



SECTION 9

Definitions

9.0 INTENT & GENERAL RULES OF CONSTRUCTION

In the interests of clarity and brevity, the following terms will, unless otherwise stated, have the meaning indicated below for all purposes of these regulations. Other terms *used* in these regulations will have the meaning commonly attributed to them. The Commission will give due consideration to the expressed purpose and intent of these regulations where a question arises as to the precise meaning of a term and, by Resolution, determine the meaning of the term in question.

Words *used* in the present tense will include the future tense. When the context so requires, words in the masculine, feminine or neuter gender will include any gender, and words in the singular or plural will include both singular and plural numbers. For the convenience of the reader, these regulations depict in Italics throughout any terms defined in this section.

9.1 DEFINITIONS

Accessory building or structure. A *building* or *structure*, in addition to the *principal building*, that is clearly subordinate to, and customarily incidental to, and located upon the same *lot* as, the *principal building* or on a contiguous *lot* under the same ownership. Any *accessory building* physically attached to a *principal building* is a part of the *principal building* in applying the *Building Bulk* and *Coverage* regulations to the *building*.

Accessory use. A *use*, in addition to the *principal use*, that is clearly subordinate to, and customarily incidental to, and located upon the same *lot* as, the *principal use* or on a contiguous *lot* under the same ownership.

Adult bookstore. An establishment that has as a *principal activity* the sale of books, magazines, newspapers, videotapes, videodiscs and motion picture films or tapes that are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age.

Adult cabaret. A cabaret that features nude or *partially nude* dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and that excludes minors by virtue of age.

Adult entertainment business. Any establishment that is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or more combination of the following types of businesses: *adult bookstore*, *adult motion picture theater*, *adult mini-motion picture theater*, *adult cabaret*, *adult novelty business*, *Adult Personal Service Business*.

Adult mini-motion picture theater. An enclosed building having as a principal activity the presenting of material characterized by emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons in individual viewing booths and from which minors are excluded by virtue of age.

Adult motion picture theater. An enclosed *building* with a capacity of fifty (50) or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons and from which minors are excluded by virtue of age.

Adult novelty business. A business that has as the principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and that excludes minors by virtue of age.

Adult personal service business. A business having as a principal activity a person, while nude, *partially nude* or fully *clothed*, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and that excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, or individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to the persons by the State of Connecticut.

Age restricted development. A type of *Planned Residential Development*, where at least one occupant of each *dwelling unit* is fifty-five (55) years of age or older, and there is no occupant of any *dwelling unit* under the age of twenty-one (21) years, residing there permanently.

Amusement device. An amusement device is any machine that accepts monetary consideration without vending a product to the consumer including but not limited to video games, billiard tables, carousels, roller coasters, whirligigs, merry-go-rounds and Ferris wheels.

Antenna. A device *used* to receive or transmit electromagnetic waves or radio signals, the signals will include but not be limited to: radio, television, cellular telephone, paging, personal communication services (PCS), and microwave communications. Examples include panels, microwave dishes, and single poles known as whips.

Aquifer. A geologic unit consisting of surficial deposits of glacial till and stratified drift (sand and gravel) capable of yielding usable amounts of water.

Aquifer protection area. Any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the commissioner of environmental protection pursuant to the Connecticut General Statutes where land *uses* or activities are required to comply with the Aquifer Protection Regulations of the Town of Old Saybrook.

Assisted living unit. A *dwelling unit* that includes a full bathroom within the *unit*, including, a water closet, lavatory, tub or shower bathing unit and equipment for preparation and storage of food.

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

Bed and breakfast transient lodging. A room or rooms for overnight accommodation of visitors in a dwelling, including service of breakfast to the visitors.

Bedroom. Any room designed, intended, furnished or occupied for sleeping quarters, and any room other than a living room, dining room, kitchen, bathroom or a utility or storage room having an area of less than fifty square feet (50 s.f.).



Billboard. Any *sign* greater than one hundred square feet (100 s.f.) that is freestanding or mounted upon the roof or wall of a *building*. *Billboard* will expressly include any *sign* that is visible from a *street* from which the property on which the *sign* is located does not have direct vehicular access. *Billboard* will not include any *sign(s)* or approved as part of a Site Plan Review or Special Exception *use* of these regulations.

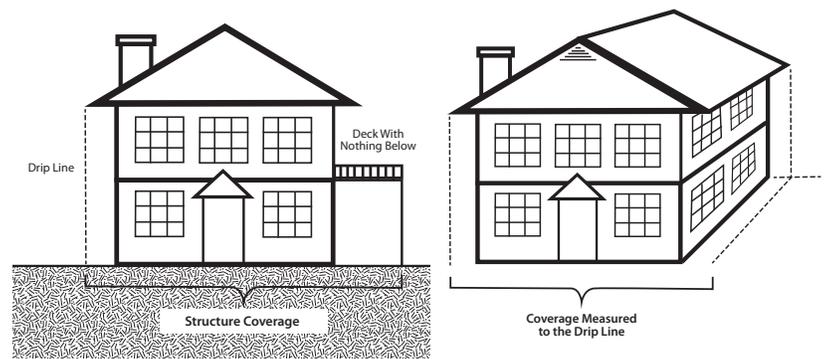
Boat with or without hauling trailer. Any vessel more than fifteen feet (15') with or without a hauling trailer.

Building. Any *structure* having a roof and intended for shelter, housing or enclosure of persons, animals or materials. The connection of two (2) or more *buildings* by means of a porch, breezeway, passageway, carport or other the roofed *structure* deems them one (1) *building*. See also *Accessory Building/Structure* or *Principal Building/Structure*.

Building or other Structure, Nonconforming. See *Nonconformity, Nonconforming use, building, other structure or lot*.

Building/structure coverage.

The footprint of a *building* or *structure* as measured from the outermost edge (i.e., drip line), including the area of all covered porches and similar roofed portions, projected to the “nadir” (lowest point), any architectural projections of the type permitted to extend into the area required for *setback* from a *street line*, *property line* or residential district boundary *line*, excluding any *building* or *structure* completely below the finished grade of the *lot*. Pre-existing *non-conforming* lots used for a residential use that contain an area of less than twelve thousand five hundred square feet (12,500 s.f.) will be permitted to exclude projections into the setback as permitted in the district from building/structure coverage calculations. These Regulations require calculation of *building/structure coverage* by excluding *wetlands* from the area of the *lot*.



Bulk. The size and shape of *buildings*, *structures* and *use* areas and the physical relationships of their exterior walls or spatial limits with *lot lines* and other *buildings*, *structures* and *uses*; or with the other walls of the same *building*, or other portions of the same *structure* or *use*. *Bulk* also includes the relationship of *buildings*, *structures* and *uses* with all yards and open spaces required by these regulations; and also includes provisions of these regulations dealing with *floor area ratio*, *building height*, *lot area per dwelling unit*, *lot frontage*, *lot width* along *building lines*, required *setbacks*, courts, usable *open space*, spacing between *buildings* on a single *lot*, length of *building* in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or *uses* located or to be located.

Coastal Jurisdiction Line (CJL) – The State of Connecticut coastal jurisdictional limit defined in Old Saybrook as elevation 2.9 NAVD 88.

Commercial trailer. See *Trailer, commercial*.

Commercial tree cutting. See *Tree cutting, commercial*.

Commission. The Zoning Commission of the Town of Old Saybrook.

Community Water Supply. Water provided by a “water company,” as that term is defined in Connecticut General Statutes Section 16-262m as amended. “Community Water Supply” is intended to include both so-called satellite or community systems as may be approved by the appropriate State agency or agencies.

Connecticut River Gateway Conservation Zone. See *Gateway Conservation Zone*.

Conservation District. The *Connecticut River Coastal Conservation District* established pursuant to the Connecticut General Statutes.

Conservation Zone. See *Gateway Conservation Zone*.

Construction/office trailer. See *Trailer, construction/office*.

Coverage. See *Building/structure coverage* or *Total lot coverage*.

Cupola. A small, uninhabited, roof tower, usually rising from the roof ridge.

Daycare. A *use* of land or *buildings* that offers or provides supplementary care of unrelated children or adults and does not include services administered by a public or private school system; recreational operations such as boys and girls clubs or religion related activities, scouting, camping or community youth/elder care programs; informal arrangements without compensation amongst neighbors and relatives in their own homes or drop-in supplementary care operations where relatives are on the premises for educational, recreational or medical purposes.

Deck. A *structure* consisting of one or more horizontal surfaces attached to and extending from the *dwelling* and *used* for *accessory residential uses*. Any roof, non-retractable awning or other fixed surface may not cover nor enclose a *deck* in any manner.

Den. A room, contained in a *dwelling unit* which is part of an *age restricted development*, which is not a living room, dining room, kitchen, bathroom or a utility storage room having an area of less than fifty square feet (50 s.f.), which is not intended to be, nor may it be, occupied as sleeping quarters.

Developed area (Gateway Conservation Zone). Any portion of a *riparian area* that is: 1) covered by or armored by a *bulkhead*, (b) rip-rap or (c) other structural stabilization methods or materials; or 2) cleared or developed in such a manner as to make impractical, infeasible or undesirable the conservation or restoration of native, non-invasive vegetation within the *riparian buffer area*. A *developed area* includes, but is not limited to, paving. A *developed area* does not include existing lawns or landscaping.



Developable Land (Incentive Housing Zone). The area of land within the boundaries of an Incentive Housing Zone that can be developed into residential or *Mixed-Use Development* consistent with the provision of the Incentive Housing Zone, not including: (A) land already committed to a public *Use*, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation restriction; (C) land proposed by the developer to be otherwise subject to an enforceable restriction on or prohibition of development; or land proposed to be conveyed to the State of Connecticut or Town of Old Saybrook or to a third party subject to an enforceable restriction on or prohibition of development, and which land is excluded from the incentive housing development, and which restriction, prohibition or conveyance will take place prior to the endorsement of the site plan by the Commission pursuant to Section 51.10; (D) *Wetlands* (both tidal and inland) or *Watercourses* and the upland review areas for inland *wetlands* and *watercourses* as defined in the Old Saybrook Inland Wetlands and Watercourses Regulations and the tidal wetlands setback of Section 68.1.2 b9 of these Regulations; (E) areas of land exceeding one-half or more acres of contiguous land that are unsuitable for development due to slopes exceeding twenty percent (20%) slope in grade measured at forty (40') foot increments; depth of less than four (4') feet to bedrock below the natural ground surface as observed by *soil* testing; or groundwater levels higher than eighteen (18") inches below the naturally occurring ground surface; *Special Flood Hazard Areas*; or the .2 per cent floodplain in accordance with Conn. Gen. Stats. §25-65b. Compare to "Minimum Area of Buildable Land" in Section 7.2.1 of these Regulations.

District. An area within which certain *uses* are permitted, certain others are prohibited, and certain others are designated as *uses* requiring approval of a Special Permit from the Commission, the Planning Commission, or the Board of Appeals; *setbacks* and other *open spaces* are required; *lot* areas, *building height* limits, and other requirements are established; all of the foregoing being identical for all *property* located within the area to which they apply. Compare to definition of "zone".

District, Underlying. In the case of an overlay zone, that zoning district upon which the overlay *zone* is located. See Sections 71.3 Flood Plain Zone, 54 Incentive Housing Zone, 55 *Planned Residential Development Zone*, 58 *Gateway Conservation Zone*, and 59 Coastal Area Management Zone.

Disturbed area. An area where the cover is destroyed or removed leaving the land subject to accelerated *erosion*.

Drive-through substation. A subsidiary or support station to a drive-through window that is not a primary generation or transmission facility.

Drive-through window. A window that allows for drop-offs, orders, pick-ups or information exchanges when sent or received from a motor vehicle in a lane established for this purpose.

Driveway. Any access from a *street used*, designed or intended for vehicular ingress and egress to any *building, structure, use* or *lot*.

Duplex. A *dwelling* containing two (2) *dwelling units* on a *lot*. See Section 54 for more than one duplex on a *lot* in the Incentive Housing Zone.

Dwelling. A *building* containing one (1) or more *dwelling units*.

Dwelling, Multifamily. A *building* that contains three (3) or more *dwelling units*, including *townhouse dwellings*, on a *lot*.

Dwelling, Single Family. A *building* that contains only one (1) *dwelling unit* on a *lot*. See Section 54 for more than one *dwelling unit* on a *lot* in the Incentive Housing Zone.

Dwelling, Townhouse. A *multifamily dwelling* that contains three (3) or more *dwelling units* that are attached by a common or shared wall, and in which each *dwelling unit* extends from the foundation to the roof and has *open space* on at least two (2) sides.

Dwelling, Two-Family. Same as “*Duplex*.” See Section 53, “*Conversion of Dwelling*.”

Dwelling unit. A *building* or a part of a *building* designed for occupancy, and so occupied, by one (1) *family*. Accommodations occupied for transient lodging in a hotel or a motel are not a *dwelling unit*.

Erosion. The detachment and movement of *soil* or rock fragments by water, wind, ice, and gravity.

Family. A person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than five (5) persons who need not be so related, who are living as a single *housekeeping unit* maintaining a common *household*. A roomer or boarder to whom rooms are rented as permitted by these regulations is not considered a member of a *family* for the purpose of this definition.

Fence. A *structure* for enclosure or screening, including a wall.

Floor area, gross. See *Gross floor area*.

Floor area ratio. The *gross floor area* in square feet of all *buildings* on a *lot*, divided by the area of the *lot* in square feet.

Floor area (attic). The area enclosed by the roof rafters and the exterior walls at the level of the top of the ceiling below or *attic* floor joists.

Frontage. A property line that is also a *street line*.

Gateway Conservation Zone. The Lower Connecticut River *Gateway Conservation Zone*, referred to as the *Gateway Conservation Zone*, is established by the Connecticut General Assembly under Public Act 73-349, and the boundaries of the Zone, which may be amended from time to time by the General Assembly, are shown on the Zoning Map for informational purposes to indicate the portion of the Town of Old Saybrook in which particular provisions of these regulations are applicable.

Gross floor area. The sum of the gross area (horizontal) of all stories of a *building* or *structure*, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two *buildings*, *dwellings*, or distinct and separate non-residential uses having no common exterior access. *Gross Floor Area* includes any area that is capable of being used for



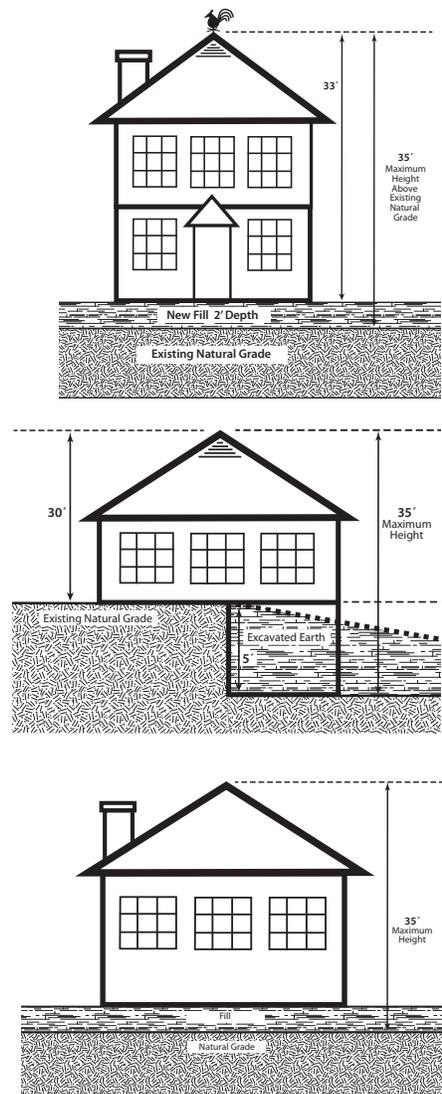
human occupancy, including garage or *attic* space, whether finished or not.

Gross floor area will not include: (a) elevator shafts and stairwells, accessory water tanks and cooling towers; and (b) patios, terraces, unroofed open porches/*decks*/pools, residential utility platforms, and outside uncovered steps. Any space used for a *non-residential use* will be included for calculating the required off-street parking spaces for the use. These Regulations require calculation of *gross floor area* by excluding *wetlands* from the area of the *lot*.

Height. In measuring a *building/structure*, or part thereof, to determine compliance with the maximum *height* provisions, measurement will be taken from the level of the highest roof ridge of the *building*, or part thereof, or highest feature of a *structure* to a “ground elevation datum” consisting of the average elevation of the existing, natural grade of the *lot* at the perimeter of the proposed *building*, or the part thereof, or *structure*. A separate ground elevation datum is applicable to each *building*, or part thereof, having a separate roof, and to each *structure* on a *lot*. When any two (2) *buildings* having different ground elevation datum are interconnected, such as by common areas, other *floor area* or other architectural features or *structures*, the ground elevation datum applicable to the interconnection feature or *structure* is the same as the *building* having the lower ground elevation datum. This limitation will not apply to the following: ornamental *cupolas*, weathervanes, belfries, chimneys, flag or radio poles, silos, *bulkheads*, water tanks or towers, hose towers, scenery lofts or towers, churches, municipal *buildings* or *structures*, tanks, elevator shafts, nor heating, ventilating, air conditioning, *non-commercial communications equipment* or similar equipment located on the roof of a *building* and not occupying more than twenty-five percent (25%) of the area of the roof.

Height (Gateway Conservation Zone). The vertical distance between a horizontal plane through the highest point of a building/structure, excluding chimneys, and the lowest point of a *building/structure* that is visible above existing natural grade prior to site grading or which is visible from a new, excavated grade, whichever creates the greatest height dimension. The *height* of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, will be included as part of the measured *height*.

High tide line. A line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water’s surface at the maximum *height* reached by a rising tide. The mark may be determined by (1) a line of oil or scum along shore objects, (2) a more or less continuous deposit of fine shell or debris on the foreshore or berm, (3)



physical markings or characteristics, vegetation lines, tidal gauge, or (4) by any other suitable means delineating the general *height* reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds, such as those accompanying a hurricane or other intense storm. C.G.S. §22a-359(c).

Home occupation. An activity consisting of one or more of the following:

1. The preparation and sale of those products customarily produced in the home, garden or farm, such as home baking, needlework, fruits, produce and home preserves, provided that the products are created entirely on the premises;
2. The preparation and sale of the products of arts and crafts, such as painting and illustrating, woodcarving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, provided that the products are created entirely on the premises;
3. The conduct of a business office.

Hotel. A Building or group of Buildings, which Building(s) is/are designed or used for transient lodging of five or more hotel rooms for transients, and may include as an accessory use, the serving of meals to both persons occupying the facility and the general public, conference facilities, swimming and other recreational facilities.

Hotel room. A room within a Hotel which is/are designed or used for transient lodging, which contains no more than two (2) bedrooms but does not contain cooking facilities.

Hotel suite. A hotel room or group of hotel rooms, which contains cooking facilities.

Incentive Housing Development. A development located in an Incentive Housing Zone approved in accordance with Section 54 of these Regulations.

Inland wetland. Land, including submerged land, that consists of any of the *soil* types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, of the Natural Resources Conservation Service of the United States Department of Agriculture. C.G.S. §22a-38(15).

Inspection. Periodic review of *sediment* and *erosion* control measures shown on the certified Control Plan.

Intensification. Additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than that which existed prior to the change of *use*.

Kennel. Six or more cats, dogs or any combination of cats and dogs on a *lot*.

Lot. One (1) or more contiguous *parcels* of land under unified ownership, and separately described in a deed of record, that is occupied or capable of being occupied by one (1) *principal building* and the *accessory buildings* or *uses* customarily incidental to it, including the *open spaces* these regulations require, and that, in addition, meets the minimum area, width, and other



applicable requirements of these regulations for the *zone* in which the parcel is located, or is a legal non-conforming *parcel*, as defined in these regulations. In the case of multiple or two-family *dwelling*s, a group of *building*s under the same ownership will be considered as occupying the same *lot*.

Lot area. The area of a horizontal plane bounded by all *lot lines*.

Lot area and shape. In determining compliance with minimum *lot area and shape* requirements of these regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no *street* or highway, easement or vehicular access, private right-of-way for vehicles or easement for above-ground public utility transmission *lines* may be included. Area consisting of ponds, lakes, swamps or marsh will not be *used* for compliance with the minimum *lot area* requirement. Land in two or more zoning *district*s may be *used* to satisfy a minimum *lot area* requirement, provided that the requirement of the *district* requiring the largest *lot area* is met, but no land in a residence *district* will be *used* to satisfy a *lot area* requirement in any other district.

Lot, corner. A *lot* having *lot lines* formed by the intersection of two *streets*, whether public or private, and where the interior angle of the intersection is less than one hundred thirty-five degrees (135°). A *lot* fronting on a curved *street* is a *corner lot* if the central angle of the curve is less than one hundred thirty-five degrees (135°).

Lot coverage. The *ratio* between the *building/structure* coverage and the gross area of the *lot*.

Lot, nonconforming. See *Nonconformity, nonconforming use, building, other structure or lot*.

Lot width along building lines. A line that a) is parallel with or concentric with a *street line* where the *lot* has *frontage* and b) does not extend into the area required for *setback* from the *street line*.

Lower Connecticut River Gateway Conservation Zone.

See *Gateway Conservation Zone*.

Minimum lot width along the building line. A line that a) is parallel with or concentric with a street line where the lot has frontage and b) does not extend into the area required for setback from the street line.

Note: In addition to amending the definition width along the building line is proposed to be replaced with Minimum lot width along the building line throughout the regulations.

Mixed-Use development. A *use* of land for a development containing one or more *multifamily dwelling*s, *single family dwelling*s, *duplexes*, and a substantial component consisting of one or more commercial, public, institutional, retail, office, or industrial *uses* on a *lot*.

Mobile home. A movable or portable *dwelling* built on a chassis, and that is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy.

Mobile manufactured home. A detached *residential unit* having three dimensional components that are intrinsically mobile with or without a wheeled chassis or a detached *residential unit* built on or after June 15, 1976, in accordance with Federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems.

Motel. A building or group of buildings, which building(s) is/are designed or used for transient lodging of five or more rooms to transients, and which rooms may be accessed from the exterior of the building(s) and may include as an accessory use, swimming and other recreational facilities, but not the serving of meals to both persons occupying the facility and the general public, or conference facilities.

Motorized camper. A portable *dwelling* designed and constructed as an integral part of a self-propelled vehicle to be *used* as a temporary *dwelling* for travel, camping, recreational and vacation *use* and that will be eligible to be licensed/registered and insured for highway *use*.

Non-commercial Communications Equipment. *Antennas*, equipment or towers intended for non-commercial communication purposes, including television *antennas*, HAM radio towers and satellite dishes.

Non-commercial tree cutting. See *Tree cutting, Non-commercial*.

Nonconformity or nonconforming use, building, structure or lot. A *use, building or structure* or any *lot* that existed lawfully, by variance or otherwise, on the date these regulations or any amendment became effective, and that fails to conform to one or more of the provisions of these regulations or any amendment.

Non-profit corporation. A Connecticut corporation organized and existing under the provisions of Title 33, Chapter 600 of the General Statutes of Connecticut as may be amended from time to time (non-stock corporations), and also that the corporation be classified and approved as a tax-exempt, charitable corporation under the provisions of Section 501-C-3 of the Federal Internal Revenue Code and as may be amended from time to time.

Nursing home facility. Any nursing home or residential care home as defined by Connecticut General Statutes Section 19a-521. As of the effective date of this regulation, Connecticut General Statutes Section 19a-521 defines “nursing home facility” as including a “residential care home”, which is defined as an establishment which furnishes, in single or multiple facilities, food and shelter to two or more persons unrelated to the proprietor and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry; additionally, the following other facilities are defined by Section 19a-521 as “nursing home facilities”: any rest home with nursing supervision which provides, in addition to personal care required in a residential care home, nursing supervision under a medical director twenty-four (24) hours per day or any chronic and convalescent nursing home which provides skilled nursing care under medical supervision and direction to carry out nonsurgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases or injuries.



Open space (as applied to *bulk* and *setback* requirements). An unoccupied space, open to the sky, on the same *lot* as the subject *building* or *structure*.

Outside storage. The *outside storage* or display of merchandise, supplies, machinery and materials or the outside manufacture, processing or assembling of goods, excluding areas for parking of registered motor vehicles in daily *use*.

Parcel. Any contiguous piece of land, including one or more contiguous *lots* of record, unified under the same ownership, whether or not every the piece of land was acquired at the same time; excluding, however, any *parcel* that is a *lot*, as these regulations define that term.

Park. An area set aside for active or passive recreation of the general public, to promote its health and enjoyment, and owned and operated by a government agency or a non-profit charitable entity.

Partially nude. Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

Paved area. An area covered with an impervious material, such as concrete, asphalt or bituminous concrete, to be *used* for the storage, passage or conveyance of motor vehicles or pedestrians, including, but not limited to, *streets*, parking *lots*, *driveways*, loading areas, sidewalks or impervious surface drainage swales.

Pedestrian node. Any portion of land lying within the business *districts* (B-1, B-2, B-3 and B-4) and within fifteen hundred (1500') lineal feet, measured along the *street line* in all directions from any of the following intersections: Boston Post Road and Spencer Plain Road; Boston Post Road and School House Road; and any portion of land lying within the business *districts* (B-1, B-2, B-3 and B-4) and within fifteen hundred lineal feet (1,500'), measured along the *street line* in all directions from any intersection along the entire Boston Post Road from where it crosses the Oyster River to North Main Street.

Person. Except as otherwise defined, a "person" for all purposes in these Regulations must be a live, human individual as opposed to a corporate or other "legal" person.

Pick-up coach or pick-up camper. A *structure* designed primarily to be mounted on a pick-up or truck chassis and with equipment to render it suitable for *use* as a temporary *dwelling* for travel camping, recreational and vacation *uses* only, and that will be eligible to be licensed/registered and insured for highway *use*.

Planned Residential Development (PRD). One (1) or more *dwellings*, each containing not less than four (4) nor more than eight (8) *dwelling units*, or one or more clusters of up to six (6) single detached *dwellings* per cluster for one *family*, and otherwise as defined and permitted pursuant to the Unit Ownership Act, Chapter 825, of the General Statutes of the State of Connecticut, and fulfilling all requirements and provisions thereof, together with the parking, recreation and *accessory uses* customary with and incidental thereto that are limited to the *use* of the residents of the *dwelling units*.

Principal activity. A *use* accounting for more than ten percent (10%) of a business stock-in-trade, display space or floor space, or movie display time per month.

Principal building or structure. That single *building*, or inter-related group of *buildings*, in which is conducted the *principal use* of the *lot* on which the *building* is situated.

Principal use. The primary purpose or function for which one *uses*, designs or intends to *use* premises.

Property line, rear. Any property line that is parallel to or within forty-five degrees (45°) of being parallel to a *street line*, except for a *lot* line that is itself a *street line*, and, except that in the case of a corner *lot*, only one *lot* line will be considered a rear *property line*.

Residential life care facility. A managed residential community consisting of private residential units and providing assistance with activities of daily life, such as meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily sixty (60) years and older who require help or aid with activities of daily living. The *residential life care facility* may provide nursing type services, but is not a nursing home or convalescent facility, as defined by the State of Connecticut.

Restaurant, Fast food. The indoor retail sale of food to the general public for consumption on the premises or where a significant portion of the consumptions takes place or is designed to take place outside the confines of the *building* occupied by such *use*, and which is characterized by high volume of patronage, the promise of rapid service of meals or beverages resulting in a short duration of stay and rapid turnover; and possible inclusion of drive-through or curbside service as an *accessory use*.

Restaurant, Full service. The indoor retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at table or counters in an enclosed *building*.

Restaurant, Take-out. The indoor retail sale of food to the general public where a significant portion of the consumption takes place or is designed to take place outside the confines of the *building* occupied by such *use*.

Riparian. A right to access the water.

Riparian area. A location immediately landward of the *high tide line* of the Connecticut River or its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary from which an owner of waterfront property rightfully accesses the water. The most landward setback of these distances is utilized to determine the *riparian area*.

Riparian buffer area. A strip of land extending one hundred feet (100') in horizontal distance inland from the *high tide line* of the Connecticut River or its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary for conservation or restoration of native, non-invasive vegetation. The most landward setback of these distances is utilized to determine the *riparian buffer area*.

Roadside stand. The retail sale of agricultural products grown on the premises when accessory to a permitted *use*.



Sediment. Solid material, either mineral or organic, that is in suspension, that is transported, or that has been moved from its site of origin by *erosion*.

Setback. An *open space* on the same *lot* with a *building* or *structure* having those minimum dimensions prescribed by these regulations.

Setback from street line. A *setback* between any *principal building* or *principal structure* and the *street line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and the *street line*; or, in the case of a *corner lot*, a similar *setback* extending along all *streets*.

Setback from rear property line. A *setback* between any *principal building* or *principal structure* and *rear property line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and *rear property line*; or, in the case of a *corner lot*, a similar *setback* extending across the side the rear of the *lot* opposite the *street* on which the *principal building* has its *street* address, or is otherwise the designated front of the *lot*.

Setback from other property line. A *setback* between a *property line* other than a *rear property line* or a *street line* and any *principal building* or *principal structure*, extending on both sides of the *lot* from the *street line* to the *rear property line*; or, in the case of a *corner lot*, a similar *setback* extending across the side of the *lot* opposite the *street* on which the *building* does not have its *street* address, or is otherwise not the designated front of the *lot*. Any *setback* that is not a *rear setback* or a *setback from street* is a *setback from other property line*.

Shopping center. For purposes of establishing off-street parking requirements, a *shopping center* is a group of no less than four (4) business establishments that may include retail stores, personal services, theaters or *restaurants*, with a public vehicle parking area shared in common.

Shoreline flood & erosion control structure. Any *structure* for which the purpose or effect is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, *bulkheads*, groins, jetties, revetments, riprap, seawalls or the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of *sediments* along the shoreline.

Sign. Every *sign*, *billboard*, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for *use* for the purpose of advertisement, identification, publicity or notice, when visible from any *street* or from any *lot* other than the *lot* on which the *sign* is located and located either:

- 1) out-of-doors, or
- 2) indoors and intended to be viewed from outside the *building*.

The term “sign” shall include any: building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term “sign” shall include sculptures and similar works of art designed or intended to attract the attention of the public to commercial or industrial premises.

The term “sign”, however, will not include any: any government Flag Sign or Nonprofit Flag Sign, any traffic or directional *sign* located within the right-of-way of a *street* when authorized by the Town of Old Saybrook or State of Connecticut.

Sign Area or Face. The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18”) inches apart and parallel, will be considered to have only one (1) sign face.

Sign, Billboard. Any *sign* greater than one hundred square feet (100 s.f.) that is *freestanding* or mounted upon the roof or wall of a *building*. A *billboard* includes any *sign* that is visible from a street from which the property on which the *sign* is located does not have direct vehicular access. A *billboard sign* will not include any *sign* approved as a Special Exception *use*.

Sign, Community Event. A sign identifying the time, location, purpose, or other information concerning a temporary event sponsored by the Town of Old Saybrook or any agency thereof, or a non-profit entity; but expressly excluding any commercial or for-profit event or *use*.

Sign, Decorative Flag. Any Flag Sign which is not an Informational Flag Sign or a Government or Nonprofit Flag Sign.

Sign, Directional – Off-Site. A sign, which is visible from a street or other public property, that directs vehicles or pedestrians to a commercial enterprise, public event, non-profit entity, or other *use* which *use* is not located on the *lot* where the sign is placed. Examples: to tag sale, to farmers market, to ABC nursery, to St. Peter’s Church, etc.

Sign, Directional – On-Site. A sign which directs vehicles or pedestrians to required or recommended patterns of movement within the lot upon which the signs are located; and not from locations outside the *lot*. Examples: one way, do not enter, keep right, yield to pedestrians, to drivethrough window, additional parking in rear, right turn only, etc.

Sign, Flashing. Any *sign* for which its illumination by an artificial source of light is not maintained as stationary nor constant in intensity or color saturation for intervals of more than every ten (10) minutes. Flashing sign does not include a *sign*, or any portion of any *sign*, displaying only some combination of date, time, temperature, or game score as a *flashing sign* for the purposes of these Regulations.

Sign, Government or Nonprofit Flag. Fabric, flexible plastic, or similar material, suspended from a pole, building, or other supporting structure, stretched across a flexible frame, or otherwise made visible by its method of mounting or by the effects of air movement, which is the recognized flag of any nation, international public or non-profit agency, state or local governmental unit, or non-profit entity. Examples: U.S. Flag, Connecticut Flag, Remember M.I.A. flag, United Nations flag, American Red Cross flag, etc.



Sign Illumination/Illuminated. The direct or indirect lighting of a sign either by adjacent or attached lamp post, floodlight, internal illumination, by any lighting technology, including incandescent, LED or fluorescent light whether powered by electric service via wired connection, photovoltaic power or any other means.

Sign, Informational Flag. Fabric, flexible plastic, or similar material, suspended from a pole, building, or other supporting structure, stretched across a flexible frame, or otherwise made visible by its method of mounting or by the effects of the air movement, which informs the public about a commercial enterprise. Examples: flags saying “open,” “sale,” “special,” “grand opening,” “now serving lunch” and similar messages.

Sign, Internal Illuminated. Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a “channel” letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

Sign, External Illuminated. A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be an Internally Illuminated Sign.

Sign, Landmark. A sign identifying or explaining the name or significance of a location having historic, cultural, scenic, archaeological, or other significance as would be of interest to the public; expressly excluding any commercial message or *use*.

Sign, Moving. A *sign* for which any portion is capable of movement.

Sign, Occupant or occupancy. For the purpose of determining the number of signs per occupancy, a single leasehold, a demised premises, or a fee simple ownership.

Sign, Painted wall. Any *sign* painted on a wall, including any distinct color, shape, or insignia painted as a background to where the *sign* is affixed to the wall.

Sign, Scoreboard. A sign displaying the current score and other related statistics for a non-profit sporting event at a location which has received the permits and approvals required by these Regulations.

Sign, Temporary portable. Any *sign* not permanently anchored to the ground or other structure or intended to be moved from one location to another or displayed periodically or intermittently, such as: *A-frame sign*, *stick-in-the-ground/lawn sign*, or any banner, feather flag, or a *sign* temporarily attached to a wall of a *building*, or to a *structure* or to a post, such as paper, fabric, foam board, or similar materials.

Sign, Vehicle. Any *sign* on a motor vehicle or *trailer* parked for a duration of time or in a location or in a manner that indicates that the *sign* on the motor vehicle or *trailer* is being used for the purpose of directing patrons to a business or activity or for the purpose of advertising products sold or services rendered on or near the location of the *sign* on the vehicle or *trailer*.

Sign, Warning. A sign which alerts the general public or visitors to a *lot* to requirements or conditions which are applicable to such lot. Examples: No trespassing, no hunting.

Sign, Window. Any *sign* painted on, attached to, or displayed within five feet (5') of the interior of a window or door so as to be visible from the exterior of the *building* or *structure*, excluding the display of goods, wares or products of the establishment in the window. For purposes of this definition, a window must consist of clear glass visible to the interior of the building and not faux windows, glazed windows, or windows otherwise appearing solid in nature.

Soil. Any unconsolidated mineral and organic material of any origin.

Soil Erosion & Sedimentation Control (SE&SC) Plan. A plan for minimizing *soil erosion* and sedimentation, consisting of no less than a map and narrative.

Special Flood Hazard Area (SFHA). FEMA designated flood plain zones A, AE, and the Coastal High Hazard Areas shown as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action (LiMWA)", which are delineated on map entitled "Flood Insurance Rate Map; Town of Old Saybrook, Middlesex County, Connecticut; Community Number 09007C0, Panels 341J, 342J, 343J, 344J, 353J, 361J, 363J, and 364J, effective February 6, 2013, and Panels 333G, 334G, and 362G, effective August 28, 2008, prepared by the U.S. Department of Homeland Security and as the *zones* as may be amended from time to time, which map is made a part of these regulations and is referred to as "Flood Insurance Rate Map". The *special flood hazard areas* are areas of the Town where there is a one percent chance of flooding in any given year. The Flood Insurance Rate Map also identifies base flood elevations above mean sea level for Zones A, AE, and the Coastal High Hazard Areas shown as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action (LiMWA)".

Story. That portion of a *building* between the surface of any floor and the surface of the floor or ceiling next above. A basement is not a *story*, except when the surface of the floor above it is:

1. More than four feet (4') above the average existing, natural grade at the perimeter of the proposed *building*, or
2. More than four feet (4') above the finish grade for more than fifty percent (50%) of the total *building* perimeter; or
3. More than nine feet (9') above the finished grade at any point. See definition of *story, half (1/2)*, for when an *attic* is considered a *story*.

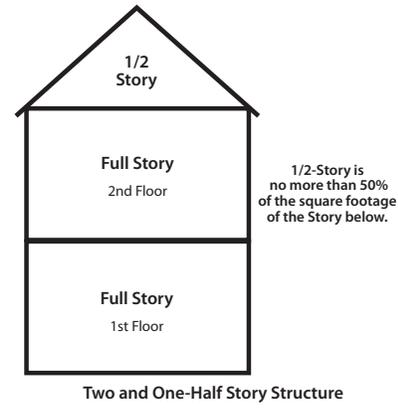
Exemption: In a *Special Flood Hazard Area*, the unfinished enclosed area below the base flood elevation constructed of flood resistant materials and designed for entry and exit of flood waters will not be considered a story even if the surface of the floor above it is more than four feet (4').



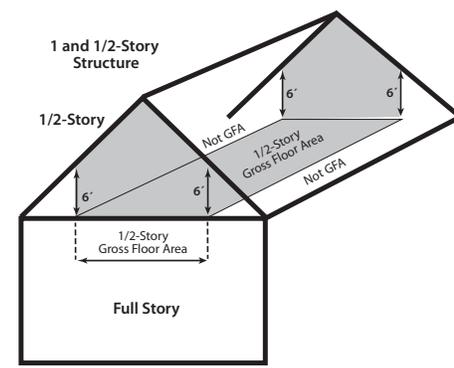
For the purposes of calculating *gross floor area*, any area that is not considered a *story* will not be included in the calculation of *gross floor area*.

In the CT River *Gateway Conservation Zone*, any area located above the average existing grade will be considered a story and counted as *Gross Floor Area*.

Story, half (1/2). For the purpose of determining the number of stories in a building, a one-half (1/2) story is a habitable attic that is the highest most story of the building, having stairway access located within the walls of the building, and having a floor area enclosed by the roof rafters and exterior walls at an elevation of six feet (6') measured vertically above the attic floor joists equal to not more than fifty percent (50%) of the floor area immediately below and under the same roof. Exterior doors and balconies are prohibited on the one-half (1/2) story. Under all circumstances, one half (1/2) story that equals more than fifty percent (50%) of the floor area immediately below and under the same roof is prohibited. See the half story diagram for the method of determining compliance with this definition.



Two and One-Half Story Structure



Calculating Gross Floor Area for a Half Story

Street. Any improved right-of-way or fee simple parcel of land dedicated and accepted by the Town or the State of Connecticut, except limited access State highway, for the purpose of public travel by lawful procedure and suitable for vehicular travel; or any proposed street shown on an approved subdivision plan filed in the Office of the Town Clerk.

Street width. The distance between the *street lines*.

Street line. The right-of-way, easement, taking of property line of any *street*, as well as the right-of-way or easement boundary lines of any private road, *driveway* or *street* for vehicular access when the width between the lines is twenty-five feet (25') or more.

Storage trailer. See *Trailer, storage*.

Structure. Anything constructed or erected which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas. A combination of materials forming an edifice or a *building* of any kind, or any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including, but not limited to, *mobile homes*, *signs*, vending machines, *fences* or walls, a wharf or dock, an above-ground tank, pools or a detached solar panel or satellite dish. A *structure* will not include the following: flagpoles; ornamental wells; tents, trailer coaches, wheeled vehicles; retaining walls not over six feet (6') high that are not considered a *shoreline flood* and *erosion control structure*, *fences* not over six feet (6') high; platforms, patios, or *decks* not more than six (6") inches above existing grade and not over any basement or *story* below; utility mains, lines, and underground

facilities; yard and play equipment and one (1) landing per residence for the purpose of access to air and sunlight totaling not more than thirty square feet (30 s.f.) in conjunction with a minimum size *Building* Code compliant access ramp or minimum sized residential elevator and shaft for the purpose of handicapped accessibility and *residential utility platforms*.

Structural alteration. Any change in or addition to the *structure* or supporting members of a *building*, such as walls, columns, beams or girders.

Substantial improvement. Any repair, reconstruction or improvement of a *building*, the cost of which equals or exceeds fifty percent (50%) of the market value of the *building* either a) before the improvement of repair is started; or b) if the *building* has been damaged and is being restored, before the damage occurred. *Substantial improvement* occurs when the first alteration of any wall, ceiling, floor or other structural part of the *building* commences whether or not that alteration affects the external dimensions of the *building*. The term does not include either a) any project for improvement of a *building* to comply with State or town health, sanitary or safety code specifications that are solely necessary to assure safe living conditions; or b) any alteration of a *building* listed on the national register of Historic Places or the Connecticut State Inventory of Historic Places.

Telecommunication tower. A *structure* designed and intended to support equipment used to transmit or receive *telecommunication* or radio signals for commercial purposes. Examples of the *structure* include, without limitation, monopoles, and lattice construction steel *structures* that may be self-supported or guyed.

Telecommunication equipment building. The *building accessory* to a *telecommunication* tower, in which the electronic receiving and relay equipment in support of a *telecommunication facility* is housed.

Telecommunication facility. Tower or *antenna* and *accessory structure* and equipment used in receiving or transmitting *telecommunication* or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer that connects the mobile unit with land based telephone lines. The facilities will be for commercial *use* only and includes those owned and operated by public utilities.

Tent trailer. See *Trailer, tent*.

Tidal wetland. Those areas that border on or lie beneath tidal waters, such as, but not limited to, banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the vegetation pursuant to C.G.S. §22a-29(2).

Total lot coverage. The horizontal impervious surface of all *buildings* and *structures*, including pools (*building/structure coverage*), plus *paved areas*, excluding pedestrian sidewalks, ornamental plazas and terraces, *signs* and landscaped islands within parking areas.



Trailer, commercial. A trailer or trailers used in conjunction with a permitted commercial and industrial establishment, such as trucking terminal, *building* contractor's business and storage yard, warehousing and wholesale business, manufacturing, processing and assembling of goods and marine transportation.

Trailer, construction office. A trailer or trailers used for equipment or supply storage or as a construction office in connection with a bonafide construction project for which appropriate *building* permits have been acquired.

Trailer, storage. The trailer portion of a tractor-trailer vehicle, storage container or box, portable warehouse or similar moveable roofed enclosures placed on a *lot* for the purpose of storing equipment or other goods and having a *gross floor area* exceeding fifty square feet (50 s.f.).

Trailer, tent. A canvas, folding *structure*, mounted on wheels to be used as a temporary *dwelling* for travel, camping, recreational and vacation *uses*, and that is eligible to be licensed/registered and insured for highway use.

Trailer, travel. Any camper, camp trailer, furnished van or any of trailers designed for human habitation.

Trailer, utility. A small box, horse or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of fifteen feet (15') in length.

Travel trailer. See *Trailer, travel*.

Tree cutting, commercial. Any cutting or removal of tree species that is not covered under the definition of *Tree Cutting, Non-Commercial*, including the sale of cordwood or other incidental forest products.

Tree cutting, non-commercial. The cutting or removal of forest tree species on a *lot* for the purpose of preparing a site for the construction of a *building* or *structure* or cutting for the customary maintenance and improvement of a *lot*.

Tree cutting, non-commercial (visible from the Connecticut River). The cutting or removal of tree species visible from the Connecticut River on a *lot* or *parcel* for the purpose of preparing a site for the construction of a *building* or *structure*, or for customary maintenance or improvement of a *lot*, excluding the sale of cordwood or other incidental forest products.

Utility Platform, Residential. A platform of no more than sixteen s.f. that is attached to a residential structure and maintains a minimum eight (8') foot vertical clearance from the ground and a minimum of five (5') feet from *rear and other lines* for the purpose of placing an electric meter, water meter or other utility in a special flood hazard area. A residential utility platform will not be considered part of the principal residential structure or calculated in *building/structure coverage*.

Use. Any purpose for which a *building, structure* or premises may be designed, arranged, intended, maintained or occupied; or, any activity, occupation, business or operation actually carried on in a *building* or *structure* or on a *lot* or *parcel*.

Use, nonconforming. See *Nonconformity, nonconforming use, building, other structure or lot.*

Utility trailer. See *Trailer, utility.*

Watercourse. Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, that are contained within, flow through or border upon this state or any portion thereof, pursuant to C.G.S. §22a-38(16).

Water-dependent use. *Uses* and facilities that require direct access to, or location in, marine or tidal waters and that, therefore, cannot be located inland, including, but not limited to, marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and *boat building facilities*, water-based recreational *uses*, navigation aids, basins and channels, industrial *uses* dependent upon water-borne transportation or requiring large volumes of cooling or process water that cannot reasonably be located or operated at an inland site, and *uses* that provide general public access to marine or tidal waters, pursuant to C.G.S. §22a-93(16).

Water-related use. *Uses* that derive significant benefit from a waterfront location but that are not functionally dependent on the locations.

Wetland. See *Inland wetland* or *Tidal wetland.*

Will. When used to describe the obligations or requirements of the applicant under any provision of these Regulations, the term “will” is mandatory and is the equivalent of “shall.”

Zone. A class of *district* overlaying another *district*, and applying standards, requirements and procedures that relate to the particular nature and purpose of that *zone*, such as groundwater protection, coastal area management, flood hazard protection or protection of the aesthetic and environmental qualities of the Connecticut River valley. Compare to *district*.