unit for sale in connection with a home business within the dwelling unit.

- E. The home business and conduct thereof will not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
- F. The application for a Certificate of Zoning Compliance will be signed by the person or persons proposing to conduct the home business and will be accompanied by a detailed description of the proposed use. Each Certificate of Zoning Compliance will automatically terminate when the Applicant no longer resides in the dwelling unit.

Hotel Suites in the SP-2 and SP-3 Districts.

- A. A *hotel suite* and *hotel rooms* may be permitted as accessory to and part of a hotel permitted under these regulations. The *hotel suite* and *hotel rooms* may be located within the hotel Building or Buildings.
- B. Section 9.1 of these Regulations notwithstanding, a *hotel suite* or *suites* and *hotel room* or *rooms* may be located in a building or buildings on a separate lot from the hotel provided that a public entrance to said *hotel* is not more than 1000 feet distant from the entrance to the building in which each *hotel suite* and each *hotel room* is located, and provided that all other requirements of this Section are met.
- C. The number of accessory *hotel suites* will be less than 50% of the number of total rooms in the hotel devoted to transient lodging.
- D. The floor area of the accessory *hotel suites* will be less than 50% of the floor area of the total rooms in the hotel devoted to transient lodging.
- E. A *hotel suite* will not be less than 750 square feet, nor exceed 1900 square feet and a *hotel room* will not be less than 250 square feet nor exceed 700 square feet. outside the hotel room or suite that is designed or arranged such that it is for the exclusive use of one or more of the hotel rooms or suites shall be allocated to that hotel suite or room prorata.
- F. In the event a *hotel suite* or *hotel room* is located on a separate lot from the hotel, no more than 24 *hotel suites* or *hotel rooms*, or combination of *hotel suites* and *hotel rooms* may be located on any single lot, and no other hotel facilities will be located on the same separate lot.
- G. No hotel facilities shall be located on the said separate lot for use by the hotel guests other than the occupants of the separate building or buildings on the lot, or for use by the general public.
- H. Within the building or buildings on the separate lot, the Commission may approve a separate entry area and a separate common area which may have kitchen facilities, for the use of the occupants of the building, and not for use by hotel guests other than the occupants of the building, nor for use by the general public . Any such building or buildings, including any entry area and common area, shall not have separate staff, but shall be administered as an accessory part of the hotel as required under Section 37.1.14.



- I. In the event a *hotel suite* or *hotel room* is located on a separate lot from the hotel, there will be two parking spaces per hotel suite and one parking space per *hotel room* located on the same lot. Such parking spaces per *hotel suite* and *hotel room* will be in addition to the parking required for any other uses, principal or accessory, located on such lot.
- J. In the event the *hotel suites* or *hotel rooms* are to be located in an existing dwelling or dwellings having the same or more bedrooms than proposed, which dwelling or dwellings, or the lot on which it is located, is nonconforming to one or more of the requirements of Section 37.2 through 37.5, inclusive, the provisions of 10.7 shall apply.
- K. In the event the *hotel suites* or *hotel rooms* are to be located in an existing building containing more than one dwelling unit, no part of the existing building can be converted to *hotel suites* or *hotel rooms* except under the following condition:
 1. Only the first floor dwelling units will be converted to *hotel suites* or *hotel rooms* in the event dwelling units are to remain above the first floor of the building.

Kennel. A *kennel* will be permitted in commercial, residential and industrial District by Special Exception permit for a period not to exceed five (5) years, but may be renewed. A *kennel* will be located on a *lot* of not less than five (5) acres. Dogs and cats located at a *kennel* will be kept in *buildings*, enclosures or runs located not less than one hundred-and-fifty (150') feet from any property or *street line*. A pet store or animal shelter may be permitted as a Special Exception *Use* on a *lot* of less than five (5) acres.

Livery and Boarding Stables. Livery and boarding stables and riding academies will be located on a *lot* of not less than five (5) acres. Any *building* in which livestock are kept will be located not less than one hundred (100') feet from any property or *street line*.

Livestock or Poultry. No livestock will be kept on a *lot* of less than five (5) acres and any *building* in which livestock or poultry are kept will not extend within less than one hundred fifty feet (150') of any property or *street line*, except as follows:

- A. On a *lot* of not less than eighty thousand square feet (80,000 s.f.), one (1) animal unit, consisting of one (1) equine, bovine or llama or up to five (5) sheep or goats, an aggregate of not more than twenty (20) chickens, other poultry or rabbits may be permitted by Special Exception Permit provided that any *building* or shelter in which animals are kept is located not less than seventy feet (70') from any property or *street line*, and there may be one (1) additional animal unit for each forty thousand (40,000) square feet of *lot area* over eighty thousand square feet (80,000 s.f.), up to a maximum of three (3) animal units.
- B. The keeping of five (5) or fewer chickens, poultry or rabbits or combination is permitted on any *lot* if kept in a *building* or enclosure conforming to the *setback* requirements for *buildings* and other *structures* in the district.

Marine Research Laboratory. Any marine research laboratory for the study aquatic and marine environment, ecology and resources, will also conform to the following special standards:

- A. The laboratory activity will have need for and actually use access from the lot to Long Island Sound or the Connecticut River by boat or other vessels in connection with its primary study activities.
- B. Access by boat or other vessel to the Sound or River will be of a type, character and extent that is in harmony with and conforming to the appropriate and orderly use of Long Island Sound or the Connecticut River by boating and fishery uses permitted in the District.

Motor Vehicle, Unregistered (Residence District). No more than one (1) unregistered motor vehicle will be stored outdoors on any *lot* in a Residence District.

Non-Commercial Communication Equipment. *Antennas* and their support *structure* in residence districts intended for *non-commercial communication* purposes, including television antenna, HAM radio towers and satellite dishes, may be considered customary *accessory uses* subject to the following standards.

- A. *Antennas* and support *structure* for HAM radios will not exceed a *height* of sixty-five feet (65'), including the *height* of the *building* if *building* mounted. (Any inhabited portion of the *building* will not exceed the *height* specified for the district.) *Antennas* and support *structure* located in the *Gateway Conservation Zone*, however, will not exceed thirty-five feet (35').
- B. Satellite and microwave dish *antennas* will not exceed a diameter of three feet (3') and will not extend more than eight feet (8') above the roofline of *building* served.
- C. A *setback* of one (1) foot for each one (1) foot of *height* of the *structure*. Antenna will be maintained from all property lines to provide an adequate fall zone. If mounted on a *building*, then the Commission measures the *height* from the point of attachment to the *building* for determining *setback*.
- D. No *structure* or antenna will be located in the front yard.

Outside Storage. All areas proposed for *use* as *outside storage areas* will be identified on the site plan as to location, dimensions and type of materials to be stored; the type of storage will be clearly related to the *principal use* of the *lot* an which the storage area is located and will meet all other applicable requirements for *use* and location. *Outside storage areas* will be limited in extent on any *lot*, in accordance with the district where located, as follows:

DISTRICT	PERCENTAGE OF LOT AREA
B-1	25%
B-2	25%
B-3	none permitted
B-4	75%
MC	75%
I-1	25%
SP-2	25%



In addition, any *outside storage* area located in a B-1, B-2, B-4 or I-1 District will be enclosed, except for necessary access *driveways*, by *buildings* or *fences*, walls embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any *street*, provided, however, that the Commission may determine that the enclosure is not necessary in connection with all or a portion of necessary and reasonable *outside storage* that is an adjunct to retail sales.

Public Utility Substation. A public utility *substations* or telephone equipment *building* will conform to the following special standards:

- A. Any *building* in connection with the *use* will have a design that is in harmony with residential architecture in the neighborhood.
- B. Any equipment or utility facilities not located in a *building* will be enclosed on all sides by evergreen shrubs or trees, or by *buildings*, *fences*, walls or embankments so as to be screened from view from any other *lot* or from any *street*.

Radio Tower. A radio tower for a standard broadcasting radio station must be used in connection with a radio station located completely within the Town of Old Saybrook.

Renting of Rooms. The renting of no more than two (2) rooms in a *dwelling unit* located in a Residence District is an additional *use* for which a Certificate of Zoning Compliance is required. The person renting the rooms will reside in the *dwelling unit*. No *accessory building* will be used for renting of rooms, and there will be no provision for cooking facilities in or available to the rooms, except the principal cooking facilities of the *dwelling unit*.

Residential Life Care Facility.

- A. The *residential life care facility* will consist of a *building* or *buildings* containing *assisted living units*. These will consist of studio, one (1) or two (2) *bedroom* units. These units will be designed and equipped specifically to meet the special needs of elderly persons. Each *assisted living unit* will be occupied by at least one (1) person who is either sixty (60) years of age or older. The management plan required under Paragraph 52.7.13f may include provision that a surviving spouse under the age of sixty (60) may be permitted to remain in the *assisted living unit*.
- B. The *residential life care facility* will provide the following facilities and services for *use* by or benefit of all residents of the facility and their guests:
 - 1. A medical facility which will be equipped to provide medical and other health-related services; common areas will contain a dining room, kitchen, lobby, library, gift shop, beauty salon/barber shop, craft/hobby shop, chapel and health club. An emergency generator system capable of providing emergency power to both the residential and the medical facility will be provided. A fully equipped physical therapy room available to both residents of the life care *building* and the medical facility will be provided on site. Common services will also include food service, housekeeping assistance, a full-time health counselor, a full-time social director, 24-hour on-site license nursing, a medical director or licensed physician on call 24 hours a

day, transportation services, home health care or other medical services, a fully integrated 24-hour security system and fire alarm system with individual unit, as well as full facility alerting capability.

- C. The *residential life care facility* will be located on a *lot* having a minimum of seven (7) contiguous non-*wetland* acres. The *lot* will have a minimum *frontage* of three hundred feet (300') on a *street* and will be of a shape that a square with a minimum dimension of four hundred feet (400') will fit on the *lot*. The total number of *assisted living units* will not exceed twelve (12) per acre, and the facility will be served by public water supply.
- D. The *residential life care facility building* and *structure* will not exceed the *height* limit of the district. *Assisted living units* may be located above other *assisted living units*. When located outside the *Gateway Conservation Zone*, the *Gross Floor Area* of all *buildings* and other *structures* on the *lot* may be increased to fifty percent (50%) of the *lot area* outside the zone.
- E. Each studio *assisted living unit* in the *residential life care facility* will not contain less than four hundred twenty square feet (420 s.f.) of enclosed floor space; each one (1) bedroom *assisted living unit* will not consist of less than five hundred twenty square feet (520 s.f.) of enclosed floor space; and each two (2) *bedroom assisted living unit* will contain not less than seven hundred fifty square feet (750 s.f.) of enclosed floor space. No more than twenty-two percent (22%) of *assisted living units* will be studios.
- F. A management plan specifying the occupancy, facilities, services and administration for the *residential life care facility* will be submitted with the application for Special Exception *use*.

Restaurant, Indoor. An indoor restaurant or other indoor food and beverage service establishment will serve customers only when they are seated at tables or counters. At least seventy-five percent (75%) of the seats at tables or counters will be located within an enclosed *building*. The establishment may provide food take-out service when (a) the service and transfer of food and beverages to customers is located within an enclosed building, (b) the food is intended for consumption off the premises, and (c) the service is clearly incidental to a primary permitted indoor food and beverage service establishment where customers are served only when seated as specified. Where specifically permitted in a district as a Special Exception *Use*, the establishment may also include service to customers at service counters as well as service to customers in motor vehicles at a take-out window.

Outdoor seating. Outdoor seating associated with an indoor restaurant or for the consumption of food purchased at a retail establishment will be renewed by Certificate of Zoning Compliance on an annual basis by the Commission to insure that pedestrian ways are not obstructed and to ensure the exterior cleanliness of the establishment is maintained.

- A. **Restaurant or other indoor food or beverage establishment.** An indoor restaurant or other indoor food and beverage establishment will be permitted to have outdoor seating as an accessory use on the property in which the indoor restaurant is located. A restaurant will be permitted to locate one additional exterior seat for every three parking space approved for the restaurant use.



B. Retail establishment. A retail establishment will be permitted to have outdoor seating as an accessory use on the property where the retail business is located when the purpose of the seating is for the consumption of food purchased at retail on the premises such as ice cream or pre-packaged foods not prepared on the premises. A maximum of two (2) tables and eight (8) chairs or two (2) picnic tables are permitted per retail business

The Zoning Commission in its discretion may permit a business to exceed the permitted number of outdoor seats by no more than fifty (50) seats in addition to the approved number of outdoor seats allowed as of right as a Special Exception when at a minimum the business can demonstrate that one (1) parking space is provided for every three (3) outdoor seats or that there is adequate parking or bicycle/boat/pedestrian traffic in the area that additional parking spaces are not necessary.

Outdoor seating for all other uses (ie: employee lunch areas, waiting areas, picnic areas, lawn furniture and street furniture) is permitted and does not require a Certificate of Zoning Compliance unless the seating, tables and furniture placed outdoors is for sale or for storage purposes.

Roadside Stand. A *roadside stand* will be established only for the display and sale of farm products grown on the premises where the stand is located, will not exceed a maximum *building/structure coverage* of four hundred square feet (400 s.f.), will observe all *setbacks* required for *buildings* and other *structures*, and will be provided with at least one (1) off-street parking space for each fifty square feet (50 s.f.) of *building/structure coverage*.

School. No *building* or *structure* used for any public or private school grounds will be located within a radius of five hundred feet (500') of any entrance or exit at the *street line* of a motor vehicle service station or other automotive *use*.