

ZONING REGULATIONS  
OF  
TOWN OF OLD SAYBROOK, CONNECTICUT

ADOPTED: September 17, 1973  
EFFECTIVE DATE: October 15, 1973, 9:00 a.m.  
AS AMENDED THROUGH: May 30, 1995

OLD SAYBROOK ZONING COMMISSION

Reprinted: April 1995

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# ARTICLE I

## GENERAL PROVISIONS

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## SECTION 1 - PURPOSE

- 1.1 Purpose: These Regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely:
- 1.1.1 to lessen congestion in the streets;
  - 1.1.2 to secure safety from fire, panic, flood and other dangers;
  - 1.1.3 to promote health and the general welfare;
  - 1.1.4 to provide adequate light and air;
  - 1.1.5 to prevent the overcrowding of land;
  - 1.1.6 to avoid undue concentration of population; and
  - 1.1.7 to facilitate the provision for transportation, water, sewerage, schools, parks and other public requirements.
- 1.2 Plan: The Regulations are made in accordance with a comprehensive plan, with due consideration for the recommendations of the Plan of Development of the Town, with reasonable consideration as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

## SECTION 2 - JURISDICTION

- 2.1 Jurisdiction: Within the Town of Old Saybrook, excluding the Borough of Fenwick, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, conveyed or encumbered so as 1) to make said lot or land nonconforming or more nonconforming to these Regulations, 2) to make any use, building or other structure nonconforming or more nonconforming, 3) to reduce any setback, yard, open space or off-street parking and loading spaces to less than is required by these Regulations or 4) to make any nonconforming setback, yard, open space or off-street parking and loading spaces more nonconforming.
- 2.2 Nonconformity: Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 10.

### SECTION 3 - CERTIFICATE OF ZONING COMPLIANCE

- 3.1 Certificate: No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE has been approved by the Zoning Enforcement Officer. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE therefor has been approved by the Zoning Enforcement Officer and until a CERTIFICATE OF ZONING COMPLIANCE therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No APPLICATION or CERTIFICATE, however, is required for a farm, forestry, truck garden or nursery use having no building or other structure in connection with such use. All APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE shall be submitted and approved in accordance with the provisions of Section 72; all CERTIFICATES OF ZONING COMPLIANCE shall be issued in accordance with such Section.
- 3.2 Conflict with Amendments: No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved by the Zoning Enforcement Officer authorizing a proposed use of land, building or other structure or proposed construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure which does not conform to any proposed amendment of these Regulations if the first notice of a public hearing to consider such amendment has been published in a newspaper as required by the General Statutes of the State of Connecticut. If, however, the proposed amendment has not been adopted by the Commission and made effective within 65 days from the date of such public hearing, the APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE may be approved by the Zoning Enforcement Officer.



## SECTION 4 - DISTRICTS

- 4.1 Districts: For the purpose of these Regulations, the Town of Old Saybrook is hereby divided into the following classes of districts:

<u>District</u>	<u>Map Code</u>
Residence AAA District	AAA
Residence AA-1 District	AA-1
Residence AA-2 District	AA-2
Residence AA-3 District	AA-3
Residence A District	A
Residence B District	B
Central Business B-1 District	B-1
Shopping Center Business B-2 District	B-2
Restricted Business B-3 District	B-3
General Business B-4 District	B-4
Marine Commercial	MC
Marine Commercial Limited	MCL
Saybrook Point District	SP
Saybrook Point District #1	SP-1
Saybrook Point District #2	SP-2
Saybrook Point District #3	SP-3
Industrial I-1 District	I-1
Industrial I-2 District	I-2

- 4.2 Special Districts: The following are additional classes of districts established in accordance with ARTICLE V:

- 4.2.1 Flood Plain District: The Flood Plain District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Flood Plain District and the special requirements applicable therein are as specified in Section 54.
- 4.2.2 Condominium District: The Condominium District is a class of district established in accordance with Section 55.
- 4.2.3 Aquifer Protection District: The Aquifer Protection District has a Map Code "AP" and is a class of district in addition to and overlapping one or more of the other districts. Special requirements applicable in the Aquifer Protection District are as specified in Section 57. \*

- 4.3 Conservation Zone: The Connecticut River Gateway Conservation Zone, herein referred to as "Conservation Zone," is established by the Connecticut General Assembly under Public Act 73-349, and the boundaries of such Zone, which may be amended from time to time by the General Assembly, are shown on the Zoning Map for informational purposes in order to indicate the portion of the Town of Old Saybrook in which particular provisions of these Regulations are applicable.
- 4.4 Saybrook Point District: The Saybrook Point District delineates an area of the Town that is of local, State and National interest by reason of its a) prominent location on the Connecticut River, b) capability for development of water-dependent uses, c) vistas and coastal environment that are enjoyed by many people and d) the historic significance of the Fort Saybrook site and archeological resources reflecting its use over many generations. The Saybrook Point District is designed and intended to be used and developed in an integrated and harmonious manner for Town park, open space and historic site preservation, for water-dependent uses and for water related uses which enable community enjoyment of the assets of the Point and for uses which are consistent with preservation of adjacent residential neighborhoods, some of which are also of historic significance. The Saybrook Point District is divided into three Districts in which particular uses are permitted and standards are applicable to promote a design unit in accordance with studies prepared by the Town. Establishment of the District, and related procedures and standards, is necessary in order to conserve and make best use of the special resources of the area.

## SECTION 5 - ZONING MAP

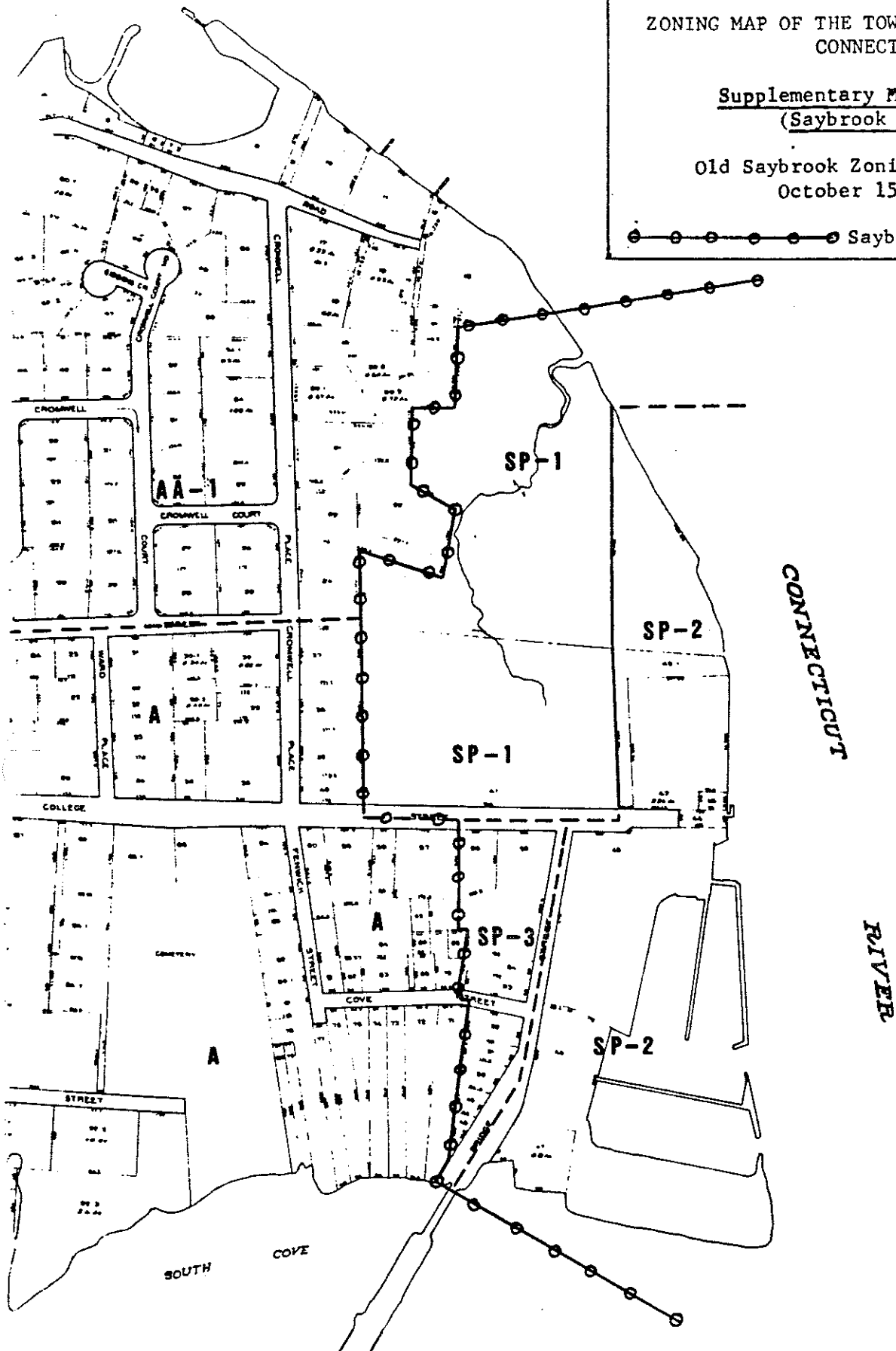
- 5.1 Map: The boundaries of the districts specified in Section 4 are hereby established as shown on a map entitled "Zoning Map of the Town of Old Saybrook, Connecticut", dated April 23, 1973, Revised September 4, 1973, including any special maps and boundary descriptions for such districts, any Supplementary Maps of particular sections of the Town and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map". The following Supplementary Maps are part of the Zoning Map: \*
- 5.1.1 "Supplementary Map Number One (Route 1 Corridor)", dated April 23, 1973, Revised September 4, 1973.
  - 5.1.2 "Supplementary Map Number Two (Saybrook Point)", dated October 15, 1982.
  - 5.1.3 "Supplementary Map Number Three (North Cove)", dated April 18, 1983; revised May 13, 1983, revised May 27, 1983.
  - 5.1.4 "Supplementary Map Number Four (Riverfront)", dated April 18, 1973; revised May 13, 1983, revised May 27, 1983.
  - 5.1.5 "Supplementary Map Number Five (Ferry Point/Hydes Creek)", dated April 18, 1983; revised May 13, 1983, revised May 27, 1983.
  - 5.1.6 "Supplementary Map Number Six (Aquifer Protection District)", dated April 15, 1985.\*
- 5.2 Interpretation of Map: Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Zoning Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, the location of property lines and the expressed intent and purposes of these Regulations.
- 5.3 Extension of Use: Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of Old Saybrook on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Zoning Commission, in accordance with the provisions of Section 52, may grant a Special Exception authorizing a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 30 feet.

ZONING MAP OF THE TOWN OF OLD SAYBROOK  
CONNECTICUT

Supplementary Map Number Two  
(Saybrook Point)

Old Saybrook Zoning Commission  
October 15, 1982

—●—●—●—●—●—●— Saybrook Point District



## SECTION 6 - PERMITTED USES

- 6.1 Uses: Land, buildings and other structures in any district may be used for one or more of the uses listed as permitted in the district under ARTICLES II, III and IV. Uses listed as SPECIAL EXCEPTION uses are permitted in the district subject to the approval of the Zoning Commission or Board of Appeals in accordance with the provisions of Section 52 or 53 as specified. To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a district even though the listing of uses prohibited is not intended to be exhaustive; any use not specified as permitted in the district is prohibited. The following uses are specifically prohibited in all districts:
- 6.1.1 The use, occupancy, parking or storage of a trailer on any lot except in accordance with the provisions of Section 66.
  - 6.1.2 The outdoor storage on any lot in a Residence District of more than one (1) unregistered motor vehicle.
  - 6.1.3 Carousel, roller coaster, whirlligig, merry-go-round, ferris wheel or similar amusement device, 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.
  - 6.1.4 In a Conservation Zone no dumping or storage of refuse is permitted other than the lawful temporary dumping or storage of small amounts of such material for brief periods pending final disposition outside the Conservation Zone. No solid waste disposal facility shall be established in the Conservation Zone nor any existing facility expanded in area.
  - 6.1.5 In a Conservation Zone the commercial cutting or removal of forest tree species is prohibited.
- 6.2 Performance Standards: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 61.
- 6.3 Parking and Loading: As specified in Section 62, parking and loading spaces shall be provided off the street in connection with all uses of land, buildings and other structures. In addition, all off-street parking and loading spaces shall conform to the requirements of Section 62.
- 6.4 \* Landscaping, Screening and Buffer areas in accordance with Section 63.

## SECTION 7 - AREA, LOCATION AND BULK STANDARDS

- 7.1 General: The following regulations shall apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in each district under ARTICLES II, III and IV.
- 7.2 Lot Area, Shape, Frontage and Minimum Area of Buildable Land: Each lot shall have at least the minimum area as specified in the district. Each lot to be used for a dwelling shall have at least the minimum area as specified in the district, and each lot to be used for a dwelling containing more than one (1) dwelling unit shall have at least the minimum additional area for each dwelling unit in the dwelling in excess of one (1) specified in the district. Each lot shall be of such shape that a square with a minimum dimension specified in the district will fit on the lot and, in Residence Districts, shall also have the minimum width along the building line specified in the district. Each lot shall have the minimum frontage on a street specified in the district.
- \* 7.2.1 Minimum Area of Buildable Land: In addition to other requirements, every new lot created subsequent to April 13, 1995 which is to be used for building purposes shall contain within its boundaries a minimum area of buildable land (MABL), with the following characteristics:
- a. Such MABL shall include a contiguous area of not less than 15,000 square feet;
  - b. The MABL shall be of such shape as to be capable of containing a square of not less than 100 feet on a side;
  - c. The MABL shall not include any land determined to be inland wetlands or tidal wetlands, as defined by the Connecticut General Statutes, nor any land delineated as a Special Flood Hazard Area;
  - d. No more than twenty percent of the area designated as MABL shall have naturally occurring topography exceeding twenty percent slope in grade as measured in 40 foot increments throughout the parcel;
  - e. No land shall be included in the MABL which is identified as having ground water higher than 18" below the naturally occurring surface, or ledge at a depth of less than 4 feet below the natural ground surface as observed by soil testing; unless an area of suitable size and location has been identified through soil testing which demonstrates the suitability of soil in that area for such sewage system placement. Not less than six test holes which have been observed by the town sanitarian or his agent shall be provided and shall be conducted such that both the primary and reserve system are investigated.

- f. No more than ten percent of the MABL shall be encumbered by easements, including easements for drainage, utilities, or vehicular access, but not including conservation easements.
- g. Any proposed building lot for which a subdivision or resubdivision application is required under the Subdivision Regulations for the Town of Old Saybrook, shall include a Minimum Area of Buildable Land which complies with this section. The Old Saybrook Planning Commission shall determine compliance with the MABL requirement for subdivision lots.
- h. In addition to 7.2.1.(g) above, any division of land for building purposes which does not require approval under the Subdivision Regulations for the Town of Old Saybrook shall meet the MABL requirements of this section. Prior to such division of property, a Plot Plan meeting the requirements of Section 8 shall be submitted to the Zoning Enforcement Officer for review, which demonstrates that the minimum area of buildable land has been met for both the proposed new lot and the original lot. No lot shall be transferred by deed, and no building permit shall be issued for the lot until such approval has been obtained from the Zoning Enforcement Officer.

7.2.2 Exceptions: The lot area, shape and frontage requirements shall not be construed to prohibit condominium ownership of a building or buildings on a lot meeting the requirements specified in the district; the lot area, shape and frontage requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL EXCEPTION therefore has been approved by the Zoning Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the Office of the Old Saybrook Town Clerk.

7.3 Height: No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in the district. This limitation, however, shall not apply to the following, provided that, if located on a lot in a Conservation Zone, a SPECIAL EXCEPTION therefore has been approved by the Zoning Commission under the provisions of Section 52: ornamental cupolas, belfries, chimneys, flag or radio poles, silos, bulkheads, water tanks and towers, hose towers or scenery lofts or towers, churches, or Town buildings and structures, nor to tanks and elevator, heating, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than 25% of the area of the roof; except in the Conservation Zone the additional height shall not occupy more than 10% of the roof area.

7.3.1 Height in a Conservation Zone: In a Conservation Zone, no building or other structure shall exceed the number of stories and/or maximum height, whichever is less, as specified for that portion of the district in such zone.

- 7.4 Setbacks: No building or other structure shall extend within less than the minimum distances of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:
- 7.4.1 Signs: Certain permitted signs, as specified in Section 62, may extend within lesser distances of a property or street line.
- 7.4.2 Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for setback from a street line, property line or Residence District boundary line for the distance specified in the district.
- 7.4.3 Additional Setbacks: In any district, any portion of a building or other structure, which portion exceeds 35 feet in height, shall be set back from any street line, property line or Residence District boundary line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 35 feet in height.
- 7.4.4 Narrow Streets: The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.
- 7.4.5 Railroads: In Business, Marine and Industrial Districts no setback is required from the right-of-way line of a railroad.
- 7.4.6 Form of Ownership: The setback requirements shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the setback requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL EXCEPTION therefor has been approved by the Zoning Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the Office of the Old Saybrook Town Clerk.
- 7.4.7 Fences, Walls and Terraces: The required setback distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.



- 7.4.8 Accessory Buildings in Residence Districts: In Residence Districts, unattached accessory buildings or structures which are less than 20 feet in height and 400 square feet in floor area may meet the lesser setback requirements for minor accessory buildings and structures as specified in the district. Storage sheds on permanent foundations are considered minor accessory buildings.
- 7.4.9 Special Setbacks in Conservation Zone: In a Conservation Zone, no building or other structure shall extend within less than 50 feet of the Connecticut River or any of its tributaries or its associated wetlands as identified and defined in Sec. 22a-32 and 22a-38 of the Connecticut General Statutes, except that such special setback shall not be applicable to buildings and other structures used for the following purposes when a SPECIAL EXCEPTION therefor has been approved by the Zoning Commission under the provisions of Section 52:
- a. accessory uses, other than for human occupancy; and
  - b. uses permitted under Par. 35.1.3, 35.1.5, 35.1.6, 35.1.7, 36.1.7, 36.1.8, 37.1.7, 37.1.8, 37.1.9 and 37.1.10.
- 7.4.10 Special Setbacks from Wetlands: No building or other structure shall extend within less than 50 feet of a tidal wetland, except that such special setback shall not be applicable to buildings or other structures used for purposes under Par. 35.1.3, 35.1.5, 35.1.6, 35.1.7 when a SPECIAL EXCEPTION therefor has been approved by the Zoning Commission under the provisions of Section 52.
- 7.5 Building Bulk and Coverage: The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified in the district, and the aggregate ground coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area as specified in the district.
- 7.5.1 Form of Ownership: The floor area and coverage requirements shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the floor area and coverage requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL EXCEPTION therefor has been approved by the Zoning Commission in accordance with Section 52 and a

subdivision map therefore has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the Office of the Old Saybrook Town Clerk.

- 7.5.2 Coverage in Conservation Zone: The aggregate ground coverage of all buildings and other structures on any lot in the Conservation Zone shall not exceed the percentage of lot area as specified for that portion of the district in such Zone.

## SECTION 8 - ADDITIONAL STANDARDS

- 8.1 **General:** The requirements hereinafter specified are supplementary to and in addition to standards set forth elsewhere in these regulations.
- 8.2 **PLOT PLANS AND ARCHITECTURAL PLANS:** Plot plans and architectural plans, when required to be submitted under these regulations in connection with an Application for Certificate of Zoning Compliance, shall conform to the following standards:
- 8.2.1 **Plot Plans:** Submission of a Plot Plan to the Zoning Officer is required for certain activities in order to demonstrate conformance with the provisions of these regulations. The Plot Plan shall show all information listed in this section as applicable to a particular lot or activity; except that the Zoning Officer may waive the submission of information that is not necessary to determine compliance with these regulations. The Zoning Officer may require such additional information as necessary to determine conformance with the regulations for a specific application.
- A. **Statement of Use:** A written statement, signed by the applicant, and by the owner if different from the applicant, describing the nature and extent of the proposed use or occupancy in sufficient detail to determine compliance with the use provisions of these regulations.
- B. **Maps:** All plot plans required under these regulations shall be clearly and legibly drawn at a scale of 1" = 40' or other scale approved by the Zoning Officer. Plot plans shall be drawn on one or more 18" x 24" or 24" x 36" sheets consisting of good quality polyester film or other material that will enable production of clear prints as required by these regulations. All plot plan maps shall include the following information:
1. General information, including title of the projector development; name and address of applicant or owner; north arrow, numerical and graphic scale, date of plan, and any revision dates.
  2. A Location Map showing streets, property lines and zoning district boundary lines within 100 feet of the site.
  3. A schedule showing compliance with appropriate zoning standards, including the area of the lot (in square feet); the area of wetlands and watercourses; the amount of floor area by use; building ground coverage and total coverage by building and paving; the basis of computation of required off-street parking and loading spaces and the number provided; building and other setback lines.

4. Property information, including the boundaries and existing conditions on the lot; the names of all abutting lot owners; location, width and purpose of all easements; the location of all tidal and inland wetlands, water bodies, high tide lines, floodway and Special Flood Hazard area boundaries, location of minimum area of buildable land; soil type boundaries and codes from the "Soil Survey of Middlesex County, Connecticut", USDA Soil Conservation Service; location of any historic or archaeological sites.
5. Existing and proposed development: location of existing and proposed buildings or uses, including buildings, structures, signs, fences, walls, barriers, outside storage areas and screening; docks, wharfs and bulkheads; location, design and dimensions for existing and proposed parking, aisles, loading and circulation; existing and proposed drainage, utilities and related facilities; outdoor illumination, landscaping and open spaces: provisions for soil erosion and sediment control; location and results of any soil tests performed on the site.

C. Other information which may be required by the Zoning Officer, including but not limited to the following:

1. The plot plan shall be prepared by and bear the seal of a land surveyor, professional engineer, architect and/or landscape architect licensed to practice in the State of Connecticut as required by law for preparation of parts of the plan. The seal of the preparer shall be impressed on all copies of the plot plan presented for approval.
2. The boundaries and existing conditions of the lot shall be shown based on a survey meeting or exceeding a "Class A-2" type survey specified in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, or its equivalent.
3. Existing and proposed grading contours at an interval not exceeding two feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site.
4. Any other information which the Zoning Officer may deem necessary to determine conformance with these regulations.

8.2.2 Architectural Plans: When required, architectural plans shall include all buildings and structures proposed to be constructed, reconstructed, enlarged, extended, moved or structurally altered; shall be drawn to a scale of 1/4" = 1' or larger, and shall include signs and outdoor illumination facilities unless otherwise provided in connection with plot plans. \*

- 8.2.3 Noncommercial Cutting Plan: For any lot in a Conservation Zone the plans shall include a noncommercial cutting plan showing the following: the existing mix of forest tree species, their approximate height, age and density; and a description of the cutting or removal activities to be undertaken.
- 8.3 Indoor Restaurants: Indoor restaurants and other indoor food and beverage service establishments shall serve customers only when they are seated at tables or counters. At least 75% of the seats at tables or counters shall be located within an enclosed building. Such establishments 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) such food is intended for consumption off the premises, and (c) such service is clearly incidental to a primary permitted indoor food and beverage service establishment where customers are served only when seated as herein specified. Where specifically permitted in a district as a Special Exception Use, however, such establishments may also include service to customers at service counters as well as service to customers in motor vehicles at a take-out window.\*\*
- 8.4 Accessory Uses: Accessory uses shall not include uses which are otherwise not permitted or specifically prohibited in the District. In Residence Districts, accessory uses shall also conform to the following additional standards and conditions:
- 8.4.1 The accessory use shall be located on the same lot with the use to which it is accessory.
- 8.4.2 Accessory uses may include a boat landing and dock to accommodate no more than two (2) boats.
- 8.4.3 Accessory uses may include off-street parking spaces and private garages, but except in connection with a farm or a SPECIAL EXCEPTION use, there shall be no more than one (1) commercial vehicle parked on any lot, and such vehicle shall not exceed 1½ tons capacity.
- 8.4.4 No part of a lot located in any of the Residence Districts shall be used for access to a use not permitted in such District.
- 8.5 Professional Office in a Dwelling Unit: A professional office in a dwelling unit located in a Residence District is an additional use for which a CERTIFICATE OF ZONING COMPLIANCE is required. Such office shall be used only for the office of person engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) nonresident persons employed in connection with such office. The floor area used for the office shall not exceed one third of the floor area of the dwelling unit.

- 8.6 Home Occupation in a Dwelling Unit: A home occupation in a dwelling unit located in a Residence District is an additional use for which a CERTIFICATE OF ZONING COMPLIANCE is required. A home occupation consists of an activity conducted for gain and shall conform to the following standards and conditions:
- 8.6.1 The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) nonresident person employed in connection with such occupation.
  - 8.6.2 There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
  - 8.6.3 The home occupation shall be confined to but one (1) floor of the dwelling unit and not more than 25% of such floor shall be so used.
  - 8.6.4 No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation within the dwelling unit.
  - 8.6.5 The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
  - 8.6.6 The APPLICATION for a ZONING PERMIT shall be signed by the person or persons proposing to conduct the home occupation and shall be accompanied by a detailed description of the proposed use. Each CERTIFICATE OF ZONING COMPLIANCE shall automatically terminate when the applicant no longer resides in the dwelling unit.
- 8.7 Renting of Rooms: The renting of 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 shall reside in the dwelling unit. No accessory building shall be used for renting of rooms, and there shall be no provision for cooking facilities in or available to such rooms except the principal cooking facilities of the dwelling unit.
- 8.8 Farms: Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock, shall conform to the following additional standards and conditions:
- 8.8.1 Farms shall not include commercial piggeries, and there shall be no commercial slaughtering, fertilizer manufacturing or any commercial reduction of animal matter.
  - 8.8.2 No livestock shall be kept on a lot of less than five (5) acres and any building in which livestock or poultry are kept shall

not extend within less than 150 feet of any property or street line, except as follows:

- a. on a lot of not less than 80,000 square feet, one (1) animal unit, consisting of one (1) equine, bovine or llama or up to five (5) sheep or goats, may be kept provided that any building or shelter in which animals are kept is located not less than 70 feet from any property or street line, and there may be one (1) additional animal unit for each 40,000 square feet of lot area over 80,000 square feet, up to a maximum of three (3) animal units; and
- b. an aggregate of not more than 20 chickens, other poultry or rabbits may be kept on any lot if kept in a building or enclosure conforming to the setback requirements for buildings and other structures.

8.8.3 No commercial greenhouse shall extend within less than 150 feet of any property or street line.

8.9 Minimum Access: No dwelling shall be constructed, and no building shall be changed in use for occupancy as a dwelling, unless located on a lot which has a frontage of not less than 20 feet on a street or on a private right-of-way or exclusive access easement which is everywhere 20 feet or more in width and connecting to a street.

8.10 Corner Visibility: On any corner lot there shall be no building, structure, fence, wall or planting, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point on one street line 25 feet from the intersection with a point on the other street line 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observer's eye at an elevation 3.5 feet above one street line and an object one (1) foot above the other street line, except that any building may extend to within the minimum distance of a street line as specified in these Regulations. Any fence, wall or planting which so obstructs such line of sight shall not be considered a nonconformity authorized to continue under the provisions of Par. 2.2.

8.11 Minimum Floor Elevation: Within the Flood Plain District, any building or other structure that is to be constructed, moved or substantially improved shall have a lowest floor elevation including basement as specified in a certain ordinance entitled "Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut".

8.12 Minimum Building Size: Certain buildings shall conform to minimum size requirements as follows:

8.12.1 All dwellings in any district, where permitted, and other than dwellings for elderly and/or handicapped persons approved under a SPECIAL EXCEPTION as specified in Par. 52.7.10, shall have a minimum of 750 square feet of ground coverage.

8.12.2 All buildings in Business and Marine Districts and Industrial Districts, other than buildings accessory to permitted dwellings, shall have a minimum of 750 square feet of ground coverage.

8.13 Liquor Establishments: No establishment where alcoholic beverages are sold for on-premise or off-premise consumption shall be located on any lot within a 500 foot radius of any property on which a school is located.

\* 8.14 Accessory Apartments: An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family is a use subordinate to such 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 such accessory apartment:

8.14.1 The accessory apartment shall be located within, or in an addition to, the single detached dwelling and shall be provided with a kitchen and complete bathroom, separate from such 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 is considered to be within the dwelling.

\*\* 8.14.2 Either the single detached dwelling or the accessory apartment therein shall be occupied by an owner of the premises except that when the owner is a non-profit corporation organized for the purpose of providing housing for low and moderate income individuals and families and the premises is not operated for profit, both the single detached dwelling and the accessory apartment therein may be occupied by non-owners.

8.14.3 The single detached dwelling to which the apartment is accessory shall 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 "condominium development", as defined in these Regulations, is not eligible to contain an accessory apartment.

8.14.4 The single detached dwelling shall be provided with the number of off-street parking spaces required by these Regulations, and the accessory apartment shall be provided with at least one (1) additional off-street parking space that is usable independently of the spaces required for the dwelling.

8.14.5 The single detached dwelling shall have no less than the minimum square feet of ground coverage specified in Para. 8.12.1\*, and the accessory apartment shall have a minimum floor area of not less than 500 square feet. The floor area of the accessory apartment shall not exceed one third of the total habitable floor area of the dwelling, excluding basements, or 750 square feet, whichever is less. The accessory apartment is not eligible to be used for a professional office or home occupation in a dwelling unit nor for the renting of rooms.

\*(750 square feet)

\* Approved 2/4/85

\* Effective 3/18/85

\*\* Approved 9/17/90

\*\* Effective 10/1/90



- 8.14.6 The single detached dwelling containing an accessory apartment shall 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 shall have only one (1) outside door along the front facade elevation unless two (2) such doors existed at the time of a conversion. Stairways to an accessory apartment on floors above the ground floor of the dwelling shall be located on the side or rear of the dwelling and shall be fully enclosed.
- 8.14.7 The APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be accompanied by the following:
- a. 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;
  - b. a certification from the Director of Health of the Town of Old Saybrook 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;
  - c. a plan of the premises as specified in Para. 72.2; and
  - d. competent floor plan drawings of the dwelling and apartment, and suitable sketches, architectural drawings and/or photographs sufficient to show the character and extent of exterior building and facade construction including any alterations.
- 8.14.8 (Reserved)
- 8.14.9 Upon receipt of a complete application for CERTIFICATE OF ZONING COMPLIANCE, the Zoning Enforcement Officer shall make a report to The Zoning Commission at a meeting of the Commission, concerning conformity of the APPLICATION and accessory apartment proposal to these Regulations.
- 8.14.10 Issuance of a CERTIFICATE OF ZONING COMPLIANCE for an apartment dwelling unit accessory to a single detached dwelling for one (1) family is conditioned upon the following:
- a. that in January of each calendar year, the owner of the premises shall file with the Zoning 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 an owner of the premises as required for the original APPLICATION; and
  - b. 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.

- 8.15 Drainage: Provision shall be made for the collection and discharge of storm water on the lot in such a manner as to assure the usability of off-street parking and loading spaces, to avoid hazards to pedestrian and vehicular traffic on the lot and on any street, to avoid storm water flow across sidewalks and other pedestrian ways and to protect streams and wetlands from pollution. Provision shall also be made for the protection or improvement of existing water courses, channels and other drainage systems.

The following minimum criteria for design storms shall be used in the analysis and design of storm drainage systems and structures:

- a. Watershed drainage area of less than 500 acres and no established water course - 25 year frequency discharge.
- b. Watershed drainage area of less than 1,000 acres with an established water course - 50 year frequency discharge.
- c. Watershed drainage area of over 1,000 acres - 100 year frequency discharge. In addition to these criteria, all drainage systems shall be in accordance with sound design criteria and good engineering practice.

- 8.16 Sanitation: Proper provision shall be made for the water supply and sewage disposal requirements of the proposed use. When public water supply and/or sewage disposal systems are not to be used, the private systems shall be subsurface and designed and constructed in accordance with any applicable State or Town laws and the design shall be approved by the Director of Health of the Town of Old Saybrook prior to approval of the proposed development. In addition, proper provision shall be made for the collection, storage and disposal of solid wastes accumulated in connection with the proposed use and for control of litter by means of receptacles, fences or other means approved by the Zoning Commission.

- 8.17 Setback Areas: The area required for setback from a street line, property line or Residence District boundary line shall be limited in use as follows:

8.17.1 Outside Storage: No outside storage areas shall be located in the area required for setback from a street line or Residence District boundary line; in I-1 and I-2 Districts, no outside storage area shall be located in the area required for setback from a property line.

8.17.2 Loading Spaces: No off-street loading space shall be located in the area required for setback from a street line or Residence District boundary line; in B-3, I-1 and I-2 Districts, no such space shall be located in the area required for setback from a property line.

8.17.3 Parking Spaces: Parking spaces and driveways shall conform to the requirements of Section 62.

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

% of Lot Area

a.	B-1	25%
b.	B-2	25%
c.	B-3	none permitted
d.	B-4	75%
e.	MC	75%
f.	MCL	25%
g.	I-1	25%
h.	I-2	10%
i.	SP-2	25%

\*\*In addition, any outside storage area located in a B-1, B-2, B-4, I-1 or I-2 District shall be enclosed, except for necessary access driveways, by buildings and/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 such enclosure is not necessary in connection with all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

- 8.19 Total Ground Coverage: The total ground coverage on any lot in specified districts shall not exceed the following:

a.	B-3	75%
b.	I-1	80%
c.	I-2	50%

- 8.20 Handicapped Persons: The plot plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by  
a) provision of walks and ramps of suitable width and grade,  
b) inclined curb approaches or curbs cut flush with parking areas, c) reserved, wide parking spaces and d) ground level building entrances.

## SECTION 9 - DEFINITIONS

9.1 General: The paragraphs which follow define and explain certain words used in these regulations. Other words used in these regulations shall have the meaning commonly attributed to them. Where a question arises as to the precise meaning of a word, the Zoning Commission shall by resolution determine the meaning of the word, giving due consideration to the expressed purpose and intent of these regulations.

\* Adult Entertainment Business: The term "Adult Entertainment Business" is defined as any establishment which 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. These businesses and their operations are further defined as follows:

- a. "Adult Bookstore" shall mean an establishment which has as a principal activity the sale of books, magazines, newspapers, videotapes, videodiscs and motion picture films or tapes which 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.
- b. "Adult Motion Picture Theater" shall mean an enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and public regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age.
- c. "Adult Mini-Motion Picture Theater" shall mean 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 therein in individual viewing booths and from which minors are excluded by virtue of age.
- d. "Adult Cabaret" shall mean a cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.
- e. "Adult Novelty Business" shall mean a business which has as the principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age.

- f. "Adult Personal Service Business" shall mean 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 which 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, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.
- g. "Partially Nude" shall mean having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.
- h. "Principal Activity" shall mean a use accounting for more than 10% of a business stock in trade, display space, or floor space, or movie display time per month.

\* Bed and Breakfast Transient Lodging: See Par. 52.7.14 of Sec. 52.

\*\* Coverage, Buildings and Structures: The ground coverage of a building or structure is measured from the outermost edge of the building or structure, projected to nadir, but excluding any architectural projections of the type that are permitted to extend into the area required for setback from a street line, property line or Residential District Boundary Line and also excluding buildings and structures that are completely below the finished grade of the lot. Coverage shall be calculated on non-wetlands only.

Coverage, Total: Total ground coverage on a lot consists of the aggregate ground coverage of all buildings and structures, outside storage areas and all areas of off-street parking and loading spaces and access aisles and circulation driveways but excluding pedestrian sidewalks, ornamental plazas and terraces, signs and landscaped islands within parking areas.

Dwelling: A "dwelling" is a building containing one (1) or more "dwelling units".

Dwelling Unit: A "dwelling unit" is 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 motel shall not be considered to be a "dwelling unit".

Family: A "family" is 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 shall not be considered a member of a "family" for the purpose of this definition.

- \* Floor Area, Gross (or Total): In computing the gross or total floor area of buildings and structures on a lot for the purpose of determining building bulk and coverage and required off-street parking and loading spaces, measurements shall be taken to the outside surfaces of exterior walls enclosing the floor area, but in the case of a habitable attic, only the floor area under the ceiling area at a height of seven feet or more above the attic floor is counted in computing total or gross floor area. Excluded from the determination of gross floor area are basements or cellars used only for storage, supporting services or utility services that are ancillary to uses on other floors of the building. Also excluded are utility enclosures on the roof of a building and interior space used solely for elevators, heating, ventilation, air conditioning, solar access equipment and water storage tanks and equipment.

Frontage: "Frontage" is defined as a property line that is also a "street line".

Height: In measuring the height of a building, or part thereof, or other structure to determine compliance with the maximum height provisions, measurement shall be taken from the level of the highest roof of the building, or part thereof, or highest feature of a structure to a "ground elevation datum" consisting of the average elevation of the finished grade of the lot within 10 feet of and around the perimeter of the building, or such 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.

Home Occupation: The term "home occupation" shall mean an activity consisting of one or more of the following:

- a. 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 such products are created entirely on the premises;
- b. 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 such products are created entirely on the premises;
- c. The conduct of a business office.

Lot: A "lot" is defined as a parcel of land which is either  
1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Office of the Old Saybrook Town Clerk or  
2) is a building lot shown on a subdivision map, approved by the Old Saybrook Planning Commission and filed in the Office of the Old Saybrook Town Clerk.

Lot, Corner: A "corner lot" is a lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall also be considered a "corner lot" if the central angle of the curve is less than 135 degrees.

- \* 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 of 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 shall not be used for compliance with the minimum lot area requirement. Land in two or more Zoning Districts 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 shall be used to satisfy a lot area requirement in any other district.

Lot, Width along Building Line: The "building line" along which lot width is measured shall be a line which 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 such street line.

Nonconformity: See Par. 10.2 of Section 10.

- \*\* Non-profit Corporation: A Connecticut corporation organized and existing under the provisions of Title 33, Chapter 600 of the General Statutes of Connecticut as amended (non-stock corporations), and also that said 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 the same may be from time to time amended.

Outside Storage: "Outside storage" shall mean the outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use.

Property Line, Rear: A "rear property line" is any property line which is parallel to or within 45 degrees 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 shall be considered a rear property line.

Sign: See Par. 64.2 of Section 64.

Soil Erosion and Sediment Control Plan: See Par. 67.2 of Section 67, including related definitions.

Story: A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is four (4) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".

Story, 1/2: For the purpose of determining the number of stories in a building, a "1/2" story means the highest most story of the building, having a stairway access located within the walls of the building, and having a floor area equal to no more than 50% of the floor area of the floor next below.

Street: A "street" shall mean any Town street or State Highway, except limited access State Highway, or any street shown on a subdivision map approved by the Old Saybrook Planning Commission and filed in the Office of the Old Saybrook Town Clerk.

Street Width: The "width" of a street shall mean the distance between the street lines.

Street Line: The term "street line" shall mean the right-of-way, easement, taking or 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 such lines is 25 feet or more.

Structural Alteration: The term "structural alteration" shall mean any change in or addition to the structure or supporting members of a building, such as walls, columns, beams or girders.

\* Trailers: "trailers and boats", "storage and construction/office trailers" and "commercial trailers":

- a. Trailers and boats - the term "trailers and boats" includes travel trailers, pick-up coach or pick-up campers, motorized campers, tent trailer, boat and/or boat trailers, utility trailers, mobile homes and mobile manufactured homes, and are further defined in Paragraph 66.2.1.
- b. Storage, construction/office and commercial trailers - the terms "storage trailer", "construction/office trailer" and "commercial trailer" include trailers used for construction and business storage purposes as well as on-site construction site offices and are further defined in Paragraphs 66.2.2 and 66.2.3.



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 other structure and/or cutting for the customary maintenance and improvement of a lot.

Wetlands - Tidal, Inland: The terms "tidal wetlands" and "inland wetlands" are as defined in Chapter 440 of the Connecticut General Statutes, as revised.

## SECTION 10 - NONCONFORMITY

- 10.1 Intent: It is the intent of these Regulations that nonconformities are not to be expanded, that they should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any existing nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.
- 10.2 Definitions: A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date, and 2) if such nonconformity is a use, such use had not been discontinued within the meaning of Paragraph 10.6.4.
- 10.3 Approved Applications and Certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully approved and any required CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 10.4 Change in Plans: Subject to the time limitations of Paragraph 10.4.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE has been lawfully approved and any required Building Permit and Sanitation Permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 10.4.1 Time Limit: An approved APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 10.4, shall become null and void unless 1) the use authorized thereby shall have been established within one (1) year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE must be approved or 2) the use, building or

other structure authorized thereby shall be established and completed within two (2) years from the effective date of such Regulations or any amendment thereto. The Zoning Commission may grant extensions of such period for additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of such Commission.

10.4.2 Previous Regulations: The provisions of Paragraphs 10.4 and 10.4.1 shall apply to Permits and Certificates of Occupancy issued under the Zoning Regulations in effect prior to these Regulations.

10.5 Casualty: If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire or other casualty, such building or structure may be restored and any such nonconforming use resumed to the extent that such building, structure or use existed at the time of the casualty, provided that such restoration is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such restoration within the one (1) year period and to complete the same within 24 months thereafter, or within such additional periods, not exceeding six (6) months, as the Zoning Commission may grant upon written application made to it, the right under this Paragraph to restoration of such building or other structure and the right to resume any such nonconforming use shall be lost and terminated.

10.6 Nonconformity - Use: The following provisions and limitations shall apply to a nonconforming use of land, building or other structure:

10.6.1 Enlargement: No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure.

\*\* 10.6.2 Change: No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses that are permitted uses in the District in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again.

NOTE: Conversion of seasonal residences for year round occupancy is separately regulated by Town Ordinance.

10.6.3 Moving: No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any

part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity.

- 10.6.4 Discontinuance: No nonconforming use of land, buildings or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use. No nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replaced by any other nonconforming use. Any nonconforming use of land not involving a building, or any nonconforming use of land involving buildings or improvements which have an assessed valuation of less than \$1,000.00 on the last completed tax assessment list of the Town of Old Saybrook, shall be discontinued within three (3) years from the date such use became nonconforming.
- 10.6.5 Performance Standards: Any use of land, buildings or other structure which does not conform to one or more of the performance standards of Section 61 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.
- 10.7 Nonconformity - Improvements: The following provisions and limitations shall apply to nonconforming buildings, other structures and improvements:
- 10.7.1 Enlargement: No nonconforming building, other structure or improvement shall be enlarged, extended, reconstructed or structurally altered unless the enlargement or extension is conforming.
- 10.7.2 Change: No nonconforming building, other structure or improvement if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be nonconforming or less conforming again.
- 10.7.3 Moving: No nonconforming building, other structure or improvement shall be moved unless the result of such moving is to reduce or eliminate the nonconformity.
- 10.7.4 Signs: Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in nonconformity.

- 10.7.5 Off-Street Parking and Loading: Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Section 62 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 62 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 62 unless such spaces are provided as required for the new use under Section 62.
- 10.7.6 Site Development and Landscaping: Site development and landscaping which fails to conform to requirements of these Regulations under Section 51 shall be deemed a nonconformity. No use for which such site development and landscaping are required shall be enlarged, extended, changed or moved and no building or other structure for which such site development and landscaping are required shall be enlarged, extended, moved or reconstructed unless such nonconformity is eliminated, provided that the Zoning Commission, in accordance with the provisions of Section 52, may grant a SPECIAL EXCEPTION to authorize continuation or reduction of the nonconformity.
- 10.8 Nonconformity - Lots: A lot, which fails to meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following conditions and requirements are met:
- 10.8.1 If the lot fails to meet the area requirements of these Regulations, the owner of the lot shall not also be the owner of contiguous land which in combination with such lot that fails to conform would make a lot that conforms or more nearly conforms to the area requirements of these Regulations pertaining to lots;
- 10.8.2 The use, building or other structure shall conform to all other requirements of these Regulations;
- 10.8.3 If permitted in the District, the lot may be used for the construction of a single detached dwelling for one (1) family provided that the lot contains an area of not less than 12,500 square feet if served by public water supply or 40,000 square feet if not so served and provided that the requirements of Par. 10.8.2 are met;

- 10.8.4 If permitted in the District, an existing single detached dwelling for one (1) family, so occupied, on the lot may be reconstructed, enlarged, extended or structurally altered provided that the requirements of Par. 10.8.2 are met.
- 10.9 Title: No change of title, possession or right of possession shall be deemed to affect right to continue a nonconforming use, building or other structure.
- 10.10 Repair: Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

ARTICLE II

RESIDENCE DISTRICTS

- SECTION 21 - RESIDENCE AAA DISTRICT
- SECTION 22 - RESIDENCE AA-1 DISTRICT
- SECTION 23 - RESIDENCE AA-2 DISTRICT
- SECTION 24 - RESIDENCE A DISTRICT
- SECTION 25 - RESIDENCE B DISTRICT
- SECTION 26 - RESIDENCE AA-3 DISTRICT

21.1 Permitted Uses:

- 21.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 21.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 21.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 21.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- \*21.1.5 An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family, subject to the provisions of Section 8.
- 21.1.6 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 21.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 21.1.8 Signs as provided in Section 64.
- 21.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

21.2 Special Exception Uses:

- 21.2.1 Conversion of dwellings so as to contain two (2) dwelling units.
- 21.2.2 Roadside stands for the display and sale of farm products grown on the premises.
- 21.2.3 Day nurseries.
- 21.2.4 Convalescent homes; private hospitals and sanitarium, licensed by the State of Connecticut.
- 21.2.5 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.



- 21.2.6 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 21.1.6.
- 21.2.7 Summer day camps, provided that there is no furnishing of rooms.
- 21.2.8 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 21.2.9 Commercial kennels, livery and boarding stables and riding academies.
- 21.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 21.2.11 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 21.2.12 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 21.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 21.2.14 Radio Towers for Standard Broadcasting Radio Stations.
- 21.2.15 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

21.3 Lot Area, Shape and Frontage:

21.3.1 Minimum Lot Area:

- a. served by public water supply: 40,000 square feet.
- b. not served by public water supply: 60,000 square feet.

21.3.2 Minimum Dimension of Square:

- a. served by public water supply: 150 feet.
- b. not served by public water supply: 200 feet.

21.3.3 Minimum Frontage: 20 feet.

21.3.4 Minimum Width along Building Line 150 feet.

21.4 Height:

- 21.4.1 Maximum Number of Stories: 2½ stories.
- 21.4.2 Maximum Height: 35 feet.

21.5 Setbacks:

- |        |  |          |
|--------|--|----------|
| 21.5.1 | From Street Line:                          | 50 feet. |
| 21.5.2 | From Rear Property Line:                   | 20 feet. |
| 21.5.3 | From Other Property Line:                  | 20 feet. |
| 21.5.4 | Projection Into Setback Area:              | 3 feet.  |
| 21.5.5 | Minor Accessory Buildings and Structures:  |          |
|        | a. From longest street line of corner lot: | 50 feet. |
|        | b. From Rear Property Line:                | 20 feet. |
|        | c. From Other Property Line:               | 20 feet. |

21.6 Building Bulk and Coverage:

- |        |                          |     |
|--------|--------------------------|-----|
| 21.6.1 | Maximum Floor Area:      | 20% |
| 21.6.2 | Maximum Ground Coverage: | 10% |

- \*21.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 21.1.1 through 21.1.5 and Paragraphs 21.1.7 through 21.1.9, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.
- 21.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 21.1.6, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.
- 21.9 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 21.2.1 through 21.2.15, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

SECTION 22 - RESIDENCE AA-1 DISTRICT

22.1 Permitted Uses:

- 22.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 22.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 22.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 22.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- \* 22.1.5 An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family, subject to the provisions of Section 8.
- 22.1.6 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 22.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 22.1.8 Signs as provided in Section 64.
- 22.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

2.2 Special Exception Uses:

- 22.2.1 Conversion of dwellings so as to contain two (2) dwelling units.
- 22.2.2 Roadside stands for the display and sale of farm products grown on the premises.
- 22.2.3 Day nurseries.
- 22.2.4 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 22.2.5 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 22.2.6 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 22.1.6.

- 22.2.7 Summer day camps, provided that there is no furnishing of rooms.
- 22.2.8 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 22.2.9 Commercial kennels, livery and boarding stables and riding academies.
- 22.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 22.2.11 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 22.2.12 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 22.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 22.2.14 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

22.3 Lot Area, Shape and Frontage:

22.3.1 Minimum Lot Area:

- a. served by public water supply: 40,000 square feet.
- b. not served by public water supply: 40,000 square feet.

22.3.2 Minimum Dimension of Square:

- a. served by public water supply: 150 feet.
- b. not served by public water supply: 150 feet.

22.3.3 Minimum Frontage: 20 feet.

22.3.4 Minimum Width along Building Line: 100 feet.

22.4 Height:

- 22.4.1 Maximum Number of Stories: 2½ stories.
- 22.4.2 Maximum Height: 35 feet.

22.5 Setbacks:

- |        |  |          |
|--------|--|----------|
| 22.5.1 | From Street Line:                          | 35 feet. |
| 22.5.2 | From Rear Property Line:                   | 20 feet. |
| 22.5.3 | From Other Property Line:                  | 20 feet. |
| 22.5.4 | Projection Into Setback Area:              | 3 feet.  |
| 22.5.5 | Minor Accessory Buildings and Structures:  |          |
|        | a. From longest street line of corner lot: | 35 feet. |
|        | b. From Rear Property Line:                | 20 feet. |
|        | c. From Other Property Line:               | 20 feet. |

22.6 Building Bulk and Coverage:

- |        |                          |      |
|--------|--------------------------|------|
| 22.6.1 | Maximum Floor Area:      | 40%. |
| 22.6.2 | Maximum Ground Coverage: | 20%. |
|        | a. in Conservation Zone: | 15%. |

22.7 Open Space Subdivisions: The Planning Commission, in accordance with the provisions of Section 56, may grant a SPECIAL EXCEPTION to permit establishment of an Open Space Subdivision Plan involving reduction of lot area and shape requirements of this Section.

\* 22.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 22.1.1 through 22.1.5 and Paragraphs 22.1.7 through 22.1.9, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

22.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 22.1.6, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

22.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 22.2.1 through 22.2.14, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

SECTION 23 - RESIDENCE AA-2 DISTRICT

23.1 Permitted Uses:

- 23.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 23.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 23.1.3 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- \* 23.1.4 An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family, subject to the provisions of Section 8.
- 23.1.5 Schools, parks, playgrounds and open space land of the Town of Old Saybrook.
- 23.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 23.1.7 Signs as provided in Section 64.
- 23.1.8 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

23.2 Special Exception Uses:

- 23.2.1 Conversion of dwellings so as to contain two (2) dwelling units.
- 23.2.2 Bed and Breakfast Transient Lodging.\*\*
- 23.2.3 Roadside stands for the display and sale of farm products grown on the premises.
- 23.2.4 Day nurseries.
- 23.2.5 Convalescent homes, private hospitals and sanitariums, licensed by the State of Connecticut.
- 23.2.6 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 23.2.7 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 23.1.5.

- 23.2.8 Summer day camps, provided that there is no furnishing of rooms.
- 23.2.9 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 23.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 23.2.11 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 23.2.12 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 23.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 23.2.14 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

23.3 Lot Area, Shape and Frontage:

23.3.1 Minimum Lot Area:

- a. served by public water supply: 20,000 square feet.
- b. not served by public water supply: 40,000 square feet.

23.3.2 Minimum Dimension of Square:

- a. served by public water supply: 100 feet.
- b. not served by public water supply: 150 feet.

23.3.3 Minimum Frontage: 20 feet.

23.3.4 Minimum Width along Building Line: 100 feet.

23.4 Height:

- 23.4.1 Maximum Number of Stories: 2½ stories
- 23.4.2 Maximum Height: 35 feet.

23.5 Setbacks:

- |        |  |          |
|--------|--|----------|
| 23.5.1 | From Street Line:                          | 35 feet. |
| 23.5.2 | From Rear Property Line:                   | 15 feet. |
| 23.5.3 | From Other Property Line:                  | 15 feet. |
| 23.5.4 | Projection Into Setback Area:              | 3 feet.  |
| 23.5.5 | Minor Accessory Buildings and Structures:  |          |
|        | a. From longest street line of corner lot: | 35 feet. |
|        | b. From Rear Property Line:                | 10 feet. |
|        | c. From Other Property Line:               | 10 feet. |

23.6 Building Bulk and Coverage:

- |        |                          |     |
|--------|--------------------------|-----|
| 23.6.1 | Maximum Floor Area:      | 40% |
| 23.6.2 | Maximum Ground Coverage: | 20% |
|        | a. in Conservation Zone: | 15% |

\*23.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 23.1.1 through 23.1.4 and Paragraphs 23.1.6 through 23.1.8, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

23.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 23.1.5, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

23.9 Special Exception: Prior to the approval of any application for CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 23.2.1 through 23.2.14, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.



SECTION 24 - RESIDENCE A DISTRICT

24.1 Permitted Uses:

- 24.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 24.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 24.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 24.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- \* 24.1.5 An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family, subject to the provisions of Section 8.
- 24.1.6 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 24.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 24.1.8 Signs as provided in Section 64.
- 24.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

24.2 Special Exception Uses:

- 24.2.1 Conversion of dwellings so as to contain two (2) dwelling units.
- 24.2.2 Bed and Breakfast Transient Lodging.\*\*
- 24.2.3 Roadside stands for the display and sale of farm products grown on the premises.
- 24.2.4 Day nurseries.
- 24.2.5 Convalescent homes, private hospitals and sanitariums, licensed by the State of Connecticut.
- 24.2.6 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; educational, religious, philanthropic and charitable institutions; and dwellings for elderly and/or handicapped persons.

- 24.2.7 Residential Life Care Facility. \*
- 24.2.8 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 24.1.6.
- 24.2.9 Summer day camps, provided that there is no furnishing of rooms.
- 24.2.10 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 24.2.11 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 24.2.12 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 24.2.13 Buildings; uses and facilities of the State of Connecticut or Federal Government.
- 24.2.14 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 24.2.15 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

24.3 Lot Area, Shape and Frontage:

24.3.1 Minimum Lot Area:

- a. served by public water supply: 20,000 square feet.
- b. not served by public water supply: 40,000 square feet.

24.3.2 Minimum Dimension of Square:

- a. served by public water supply: 100 feet.
- b. not served by public water supply: 150 feet.

24.3.3 Minimum Frontage: 50 feet.

24.3.4 Minimum Width along Building Line: 100 feet.

24.4 Height:

- 24.4.1 Maximum Number of Stories: 2½ stories.
- 24.4.2 Maximum Height: 35 feet.

24.5 Setbacks:

- 24.5.1 From Street Line: 25 feet
- 24.5.2 From Rear Property Line: 15 feet
- 24.5.3 From Other Property Line: 15 feet
- 24.5.4 Projection Into Setback Area: 3 feet
- 24.5.5 Minor Accessory Buildings and Structures:
  - a. From longest street line of corner lot: 35 feet
  - b. From Rear Property Line: 10 feet
  - c. From Other Property Line: 10 feet

24.6 Building Bulk and Coverage:

- 24.6.1 Maximum Floor Area: 40%
- 24.6.2 Maximum Ground Coverage: 20%
  - a. on lots in the Conservation Zone: 15% \*

- \*\* 24.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 24.1.1 through 24.1.5 and Paragraphs 24.1.7 through 24.1.9, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.
- 24.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 24.1.6, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.
- 24.9 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 24.2.1 through 24.2.15, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## SECTION 25 - RESIDENCE B DISTRICT

### 25.1 Permitted Uses:

- 25.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 25.1.2 A dwelling containing two (2) dwelling units and not more than one (1) such dwelling per lot.
- 25.1.3 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 25.1.4 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 25.1.5 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 25.1.6 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 25.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 25.1.8 Signs as provided in Section 64.
- 25.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

### 25.2 Special Exception Uses:

- 25.2.1 Roadside stands for the display and sale of farm products grown on the premises.
- 25.2.2 Day nurseries.
- 25.2.3 Convalescent homes, private hospitals and sanitariums, licensed by the State of Connecticut.
- 25.2.4 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 25.2.5 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 25.1.6.
- 25.2.6 Summer day camps, provided that there is no furnishing of rooms.
- 25.2.7 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 25.2.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 25.2.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 25.2.10 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 25.2.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 25.2.12 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

25.3 Lot Area, Shape and Frontage:

25.3.1 Minimum Lot Area:

- a. served by public water supply: 12,500 square feet.
- b. not served by public water supply: 40,000 square feet.

25.3.2 Minimum Dimension of Square:

- a. served by public water supply: 80 feet.
- b. not served by public water supply: 150 feet.

25.3.3 Minimum Frontage: 50 feet.

25.3.4 Minimum Width along Building Line: 100 feet.

25.4 Height:

- 25.4.1 Maximum Number of Stories: 2½ stories.
- 25.4.2 Maximum Height: 35 feet.

25.5 Setbacks:

25.5.1	From Street Line:	25 feet.
25.5.2	From Rear Property Line:	15 feet.
25.5.3	From Other Property Line:	15 feet.
25.5.4	Projection Into Setback Area:	3 feet.
25.5.5	Minor Accessory Buildings and Structures:	
	a. From longest street line of corner lot:	35 feet.
	b. From Rear Property Line:	10 feet.
	c. From Other Property Line:	10 feet.

25.6 Building Bulk and Coverage:

25.6.1	Maximum Floor Area:	40%
25.6.2	Maximum Ground Coverage:	20%
	a. on lots not served by public water supply in Conservation Zone:	15%

\*25.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 25.1.1 through 25.1.5 and Paragraphs 25.1.7 through 25.1.9, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

25.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 25.1.6, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

25.9 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 25.2.1 through 25.2.12, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## SECTION 26 - RESIDENCE AA-3 DISTRICT

### 26.1 Permitted Uses:

- 26.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 26.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8, provided, however, that there shall be no non resident person employed in connection with such office.
- 26.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8, provided, however, that there shall be no non resident person employed in connection with such occupation.
- 26.1.4 Parks, playgrounds, and open space lands of the Town of Old Saybrook.
- 26.1.5 Farms, nurseries, forestry, and the keeping of live stock and poultry, subject to the provisions of Section 8.
- 26.1.6 No signs with the exception of property identification by name and number not exceeding two (2) square feet in area.
- 26.1.7 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

### 26.2 Special Exception Uses:

- 26.2.1 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.

26.2.2 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.

26.2.3 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

26.3 Lot Area, Shape and Frontage

26.3.1	Minimum Lot Area:	* 87,120	Square feet
26.3.2	Minimum Dimension of Square:		200 feet
26.3.3	Minimum Frontage:		20 feet
26.3.4	Minimum Width along Building Line		200 feet

26.4 Height

26.4.1	Maximum Number of Stories:	2½ Stories
26.4.2	Maximum Height:	35 feet

26.5 Set Backs:

26.5.1	From Street Line:	50 feet
26.5.2	From Rear Property Line:	20 feet
26.5.3	From Other Property Line:	20 feet
26.5.4	Projection Into Setback Area:	3 feet
26.5.5	Minor Accessory Buildings and Structures:	
a.	From longest street line of corner lot:	50 feet
b.	From Rear Property Line:	20 feet
c.	From Other Property Line:	20 feet

26.6 Building Bulk and Coverage:

26.6.1	Maximum Floor Area:	20%
26.6.2	Maximum Ground Coverage:	10%

\*\* 26.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 26.1.1 through 26.1.7, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

\*\* 26.8 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by SPECIAL EXCEPTION under Paragraph 26.2.1 through 26.2.3, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.



ARTICLE III

BUSINESS AND MARINE DISTRICTS

- SECTION 31 - CENTRAL BUSINESS B-1 DISTRICT
- SECTION 32 - SHOPPING CENTER BUSINESS B-2 DISTRICT
- SECTION 33 - RESTRICTED BUSINESS B-3 DISTRICT
- SECTION 34 - GENERAL BUSINESS B-4 DISTRICT
- SECTION 35 - MARINE COMMERCIAL MC DISTRICT
- SECTION 36 - MARINE COMMERCIAL LIMITED MCL DISTRICT
- SECTION 37 - SAYBROOK POINT DISTRICT

SECTION 31 - CENTRAL BUSINESS B-1 DISTRICT

31.1 Permitted Uses: Any use listed in Section 31.1 which occupies a gross floor area greater than 5,000 square feet of total area shall be a Special Exception Use. \*

- 31.1.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- 31.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.
- 31.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 31.1.4 [Reserved]
- 31.1.5 Indoor theaters and assembly halls.
- 31.1.6 Manufacture, processing or assembling of goods for sale only on the premises and at retail, provided that there are no more than three (3) persons engaged in such manufacture, processing or assembling.
- 31.1.7 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.
- 31.1.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 31.1.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 31.1.10 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 31.1.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 31.1.12 Off-street parking facilities whether accessory to a permitted use or not.
- 31.1.13 Buildings, uses and facilities of the Town of Old Saybrook.

31.1.14 Signs as provided in Section 64.

31.1.15 Accessory uses customary with and incidental to any aforesaid permitted use.

31.2 Special Exception Uses:

31.2.1 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.

31.2.2 Bed and Breakfast Transient Lodging.\*

31.3 Prohibited Uses:

31.3.1 Dwellings; and convalescent homes, hospitals and sanitarium.

31.3.2 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.

31.3.3 Hotels and motels; veterinary hospitals; and bowling alleys.

31.3.4 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

31.3.5 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 31.1.6.

31.3.6 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.

31.4 Lot Area, Shape and Frontage:

31.4.1 Minimum Lot Area:

- |                                       |                     |
|---------------------------------------|---------------------|
| a. served by public water supply:     | 12,500 square feet. |
| b. not served by public water supply: | 40,000 square feet. |

31.4.2 Minimum Dimension of Square:

- |                                       |           |
|---------------------------------------|-----------|
| a. served by public water supply:     | 50 feet.  |
| b. not served by public water supply: | 150 feet. |

31.4.3 Minimum Frontage: 50 feet.

31.5 Height:

- |                                   |             |
|-----------------------------------|-------------|
| 31.5.1 Maximum Number of Stories: | 2½ stories. |
| 31.5.2 Maximum Height:            | 35 feet.    |

31.6 Setbacks:

31.6.1	From Street Line:	10 feet
31.6.2	From Rear Property Line:	10 feet
31.6.3	From Other Property Line:	none
31.6.4	From Residence District Boundary Line:	20 feet
31.6.5	Projections Into Setback Area:	5 feet

31.7 Building Bulk and Coverage:

31.7.1	Maximum Floor Area:	200%
31.7.2	Maximum Ground Coverage:	75%

\*31.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 31.1.14 and 31.1.15, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

31.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 31.1.1 through 31.1.13, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

31.10 SPECIAL EXCEPTION: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by SPECIAL EXCEPTION under Paragraphs 31.2.1 and 31.2.2, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

SECTION 32 - SHOPPING CENTER BUSINESS B-2 DISTRICT

- 32.1 Permitted Uses: Any use listed in Section 32.1 which occupies a gross floor area greater than 10,000 square feet of total area shall be a Special Exception Use. \*
- 32.1.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
  - 32.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.
  - 32.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
  - 32.1.4 [Reserved]
  - 32.1.5 Indoor theaters and assembly halls.
  - 32.1.6 Manufacture, processing or assembling of goods for sale only on the premises and at retail, provided that there are no more than three (3) persons engaged in such manufacture, processing or assembling.
  - 32.1.7 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.
  - 32.1.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
  - 32.1.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
  - 32.1.10 Buildings, uses and facilities of the State of Connecticut or Federal Government.
  - 32.1.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
  - 32.1.12 Off-street parking facilities whether accessory to a permitted use or not.
  - 32.1.13 Hotels and motels; veterinary hospitals; and bowling alleys.

32.1.14 Buildings, uses and facilities of the Town of Old Saybrook.

32.1.15 Signs as provided in Section 64.

32.1.16 Accessory uses customary with and incidental to any aforesaid permitted use.

32.2 Special Exception Uses:

32.2.1 Motor vehicle service stations, which shall have only a Limited Repairers License, if any, issued by the State of Connecticut.

32.2.2 Motor vehicle repair garages including those permitted under Paragraph 32.2.1 above, including automobile, truck, trailer and farm equipment repairing, painting and upholstering, and establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof; provided each site have an area of at least four (4) acres and a depth of at least 400 feet extending from the street line.

32.2.3 Heliports.

32.2.4 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.

32.2.5 Bed and Breakfast Transient Lodging.\*

32.3 Prohibited Uses:

32.3.1 Dwellings; and convalescent homes, hospitals and sanitariums.

32.3.2 Motor vehicle service stations except as permitted under Paragraphs 32.2.1 and 32.2.2; and establishments for motor vehicle washing.

32.3.3 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

32.3.4 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 32.1.6.

32.3.5 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.

32.4 Lot Area, Shape and Frontage:

32.4.1 Minimum Lot Area:

- |                                       |                     |
|---------------------------------------|---------------------|
| a. served by public water supply:     | 20,000 square feet. |
| b. not served by public water supply: | 40,000 square feet. |

32.4.2 Minimum Dimension of Square:

- a. served by public water supply: 100 feet.
- b. not served by public water supply: 150 feet.

32.4.3 Minimum Frontage:

50 feet.

32.5 Height:

- 32.5.1 Maximum Number of Stories: 2½ stories.
- 32.5.2 Maximum Height: 35 feet.

32.6 Setbacks:

- 32.6.1 From Street Line: 25 feet.
- 32.6.2 From Rear Property Line: 10 feet.
- 32.6.3 From Other Property Line: 10 feet.
- 32.6.4 From Residence District Boundary Line: 25 feet.
- 32.6.5 Projections Into Setback Area: 5 feet.

32.7 Building Bulk and Coverage:

- 32.7.1 Maximum Floor Area: 80%
- 32.7.2 Maximum Ground Coverage: 40%

\*32.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 32.1.15 and 32.1.16, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

32.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 32.1.1 through 32.1.14, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

32.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 32.2.1 through 32.2.5, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## SECTION 33 - RESTRICTED BUSINESS B-3 DISTRICT

### 33.1 Permitted Uses:

- 33.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 33.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 33.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 33.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 33.1.5 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 33.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 33.1.7 Signs as provided in Section 64.
- 33.1.8 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

### 33.2 Special Exception Uses:

- 33.2.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- 33.2.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; and undertaker's establishments.
- 33.2.3 Indoor restaurants and other indoor food and beverage service establishments, including such restaurants and establishments with service to customers at service counters as well as service to customers in motor vehicles at a take-out window, subject to the provisions of Section 8. \*\*
- 33.2.4 Manufacture, processing or assembling of goods for sale only on the premises and at retail, provided that there are no more than three (3) persons engaged in such manufacture, processing or assembling.
- 33.2.5 Conversion of dwellings so as to contain two (2) dwelling units.
- 33.2.6 Bed and Breakfast Transient Lodging.\*\*\*
- 33.2.7 Day nurseries.



- 33.2.8 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 33.2.9 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 33.2.10 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 33.1.5
- 33.2.11 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 33.2.12 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 33.2.13 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 33.2.14 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 33.2.15 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 33.2.16 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

### 33.3 Prohibited Uses:

- 33.3.1 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.
- 33.3.2 Hotels and motels; veterinary hospitals; and bowling alleys.
- 33.3.3 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

- 33.3.4 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 33.2.4.
- 33.3.5 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.
- 33.3.6 Roadside stands for the display and sale of farm products; newspaper and job printing; cleaning or laundry agencies or self-service establishments; theaters and assembly halls; day camps; and commercial kennels, livery and board stables and riding academies.

33.4 Lot Area, Shape and Frontage:

33.4.1 Minimum Lot Area:

- a. served by public water supply: 12,500 square feet.
- b. not served by public water supply: 40,000 square feet.

33.4.2 Minimum Dimension of Square:

- a. served by public water supply: 100 feet.
- b. not served by public water supply: 150 feet.

33.4.3 Minimum Frontage:

100 feet.

33.5 Height:

- 33.5.1 Maximum Number of Stories: 2½ stories.
- 33.5.2 Maximum Height: 35 feet.

33.6 Setbacks:

- 33.6.1 From Street Line: 25 feet.
- 33.6.2 From Rear Property Line: 15 feet.
- 33.6.3 From Other Property Line: 15 feet.
- 33.6.4 Projection Into Setback Area: 3 feet.
- 33.6.5 Minor Accessory Buildings and Structures:
  - a. From longest street line of corner lot: 25 feet.
  - b. From Rear Property Line: 10 feet.
  - c. From Other Property Line: 10 feet.

33.7 Building Bulk and Coverage:

- 33.7.1 Maximum Floor Area: 80%
- 33.7.2 Maximum Ground Coverage: 40%

- \*33.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 33.1.1 through 33.1.4 and 33.1.6 through 33.1.8, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.
- 33.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraph 33.1.5, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.
- 33.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 33.2.1 through 33.2.16, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## SECTION 34 - GENERAL BUSINESS B-4 DISTRICT

34.1 Permitted Uses: Any use listed in Section 34.1 which occupies a gross floor area greater than 20,000 square feet of total area shall be a Special Exception Use. \*

- 34.1.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- 34.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.
- 34.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 34.1.4 [Reserved]
- 34.1.5 Indoor theaters and assembly halls.
- 34.1.6 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.
- 34.1.7 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 34.1.8 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 34.1.9 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 34.1.10 Railroad rights-of-way and passenger stations, including customary accessory services therein.
- 34.1.11 Off-street parking facilities whether accessory to a permitted use or not.
- 34.1.12 Hotels and motels; veterinary hospitals; and bowling alleys.
- 34.1.13 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

- 34.1.14 Research laboratories; manufacture, processing or assembling of goods.
- 34.1.15 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding and machine shops.
- 34.1.16 Buildings, uses and facilities of the Town of Old Saybrook.
- 34.1.17 Signs as provided in Section 64.
- 34.1.18 Accessory uses customary with and incidental to any aforesaid permitted use.

34.2 Special Exception Uses:

- 34.2.1 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.
- 34.2.2 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 34.2.3 Heliports.
- 34.2.4 Convalescent Homes licensed by the State of Connecticut.
- 34.2.5 Bed and Breakfast Transient Lodging. \*
- 34.2.6 Adult Entertainment Businesses. \*\*

34.3 Prohibited Uses:

- 34.3.1 Dwellings; hospitals and sanitarium.

34.4 Lot Area, Shape and Frontage:

- 34.4.1 Minimum Lot Area:
  - a. served by public water supply 20,000 sq. ft.
  - b. not served by public water supply 40,000 sq. ft.
- 34.4.2 Minimum Dimension of Square:
  - a. served by public water supply 100 feet
  - b. not served by public water supply 150 feet
- 34.4.3 Minimum Frontage: 50 feet

34.5 Height:

- 34.5.1 Maximum Number of Stories: 2 1/2 stories
- 34.5.2 Maximum Height: 35 feet

34.6 Setbacks:

34.6.1	From Street Line:	50 feet.
34.6.2	From Rear Property Line:	20 feet.
34.6.3	From Other Property Line:	20 feet.
34.6.4	From Residence District Boundary Line:	50 feet.
34.6.5	Projections Into Setback Area:	5 feet.

34.7 Building Bulk and Coverage:

34.7.1	Maximum Floor Area:	90%
34.7.2	Maximum Ground Coverage:	40%

- \* 34.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 34.1.17 and 34.1.18, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

- 34.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 34.1.1 through 34.1.16, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

- 34.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 34.2.1 through 34.2.5, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## SECTION 35 - MARINE COMMERCIAL MC DISTRICT

### PURPOSE

The purpose of the Marine Commercial District is to provide for and encourage appropriate land uses, with emphasis on waterfront access and water dependent and related uses defined by the State of Connecticut as "those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters".

35.1 Permitted Uses: Any use listed in Section 35.1 which occupies a gross floor area greater than 5,000 square feet of total area shall be a Special Exception Use. \*

- 35.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 35.1.2 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 35.1.3 A dock, wharf, slip basin or similar landing facility for pleasure boats.
- 35.1.4 A fish market primarily handling local catches.
- 35.1.5 Establishments for the sale, repair and/or servicing of boats, including the dispensing of fuel and lubricants at retail, but expressly excluding bulk storage of fuel.
- 35.1.6 A sail loft or ship chandlery, including the retail sale of marine equipment, engines and provisions for boats.
- 35.1.7 Storage of boats when accessory and subordinate to a use permitted under Par. 35.1.3 or 35.1.5.
- 35.1.8 Signs as provided in Section 64.
- 35.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

35.2 Special Exception Uses:

- 35.2.1 Docks, wharf, slip basin or similar landing facility for vessels engaged in commercial fishery or shell fishery.
- 35.2.2 Marine research laboratories for the study of aquatic and marine environment, ecology and resources.
- 35.2.3 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 35.1.2.
- 35.2.4 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 35.2.5 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 35.2.6 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 35.2.7 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 35.2.8 Retail stores and service establishments.
- 35.2.9 Restaurants, and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 35.2.10 Business and professional offices.
- 35.2.11 Swimming facilities, commercially-operated tennis courts and/or private tennis clubs and similar facilities for racquetball and paddle tennis.
- 35.2.12 Base operations for fishery and shellfishery business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, and/or the commercial bulk processing of fish and shellfish.
- 35.2.13 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.

35.3 Lot Area, Shape and Frontage:

35.3.1 Minimum Lot Area:

- a. served by public water supply: 20,000 square feet.
- b. not served by public water supply: 40,000 square feet.



35.3.2 Minimum Dimension of Square:

- a. served by public water supply: 100 feet.
- b. not served by public water supply: 150 feet.

35.3.3 Minimum Frontage: 20 feet.

35.4 Height:

35.4.1 Maximum Number of Stories: 2 1/2 stories.

35.4.2 Maximum Height: 35 feet.

35.5 Setbacks:

35.5.1 From Street Line: 40 feet.

35.5.2 From Rear Property Line:

- a. abutting navigable water: none.\*
- b. not abutting navigable water: 20 feet.

35.5.3 From Other Property Line:

- a. abutting navigable water: none.\*
- b. not abutting navigable water: 20 feet

35.5.4 From Residence District Boundary Line: 25 feet.

35.5.5 Projections Into Setback Area: 3 feet.

\*See Par. 7.4.9 regarding required setbacks in Conservation Zones.

35.6 Building Bulk and Coverage:

35.6.1 Maximum Floor Area: 80%

35.6.2 Maximum Ground Coverage: 40%

- \* 35.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 35.1.1, 35.1.8 and 35.1.9, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

- 35.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 35.1.2 through 35.1.7, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

- 35.9 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 35.2.1 through 35.2.13, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

36.1 Permitted Uses: Any use listed in Section 36.1 which occupies a gross floor area greater than 5,000 square feet of total area shall be a Special Exception Use. \*

- 36.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 36.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 36.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 36.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 36.1.5 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 36.1.6 A dock, wharf, slip basin or similar landing facility for pleasure boats only.
- 36.1.7 Establishments for the sale, repair and/or servicing of boats, including the dispensing of fuel and lubricants at retail, but expressly excluding dry storage of boats and bulk storage of fuel.
- 36.1.8 A sail loft or ship chandlery, including the retail sale of marine equipment, engines and provisions for pleasure boats.
- 36.1.9 Signs as provided in Section 64.
- 36.1.10 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

36.2 Special Exception Uses:

- 36.2.1 Conversion of dwellings so as to contain two (2) dwelling units.
- 36.2.2 Marine research laboratories for the study of aquatic and marine environment, ecology and resources.
- 36.2.3 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 36.1.5.
- 36.2.4 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 36.2.5 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

- 36.2.6 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 36.2.7 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 36.2.8 Accessory uses customary with and incidental to any aforesaid SPECIAL EXCEPTION use.
- 36.3 Lot Area, Shape and Frontage:
- 36.3.1 Minimum Lot Area:
- |                                       |                     |
|---------------------------------------|---------------------|
| a. served by public water supply:     | 20,000 square feet. |
| b. not served by public water supply: | 40,000 square feet. |
- 36.3.2 Minimum Dimension of Square:
- |                                       |           |
|---------------------------------------|-----------|
| a. served by public water supply:     | 100 feet. |
| b. not served by public water supply: | 150 feet. |
- 36.3.3 Minimum Frontage: 20 feet.
- 36.4 Height:
- |                                   |             |
|-----------------------------------|-------------|
| 36.4.1 Maximum Number of Stories: | 2½ stories. |
| 36.4.2 Maximum Height:            | 35 feet.    |
- 36.5 Setbacks:
- |   |          |
|---|----------|
| 36.5.1 From Street Line:                      | 40 feet. |
| 36.5.2 From Rear Property Line:               |          |
| a. abutting navigable water:                  | none.    |
| b. not abutting navigable water:              | 20 feet. |
| 36.5.3 From Other Property Line:              |          |
| a. abutting navigable water:                  | none.    |
| b. not abutting navigable water:              | 20 feet. |
| 36.5.4 From Residence District Boundary Line: | 20 feet. |
| 36.5.5 Projections Into Setback Area:         | 3 feet.  |
- 36.6 Building Bulk and Coverage:
- |                                 |     |
|---------------------------------|-----|
| 36.6.1 Maximum Floor Area:      | 80% |
| 36.6.2 Maximum Ground Coverage: | 40% |

- \* 36.7 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 36.1.1 through 36.1.4 and Paragraphs 36.1.9 and 36.1.10, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.
- 36.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 36.1.5 through 36.1.8, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.
- 36.9 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 36.2.1 through 36.2.8, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

# SECTION 37 - SAYBROOK POINT DISTRICT

37.1 Permitted Uses: Land, buildings and other structures in Saybrook Point Districts #1, 2 and 3 may be used for one or more of the uses hereinafter listed as permitted in the District. Uses are listed as permitted or prohibited in accordance with the following designation and procedure:

\* Any use listed in Section 37.1 which occupies a gross floor area greater than 5,000 square feet of total area shall be a Special Exception Use.

\* "p" means a use permitted in the District as a matter of right subject to the provisions of Section 8.

"S" means a use permitted in the District, subject to the approval of a SPECIAL EXCEPTION in accordance with the provisions of Sections 8, 51, and 52.

"E" means a use permitted in the District, subject to approval of a SITE PLAN and a SPECIAL EXCEPTION in accordance with the provisions of Sections 8, 51 and Section 52, or of Sections 8, 51 and Section 53 if so specified.

		SP-1	SP-2	SP-3
37.1.1	A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.	X	X	P
37.1.2	A dwelling containing two (2) dwelling units and not more than one (1) such dwelling per lot.	X	X	S
37.1.3	A condominium development, subject to all of the provisions of Section 55, provided however that the minimum lot area under Par. 55.6.1 is one (1) acre and the minimum building setback of .75 feet in Par. 55.6.4 is not applicable.	X	X	E
37.1.4	A professional office in a dwelling unit, subject to the provisions of Section 8.	X	X	P
37.1.5	Home occupations in a dwelling unit, subject to the provisions of Section 8.	X	X	P
37.1.6	Parks, playgrounds, museums, educational facilities and open space lands of the Town of Old Saybrook.	P	P	P
37.1.7	Docks, wharf, slip basin or similar landing facility for pleasure boats and excursion boats serving the public, expressly excluding vessels engaged in commercial fishery or shell fishery.	S	S	X

	SP-1	SP-2	SP-3
37.1.8 Establishments for the sale, repair and/or servicing of pleasure boats, including the dispensing of fuel and lubricants for boats at retail, but expressly excluding dry storage of boats and bulk storage of fuel. *	X	S	X
37.1.9 Sail lofts or ships chandlery, including the retail sale of marine equipment, engines and provisions for pleasure boats.	X	S	X
37.1.10 Public walkways, parks and fishing piers.	P	S	X
37.1.11 Marine research laboratories for the study of aquatic and marine environment, ecology and resources.	X	S	X
37.1.12 Indoor restaurants and other food and beverage service establishments, subject to the provisions of Section 8.	X	E	X
37.1.13 The following uses when related to and either accessory or subordinate to a use permitted under Par. 37.1.7, 37.1.8, 37.1.9 or 37.1.12 on the same lot: business and professional offices; stores and other buildings and structures where goods are sold or services are rendered primarily at retail; hotels and motels for transient lodging, including conference facilities; and swimming and other recreational facilities.	X	E	X
37.1.14 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 37.1.6 and 37.1.10.	E	E	E
37.1.15 Buildings, uses and facilities of the State of Connecticut or Federal Government.	E	E	E
37.1.16 Off-street parking accessory to a use permitted and located in the Saybrook Point District.	S	S	S

37.1.17	Accessory uses customary with and incidental to any aforesaid permitted use located on the same lot, subject to the approval of a SITE PLAN or SPECIAL EXCEPTION if required for the permitted use.	P	P	P
37.2	<u>Lot Area, Shape and Frontage:</u>			
37.2.1	Minimum Lot Area (in square feet)	20,000	20,000	20,000
37.2.2	Minimum Dimension of Square	100'	100'	100'
37.2.3	Minimum Frontage	50'	50'	50'
37.3	<u>Height:</u>			
37.3.1	Maximum Number of Stories	2½	2½	2½
37.3.2	Maximum Height	35'	35'	35'
37.4	<u>Setbacks:</u>			
37.4.1	From centerline of College Street Right-of-Way.	55'	70'	55'
37.4.2	From Street Line of Other Streets	25'	25'	25'
37.4.3	From Property Line:			
	a. abutting navigable water	*none	*none	*none
	b. not abutting navigable water	15'	15'	15'
37.4.4	Projections Into Setback Area	3'	3'	3'
37.5	<u>Building Bulk and Coverage:</u>			
37.5.1	Maximum Floor Area	10%	50%	40%
37.5.2	Maximum Ground Coverage	10%	25%	20%

\* See also Par. 7.4.9.

ARTICLE IV

INDUSTRIAL DISTRICTS

SECTION 41 - INDUSTRIAL I-1 DISTRICT

SECTION 42 - INDUSTRIAL I-2 DISTRICT



SECTION 41 - INDUSTRIAL I-1 DISTRICT

41.1 Permitted Uses: Any use listed in Section 41.1 which occupies a gross floor area greater than 40,000 square feet of total area shall be a Special Exception Use. \*

41.1 Permitted Uses:

- 41.1.1 Research laboratories; manufacture, processing or assembling of goods.
- 41.1.2 Office buildings for business and professional establishments; banks and other financial institutions; medical and dental clinics.
- 41.1.3 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- 41.1.4 Printing and publishing establishments.
- 41.1.5 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.
- 41.1.6 /Reserved/
- 41.1.7 Hotels and motels.
- 41.1.8 Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to another permitted use on the same lot; establishments for the rental of automobiles, trucks, trailers or farm equipment.
- 41.1.9 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail when accessory and subordinate to another permitted use on the same lot.
- 41.1.10 The following uses when accessory and subordinate to another permitted use on the same lot: churches and places of worship; parish halls; schools; colleges; universities; educational, philanthropic and charitable institutions; membership clubs; lodges; community houses; indoor theaters and assembly halls; and day nurseries.
- 41.1.11 Public utility substations and telephone equipment buildings.
- 41.1.12 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 41.1.13 Buildings, uses and facilities of the State of Connecticut or Federal Government.

- 41.1.14 Railroad rights-of-way and passenger stations, including customary accessory services therein.
- 41.1.15 Off-street parking facilities whether accessory to a permitted use or not.
- 41.1.16 Buildings, uses and facilities of the Town of Old Saybrook.
- 41.1.17 Signs as provided in Section 64.
- 41.1.18 Accessory uses customary with and incidental to any aforesaid permitted use.

41.2 Special Exception Uses:

- 41.2.1 Heliports.
- 41.2.2 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- \*\*41.2.3 Convalescent Homes, licensed by the State of Connecticut.

41.3 Prohibited Uses:

- \*\*41.3.1 Dwellings; and hospitals and sanatoria.
- 41.3.2 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail except as permitted under Paragraph 41.1.9; veterinary hospitals; undertakers' establishments; and bowling alleys.
- 41.3.3 Motor vehicle service stations; motor vehicle repair garages except as permitted under Paragraph 41.1.8; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment.
- 41.3.4 Commercial kennels; livery and boarding stables and riding academies; and roadside stands for the display and sale of farm products; summer day camps.

41.4 Lot Area, Shape and Frontage:

- 41.4.1 Minimum Lot Area:
  - a. served by public water supply: 40,000 square feet.
  - b. not served by public water supply: 40,000 square feet.
- 41.4.2 Minimum Dimension of Square:
  - a. served by public water supply: 150 feet.
  - b. not served by public water supply: 150 feet.
- 41.4.3 Minimum Frontage: 50 feet.

\*\*10/28/85

41.5 Height:

- 41.5.1 Maximum Number of Stories: 3 stories.  
a. in Conservation Zone: 2½ stories.
- 41.5.2 Maximum Height: 50 feet.  
a. in Conservation Zone 35 feet.

41.6 Setbacks:

- 41.6.1 From Street Line: 50 feet.  
41.6.2 From Rear Property Line: 20 feet.  
41.6.3 From Other Property Line: 20 feet.  
41.6.4 From Residence District Boundary Line: 50 feet.  
41.6.5 Projections Into Setback Area: 5 feet.

41.7 Building Bulk and Coverage:

- 41.7.1 Maximum Floor Area: 80%  
41.7.2 Maximum Ground Coverage: 40%  
a. in Conservation Zone: 25%

- \* 41.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 41.1.17 and 41.1.18, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

- 41.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 41.1.1 through 41.1.16, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

- 41.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraphs 41.2.1 through 41.2.3, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

SECTION 42 - INDUSTRIAL I-2 DISTRICT

42.1 Permitted Uses: Any use listed in Section 42.1 which occupies a gross floor area greater than 40,000 square feet of total area shall be a Special Exception Use. \*

- 42.1.1 Research laboratories; and manufacture, processing or assembling of goods.
- 42.1.2 Office buildings for business and professional establishments; and medical and dental clinics.
- 42.1.3 Warehousing and wholesale businesses; and freight and materials trucking businesses when clearly accessory and subordinate to another permitted use on the same lot.
- 42.1.4 Printing and publishing establishments.
- 42.1.5 Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to another permitted use on the same lot.
- 42.1.6 The following uses when accessory and subordinate to another permitted use on the same lot: churches and places of worship; schools; colleges; universities; educational, philanthropic and charitable institutions; membership clubs; lodges; community houses; indoor theaters and assembly halls; day nurseries; indoor restaurants and other food and beverage service establishments.
- 42.1.7 Public utility substations and telephone equipment buildings, provided that there is no outside service yard or outside storage of supplies.
- 42.1.8 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 42.1.9 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 42.1.10 Railroad rights-of-way and passenger stations, including customary accessory services therein.
- 42.1.11 Off-street parking facilities whether accessory to a permitted use or not.
- 42.1.12 Buildings, uses and facilities of the Town of Old Saybrook.
- 42.1.13 Signs as provided in Section 64.

42.1.14 Accessory uses customary with and incidental to any aforesaid permitted use.

42.2 Special Exception Uses:

42.2.1 Heliports.

42.3 Prohibited Uses:

42.3.1 Dwellings; and convalescent homes, hospitals and sanitarium.

42.3.2 Stores and other buildings and structures where goods are sold or service is rendered at retail; veterinary hospitals; undertakers' establishments, bowling alleys; banks and other financial institutions; and hotels and motels.

42.3.3 Motor vehicle service stations; motor vehicle repair garages except as permitted under Paragraph 42.1.5; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment.

42.3.4 Commercial kennels, livery and boarding stables and riding academies, and roadside stands for the display and sale of farm products, summer day camps.

42.3.5 Building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses, except as permitted under Paragraph 42.1.3; commercial storage, sale and distribution of fuel.

42.3.6 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.

42.4 Lot Area, Shape and Frontage:

42.4.1 Minimum Lot Area:

- |                                       |                     |
|---------------------------------------|---------------------|
| a. served by public water supply:     | 80,000 square feet. |
| b. not served by public water supply: | 80,000 square feet. |

42.4.2 Minimum Dimension of Square:

- |                                       |           |
|---------------------------------------|-----------|
| a. served by public water supply:     | 200 feet. |
| b. not served by public water supply: | 200 feet. |

42.4.3 Minimum Frontage: 50 feet.

42.5 Height:

- |                                   |            |
|-----------------------------------|------------|
| 42.5.1 Maximum Number of Stories: | 3 stories. |
| 42.5.2 Maximum Height:            | 50 feet.   |

42.6 Setbacks:

42.6.1	From Street Line:	75 feet.
42.6.2	From Rear Property Line:	50 feet.
42.6.3	From Other Property Line:	50 feet.
42.6.4	From Residence District Boundary Line:	100 feet.
42.6.5	Projections Into Setback Area:	5 feet.

42.7 Building Bulk and Coverage:

42.7.1	Maximum Floor Area:	50%
42.7.2	Maximum Ground Coverage:	25%

- \* 42.8 Plot Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 42.1.13 and 42.1.14, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Section 8.

- 42.9 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 42.1.1 through 42.1.12, a SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

- 42.10 Special Exception: Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 41.2.1, a SITE PLAN and SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

ARTICLE V

SITE PLANS, SPECIAL EXCEPTIONS  
AND SPECIAL DISTRICTS

- SECTION 51 - SITE PLANS
- SECTION 52 - SPECIAL EXCEPTIONS (Zoning Commission)
- SECTION 53 - SPECIAL EXCEPTIONS (Board of Appeals)
- SECTION 54 - FLOOD PLAIN DISTRICT
- SECTION 55 - CONDOMINIUM DISTRICT
- SECTION 56 - OPEN SPACE SUBDIVISIONS
- SECTION 57 - AQUIFER PROTECTION DISTRICT

## **SECTION 51 - SITE PLAN\***

### **51.1 Purpose of Site Plan Review**

Pursuant to C.G.S. Section 8-3 (g), a site plan is required for certain uses permitted within these Regulations, in order to determine the conformity of a proposed building, use or structure with the provisions of these Regulations. This Section establishes procedural and informational requirements for site plans. These requirements are in addition to other applicable standards and requirements of these regulations.

Where a site plan is required, the site plan shall be prepared in accordance with the purpose and intent of these Regulations, including protection of public health, safety, comfort and convenience; coordination with and improvement of vehicular and pedestrian access; provision of adequate drainage and utilities; appropriate lighting and landscaping; protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical, and maintenance of architectural harmony with the surrounding area.

### **51.2 Activities For Which A Site Plan Is Required**

Where required by these Regulations, no buildings or structures shall be erected, altered or enlarged, nor building, use or structure shall be used, nor uses altered in space, time or intensity, and no permit shall be issued by the Zoning Enforcement Officer, until a site plan meeting all applicable requirements of this Section herein has been approved by the Zoning Commission.

Unless otherwise specified in these Regulations, a site plan is required for all proposed uses or of use, except the following:

- a. Single family residential use on a previously approved and buildable lot. A plot plan as detailed in Section 8.2 is adequate for most single family uses; provided, however, that a site plan may be required by the Commission or the Zoning Enforcement Officer, acting on behalf of the Commission, when topography, soils, existing development, mixed uses or other factor make it infeasible to properly determine conformance with the Zoning Regulations without a site plan.
- b. Within Business (B-1, B-2, B-3, and B-4) Districts and Industrial (I-1, I-2) Districts, a change from an existing permitted use located within a structure to another permitted use located within the same structure, provided that the Commission determines that the new use will not result in either the alteration of the exterior of the structure, or in an intensification of the use of the structure. Intensification shall be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or



services, or additional required parking than that which existed prior to the change of use. A plot plan and written statement of use must be submitted for the change of use. The Commission may delegate the responsibility for determination of applicability of this subsection the Zoning Enforcement Officer, who shall periodically report such determinations to the Commission.

- c. Any use for which the Commission approves a waiver of site plan requirements under Section 51.2.1.

**51.2.1 Waiver of Site Plan Requirements:** In addition to uses and activities specifically exempted from site plan requirements by these Regulations, the Commission may waive requirements for a site plan if it determines that a proposed activity will not affect existing traffic circulation, or result in an increase in the need for parking, nor shall it entail any significant exterior change to a building or site, nor shall such new activity have an impact substantially different from the existing use from which the change is requested. A request for a waiver of site plan requirements shall be submitted in writing by the property owner or owner's agent. A Commission decision to waive site plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting. Coastal site plans, where applicable, shall not be waived.

**51.2.2 Partial Waiver of Site Plan Information Requirements:** In order to avoid unnecessary delay and expense for an applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the Commission may, at its sole discretion, exempt any application from specific information requirements as set forth in this Section. Such exemption may be approved if the Commission finds that such information would not aid the Commission in its determination of the application's compliance with these Regulations. A request for a partial waiver of site plan requirements shall be submitted in writing by the property owner or owner's agent. A Commission decision to waive site plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting. Coastal site plans, where applicable, shall not be waived.

### **51.3 Informal Discussion of Site Plans**

Any applicant for a use requiring site plan approval may request the placement of such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, and questions, and identifying areas of concern. The purpose of such informal discussion is to minimize delay, expense and inconvenience to all interested parties. At this informal discussion, the applicant may request a full or partial waiver of site plan requirements under Section 51.2.1 or 51.2.2 above. Following informal discussion, the Commission may suggest that the proposal or certain aspects thereof be referred to other municipal, state or federal agencies for review and comment, or may

advise the potential applicant that additional information will be required prior to action on a formal application for site plan approval.

#### **51.4 Formal Application for Site Plan Approval**

**51.4.1 Submission of formal application:** All applications for site plan review, including application form, fee, maps, reports, legal documents and other information required under Section 51.5, shall be submitted to the Zoning Enforcement Officer or other designated agent of the Commission. In order to receive prompt consideration, a complete application should be submitted no later than 14 days prior to a regularly scheduled Commission meeting.

An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 51.5, have been received. Failure to submit a complete application may be cause for disapproval of the application.

**51.4.2 Official Date of Receipt of Application:** The official date of receipt of a site plan application shall be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer or other designated agent, or 35 days, whichever is sooner.

**51.4.3 Statutory Requirements:** Site plan applications except those accompanying a Special Permit request in accordance with Section 52 and 53 of these Regulations, shall be acted upon by the Commission under the provisions of Section 8-7d(b) of the Connecticut General Statutes. The Commission may hold a public hearing on any site plan. In the case of site plans accompanying a Special Permit application, such plans shall be considered as part of the Special Permit application and action on such plan shall be taken in accordance with Section 52 and 53 of these Regulations.

**51.4.4 Inland Wetlands Report and Permit Required:** If any part of the site is within the jurisdiction of the Old Saybrook Inland Wetlands Commission under provisions of Chapter 400 of the Connecticut General Statutes, the report of said Commission together with any permit issued for regulated activities shall be submitted with the site plan. In accordance with State Statutes, the Zoning Commission shall take no action on a site plan application until the report of Inland Wetlands Commission has been received and considered.

**51.4.5 Referrals:** The Zoning Commission may transmit copies of site plan materials to other officials and agencies for advisory reports and consultation and/or for approval as may be required by law. Such referrals may include, but are not limited to, the following: Planning Commission, Conservation Commission, Parks and Recreation Commission, Harbor Commission, Economic Development

Commission, Board of Selectmen, Commission attorney, Town Sanitarian, Fire Marshal, Commission engineer, State Department of Transportation, Connecticut River Estuary Regional Planning Agency, Connecticut River Gateway Commission, Middlesex Soil and Water Conservation District, or any other regulatory or advisory body of local, state or federal government from which the Commission wishes to seek advice and counsel in reaching its decision.

## **51.5 Site Plan Objectives**

In reviewing a site plan application, the Commission shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may approve such modifications as are necessary to assure that the site plan complies with the requirements of these regulations. In particular, the Commission shall assure that the site plan meets the following objectives:

- 51.5.1 Complete Application:** That the application is complete and includes all materials and information required by the Commission under these Regulations in order to reach the findings contained herein.
- 51.5.2 Conformance with Zoning Regulations:** That the application conforms to all relevant provisions of these Regulations.
- 51.5.3 Town Plan of Development:** That the proposed site plan is in general conformance with the intent of the Town Plan of Development, however the Plan of Development shall not take precedence over the specific provisions of these Zoning Regulations.
- 51.5.4 Emergency Services:** That all buildings, structures, uses, equipment, or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and from other hazards to public safety.
- 51.5.5 Traffic Access:** That all proposed traffic accessways do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder streets is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed use.
- 51.5.6 Circulation and Parking:** That adequate off-street parking and loading spaces are provided to prevent on - street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians through the parking area and to all uses, structures, and parking spaces.
- 51.5.7 Landscaping and Screening:** That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the

maximum extent possible, that parking and service areas are suitably screened and buffered during all seasons of the year from adjacent residential areas and public streets, and that creation of impervious surfaces is minimized to protect water quality and maintain the character of the surrounding area.

**51.5.8 Lighting:** That glare from the installation of outdoor lighting and illuminated signs is properly shielded from the view of adjacent property and public streets; that intensity of lighting is in keeping with the character of the surrounding area.

**51.5.9 Public Health:** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.

**51.5.10 Natural and Historical Resources:** That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and preserve scenic views or historically and archaeologically significant features.

**51.5.11 Neighborhood Character:** That the location, size, scale, and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be detrimental to the appropriate and orderly development or use of any adjacent land, building or structure.

## **51.6 Contents of Site Plan Submission**

Unless waived by the Commission under Section 51.2, each application for site plan review shall include all information required in Sections 51.6.1 through Section 51.6.4 below. Additional information and reports may be required as specified in Section 51.6.5.

**51.6.1 Number of Copies:** Each site plan application shall be submitted in triplicate. Additional copies of site plan materials, for review by other agencies or officials, shall be provided by the applicant upon request from the Commission or the Zoning Enforcement Officer.

**51.6.2 Form:** Formal application for site plan approval shall be requested on a form provided by the Commission, available from the Zoning Enforcement Officer.

**51.6.3 Fee:** The application shall be accompanied by a fee as may be established by the Commission in accordance with state statutes and applicable town ordinances.

51.6.4 The following information shall be submitted as part of all site plan applications:

(1) **Statement of Use:** A written statement, signed by the applicant, and by the owner if different from the applicant, describing the nature and extent of the proposed use or occupancy in sufficient detail to determine compliance with the use provisions of these Regulations. The written statement shall include a declaration as to the nature and extent of the proposed use or occupancy; a description of provision for water supply, sewage disposal, solid and liquid waste, drainage and other utilities; the number of persons estimated to occupy or visit the premises on a daily basis; the basis for determining parking and loading requirements, and estimate of the type of vehicular traffic and number of vehicles generated on a daily basis and at peak hour; and disclosure of any toxic or hazardous substances used, stored or processed in connection with the proposed use or occupancy.

(2) **Maps:** All maps shall be drawn on one or more sheets measuring 24" x 36". If more than one sheet is required, each sheet shall be sequentially numbered, and an index of all supporting detail map sheets shall be included on the first sheet. For more efficient presentation, any information required in Section 51.6.4(2) may be combined on plan sheets, provided that the information is presented in a clear and understandable manner. All prints of maps and plans shall be clear and legible and shall be bound along the left side with required identifying data on each sheet. To the extent practical, north arrows shall be consistent from one map to the other. Maps shall be dated, and revision dates shall be shown if plans are updated or revised during the review process.

A. **Location Map:** An accurate map at a scale of one inch equals 1000feet shall be submitted showing the subject property and all property and streets within 1000 feet of any part of the subject property, including all lots and lot lines, all zoning district boundaries, and all existing streets and roads. The location map may be included on the site plan. (the location map may be derived from the town's base map.)

B. **Site Development Plans:** Site development plans shall include a Class A-2 survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.

All site development plans shall be prepared, signed and sealed with a live seal by a professional engineer, architect or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and water systems shall be prepared, signed and sealed by a licensed professional engineer.

Site development plans shall be prepared at a scale of not more than 50 feet to one inch, or other appropriate scale as authorized by the Commission, and shall indicate the following information, where appropriate:

1. General Information

- (a) Name and address of the applicant and owner of record and all adjoining property owners as listed on the Town's tax roles;
- (b) Date, north arrow, and numerical and graphical scale on each map;
- (c) A brief written description of the proposed use or uses;
- (d) A table or chart indicating existing zoning and the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, and landscaping, as they relate to the requirements of the zoning regulations;
- (e) The words, "Approved by the Old Saybrook Zoning Commission", with designated places for the title and signature of the Commission Chairman, and the date.

2. The Property

- (a) Boundaries of the property;
- (b) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property;
- (c) Existing and proposed contours at intervals of two feet or less, or equivalent ground elevations, based on datum satisfactory to the Commission, including identification of a bench mark at the site;
- (d) Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features; and where appropriate, mean high water line, wetlands boundary, special flood hazard areas, and channel encroachment lines.

3. Buildings and Uses

- (a) Location, design, and height of all existing and proposed buildings, signs, fences and walls;
- (b) Architectural elevations and floor plans for all buildings; Architectural plans shall include all proposed buildings, structures and signs, and all existing buildings, structures and signs proposed to be reconstructed, enlarged, extended, moved or structurally altered. Architectural plans may be in preliminary form but shall include exterior elevation drawings, generalized floor plans and perspective drawings.
- (c) Location of all existing and proposed uses and facilities not requiring a building, such as tennis courts, light standards, tanks, fences, transformers, dumpsters, and the like;
- (d) Location and design of all existing and proposed uses not requiring a structure;

- (e) Demonstration that proper provision is made for access and use by physically handicapped persons, including walks and ramps of suitable width and grade, inclined curb approaches or curbs cut flush with parking areas, reserved parking spaces and ground level building entrances.
4. Off Street Parking and Loading, Access and Circulation
- (a) Location, arrangement, and dimensions of all existing and proposed paved areas, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps;
  - (b) Location, arrangement and dimensions of loading and unloading areas;
  - (c) Location and dimensions of pedestrian walkways, entrances, exits and walks;
  - (d) All off street parking and loading, access and circulation shall meet the requirements of Section 62 of these Regulations.
5. Landscaping, Screening and Buffer Areas
- (a) Percentage, size, arrangement, uses, and dimensions of open space on the site;
  - (b) Location and design of all required buffer strips and screening, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed;
  - (c) Location of existing trees with a trunk caliper of more than 6 inches, except in densely wooded areas where the foliage line shall be indicated;
  - (d) All landscaping, screening and buffer areas shall meet the requirements of Section 63 of these Regulations.
6. Signs and Lighting
- (a) Location, size, height, orientation and plans of all existing and proposed signs and outdoor lighting.
7. Utilities and Drainage
- (a) Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas including provisions for recycling, as well as other underground and above ground utilities.
  - (b) Storm water drainage system details, including location, size and elevations of all catch basins, dry wells, pipes, culverts, drainage swales, detention or retention basins and other features.

8. Sedimentation and Erosion Control Measures

(a) Location and design of all proposed sedimentation control measures in accordance with Section 67.

9. Other information, as appropriate.

In addition to other requirements of Section 51.6, other plans and reports may be required under these regulations, including but not limited to the following:

- a. Coastal site plan, under Section 72
- b. Special requirements for flood hazard areas, under Section 54
- c. Erosion and sediment control plan, when the disturbed areas of such development is cumulatively more than one -half acre, under Section 67
- d. A non-commercial cutting plan, if the proposed development is located within the Gateway Conservation Zone
- e. Any permits required from any state and/or federal agencies
- f. Any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

51.6.5 **Additional Site Plan Submission Requirements:** The Commission may require that written reports be prepared and submitted as part of any Site Plan submission. Reports which may be required include reports on sewage disposal, water supply, fire protection measures, management of stormwater runoff, traffic generation, storage of hazardous materials, protection of significant archaeological sites, or any other aspect of existing and proposed development as the Commission may deem necessary to determine conformance with the intent of these Regulations.

A. The following written reports may be required by the Commission where appropriate:

1. **Water and Sewer Service:** The applicant shall submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the proposed development. The engineer shall certify that the proposed water supply and method of sewage disposal comply with all applicable sanitary codes, rules and regulations. Prior to submission of the report to the Zoning Commission, the applicant shall secure the endorsement of the report by the Director of Health of the Town of Old Saybrook or his agent.

- a. Sewage disposal: The report shall contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal. When the site is to be served by



public sewers, the applicant shall provide evidence from the Water Pollution Control Authority or its agent that the site can be adequately served by public sewers.

- b. Water supply: Where public water is available within 200 feet of the property line of a proposed development site, the applicant shall provide evidence from the Connecticut Water Company that the site can adequately be served by public water. Where public water is not available and cannot be provided, the Commission may require that the applicant retain the services of a licensed water analyst who shall perform such chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests shall be submitted to the Director of Health for the Town of Old Saybrook or his agent for review and written approval.
2. **Fire Protection**: The applicant shall identify the source of water for fire protection, and shall where necessary, after consultation with the fire marshal, provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report shall include evidence that the comments of the Fire Marshal have been solicited and received.
3. **Traffic Generation**: For all new non-residential development, and for residential development proposals when required by the Commission, a written report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed use or uses. For site plans involving 30 or more parking spaces, or for any use which, in the judgement of the Commission, may have a significant traffic impact, a traffic impact analysis, prepared by a recognized traffic engineer, shall be submitted as part of the application. The traffic report shall include a discussion of the plan's compliance with Section 62 of these Regulations concerning on-site and off-site traffic impacts.
4. **Stormwater Management**: The applicant shall provide a mapped and written description of all storm drainage measures, prepared by a professional engineer licensed in the State of Connecticut. The written description shall identify the method used to calculate runoff, runoff characteristics of the property before and after development, drainage calculations, structural elements of the proposed drainage design, maintenance procedures, safety measures including fencing and trash racks, proposed landscaping and vegetation measures used to stabilize slopes and

bottom surfaces, and proposed ownership of any structural elements. The applicant shall obtain written endorsement of the mapped and written drainage plan from the engineer designated to review the report on behalf of the Commission.

5. **Hazardous Materials and Wastes:** The applicant shall identify any hazardous materials and wastes to be associated with the proposed occupancy and use of the property. Hazardous materials and wastes are defined as materials included in Section 3001 of the federal Resource Conservation and Recovery Act (RCRA), Connecticut Hazardous Waste Regulations, the federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment.
6. **Staging Plan:** In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development shall be submitted, including the estimated cost of site improvements for each individual section.
7. **Protection of Significant Historical and Archaeological Sites:** When a site plan submission is made for a site that includes an historic structure, or which is adjacent to or nearby a lot that includes an historic structure, or is located in an historic district, or has been identified by the State Historic Preservation Officer or State Archaeologist as historically or architecturally significant, the applicant shall identify on the plans the nature and location of the historic or archaeological resource and shall indicate what measures are being taken to protect such resource.

#### **51.7 Commission Action on Site Plan Application**

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

#### **51.8 Posting A Bond**

The Commission may require, as a condition of Site Plan approval, that the applicant post a bond or other surety in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan. The bond shall be in a form, amount and duration acceptable to the Commission and its legal counsel. Should the site developer be unable to complete the required site improvements, the bond shall be used by the town to complete work necessary for protection of public health, safety and welfare. A separate bond may be required for installation of sedimentation and erosion controls, landscaping, or other separate aspects of site plan development.

#### **51.9 Appeals**

The Commission shall give notice of its decision as required by law. The decision of the Commission may be appealed in accordance with Chapter 124 of the Connecticut General Statutes. The Commission shall not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal, promptly upon termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant.

#### **51.10 Filing the Plan**

Following completion of the appeal period or resolution of the appeal in favor of approval, and upon receipt of one mylar and four print copies of the approved plans, including any required modifications, and upon receipt of any required bond, the Commission Chairman or Secretary shall endorse the site plan and a copy of the plan map shall be filed with the Zoning Enforcement Officer. The Commission may also require that the approved plan be filed by the applicant on the Land Records of the Town of Old Saybrook.

#### **51.10 Commencement and Completion of Construction**

Construction shall commence on any site plan in accordance with the final plans within one year of the date of the Commission's approval thereof. Any plan not commenced within one year shall be null and void and no building permit shall be issued until a new site plan is approved. Any site not completed within five years (or other time as may be authorized by State statutes) of the date of the Commission's approval shall likewise become null and void, and no Certificate of Occupancy shall be issued except upon the approval of a new site plan. A notice of approval of a site plan shall include a statement of the date on which such five year period (or other authorized time period) expires.

#### **51.12 Certificate of Occupancy**

No Certificate of Occupancy shall be issued by the Building Official until the Commission or its agent has determined that the site has been completed in accordance with the approved site plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until the Commission or its designated

agent has received written certification from the project architect, engineer, or land surveyor, if one has participated in the preparation of application materials, to the effect that the project has been completed in accordance with the approved plan. If amendments have been approved, "as built" drawings shall be submitted as well. The Commission or its agent shall consider written certification and "as built" drawings, along with any inspections of the site. If the Commission or its agent finds that the project is complete in accordance with the approved plan, issuance of a Certificate of Occupancy shall be authorized. If the Commission or its agent finds that the project is incomplete, a Certificate of Occupancy shall not be issued.

### **51.13 Amendments to an Approved Site Plan**

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

SECTION 52 - SPECIAL EXCEPTIONS (Zoning Commission)

- 52.1 General: In accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission may approve a SPECIAL EXCEPTION in a district where such uses are listed, except such SPECIAL EXCEPTION uses as are subject to the approval of the Board of Appeals under Section 53. All requirements of this Section are in addition to other requirements applicable in the district in which the SPECIAL EXCEPTION use is to be located.
- 52.2 Purpose: Uses permitted as SPECIAL EXCEPTION uses subject to the approval of the Zoning Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this Section. SPECIAL EXCEPTION uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.
- 52.3 Application: Application for a SPECIAL EXCEPTION shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and shall also be accompanied by the following:
- 52.3.1 Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Section 61; four (4) copies shall be submitted.
- 52.3.2 Site Plan: four (4) copies of a site plan, in accordance with the provisions of Section 8 and Section 51.
- 52.3.3 Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 52.3.4 Soil Erosion and Sediment Control Plan: four (4) copies of a Soil Erosion and Sediment Control Plan, in accordance with the provisions of Section 67. \*
- 52.3.5 Modification of Submission: The Zoning Commission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under Par. 52.3.2 and 52.3.3 is not necessary in order to decide on the APPLICATION and need not be submitted, or b) determine that such information is deferred for submission and decision at a later date.
- 52.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying plans and documents to the Zoning Commission; he shall also transmit a copy thereof to the Planning Commission. A copy of any site plan and Soil Erosion and Sediment Control Plan may be transmitted by the Zoning Enforcement Officer to the Middlesex County Soil and Water Conservation District with a request for its

technical review and advisory opinion, and for certification in accordance with Section 67; a copy of any site plan and Control Plan pertaining to a lot in a Conservation Zone shall be so transmitted to the District for such review and opinion. Within 45 days after receipt of a copy of the application, plans and documents, the Planning Commission shall report its recommendations to the Zoning Commission, stating the reasons therefor. The Zoning Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. The Zoning Commission shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and action on the application. \*

52.5 Approval: After the public hearing the Zoning Commission may approve a SPECIAL EXCEPTION if it shall find that the proposed use and the proposed buildings and structures will conform to the General Standards, in addition to any Special Standards for particular uses, hereinafter specified. Approval of an application under this Section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE. One extension of such period for an additional period not to exceed one (1) year may be granted by the Zoning Commission for good cause. All SPECIAL EXCEPTIONS may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

52.6 General Standards: The proposed use and the proposed buildings and structures shall conform to the following General Standards:

52.6.1 Character: The location, type, character and extent of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

52.6.2 Fire Protection: The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes.

52.6.3 Access: Provision shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic or pedestrians and undue traffic congestion on any street. Provision shall be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

52.6.4 Lot Size: The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property.

- 52.6.5 Neighborhood: The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- 52.6.6 Other: The site plan and architectural plans shall also conform to the applicable standards of Section 51. \*
- 52.7 Special Standards: The proposed use and the proposed buildings and structures shall also conform to the following Special Standards:
- 52.7.1 Roadside Stands: Roadside stands shall be established only for the display and sale of farm products grown on the premises where the stand is located, shall not exceed a maximum ground coverage of 400 square feet, shall observe all setbacks required for buildings and other structures and shall be provided with at least one (1) off-street parking space for each 50 square feet of ground coverage.
- 52.7.2 Day Nurseries: Day nurseries shall conform to the following Special Standards:
- a. The use shall be limited to daytime group care programs for children.
  - b. The application shall be accompanied by a report from the Director of Health of the Town attesting that the proposed location, site plan, buildings and facilities comply in all respects to applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use.
  - c. The SPECIAL EXCEPTION shall be granted for a limited period of time not to exceed five (5) years.

52.7.3 Convalescent Homes and Hospitals: Convalescent homes, private hospitals and sanitarium shall be licensed by the State of Connecticut and shall conform to the following Special Standards:

- a. In AAA and AA-1 Districts, the use shall be located on a lot having a minimum area of ten (10) acres and there shall be no more than one (1) patient bed for each 10,000 square feet of lot area; in AA-2, A, B and B-3 Districts, the use shall be located on a lot having a minimum area of five (5) acres, and there shall be no more than one (1) patient bed for each 5,000 square feet of lot area; in B-4 District, the use shall be located on a lot having a minimum area of ten (10) acres, and there shall be no more than one (1) patient bed for each 2,500 square feet of lot area; in I-1 Districts, the use shall be located on a lot having a minimum area of fifteen (15) acres and there shall be no more than one (1) patient bed for each 5,000 square feet of lot area. \*\*
- b. No building or other structure established in connection with such use shall extend within less than 100 feet of any property or street line.
- c. The use shall be served by public water supply.
- d. The use shall comply in all respects to applicable laws and regulations of the State of Connecticut.
- e. The application shall be accompanied by a report from the Director of Health of the Town attesting to the adequacy of the proposed location, site plan, buildings and facilities for the intended use.
- f. The application shall be accompanied by a report from the Fire Marshall attesting as to the safety of the proposed location, site plan, buildings and facilities.

52.7.4 Clubs: Golf, tennis, swimming or similar clubs shall be located on a lot of not less than 10 acres, and no building, structure or recreation facility established in connection with such use shall extend within less than 100 feet of any property or street line.

52.7.5 Commercial Kennels and Stables: Commercial kennels, livery and boarding stables and riding academies shall be located on a lot of not less than five (5) acres. Dogs shall be kept in buildings, enclosures or runs located not less than 150 feet from any property or street line. Any building in which livestock are kept shall be located not less than 100 feet from any property or street line.

52.7.6 Public Utility Substations: Public utility substations and telephone equipment buildings located in Residence or B-3 Districts shall conform to the following Special Standards:



- a. Any building in connection with the use shall have a design which is in harmony with residential architecture in the neighborhood.
  - b. Any equipment or utility facilities not located in a building shall 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.
- 52.7.7 B-3 Districts: In Business B-3 Districts, a SPECIAL EXCEPTION use which is to be established by addition to, extension of or alteration of an existing building originally designed as a house shall preserve the character of the existing building as a house.
- 52.7.8 Conservation Zone: The following shall be applicable to additional height and special setbacks for which a SPECIAL EXCEPTION may be approved in a Conservation Zone:
- a. the building features for which additional height may be approved under Par. 7.3 shall not be used for human occupancy and shall not occupy more than 10% of the area of the roof.
  - b. the additional height under Par. 7.3 and the special exemptions under Par. 7.4.9 shall be compatible with the preservation of the natural and traditional riverway scene in the Conservation Zone and the purposes of Public Act 73-349.
- 52.7.9 Heliports: Any heliport shall be a private heliport for non-scheduled periodic landing and takeoff of rotor-craft, shall be accessory and incidental to another permitted use on the lot and shall conform to the regulations of State and Federal agencies having jurisdiction over aircraft landing and takeoff facilities and use of airspace.
- 52.7.10 Dwellings for Elderly and/or Handicapped Persons: Dwellings for elderly and/or handicapped persons shall conform to the following Special Standards:
- a. Such dwellings shall 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 such dwellings. A copy of the articles of incorporation, as well as a copy of a management plan, shall be submitted with the application for a SPECIAL EXCEPTION.
  - b. Such dwellings and dwelling units shall be designed and equipped specifically to meet the special needs of elderly and/or handicapped persons, and each dwelling unit shall be occupied by at least one (1) person who is either 62 years of age or older and/or is physically handicapped. The management plan shall include a provision that a surviving spouse under the age of 62 may be permitted to remain in the complex.

- c. Such dwellings may 1) contain not less than two (2) nor more than eight (8) dwelling units or ii) consist of one or more clusters of up to six (6) single detached dwellings per cluster for one (1) family. No dwelling unit shall contain more than two (2) bedrooms. Each one-bedroom dwelling unit shall contain not less than 400 square feet of enclosed floor space and each two-bedroom dwelling unit shall contain not less than 550 square feet of enclosed floor space. No separate dwelling unit shall be located above any other dwelling unit unless such upper unit has at-grade access (principal door sill not more than 24 inches above the grade of the adjoining land).
- d. Such dwellings shall be located on a lot having a minimum area of two (2) acres that have an average seepage rate of one (1) inch in 10 minutes or less. Dwellings shall be located on suitable building land on the lot, and the total number of dwelling units shall not exceed 12 per acre of land having the above seepage rate. All such dwellings shall be served by public water supply.
- e. No such dwelling, or building or structure accessory thereto, shall extend within less than 25 feet of any street line or property line, and no parking spaces or access aisles in connection therewith shall extend within 25 feet of any street line or within 15 feet of any property line. No such dwelling shall extend within less than 15 feet 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 dwellings, as well as utility and maintenance buildings and facilities necessary for support of the dwellings on the lot.

52.7.11 Marine Research Laboratories: Any marine research laboratory for the study of aquatic and marine environment, ecology and resources, to be located in the MC or MCL District, shall also conform to the following Special Standards:

- a. The laboratory activity shall 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. Such access by boat or other vessel to the Sound or River shall be of a type, character and extent that is in harmony with and conforming to the appropriate and orderly use of the Sound or River by boating and fishery uses permitted in the District.

52.7.12 Radio Towers: Radio towers for Standard Broadcasting Radio Stations must be used in connection with a radio station located completely within the Town of Old Saybrook.

Residential Life Care Facility: Any Residential Life Care Facility shall also conform to the following Special Standards:

- a. The Residential Life Care Facility shall consist of a dwelling or dwellings containing dwelling units having one (1) or two (2) bedrooms, and the units shall be designed and equipped specifically to meet the special needs of elderly persons. Each dwelling unit shall be occupied by at least one (1) person who is either 60 years of age or older. The management plan required under Par. 52.7.13f may include provision that a surviving spouse under the age of 60 may be permitted to remain in the dwelling unit.
- b. The Residential Life Care Facility shall provide the following facilities and services in the dwelling or building on the lot for use by or benefit of all residents of the facility and their guests:
  - i. a medical facility which shall be equipped to provide medical and other health related services:
  - ii. an on-site convalescent facility providing intermediate and skilled nursing care, said facility to have a minimum bed capacity of 30% of the residential dwelling units. The medical facility will be administered by the Condominium Association and beds will be used by the life care residents. The bed count will have no effect on the twelve (12) units per acre density.
  - iii. common areas shall 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, and a fully equipped physical therapy room available to both residents of the life care building and the medical facility shall be provided on site; and shall include:
  - iv. food service, housekeeping assistance, a full-time health counselor, a full-time social director, 24 hour on-site licensed nursing, a Medical Director or licensed physician on call 24 hours a day, transportation services, home health care or other medical services, and 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 shall be located on a lot having a minimum of eight (8) contiguous non-wetland acres. The lot shall have a minimum frontage of 300 feet on a street and shall be of such a shape that a square with a minimum dimension of 450 feet will fit on the lot. The total number of dwelling units shall not exceed 12 per acre of lot area, and the facility shall be served by public water supply.

Adopted: 1/23/89

Effective: 1/30/89

- d. The Residential Life Care Facility buildings and structures shall exceed neither a height of 35 feet nor two (2) stories plus a half story under a pitched or gambrel roof; when located outside the Conservation Zone, the total floor area of all buildings and other structures on the lot may be increased to 50% of the lot area outside such zone.
- e. Each one bedroom dwelling unit in the Residential Life Care Facility shall contain not less than 800 square feet of enclosed floor space and each two bedroom dwelling unit shall contain not less than 1,000 square feet of enclosed floor space.
- f. A management plan specifying the occupancy, facilities, services and administration for the Residential Life Care Facility shall be submitted with the application for SPECIAL EXCEPTION. The facility shall be in condominium ownership, and a copy of the declaration specified in Sec. 47-70 and 47-220 of the General Statutes of the State of Connecticut, as amended, and proposed to be filed in the Office of the Old Saybrook Town Clerk, shall also be submitted with the application.

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52.7.14

Bed and Breakfast: 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 such visitors, and the use is subject to the following Special Standards:

- a. The dwelling shall be located on a lot in the Residence AA-2 or A District or the Central Business B-1, Shopping Center Business B-2, Restricted Business B-3 or General Business B-4 District.
- b. The owner of the dwelling shall reside on the premises, and the premises shall be the principal place of residence of such owner.
- c. The dwelling shall have a minimum floor area of 2,000 square feet and shall be found to be capable of accommodating such rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment. There shall be no more than four (4) such rooms in the dwelling and each room shall be limited to double occupancy. One (1) full bathroom shall be provided for each two (2) rooms for transient visitors. Not less than 750 square feet of the dwelling shall 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, shall preserve the architectural style and integrity of the building as a dwelling, and any stairways for access to floors above ground level shall be located inside the dwelling. In the event that the dwelling is an historic structure as defined in Section 9, the use, including any modifications to the dwelling, shall 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 shall be provided for each room for transient visitors, and in Residence Districts, no such parking spaces shall be located in the area required for building setback from a street line and in Business Districts such parking spaces shall be located as specified in Par. 62.7.4.
- f. The dwelling shall be served by public water supply. The sewage disposal system, existing or as proposed to be modified to serve the proposed use, shall be approved by the Director of Health of the Town of Old Saybrook. The transient lodging occupancy shall be approved by the Town Fire Marshal.
- g. Occupancy of rooms for transient lodging by any person shall not exceed 14 consecutive days in the 90-day period commencing with the day of first occupancy. Meals for occupants of such rooms shall 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 shall be guided by the following:
  - i. A dwelling on a lot of at least 20,000 square feet may contain no more than two (2) such rooms or a dwelling on a lot of at least 30,000 square feet may contain no more than three (3) such rooms or a dwelling on a lot of 40,000 square feet or more may contain no more than four (4) such rooms.
  - ii. The Commission may modify the above lot area standards to allow more or fewer rooms based upon, but not limited to, such factors as the size and shape of the lot, the more distant or closer proximity of dwellings 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 therefor. In any event, there shall be no more than four (4) such rooms in the dwelling.
- i. No such bed and breakfast transient lodging use is permitted in a dwelling where rooms are rented as provided in Par. 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, shall submit an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and the APPLICATION shall be approved and CERTIFICATE issued by the Zoning Enforcement Officer when the Officer determines that the continued use will be in compliance with these Regulations and the original Special Exception requirements for the lot.\*

\*

52.7.15 Adult Entertainment Businesses: The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, particularly when concentrated under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These regulations prevent clustering of these uses in any one location and thereby 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 shall also conform to the following Special Standards:

- a. Specific Concerns: An adult entertainment business, as defined in Section 9, Definitions, may be approved by special exception 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:
  - i. No lot containing such adult entertainment business shall be located within 250 feet 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-1, MC, MCL or Saybrook Point District.
  - ii. No lot containing such adult entertainment business shall be located within 1000 feet of an adjacent municipality.
  - iii. No lot containing such adult entertainment business shall be established within 1000 feet of another such business.
  - iv. No lot containing such adult entertainment business shall be located within 1000 feet of the property line of any public, private, or parochial 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 shall any such business be located within 1000 feet of the property line of any church, convent, monastery, synagogue, or other similar place of worship, or cemetery.
  - v. For purposes of this section, distances shall 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 in i, ii, iii and iv above.

- vi. In businesses where the adult entertainment section accounts for less than 10% of a business stock in trade, display space, or floor space, the adult entertainment section of the business shall be secluded from the principle section of the business in a manner acceptable to the Zoning Commission.
- vii. No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business.
- viii. In accordance with Connecticut General Statutes 8-6, these regulations (Section 52.7.15, inclusive) shall 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 shall be made to the Zoning 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 shall conform to the following standards:
  - i. Purchasers of buildings that have had Special Exceptions for adult entertainment businesses who want to continue the Special Exception shall obtain a zoning permit and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the adult entertainment business.
  - ii. Any such renewal shall be referred to the Zoning Commission for consideration. The Zoning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Exception prior to the continued operation of the adult entertainment business.

## SECTION 53 - SPECIAL EXCEPTIONS (Board of Appeals)

- 53.1 General:** In accordance with the procedures, standards and conditions hereinafter specified, the Board of Appeals may approve a SPECIAL EXCEPTION for a) conversion of dwellings so as to contain two (2) dwelling units or b) automotive uses under Par. 32.2.1 and 34.2.1, in a district where such uses are listed as special exception uses. All requirements of this Section are in addition to other requirements applicable in the district in which the SPECIAL EXCEPTION use is to be located.
- 53.2 Purpose:** Uses permitted as SPECIAL EXCEPTION uses subject to the approval of the Board of Appeals are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this Section. SPECIAL EXCEPTION uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.
- 53.3 Application:** Application for a SPECIAL EXCEPTION shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and except for conversion of a dwelling, shall also be accompanied by the following:
- 53.3.1 Statement of Use:** a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of 61; four (4) copies shall be submitted.
  - 53.3.2 Site Plan:** four (4) copies of a site plan, in accordance with the provisions of Section 8.
  - 53.3.3 Architectural Plans:** four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 53.3. Modification of Submission:** The Board of Appeals, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under Par. 53.3.2 and 53.3.3 is not necessary in order to decide on the APPLICATION and need not be submitted, or b) determine that such information is deferred for submission and decision at a later date.



53.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying plans and documents to the Board of Appeals; he shall also transmit a copy thereof to the Planning Commission. A copy of any site plan and Soil Erosion and Sediment Control Plan accompanying an application for an automotive use may be transmitted by the Zoning Enforcement Officer to the Middlesex County Soil and Water Conservation District with a request for its technical review and advisory opinion, and for certification in accordance with Section 67; a copy of any such site plan and Control Plan pertaining to a lot in a Conservation Zone shall be so transmitted to the District for such review and opinion. Within 45 days after receipt of a copy of the application, plans and documents, the Planning Commission shall report its recommendations to the Board of Appeals, stating the reasons therefor. The Board of Appeals may request the applicant to submit such additional information that it deems necessary in order to decide on the application. The Board of Appeals shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and action on the application. \*

53.5 Approval: After the public hearing, the Board of Appeals may approve a SPECIAL EXCEPTION if it finds that the proposed use and the proposed buildings and structures will conform to the standards hereinafter specified. Approval of an application under this Section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE. One extension of such period for an additional period not to exceed one (1) year may be granted by the Board of Appeals for good cause. All SPECIAL EXCEPTIONS may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

53.6 Standards: The proposed use and the proposed buildings and structures shall conform to the General Standards specified for SPECIAL EXCEPTIONS under Par. 52.6 and to the following Special Standards:

53.6.1 Conversion of Dwellings: The dwelling to be converted to contain two (2) families shall be a single detached dwelling for one (1) family and shall conform to the following Special Standards:

- a. Such dwelling shall have been in existence on January 1, 1944, shall contain not less than 2,000 square feet of enclosed floor space, and, upon conversion, neither of the two (2) dwelling units shall contain less than 800 square feet of enclosed floor space.
- b. The dwelling shall be located on a lot having a minimum area of 25,000 square feet if served by public water supply or having a minimum area of 40,000 square feet if not so served.
- c. In making changes to the exterior of the dwelling, the appearance and character of a single family house shall be preserved, and no structural changes shall be made other than to provide necessary means of egress for each dwelling unit.

- d. Stairways leading to the second and any higher floor shall be located within the walls of the dwelling.
- e. Sewage disposal facilities shall be designed and constructed in accordance with applicable State and Town codes and regulations.

53.6.2 Automotive Uses: Motor vehicle service stations, and the additional automotive uses specified under Par. 34.2.1 and 32.2.2 shall conform to the following Special Standards:

- a. No building or other structure used for a motor vehicle service station or other automotive use, and no land used for such purposes, shall extend within less than 100 feet of a Residence District boundary line. In addition, no motor vehicle service station or other automotive use shall have at the street line any entrance or exit for motor vehicles within a radius of 500 feet of any entrance or exit at the street line of any public or private school, library, church or other place of worship, park, playground or institution for sick or dependent or for children under 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 shall be located within less than 25 feet of any street line or property line or within a radius of 1,000 feet of any such pump or device on any other lot.
- c. There shall 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 32.2.1 and 32.2.2, in Business B-2 Districts, no more than five (5) undamaged motor vehicles awaiting repair shall be stored or parked out-of-doors, except that additional vehicles, including damaged vehicles, may be stored or parked out-of-doors if located in an outside storage area enclosed, except for necessary access drives, by buildings and/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.

## SECTION 54 - FLOOD PLAIN DISTRICT

54.1 Boundaries and Elevations: The Flood Plain District consists of the "special flood hazard areas", namely Zone A, Zone A1-A30 and Zone V1-V30, which are delineated on map entitled "Flood Insurance Rate Map; Town of Old Saybrook, Connecticut, Middlesex County, Community Panel Number 090069-0001-A", Page 1 of 1, effective July 3, 1978, prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration, and as such Zones may be amended from time to time by such Administration, which map is hereby made a part of these Regulations and is hereinafter 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 Zone A1-A30 and Zone V1-V30.

54.2 Requirements: The following requirements are applicable in the Flood Plain District and are in addition to requirements of these Regulations applicable in the underlying District:

54.2.1 Within the Flood Plain District, no building or other structure shall be constructed, moved or substantially improved unless a Flood Hazard Area Permit therefor is obtained from the Town Engineer in accordance with a certain ordinance entitled "Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut". For the purpose of this requirement, "substantial improvement" means any repair, reconstruction or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building either a) before the improvement or repair is started, or b) if the building has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either a) any project for improvement of a building to comply with existing State or Town health, sanitary, or safety code specifications which 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.

54.2.2 Within the Flood Plain District, there shall be no paving, other than normal maintenance and repair of roads and driveways, and there shall be no excavation or removal from any lot or grading or dumping on any lot of earth materials, other than bona fide farming and landscaping on a lot in accordance with Par. 65.2.2, unless such Flood Hazard Area Permit therefor is obtained from the Town Engineer.

54.2.3 The maps and plans, including plot plans and site plans, required under these Regulations to be submitted in connection with an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE or a PLOT PLAN, SITE PLAN or a SPECIAL EXCEPTION and pertaining to a lot any portion of which is located in a Flood Plain District, shall show the following additional information: \*

- a. the boundaries of the Flood Plain District;
- b. base flood elevations above mean sea level; and
- c. the lowest floor elevation, including basement, above mean sea level for any existing or proposed building.

54.2.4 In Business, Marine Commercial and Industrial Districts, no outside storage areas shall be located in the Flood Plain District unless adequate provision is made to prevent flotation of materials and equipment and to minimize flood damage within the Flood Plain District.



## SECTION 55 - CONDOMINIUM DISTRICT

55.1 General: The Condominium District is a class of district in addition to and overlapping a) the Residence A District or such portion thereof as may be delineated on the Zoning Map, and b) that portion of the Residence AA-2 District delineated on the Zoning Map as follows: EASTERLY by the Connecticut River, NORTHWESTERLY AND NORTHERLY by the Penn Central Railroad, WESTERLY by existing I-1 and A Districts, SOUTHWESTERLY by existing MC District and North Cove.

55.2 Definitions: Certain words used in this Section are defined and explained as follows:

55.2.1 a "condominium development" shall mean a) one (1) or more dwellings each containing not less than four (4) nor more than eight (8) dwelling units, or b) 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, as the same may be amended from time to time, and fulfilling all requirements and provisions thereof, together with such parking, recreation and accessory uses customary with and incidental thereto which are limited to the use of the residents of such dwelling units.

55.2.2 a "bedroom" shall mean 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 50 square feet, shall be considered a bedroom.

55.3 Application: Application for a SITE PLAN APPROVAL\* and SPECIAL EXCEPTION for a condominium development shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and shall also be accompanied by the following:

55.3.1 Survey Map: six (6) copies of a Class A-2 survey map of the lot covered by the application, prepared by a land surveyor licensed to practice in the State of Connecticut, showing the boundaries of the lot, existing contours at an interval not exceeding two (2) feet based on Mean Sea Level (National Geodetic Vertical Datum of 1929), the boundary of any tidal wetlands and inland wetlands, any water courses and the location of all seepage test holes and deep test pits.




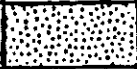
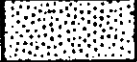
- 55.3.2 Site Plan: six (6) copies of a site plan, in accordance with the provisions of Section 8, 51 and 52. \*
- 55.3.3 Architectural Plans: six (6) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 55.3.4 Soil Erosion and Sediment Control Plan: six (6) copies of a Soil Erosion and Sediment Control Plan, in accordance with the provisions of Section 67. \*\*
- 55.3.5 Declaration: a copy of the declaration specified in Sec. 47-70 of the General Statutes of the State of Connecticut, as the same may be amended from time to time, proposed to be filed in the Office of the Old Saybrook Town Clerk.

\* \*\* 55.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying plans and documents to the Zoning Commission; he shall also transmit a copy thereof to the Planning Commission. Within 45 days after receipt of a copy of the application, plans and documents, the Planning Commission shall report its recommendations to the Zoning Commission, stating the reasons therefor. The Zoning Commission may request the applicant to submit a) additional copies of maps, plans and documents for review by other agencies and b) such additional information that it deems necessary in order to decide on the application. Unless specifically requested by the Zoning Commission, no revision or other modification of the application, maps, plans and documents shall be made during the 15-day period preceding the day scheduled for a public hearing on the application, ... The Zoning Commission shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to one or more extensions of the time for public hearing and action on the application as provided by law.

55.5 Approval: After the public hearing, the Zoning Commission may approve a SPECIAL EXCEPTION for a condominium development if it shall find that such development will conform to the standards hereinafter specified. Such approval is subject to conditions as follows:

- 55.5.1 Details and Specifications: Approval may be conditioned upon submission of detailed plans and specifications for particular elements of the condominium development for approval by the Zoning Commission. Approval of the SPECIAL EXCEPTION shall become effective when such detailed plans and specifications have been approved.
- 55.5.2 Time Period and Staging: Approval of a SPECIAL EXCEPTION shall constitute approval conditioned upon completion of the condominium development, in accordance with plans as approved, within a period of three (3) years after the effective date of the SPECIAL EXCEPTION as specified by the Commission, provided that a) extensions of such period may be granted by the Zoning Commission for good cause, b) no

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved at any one time for more than the number of dwelling units allowed according to the attached table and approved by the Commission and no further APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved until at least 25% of the dwelling units authorized by any prior APPLICATION have been completed and conveyed to individual owners, and c) the declaration submitted under Par. 55.3.4 shall have been filed in the Office of the Old Saybrook Town Clerk prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE.

		CONDOMINIUM CONSTRUCTION SCALE				Percentage
		100%	50%	33-1/3%	25%	
Total Number of Units	25					 Permitted
	50					
	75					
	100+					

55.5.3 Safeguards: All SPECIAL EXCEPTIONS for condominium development may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

55.5.4 Bond: The Zoning Commission shall require the posting of a bond with sufficient surety in favor of the Town to insure completion of any site work, including landscaping, approved under the SPECIAL EXCEPTION.

55.6 Standards: The proposed condominium development shall conform to all of the requirements of these Regulations and shall also conform to the General Standards specified for SPECIAL EXCEPTIONS under Par. 52.6 and to the following Special Standards:

55.6.1 Lot Area: The condominium development shall be located on a lot having a minimum area of five (5) acres (if within the Residence A District) or seven (7) acres (if within the designated portion of the Residence AA-2 District) exclusive of any tidal and inland wetlands and water courses and such acreage shall have an average seepage rate of one (1) inch in 10 minutes or less as demonstrated by the results of seepage tests taken in accordance with the specifications of the Connecticut Public Health Code and in reasonable sampling locations representative of conditions on the lot.



- 55.6.2 Dwelling Units: The dwellings shall be located on suitable building land on the lot. The total number of bedrooms in dwelling units on the lot shall not exceed eight (8) per acre, or fraction thereof, of land having the average seepage rate of one (1) inch in 10 minutes or less specified in Par. 55.6.1 and exclusive of tidal and inland wetlands and water courses.
- 55.6.3 Dwelling Unit Specifications: In dwellings containing from four (4) to eight (8) dwelling units, each one-bedroom dwelling unit shall contain not less than 800 square feet of enclosed floor space, and each dwelling unit having two (2) or more bedrooms shall contain not less than 1,200 square feet of enclosed floor space. Each single detached dwelling for one (1) family shall contain not less than 900 square feet of enclosed floor space on the ground floor. No separate dwelling unit shall be located above any other dwelling unit.
- 55.6.4 Setbacks: In any condominium development, no building or other structure shall extend within less than 75 feet of any street line or property line. No dwelling containing from four (4) to eight (8) dwelling units shall extend within less than 35 feet of any other such dwelling; no single detached dwelling for one (1) family shall extend within less than 15 feet of any other such single detached dwelling. When one or more single detached dwellings are built in a cluster, each cluster shall be separated by at least 70 feet. No parking spaces or access aisles in connection therewith shall extend within less than 25 feet of any street line or within less than 15 feet of any property line.
- 55.6.5 Utilities: All electric and telephone utility lines shall be located underground. Each dwelling unit shall be served by public water supply. Each dwelling unit shall be served by a sewage disposal system, located on the lot, as follows:
- a. Seepage tests and deep test pits shall be made in accordance with the specifications of the Connecticut Public Health Code, and there shall be at least one (1) test hole for each two (2) dwelling units, which test holes shall be located within the limits of the proposed sewage disposal field; and there shall also be at least one (1) test hole for each four (4) dwelling units, which test holes shall be located within the limits of the area proposed to be reserved for future sewage disposal fields.

- b. Sewage disposal fields shall be located upon suitable virgin soil that a) is at least four (4) feet above bedrock and at least two (2) feet above seasonal high water table and b) has a slope of less than 15%.
- c. The design, construction and program for operation of sewage disposal systems shall be in accordance with applicable State and Town codes and regulations and shall be approved by the State Health Department and the State Department of Environmental Protection.

55.6.6 Paving and Sidewalks: All paved areas, curbing and sidewalks shall be installed in conformity with the standards of the Subdivision Regulations of the Town of Old Saybrook. The placement, size, arrangement and use of access driveways to public or private streets shall be adequate to serve residents of the dwellings and shall not hinder safety on existing or proposed streets. Access driveways shall be at least 24 feet in width and shall remain as private driveways. Bonding shall be as specified in Par. 8.2.1 and 55.5.4.

## SECTION 56 - OPEN SPACE SUBDIVISIONS

- 56.1 General: The Planning Commission may grant a SPECIAL EXCEPTION, simultaneously with the approval of a subdivision plan under the Subdivision Regulations of the Town of Old Saybrook, to permit establishment of an Open Space Subdivision Plan in the Residence AA-1 District, involving permanent reservation of land for open space purposes concurrent with reduction of lot area and shape requirements applicable in such District. The Planning Commission shall follow the procedures herein specified, and before granting a SPECIAL EXCEPTION, shall find that the standards and conditions herein specified have been met and that the SPECIAL EXCEPTION will accomplish the open space purpose set forth in Par. 56.2 and will be in harmony with the purpose and intent of the Zoning Regulations.
- 56.2 Open Space Purpose: The Open Space Subdivision Plan shall result in permanent reservation of land for the purpose of providing or supporting one or more of the following:
- 56.2.1 parks, playgrounds or other outdoor recreation areas;
  - 56.2.2 protection of natural streams, ponds or water supply;
  - 56.2.3 conservation of soils, wetlands, beaches or tidal marshes;
  - 56.2.4 protection of natural drainage systems, or assurance of safety from flooding;
  - 56.2.5 preservation of sites or areas of scenic beauty or historic interest; or
  - 56.2.6 conservation of forest, wildlife, agricultural and other natural resources.
- 56.3 Application: Application for a SPECIAL EXCEPTION for an Open Space Subdivision Plan shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and shall also be accompanied by the following:
- 56.3.1 Standard Plan: a standard subdivision plan, meeting the requirements for a Site Development Plan under the Subdivision Regulations of the Town of Old Saybrook and conforming to all of the regular provisions of these Regulations and the Subdivision Regulations; six (6) copies shall be submitted.
  - 56.3.2 Preliminary Plan: a preliminary subdivision plan, meeting the requirements for a Site Development Plan under the Subdivision Regulations of the Town of Old Saybrook, showing the proposed development of the land under an Open Space Subdivision Plan; six (6) copies shall be submitted.

56.3.3 Statement: six (6) copies of a written statement describing the following:

- a. the open space resources of the lot and the specific open space purposes of Par. 56.2 to be accomplished;
- b. the proposed method of preservation, disposition, ownership and maintenance of the open space land; and
- c. the proposed method of providing water supply.

56.4 Initial Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying plans and documents to the Planning Commission; he shall also transmit a copy thereof to the Zoning Commission. The Planning Commission may request the applicant to submit such additional information that such Commission deems necessary to make a reasonable decision on the application. The Planning Commission shall review the Standard Plan submitted under Par. 56.3.1 and by resolution determine the number of lots that constitute a reasonable subdivision of the land conforming to these Regulations and the Subdivision Regulations. The Planning Commission shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and action on the application. The Planning Commission may approve the application, approve it subject to modifications or disapprove the application. The Planning Commission may approve the application only if such Commission finds that the purposes specified in Par. 56.2 will be accomplished, that the standards specified in Par. 56.6 will be met and that the Open Space Subdivision Plan will not be detrimental to the public health and safety and property values. Approval of the application under this Paragraph shall constitute preliminary approval and shall authorize the applicant to submit a final Open Space Subdivision Plan as provided in Par. 56.5.

56.5 Approval: Within six (6) months after preliminary approval of the application by the Planning Commission under Par. 56.4, the applicant shall submit to the Planning Commission final plans for the Open Space Subdivision Plan in the same manner as required for formal approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook. The final plans shall conform to the preliminary approval granted under Par. 56.4 and shall conform to the standards specified in Par. 56.6. The Planning Commission shall act on the final plans in the same manner as required for action on subdivision applications under the Subdivision Regulations. No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE in the Open Space Subdivision Plan area shall be approved by the Zoning Enforcement Officer and no CERTIFICATE shall be issued by him until the final plans have been approved by the Planning Commission and the final map has been recorded in the Office of the Old Saybrook Town Clerk.

- 56.6 Standards: The Open Space Subdivision Plan shall conform to the following standards in addition to the standards of the Subdivision Regulations:
- 56.6.1 Acreage: The area covered by the application excluding existing streets shall consist of not less than 25 acres. The acreage, however, may be less, as approved by the Planning Commission, if the application covers adjoining land for which an Open Space Subdivision Plan has been approved under this Section or if the open space proposed in the application consists of 50% of the area of the lot or is an adjunct to existing permanent open space land adjoining the area covered by the application.
- 56.6.2 Number of Lots: The number of lots shown on the final subdivision map specified in Par. 56.5 shall not exceed the number shown on the Standard Plan specified in Par. 56.3.1 and accepted by the Commission under Par. 56.4. In determining the number of lots which can reasonably be created on the Standard Plan, there shall be excluded from the total any lots which in their natural state are unsuitable for building or for on-site sewage disposal systems.
- 56.6.3 Lot Area and Shape: Each building lot shall have an area of not less than 24,000 square feet, shall be of such shape that a square with 120 feet on each side will fit on the lot and shall have a minimum width along the building line of 100 feet. Each lot shall have a frontage of not less than 20 feet on a street.
- 56.6.4 Water Supply: Each building lot shall be served by public water supply.
- 56.6.5 Area of Open Space Land: The area of open space land shown on the final subdivision map shall not be less than 16,000 square feet times the number of lots shown on the Standard Plan accepted by the Planning Commission under Par. 56.4.
- 56.6.6 Open Space Land: Each Open Space Subdivision Plan shall result in permanent preservation of land for one or more purposes specified in Par. 56.2. The provision for open space land shall conform to the following standards:
- a. The specific purpose or purposes for which open space land is retained and preserved shall be subject to the approval of the Planning Commission.
  - b. The open space land shall have boundaries, access, shape, dimension, character, location and topography suitable to support the purpose intended as approved by the Planning Commission.

- c. The open space land shall be shown on the subdivision map and shall be labeled in a manner approved by the Planning Commission, specifying the approved general open space purpose, and indicating that such land is subject to the SPECIAL EXCEPTION, shall not be further subdivided and is permanently reserved for open space purposes.
- d. Provision shall be made for retention and preservation of the land by means of ownership, operation and maintenance suitable to support the open space purposes approved by the Planning Commission. Such means shall be subject to the approval of the Planning Commission and shall include a) recording in the Office of the Old Saybrook Town Clerk of restrictive covenants that support the open space purpose and b) conveyance of the land to the Town of Old Saybrook, if accepted by the Town, or to a land conservation trust, if accepted by the trust, or to such other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Planning Commission.

56.6.7 Permitted Uses: Each building lot, shown on an approved Open Space Subdivision Plan shall be used for one or more of the uses listed in Par. 22.1.1, 22.1.2, 22.1.3, 22.1.4, 22.1.7 and 22.1.8 of Section 22, and no other. The open space land preserved under an Open Space Subdivision Plan shall be used only for the purposes set forth under Par. 56.2 and approved by the Planning Commission, and no building or other structure shall be established in connection with such purposes unless a SPECIAL EXCEPTION therefor is secured from the Zoning Commission, in accordance with the provisions of Section 52, as consistent with and in support of the approved open space purpose.

56.6.8 Sections: The area covered by an Open Space Subdivision Plan may be submitted for final approval in sections, provided that any land to be reserved for open space is so reserved in the first section.

56.7 Amendments: Any approved Open Space Subdivision Plan may be amended in accordance with the same procedures and standards required in this Section for the initial application.

## SECTION 57 - AQUIFER PROTECTION DISTRICT

57.1 General: The Aquifer Protection District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Aquifer Protection District encompass all of the area drained by surface waters that cross the "primary recharge" and "secondary recharge" areas of stratified drift "aquifers" that are existing or designated as potential and important sources of public water supply, based on data established by the U. S. Geological Survey. The purpose of the Aquifer Protection District is to assure that the use of land, buildings and other structures and site development within the District are conducted in a manner that protects the public health and the usability of the groundwater supply resource and avoids degradation of the quality of the groundwater. The Aquifer Protection District is further identified as follows:

57.1.1 The Aquifer Protection District delineated on Supplementary Map Number Six is in the vicinity of Bokum Road and Middlesex Turnpike, encompasses an existing public water supply well field and is further identified on maps entitled "CRERPA Recharge Area Maps; Connecticut Areawide Waste Treatment Management Planning Board", Sheet 99 - Essex Quadrangle, Oct. 1979 and Sheet 100 - Old Lyme Quadrangle, Oct. 1979.

57.2 Special Definitions: Certain words in this Section are defined as follows:

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

27.2.2 "Primary recharge area" means that area immediately overlying the stratified drift "aquifer" as well as adjacent areas of stratified drift that may not have sufficient thickness to be part of the "aquifer"; the boundary of the "primary recharge area" is the contact between the stratified drift and adjacent till or bedrock.

57.2.3 "Secondary recharge area" means land adjacent to the "primary recharge area" from which groundwater moves down gradient into the "aquifer".

57.3 Permitted Uses: Within the Aquifer Protection District, land, buildings and other structures may be used for one or more of the uses permitted in the underlying district, but the following uses are specifically prohibited:

57.3.1 Disposal of solid wastes to the ground in sanitary landfills or dumps.

57.3.2 Septage lagoons and the disposal or spreading of septage on the ground.

- 57.3.3 Disposal of toxic or hazardous materials, as defined in Par. 51.2.1, to the ground, including surface and groundwaters.
- 57.3.4 On the primary and secondary recharge areas, any community sewage disposal system that discharges to the ground.
- 57.3.5 On the primary and secondary recharge areas, any use which involves as a principal activity the manufacture, use, generation, storage, transportation or disposal of toxic or hazardous materials, as defined in Par. 51.2.1, in quantities greater than for normal household use or for on-site heating or intermittent stationary power production.
- 57.4 Additional Requirements: The following are additional requirements pertaining to the use of land, buildings and other structures and site development in the Aquifer Protection District:
- 57.4.1 Salt: Any road salt storage shall be covered with a roof or otherwise covered so that rain water does not leach the salt. Such storage shall also be located on an impervious surface from which runoff is collected in an evaporative detention basin or is discharged to a surface water course with sufficient year round flow to dilute the runoff.
- 57.4.2 Change in Occupancy: In addition to the requirements of these Regulations concerning change in use, each change in nonresidential occupancy of a premises may be made only after a new Statement of Use has been submitted to the Zoning Enforcement Officer under Par. 51.2.1 and a new CERTIFICATE OF ZONING COMPLIANCE therefor has been issued concerning compliance with the requirements of this Section and Par. 51.9A.
- 57.4.3 Sewage Disposal: Sanitary wastewater disposal to on-site septic systems on any lot shall not average more than 350 gallons per acre per day nor more than 5,000 gallons total discharge per day, provided however that any system which exceeds such amounts is permitted in accordance with the following:
- a. At least 15 days prior to approval of an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use equaling or exceeding such discharges, notice that APPLICATION and proposed discharge are pending shall be sent by Certified Mail by the Zoning Enforcement Officer to the owner of each lot abutting the lot where the discharge is to occur and to any public utility water supply company having surface or well water supply facilities in the Aquifer Protection District; and
  - b. The system shall be approved by the Connecticut Department of Environmental Protection as consistent with maintenance of the quality of groundwater in the Aquifer Protection District.



57.4.4 Fuel Storage: In connection with nonresidential uses, underground fuel storage tanks and piping shall be designed in conformance with the Rules and Regulations of the State Fire Marshall as authorized under Sec. 29-62 through 29-66 of the Connecticut General Statutes. Provision shall be made for containment and cleanup of spills at the point of delivery to and from storage. . No such storage shall be backfilled until inspected by the Building Inspector.

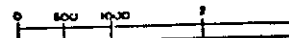
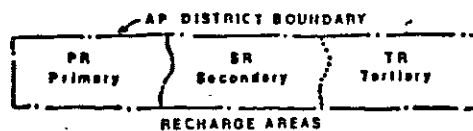
57.4.5 Runoff: Any nonresidential use that is subject to submission and approval of a SITE PLAN or SPECIAL PERMIT shall conform to the following in addition to other requirements of these Regulations:

- a. The site plan shall identify all drains and drainage facilities and shall demonstrate how oil, grease, cleaning materials and other contaminants will be contained and not discharged to the aquifer.
- b. The total ground coverage by buildings and other structures, outside storage and paving on any lot shall not exceed 30% of the area of the lot. Storm drainage shall be discharged to vegetated surfaces unless measures and a maintenance program are provided for control of contaminant runoff to the aquifer from parking and other paved areas.
- c. On the primary and secondary recharge area, excavation and regrading for site development and under Section 64 shall be designed either with a finished elevation at least five (5) feet above the water table or with no reduction in elevation if already less than five (5) feet.



SUPPLEMENTARY MAP NUMBER SIX  
AQUIFER PROTECTION DISTRICT (AP)

April 15, 1985



ZONING MAP OF THE TOWN OF OLD SAYBROOK, CONNECTICUT  
OLD SAYBROOK ZONING COMMISSION

ARTICLE VI

TOWNWIDE REQUIREMENTS

SECTION 61 - PERFORMANCE STANDARDS

SECTION 62 - PARKING AND LOADING

SECTION 63 - LANDSCAPING, SCREENING AND BUFFER AREAS

SECTION 64 - SIGNS

SECTION 65 - EXCAVATION AND GRADING

SECTION 66 - TRAILERS

SECTION 67 - SOIL EROSION AND SEDIMENT CONTROL

## SECTION 61 - PERFORMANCE STANDARDS

- 61.1 General: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings and structures, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved by the Zoning Enforcement Officer and no CERTIFICATE OF ZONING COMPLIANCE shall be issued by him until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive. The performance standards hereinafter specified shall be of continuing application.
- 61.2 Smoke, Gases and Fumes: No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution. In addition no such smoke or particulate matter shall be so emitted so as to have an opacity greater than Ringleman #2 for more than five (5) minutes in any 12 hour period.
- 61.3 Noise: With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittance and/or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable use of any other lot.
- 61.4 Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- 61.5 Odors: No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot.
- 61.6 Glare and Heat: No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and

reasonable use of any other lot. In Residence Districts the source of any lighting located out-of-doors on any lot shall not be visible from any other lot; in other than Residence Districts the source of any lighting located out-of-doors and within 200 feet of a Residence District boundary line shall not be visible at such boundary line.

- 61.7 Refuse and Pollution: No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Town of Old Saybrook. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.
- 61.8 Danger: No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Old Saybrook, State of Connecticut and Federal Government.
- 61.9 Radio Interference: No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

**\* SECTION 62 - OFF STREET PARKING AND LOADING, ACCESS, AND CIRCULATION**

**62.1 OBLIGATION**

Off-street parking and loading shall be provided for any use of land, buildings or other structures in accordance with the standards of the section. Off-street parking and loading shall be permanently maintained and kept available for occupancy in connection with and for the full duration of the use of land, buildings or other structures for which such spaces are required.

**62.1.1 Existing Uses:** A use existing at the time of the adoption of these regulations shall be maintained in conformance with these parking standards to the extent that it conforms at the time of adoption of this section. If any existing use of land, buildings, or other structure is changed to a use requiring additional offstreet parking and loading under these regulations, additional required spaces shall be provided for the new use in accordance with the standards herein. An existing use which does not conform to the standards of this Section shall not be changed to a use which would require additional off-street parking and loading spaces to conform, unless offstreet parking and loading spaces are provided for the new use as required herein. Any extension or enlargement of a non-conforming building or use shall require compliance with this section.

**62.2 PARKING SPACE AND LOADING DIMENSIONS**

**62.2.1 Parking Spaces:** Every parking space shall have suitable access and slope to accommodate an automobile, and shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of not less than 7'6", except as follows:

- a. Spaces reserved for use by physically handicapped persons shall have a minimum width of 16 feet and a minimum length of 18 feet, except that the width may be reduced to 12.5 feet when the space is at the end of a row of spaces or is one of two or more reserved spaces side by side in a row.
- b. Spaces located parallel to an access or circulation driveway shall have a minimum width of 8 feet and a minimum length of 22 feet.
- c. Compact Automobiles: Where a use is under single proprietorship and the total number of off-street parking spaces required by the use is greater than 100, the Zoning Commission may authorize a portion of the required number of parking spaces, not to exceed ten percent, with a minimum width of 8 feet and a minimum length of 15 feet, to accommodate smaller automobiles.

**62.2.2 Loading Spaces:** Every loading space shall have suitable access and slope to accommodate a truck 40 feet in length, and shall have such shape as to contain a rectangle not less than 12 feet in width and 40 feet in length, with a vertical clearance of not less than 16'6". The Zoning Commission may require a space of greater dimensions if

necessary for the type of truck serving uses proposed under site plan submissions. Loading spaces shall be designed in accordance with Section 62.5.

### 62.3 OFF-STREET PARKING REQUIREMENTS

The following off-street parking standards are minimum requirements. The Zoning Commission may require additional parking spaces where the nature of development, its location or other unique features require such additional parking. In determining the appropriate parking standards to be applied to a specific use, the decision of the Zoning Commission shall be final. For lots fronting on Main Street between Route One and Pennywise Lane, on-street parking spaces located directly in front of the lot may be credited toward the total number of parking spaces required for a particular use.

Where fractional spaces result from calculation of parking space requirements, total parking spaces required shall be the next highest whole number. These parking standards are in addition to space which is required for storage of trucks or other vehicles used in connection with a commercial or industrial use.

#### 62.3.1 Residential uses:

- a. One and two family dwellings: 2 spaces for each dwelling unit; driveways may be included as required space.
- b. Multi-family dwellings: 1.5 spaces for each efficiency or one bedroom unit and 2 spaces for each unit of 2 bedrooms or more.
- c. Elderly housing: 1 space for each efficiency or one bedroom unit, and 1.5 spaces for each two bedroom unit.
- d. Professional offices and home occupations in a dwelling unit: 2 spaces, in addition to spaces required for the dwelling unit.
- e. Renting of rooms: 1 space per boarder, in addition to spaces required for the dwelling unit.

#### 62.3.2 Non-Residential Uses:

- a. Business Offices: 1 space per 200 square feet of gross floor area for buildings under 10,000 square feet in area, and one space per 175 square feet of gross floor area for buildings 10,000 square feet and over in area.
- b. Personal Service Establishments: Generally, 1 space per 150 square feet gross floor area, except for the uses listed below.
  - 1) Undertaker's establishments - 1 space per 75 square feet of parlor or chapel area, or 1 space per each 4 seats.
  - 2) Medical and dental offices and clinics - 1 space per 200 square feet of gross floor area.
  - 3) Repair shops (not including automotive repairs) - 1 space per 200 square feet of gross floor area, with a minimum of 3 spaces.

- c. **Financial Institutions:** 1 space for every 250 square feet of gross floor area or 4 spaces per teller window, whichever is greater
- 1) with an automated teller machine - 2 additional spaces
- d. **Retail stores:** Generally, 1 space for every 175 square feet of gross floor area, except for the uses listed below.
- 1) **Supermarkets** - 1 space for every 200 square feet of gross floor area
  - 2) **Convenience Stores** - 1 space per 100 square feet of gross floor area, with a minimum of 5 spaces
  - 3) **Furniture, appliance, carpet or hardware store** - (requiring significant display areas for large merchandise items) - 1 space per 400 square feet of gross floor area
  - 4) **Lumber and building materials** - 1 space per 500 square feet of gross floor area and outside display area
  - 5) **Bowling Alley** - 4 spaces for each lane
  - 6) **Shopping Centers** - For purposes of establishing off-street parking requirements, a shopping center is herein defined to be a group of no less than four (4) business establishments which may include retail stores, personal services, theaters, and restaurants, with a public vehicle parking area shared in common. A shopping center lot must contain no less than two acres of land and have not less than 20,000 square feet of floor area. Parking for shopping centers shall be provided at a ratio of one parking space for each 175 square feet of floor area in the shopping center, with a minimum of 125 spaces. This requirement is in lieu of other individual parking ratio requirements of Section 62.3.
- e. **Motor Vehicle Services**
- 1) **Gasoline Station** (no repair facilities): 1 space per fuel nozzle plus one space per 50 square feet of useable floor area
  - 2) **Automotive Service Station** (limited repairs): 2 spaces per service bay; in addition, space shall be provided for an additional 3 vehicles per bay stored on the premises for servicing. Such vehicle storage space need not meet the dimensional requirements for aisles, and storage parking space dimensions may be reduced to not less than 8 feet by 15 feet. Storage space must meet buffer requirements.
  - 3) **Automotive Repair Shop:** 2 spaces per service bay; in addition, space shall be provided on the lot for an additional 4 vehicles per bay stored on the premises for servicing. Such vehicle storage space need not meet the dimensional requirements for aisles, and storage parking space dimensions may be reduced to not less than 8 feet by 15 feet. Storage space must meet buffer requirements..
  - 4) **Motor Vehicle Sales:** 1 space per 500 square feet of enclosed floor area and 1 space per 3000 square feet of outdoor display area.



- f. Restaurants: one space for every three seats, with a minimum of ten spaces for each restaurant, except for the uses listed below.
- 1) Fast Food Restaurant: 1 space per 50 square feet of gross floor area, with a minimum of 10 spaces.
  - 2) Restaurant with Takeout Window: In addition to restaurant parking which is otherwise required, ten spaces for each take out window. If the window provides drive through service, such spaces shall be arranged so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.
  - 3) Nightclub, Bar, Pub: 1 space for every 50 square feet of area open to the public.
- g. Educational Institutions:
- 1) Elementary and Junior High Schools: 2 spaces per classroom plus 1 space for every 4 seats in the auditorium, gymnasium or other place of public assembly
  - 2) High School: 6 spaces per classroom plus 1 space for every four seats in the auditorium, gymnasium, cafeteria or other place of public assembly
  - 3) Day care centers and nursery schools: 1 space per every 5 children of licensed capacity, plus one off-street passenger loading place for every 6 children of licensed capacity
- h. Churches and Synagogues: 1 space per every three seats in the main assembly hall, plus parking as required for any other related uses.
- i. Residential Life Care Facility: 2 spaces per residential dwelling unit, in addition to required spaces for any convalescent center or nursing home component which is part of the life care facility.
- j. Convalescent Center or Nursing Home: 2 spaces per every three patients of maximum licensed capacity
- k. Hospital: 1.5 spaces per bed, plus 1 additional space for every 150 square feet of gross floor area dedicated to outpatient services
- l. Theaters, auditoriums, and other places of assembly having fixed seats: 1 space for every four seats, with a minimum of 20 spaces
- m. Other places of public assembly or public recreation, including libraries, museums and art galleries: 1 space for every four legal occupants under the State Fire Safety Code.
- n. Marinas: .75 space for each boat slip or rental boat, and .75 space for each commercial mooring, with separate space provided for parking of boat trailers and storage of dinghies.

- o. Manufacturing and Industrial Plants: 1 space for each 800 square feet of gross floor area.
  - p. Research and Development Facilities: 1 space per each 300 square feet of gross floor area.
  - q. Warehousing and other enclosed Storage Uses: 1 space for each 1200 square feet of floor area.
  - r. Hotels, motels, boarding and lodging houses, and similar buildings: 1.25 spaces for every room, plus spaces as required for other related uses including restaurants and places of public assembly.
  - s. Private Clubs, Country Clubs, Yacht Clubs and Commercial Recreation Facilities: 1 space per each 2.5 users who could be utilizing the premises at any one time, plus 1 space for each 3 seats provided for spectator observance. If a restaurant or a place for public assembly is included in the facility, additional parking shall be provided in accordance with the requirements for such related uses.
- 62.3.3 Mixed Uses: In buildings or lots containing mixed uses, the Zoning Commission shall apply the appropriate standard to each such use, and shall aggregate the total parking spaces required.
- 62.3.4 Parking space requirements for uses not specifically listed in this section shall be determined by the commission based on parking requirements for a listed use of similar characteristics, or upon reference to recent parking standards of the Institute of Traffic Engineers or other recognized source.
- 62.3.5 Parking Spaces for Physically Handicapped: Spaces for physically handicapped persons shall be provided for in accordance with the provisions of Connecticut General Statutes and the Basic Building Code of the State of Connecticut. For the purposes of this section, required handicapped parking spaces shall be considered part of the number of parking spaces required under these Regulations and not in addition thereto. Location and arrangement of parking spaces for the physically handicapped shall be provided in accordance with the Basic Building Code of the State of Connecticut.

## 62.4 MODIFICATION OF STANDARDS

### 62.4.1 Reserve Parking Alternative

In Commercial and Industrial Districts, where the gross floor area on a site exceeds 20,000 square feet, the Zoning Commission may approve the substitution of a reserve parking area in lieu of up to 20% of the required number of marked spaces. The reserve parking area must be suitable for parking development and shall be designed as an integral part of the overall parking layout and designated as "reserve spaces" on the site plan. The reserve parking area shall be reasonably flat and well-drained, and suitable for overflow parking.

The reserve area shall be suitably grassed, landscaped, and maintained, shall be kept free of obstructions, shall be accessible from the marked parking area and have reasonable direct access to building entrances, and shall be available for overflow parking during peak traffic periods. If the Zoning Enforcement Officer finds that the number of marked parking spaces is inadequate for actual use, or if the condition of the reserve parking area is such as to create a public nuisance, the Zoning Enforcement Officer shall report such findings to the Zoning Commission. The Commission may, at its discretion, notify the owner of the property that the reserve area must be properly maintained, or may require full development of the reserve parking area within six months of notification. Failure of the owner to comply with this requirement may be grounds for revocation of the certificate of zoning compliance and render the property in violation of zoning regulations.

## **62.5 OFF-STREET LOADING REQUIREMENTS**

In the case of industrial, commercial or other uses served by regular truck traffic, space shall be provided for the loading and unloading of trucks at a rate of one space for each 15,000 square feet of gross floor area or fraction thereof. Such truck loading areas shall be located adjacent to the area or doors which shall be used for the loading and unloading of goods and supplies. Truck loading areas shall be located so as to minimize the visibility of trucks from the public street, and shall be located so as to not interrupt the flow of vehicles on access drives or interior aisles. The foregoing loading requirement is a minimum, and the Zoning Commission may require additional loading spaces where the nature of the development, its location, and any unique feature of development or the surrounding area requires additional loading space.

## **62.6 LOCATION OF REQUIRED PARKING**

Required parking facilities shall be located on the same lot as the building or use for which they are required, except as noted below:

**62.6.1 Joint Use of Off-Street Parking Spaces:** The Zoning Commission may authorize a reduction in the number of spaces required in 62.3 when shared parking is approved by the commission. The use of this provision is solely at the discretion of the commission, subject to the requirements stated hereafter.

- a. Where, in a mixed use development, there are two or more uses which have differences in their principal operating hours, thereby allowing the utilization of the same parking spaces.
- b. Where uses in a mixed use development, although having similar operating hours, will in fact be provided for the same users, thus reducing the demand for parking spaces.
- c. Where a use is located near another use such as a church or other place of assembly that is not in operation during the same hours or days as the first use, and where such church or place of assembly is willing to make its parking available to the first use through written agreement.

- 62.6.2 Combined Parking Lots: The Zoning Commission may authorize abutting landowners to utilize one common parking area, provided that the common parking area shall contain the minimum number of spaces required by these regulations for each use collectively, and provided that each property owner shall sign cross-easements which will run with the land, binding present and future owners to permit common use of said parking area and requiring said owners to a portion of the costs of maintenance of said the common parking areas.

## **62.7 PARKING DESIGN AND LAYOUT WITHIN THE SITE**

All off-street parking areas shall be provided with parking spaces of suitable angle, width and length, and with access aisles of sufficient width and suitable alignment to such spaces to allow safe and convenient use of each required parking space. Provision shall also be made for safe and convenient access into, circulation within, and exit from parking areas as follows:

- 62.7.1 Circulation Driveways: Driveways shall be provided giving access to parking aisles and spaces. Wherever possible, traffic to and from parking areas and aisles shall be directed toward perimeter driveways, away from the primary flow of pedestrian traffic between parking spaces and building entrances.
- 62.7.2 Aisles: Parking areas shall include clear and visible travelways between parking spaces. Such access aisles shall be not less than 24 feet wide for two-way ninety degree angle parking, but may be reduced to not less than 16 feet for one-way, angled parking.
- a. Parking spaces shall be located so as to not obstruct the view of vehicles turning into and out of aisles.
- 62.7.3 Designation of Employee Parking Areas: For retail and service establishments, and for other uses with a frequent exchange of customers or patrons, employee parking shall be designated in parking spaces remote from entrances so as to retain closer spaces for customers or clients.
- 62.7.4 Stacking Space: Where traffic lights, stop signs, intersections, pick up areas or drive-in windows may create conditions where motor vehicles will line up one behind another, adequate stacking space shall be provided. Stacking spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.
- 62.7.5 Pedestrian Safety: Off-street parking shall be separated from the building served in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building. A concrete walk or combination of walk and landscaping shall be provided adjacent to the building and shall be protected from vehicles by wheel stops or other suitable devices. In parking lots containing 100 spaces or more, parking is prohibited adjacent to the front of the building unless a minimum 15 foot wide landscaped area is provided in addition to the concrete walk. All pedestrian walkways shall be constructed of concrete and shall be at least 5 feet wide.

- a. Where topographic and other conditions permit, provision shall be made for pedestrian walkways to adjoining lots with similar existing or potential uses.

62.7.6 Fire Lanes: No parking shall be permitted in areas designated as fire lanes on any site plans approved under these regulations or established by the Town's Fire Marshal.

## **62.8 ACCESS TO AND FROM THE SITE**

Provisions shall be made for safe and convenient vehicular and pedestrian access to every developed lot.

- 62.8.1 All new parking and loading areas shall be designed so that any vehicle entering from or exiting the parking area onto a public street shall be traveling in a forward motion.
- 62.8.2 There shall be no more than one driveway connection from any lot to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion; additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.
- 62.8.3 All driveways providing connection between any non-residential parking or loading area and any public street shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and site distances for safe, convenient and efficient access and shall meet the street line and travelway of the street in such a manner as to conform to the established cross section for the street as may be specified by the Town or by the State of Connecticut. Such driveways shall be finished with bituminous concrete for a minimum distance of 20 feet from the edge of street pavement.
- 62.8.4 All access driveways and curb cuts shall be planned and located to provide as much sight distance as possible at intersections with the connecting public street. Visibility at such intersections shall be sufficient to allow a stopped vehicle at the intersection to see and be seen from a vehicle approaching from either direction along the intersected roads at a distance of not less than 200 feet, or greater distance based on design speed of the intersecting road. A sight line demonstration plan may be required as part of a site plan.
- 62.8.5 The entrances and exits to all parking areas shall be clearly marked. Access drives shall have a minimum width of 14 feet where one-way traffic is anticipated and a minimum width of 24 feet where two-way traffic is anticipated. Driveways in commercial and industrial districts shall not be more than 30 feet wide at the right-of-way line and 55 feet wide at the curb line. Greater widths may be permitted where, in the opinion of the Zoning Commission, such width is necessary to accommodate traffic volumes or traffic movements, public safety requirements, or larger vehicles.

- 62.8.6 Where a lot has frontage on two or more streets, the access to the lot shall be provided across the frontage to the street where there is lesser potential for traffic congestion and for hazards to vehicular and pedestrian traffic.
- 62.8.7 The street giving access to the site shall have a traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. Where the commission determines that the condition of the existing public street is such that the approval of the site development plan could result in a potential safety hazard, the commission may require that the applicant make improvements to the existing street to assure safety of traffic to and from the site.
- a. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
- 62.8.8 A permit from the Connecticut State Department of Transportation (CONNDOT) to connect to a state road shall not prohibit or preempt the Zoning Commission from imposing more restrictive requirements in accordance with this section.
- 62.8.9 Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential uses when such driveway connections will facilitate fire protection services or when such driveways will enable the public to travel between two uses open to the public without need to travel on a public street.
- 62.8.10 Provision for Sidewalks: The Zoning Commission may require the installation of sidewalks along public streets in places deemed proper by the Commission for public necessity and safety; or, in lieu of construction, the Commission may require that adequate space and grading be established for future sidewalks along public streets. When sidewalk construction is required as part of site plan approval, construction drawings for the sidewalks shall be provided, and sidewalks shall be designed and constructed to conform to the Design and Construction Specifications of the Town of Old Saybrook, adopted pursuant to Town Ordinance 46, as may be amended from time to time.

## 62.9 DRAINAGE

Parking areas shall be graded and drained to dispose of all surface water in accordance with all drainage standards established by these regulations or by Town Ordinance. No drainage shall be allowed to cross any sidewalk areas. Proposed surfacing and drainage plans shall be submitted to and approved by the Zoning Commission or Zoning Enforcement Officer, whichever has responsibility for site plan review.

- 62.9.1 The Commission may from time to time, by Resolution, adopt technical standards for drainage design to reflect new technologies for controlling the rate, volume and quality of stormwater runoff from developed areas.

## 62.10 LIGHTING

Adequate lighting shall be provided for all parking areas of more than 20 spaces, except where the Commission may determine that such parking areas are unlikely to ever be used at night. Required lighting shall be arranged and installed to minimize glare on adjacent property and adjacent streets. Such lighting shall conform to all lighting standards established by these Zoning Regulations.

## 62.11 LANDSCAPING

Landscaping shall be provided in accordance with Section 63 of these Regulations.

## 62.12 CONSTRUCTION OF PARKING AND LOADING AREAS

- 62.12.1 Marking: All required parking spaces and fire lanes, except those approved as part of a reserve parking area, shall be marked by painted lines maintained in good condition, or by curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall also be used as necessary to insure efficient traffic flow within all parking lots and between any such lot and the public street serving the lot.
- 62.12.2 Surface of Parking Areas: Except for parking for single family residential dwellings and accessory uses thereto, or as otherwise noted in these Regulations, all off-street parking areas shall be surfaced and maintained with durable and dustless all-weather material approved by the Zoning Commission. Any parking lot which serves more than 20 cars shall be surfaced with bituminous concrete unless otherwise approved under Section 62.
- a. Use of pervious surfaces: On sites where little traffic is anticipated, the Zoning Commission may approve the use of pervious surface materials for all or part of a parking area when such paving is part of an overall drainage design which minimizes concentration of stormwater runoff.
- 62.12.3 Curbing: Appropriate provisions shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials.

**\* SECTION 63 - LANDSCAPING, SCREENING AND BUFFER AREAS**

**63.1 PURPOSE**

The landscaping provisions of these Regulations are intended to preserve and enhance the character, appearance and beauty of the community, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to control erosion of the soil and excessive run-off of storm water, and avoid depletion and pollution of water resources.

**63.2 MINIMUM LANDSCAPE AREA REQUIREMENT (MLA)**

For all non-residential uses, and for residential uses with more than three dwelling units per lot, the area of the lot devoted to pervious landscaping shall be not less than the following percentages in each District:

DISTRICT	MLA REQUIREMENT
All Residence Districts	50%
Central Business B-1 District	10%
Shopping Center Business B-2 District	15%
Restricted Business B-3 District	15%
General Business B-4 District	25%
Marine Commercial MC District	15%
Marine Commercial Limited MCL District	20%
Saybrook Point District	20%
Industrial I-1 District	25%
Industrial I-2 District	25%

For purposes of this Section, pervious landscaping shall consist of any of the following, or combination thereof: grass, groundcover, vines, shrubs, hedges and trees. With the approval of the Zoning Commission, existing natural vegetation and unique site features such as existing stone walls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement.

**63.3 GENERAL REQUIREMENTS**

The following requirements shall apply to all uses for which a site development plan is required:

- 63.3.1 Any portion of a developed lot which is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, shall be landscaped in accordance with a landscaping plan. Any area of the lot which will not be disturbed by filling, grading, excavation or other construction activity may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot in such a manner as to minimize storm water runoff, sedimentation and erosion.



- 63.3.2 Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- 63.3.3 Any screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.
- 63.3.4 All landscaping, trees and planting material located adjacent to parking areas, loading areas, or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
- 63.3.5 To the maximum extent possible, existing trees, vegetation, and unique site features such as stone walls, large boulders or rock outcroppings shall be retained and protected. Existing healthy mature plant materials, especially trees, if properly located, shall be fully credited against the requirements of these regulations.
- 63.3.6 For all new landscaping, an ample variety and quantity of ornamental plants shall be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity. The use of native plant species indigenous to the region is encouraged.
- 63.3.7 Landscaping shall serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.
- 63.3.8 Landscape composition shall be complimentary to scale and style of existing and proposed buildings.

#### **63.4 FRONT LANDSCAPED AREAS**

Each lot shall be provided with a landscaped area extending the length of the street frontage along the interior side of the front lot line, except where driveway exits and entrances are located. The width of the front landscaped area shall be no less than 10 feet in the B-1 District, no less than 15 feet in the SP-2 Districts and 25 feet or more in other districts. The area of the front landscaped buffer may be included in calculations for the minimum landscaped area required in Section 63.2. The front landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one street shade tree having a caliper of at least 3 inches and a height of at least 6 feet at time of planting shall be planted for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot, but not to screen the use from view.

- 63.4.1 In cases where the edge of the pavement within a public right-of-way does not coincide with the lot front lot line, the property owner shall landscape and maintain the area between the front lot line and the edge of the street pavement. A front sidewalk, where existing or where required, may be considered part of the landscaped area.
- 63.4.2 Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or other requirements of Section 63, the Zoning Commission may allow the substitution of planters, plant boxes or pots containing trees, and/or flowers to comply with the intent of these regulations.
- a. For lots fronting on Main Street between Route One and Pennywise Lane, landscaping shall be consistent with any comprehensive landscape design established by cooperative efforts of civic, business and governmental organizations and agencies, subject to approval of the Zoning Commission.

## **63.5 PERIMETER BUFFERS**

The purpose of the buffer area is to provide privacy from noise, headlight glare and visual intrusion onto other lots. A perimeter buffer shall be provided along all lot lines other than the front lot line, except where driveways or pedestrian walkways connect to abutting properties. A buffer is required in accordance with this section for each lot, notwithstanding any buffers on adjacent property. Except for single family residential uses, the perimeter buffer shall not be used for parking. The area of the perimeter buffer may be included in calculations for the minimum landscaped area required in Section 63.2.

- 63.5.1 Buffer Width. The minimum width of perimeter buffers shall be as follows:
- a. For residential uses, the side and rear yard setback areas shall be considered to be perimeter buffers.
- b. For non-residential uses abutting property which is zoned for residential uses - 20 feet
- c. For uses within commercial districts - 10 feet
- d. For uses within industrial districts - 20 feet
- e. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Zoning Commission may modify the width requirements provided the perimeter buffer area meets the intent of these Regulations.
- 63.5.2 Required Landscaping for Buffers. For single family residential uses, there is no specific requirement for landscaping the buffer area. For multi-family and non-residential uses, the buffer area shall be maintained with lawn, shrubs and trees, including evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Zoning Commission, will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of evergreen trees 6 feet in height planted at intervals of 10 feet on

center, unless otherwise approved by the Commission. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

- a. An earthen berm, wall, or fence of location, height, design and materials approved by the Zoning Commission may be substituted for any portion of the required planting and/or buffer area strip; the substituted berm, wall or fence shall not be used to meet the minimum required landscape area of Section 63.2.
- b. Where the existing topography and/or landscaping provide adequate screening, the Zoning Commission may modify the planting and/or buffer area requirements.

### **63.6 INTERIOR PARKING LOT LANDSCAPING**

In addition to front landscaped area and buffer area requirements, parking areas shall comply with the following minimum standards:

- 63.6.1 All uses required to provide 20 or more off-street parking spaces shall have at least 20 square feet of interior landscaping within the paved portion of the parking area for each parking space. Islands shall be provided to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate major access ways through the parking area from parking aisles. Each separate landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 3 inch caliper, at least 6 feet in height. Interior landscaping shall be positioned so as to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one island for every ten parking spaces should be used for design purposes. No more than 15 spaces in a row or four rows across shall be permitted without an intervening interior landscape area.
- 63.6.2 A landscaped area shall be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 3 inch caliper, at least 6 feet in height for every 50 feet along the perimeter of the parking area. Where appropriately located, the required front landscaped areas and perimeter buffers may be used to satisfy this requirement.

### **63.7 VISUAL CLEARANCE**

No landscape materials shall be located so as to create a visual hazard for vehicular and pedestrian traffic either within a site or at the intersection of the site access with the public street.

### **63.8 SUBMISSION OF A LANDSCAPE PLAN**

As part of or in conjunction with a required site plan, the following information shall be provided concerning site landscaping:

- a. Location and description of existing vegetation on site and any proposals to protect and preserve existing vegetation during and after construction.
- b. Location and description of existing natural features, including large boulders, rock outcroppings, and water features to be incorporated into proposed site design.
- c. Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.
- d. A list of plant materials to be used, including size in diameter and height at installation and at maturity; a planting schedule for all plant materials.
- e. Proposed treatment of ground surfaces.
- f. Methods of protecting landscaping from vehicles.

### **63.9 REQUIREMENT FOR SURETY**

The Zoning Commission may require a separate bond or other surety against completion of the requirements of this Section.

## SECTION 64 - SIGNS

- 64.1 General: Unless otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE therefor has been approved by the Zoning Enforcement Officer. It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Zoning Commission or Board of Appeals in connection with the approval of a SITE PLAN or SPECIAL EXCEPTION.
- 64.2 Definition: The term "sign" shall include 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 either 1) located out-of-doors or 2) located indoors and intended to be viewed from outside the building. The term "sign", however, shall not include any flag, pennant or insignia of any governmental unit or nonprofit organization, 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 nor any illustrations, insignia or lettering which are an integral and permanent part of the architecture of a building approved under a SITE PLAN or SPECIAL EXCEPTION.
- 64.3 Standards - All Districts: Signs in all Districts shall conform to the following standards:
- 64.3.1 Purpose: All signs, except as hereinafter provided, shall advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six (6) months, all signs pertaining thereto shall be removed or otherwise eliminated.
- a. Exception: Notwithstanding the provisions of Par. 64.3.1, an existing commercial enterprise may establish two (2) directional signs on another lot or lots, provided that such directional signs are no longer than 48 inches nor wider than eight (8) inches, are painted white with the name only of the enterprise painted in black, are located in a Business or Industrial District and are not located within the right-of-way of any street.

64.3.2 Location: No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to the wall of a building may project 15 inches into such right-of-way.

64.3.3 Projecting and Hanging Signs: No sign shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may thus project not more than 15 inches therefrom, provided that such projection does not occur within 10 feet vertical clearance of the ground.

64.3.4 Obstructions: No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.

64.3.5 Light and Motion: No flashing signs and no revolving, waving or other moving signs are permitted:

64.4 Standards - Residence Districts: In addition to the standards specified in Par. 64.3, all signs in Residence Districts shall conform to the following standards:

64.4.1 Purpose: The following signs are permitted, and no other:

- a. on any lot, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a home occupation or professional office on the premises.
- b. on a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding 12 square feet in area and not referring to any other premises;
- c. on a tract of land for which a subdivision map has been approved by the Planning Commission, one (1) real estate sign not exceeding 32 square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract;
- d. building contractors' and designers' signs pertaining to buildings under construction; the total area of such signs shall not exceed 32 square feet, and such sign shall be removed within 30 days after completion of the project;
- e. on any lot containing a farm or related activity or a SPECIAL EXCEPTION use, one (1) sign not exceeding 16 square feet in area;

- f. private warning and traffic signs, with no advertising thereon, each not exceeding two (2) square feet in area;

No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and no CERTIFICATE is required for signs permitted under Subparagraphs 64.4.1(a), 64.4.1(b) and 64.4.1(f).

64.4.2 Location and Height: Signs permitted under Paragraph 64.4.1(c), 64.4.1(d) and 64.4.1(e) shall not extend within less than 10 feet of any property line or street line; other signs may extend to the property line or street line. No sign shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setback provided that the sign does not project more than 15 inches from the wall of the building. No sign attached to the ground shall exceed a height of eight (8) feet.

64.3 Standards - Other Districts: Signs permitted under Par. 64.4 are permitted in all other Districts. In addition to the standards specified in Par. 64.3, all other signs in Business, Marine and Industrial Districts shall conform to the following standards:

64.5.1 Setbacks: Except as hereinafter provided, signs shall observe all setbacks required for buildings and other structures, but signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than 15 inches from the wall of the building.

64.5.2 Central Business B-1 District:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 12 square feet in area nor a height of 10 feet but may extend to the street line;
- b. signs attached to buildings shall not extend above the top of the wall of the building and shall not project more than 15 inches from the wall of the building, except that signs not exceeding 12 square feet in area may project up to four (4) feet from such wall provided that there be a clearance of not less than 10 feet from the ground level to the sign.
- c. signs attached to one (1) wall of a building, including projecting signs, may have a total area of as much as 20% of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5% of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises; and
- d. no sign shall be painted on the wall of the building.

64.5.3 Shopping Center B-2 and General Business B-4 Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 50 square feet in area nor a height of 20 feet, but may extend to within 10 feet of a street line, except that any such sign may be increased in area by 20 square feet for each full 100 feet of frontage of the lot on a State Highway in excess of 200 feet provided that the total area of such sign shall not exceed 150 square feet;
- b. signs attached to buildings shall not extend above the top of the wall of the building but may, in the case of buildings having a pitched roof, extend not more than three (3) feet above the top of the wall;
- c. signs attached to buildings shall not project more than 15 inches from the wall of the building, except that signs not exceeding 24 square feet in area may project up to eight (8) feet from such wall provided that there be a clearance of not less than 10 feet from the ground level to the sign; and
- d. signs attached to one (1) wall of a building, including projecting signs, may have a total area of as much as 20% of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5% of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises.
- e. No sign shall be painted on the wall of the building.

64.5.4 Restricted Business B-3 Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 12 square feet in area nor a height of 10 feet but may extend to within 10 feet of the street line;
- b. signs attached to buildings shall not extend above the top of the wall of the building and shall not project more than 15 inches from the wall of the building, except that signs not exceeding 12 square feet in area may project up to four (4) feet from such wall provided that there be a clearance of not less than 10 feet from the ground level to the sign;
- c. signs shall be attached to only one (1) wall of a building, and the total area of signs, including projecting signs, shall not exceed 5% of the area of such wall measured to a height of 12 feet above ground level; and
- d. no sign shall be painted on the wall of a building and all lighting of signs shall be indirect with the source of illumination not visible from any street or from any lot other than the lot on which the sign is located.



64.5.5 Marine Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign area shall not exceed 1.0 sq. ft. per linear foot of actual building frontage or 50 sq. ft., whichever is less, nor a height of 20 feet, but may extend to within 10 feet of a street line.
- b. signs attached to buildings shall not extend above the top of the wall of the building and shall not project more than 15 inches from the wall of the building, except that signs not exceeding 12 square feet in area may project up to four (4) feet from such wall provided that there be a clearance of not less than 10 feet from the ground level to the sign;
- c. signs attached to one (1) wall of a building, including projecting signs, may have a total area of as much as 10% of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5% of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises; and
- d. no sign shall be painted on the wall of the building.

64.5.6 Saybrook Point Districts:

- a. signs in SP-1 and SP-3 Districts shall conform to the requirements for signs in Residence Districts.
- b. signs in the SP-2 District shall conform to the requirements for signs in Marine Districts.
- c. illumination of signs in the SP-2 District shall be limited to either floodlighted signs or floodlighted background silhouette signs with opaque letters.

64.5.7 Industrial Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 100 square feet in area nor a height of 10 feet;
- b. signs attached to buildings shall not extend above the top of the wall of the building but may, in the case of buildings having a pitched roof, extend not more than three (3) feet above the top of the wall;
- c. signs attached to buildings shall not project more than 15 inches from the wall of the building, except that signs not exceeding 12 square feet in area may

project up to four (4) feet from such wall provided that there be a clearance of not less than 10 feet from the ground level to the sign; and

- d. signs shall be attached to only one (1) wall of a building, and the total area of signs, including projecting signs, shall not exceed 10% of the area of such wall measured to a height of 12 feet above ground level.

64.6 Measurements: Any sign may be double facing, and when a sign is attached to the ground only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges or points of the sign.

64.7 Special Events: Notwithstanding the provisions of this Section, the Zoning Commission may, upon written application made to it and by resolution, authorize the establishment of temporary signs for periods not exceeding 15 consecutive days, and totaling more than 45 days in any calendar year, for the purpose of announcing special events. In a Residence District, any such sign shall pertain only to a use permitted in such District.

## SECTION 65 - EXCAVATION AND GRADING

- 65.1 General: No earth, including loam, sand, gravel, clay, peat or quarry stone, shall be excavated and removed from any lot, or graded or dumped on any lot, except as authorized under Par. 65.2 or as authorized under an Application for a TEMPORARY SPECIAL EXCEPTION granted by the Zoning Commission under the provisions of this Section.
- 65.2 Exemptions: The provisions of this Section and the requirements to obtain a TEMPORARY SPECIAL EXCEPTION shall not apply to the following cases:
- 65.2.1 necessary excavation and removal, or grading or dumping of earth in direct connection with the lawful construction, on the lot, of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, and for which any required APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE has been approved;
- 65.2.2 necessary excavation and removal, or grading or dumping of earth in connection with improvements on the lot solely for farming or landscaping purposes, such as the construction of ponds, improvement of water courses, burying of stones or refuse, regrading of difficult contours and the excavation of earth for use on the lot and not for sale, and when written notice in advance of commencement of the operation has been given to the Zoning Enforcement Officer and, if applicable, a certified Soil Erosion and Sediment Control Plan is in effect in accordance with Section 67, except that in a Conservation Zone no more than 300 cubic yards of material may be removed from the lot; and\*
- 65.2.3 excavation and removal, or grading or dumping of less than 100 cubic yards of material on any lot in any calendar year and, if applicable, a certified Soil Erosion and Sediment Control Plan is in effect in accordance with Section 67, except that no material may be removed from a lot in a Conservation Zone; \*
- 65.2.4 provided that the excavation and removal, or grading or dumping, a) authorized under Par. 65.2.2 and 65.2.3 shall not occur in tidal wetlands and b) authorized under Par. 65.2.1 and 65.2.2 shall be deemed to permit the excavation and removal, or grading or dumping of only the quantity of material which is necessary to make the lot more suitable for the proposed use, and provided further that excavation, grading or removal authorized under

further that excavation, grading or removal authorized under Par. 65.2.1 and 65.2.2 in connection with a project for which an APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE has been approved shall be contingent upon completion of such project within two (2) years after commencement, and in the event of failure to complete such project, as evidenced by failure to obtain a CERTIFICATE OF ZONING COMPLIANCE for such project, then such excavation and removal, or grading or dumping shall be deemed a violation of these Regulations unless a TEMPORARY SPECIAL EXCEPTION therefor has been secured from the Zoning Commission in accordance with this Section.

65.3 Application: Application for a TEMPORARY SPECIAL EXCEPTION under this Section shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE and shall be accompanied by the following:

65.3.1 Statement: a written statement specifying the hours and days of the week when the operation is to be conducted and estimating the number and kind of trucks and other equipment to be used:

65.3.2 Maps and Plans: four(4) copies of maps and plans prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut, showing all of the following information as applicable to the particular application:

- a. property lines and streets adjoining the lot and the names of owners of property adjoining the lot;
- b. the location and exterior limits of the area to be excavated, graded or filled;
- c. existing contour lines on the lot, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five(5) feet;
- d. proposed contour lines within the area to be excavated, graded or filled, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five(5) feet;
- e. existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds, swamps and tidal wetlands on or within 200 feet of the lot;
- f. proposed vehicular access to the lot and any proposed work roadways;

- g. the location on the lot of any wooded areas, rock outcrops and existing and proposed buildings, structures and processing equipment;
- h. an estimate of the number of cubic yards of material to be excavated, graded or dumped; and
- i. provisions for soil erosion and sediment control in accordance with Section 67, unless a separate Soil Erosion and Sediment Control Plan is submitted as specified in Section 67. \*

65.3.3 Other: The Zoning Commission may request the submission of such additional information that it deems necessary in order to decide on the application.

65.3.4 Application Fee.

65.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans and documents to the Zoning Commission; he shall also transmit a copy to the Old Saybrook Planning Commission. Within 65 days after receipt of a completed TEMPORARY SPECIAL EXCEPTION application meeting the requirements of Paragraph 65.3, the Zoning Commission shall hold a public hearing on the application. Notice of the public hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than 15, nor less than 10 days, and the last not less than two (2) days before the public hearing. After the public hearing, the Commission shall approve, modify and approve or disapprove the TEMPORARY SPECIAL EXCEPTION application. The applicant may consent in writing to any extension of the time of public hearing and action on the application. The grounds for disapproval of an application shall be stated in the records of the Commission under Paragraph 65.3.3; within the period for action on the application, shall be grounds for disapproval of the application.

65.5 Planning Commission: Within 30 days after receipt of a copy of the application, maps, plans and documents, the Old Saybrook Planning Commission shall report its recommendations to the Zoning Commission, stating the reasons therefor.

65.6 Approval: After the public hearing the Zoning Commission may grant a TEMPORARY SPECIAL EXCEPTION to permit the excavation and removal, or grading or dumping if it shall find that the following standards and conditions will be met:

65.6.1 The excavation, grading or removal shall be carried out in accordance with the maps and plans as approved by the Zoning Commission and within the exterior limits shown thereon;

- 65.6.2 The excavation, grading or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the District where the lot is located;
- 65.6.3 At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run-off, silting of streams and damage to public property, streets or drainage facilities;
- 65.6.4 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;
- 65.6.5 No excavation and removal, or grading, which is below the elevation of any abutting street or property line shall occur within 100 feet of such line, except that excavation and removal or grading within such distance and below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Zoning Commission;
- 65.6.6 There shall be no processing of material, such as screening, sifting, washing or crushing, except in an Industrial District;
- 65.6.7 No building or other structure shall be erected on the lot except as may be otherwise permitted in the District or, as approved by the Zoning Commission, as a temporary shelter for equipment and field office;
- 65.6.8 The work shall be limited to the hours from 7:00 A.M. to 6:00 P.M. and on regular working days, or to such lesser hours and days specified by the Zoning Commission;
- 65.6.9 Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris, and suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles to the satisfaction of the Zoning Commission.
- 65.6.10 Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:
- a. Such area shall be evenly graded to slopes not exceeding one(1) foot of rise for each three(3) feet of horizontal distance or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;

- b. Adequate drainways of gradual slope shall be provided to assure drainage;
- c. There shall be no excavation, grading or removal below an elevation of six(6) feet above any ledge;
- d. All debris and all loose boulders shall be buried or removed from the lot; and
- e. The top layer of any arable soil, to a depth of not less than six(6) inches, shall be retained in the lot and spread over the entire disturbed area with any large stones removed, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion; but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.

65.6.11 The applicant shall file with the Zoning Commission a cash, saving account or surety bond, in a form acceptable to the Commission, in such amount as the Commission deems sufficient to insure the faithful performance of the work in accordance with the provisions of this Section; and

65.6.12 The Zoning Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times, have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section; the Zoning Commission may require the applicant to submit periodic reports, prepared and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

65.6.13 The lot for which a TEMPORARY SPECIAL EXCEPTION is granted shall not be located in a Conservation Zone.

65.7 Time Limit: Each TEMPORARY SPECIAL EXCEPTION granted under this Section shall be valid for a period of one year or for such shorter period as may be requested by the applicant or fixed by the Zoning Commission; the Commission may by resolution renew the TEMPORARY SPECIAL EXCEPTION annually when the applicant presents copies of the approved maps and plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation and removal, or grading or dumping of earth is progressing as approved.

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65.8 Inspection Fee: At the time of issuance of a CERTIFICATE OF ZONING COMPLIANCE authorized by a TEMPORARY SPECIAL EXCEPTION granted under this Section, the applicant shall pay an inspection fee in accordance with Par. 72.4.

- 65.9 Existing Operations: Any lawful existing operation, involving the excavation and removal, or grading or dumping of earth, authorized under the Zoning Regulations in effect prior to the effective date of this Section, may be continued under the terms and conditions of such authorization.
- 65.10 Return of Bond: Upon completion of the operation in accordance with the terms of a TEMPORARY SPECIAL EXCEPTION and after any area of the lot required to be seeded has grown in a second growing season a dense cover of grass as required under this Section, the applicant may apply to the Zoning Commission for return of the bond filed as provided in this Section, and if the Zoning Commission is satisfied that the work has been completed as required, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect.



\* SECTION 66 - TRAILERS

66.1 PURPOSE

The provision of these regulations is to allow for the use of trailers and boats and of storage, construction/office and commercial trailers while addressing problems typically associated with their storage and use. Unless otherwise provided in this Section, no "trailer and boat", "storage", "construction/office" or "commercial trailer" as defined herein shall be placed on any lot until an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE therefore has been approved by the Zoning Enforcement Officer or a SITE PLAN has been approved by the Zoning Commission.

66.2 DEFINITIONS

For the purposes of Section 66, trailers are defined as follows:

- 66.2.1 Trailers and boats. The term "trailers and boats", including camping and recreational equipment, boats with or without hauling trailers, utility trailers and mobile homes, is defined as follows:
- a. "Travel Trailer" - any camper, camp trailer, furnished van, or any type of trailer, designed for human habitation.
  - b. "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 which shall be eligible to be licensed/registered and insured for highway use.
  - c. "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 which shall be eligible to be licensed/registered and insured for highway use.
  - d. "Mobile Home" - a movable or portable dwelling built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy.
  - e. "Tent Trailer" - a canvas, folding structure, mounted on wheels to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.

- f. "Boat with or without hauling trailer" - any vessel in excess of 15 feet with or without a hauling trailer.
- g. "Utility Trailer" - a small box, horse or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of 15 feet in length.
- h. "Mobile Home and Mobile Manufactured Home" - these terms are used interchangeably to refer to a mobile manufactured home", defined in Section 21-64 of the Connecticut General Statutes, as follows:

"Mobile manufactured home" means a detached residential unit having three-dimensional components which 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 occupancy 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;

Any such mobile manufactured home having as its narrowest dimension twenty-two (22) feet or more shall be subject to the same standards and conditions as any other single family detached dwelling unit. Any mobile manufactured home pre-existing the adoption of the Old Saybrook Zoning Regulations on July 8, 1948 which does not meet these standards and conditions, shall be considered a legal pre-existing non-conformity.

66.2.2 Storage, Construction/Office and Commercial Trailers. The terms "storage trailer", "construction/office trailer" and "commercial trailer" used for construction and business-related purposes are defined as follows:

- a. "Storage Trailer" - 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 total ground coverage exceeding 50 square feet.
- b. "Construction/Office Trailer" - a trailer or trailers used for equipment and/or supply storage or as a construction office in connection with a bonafide construction project for which appropriate building permits have been acquired.

- c. "Commercial Trailer" - a trailer or trailers used in conjunction with permitted commercial and industrial establishments such as trucking terminals, building contractor's businesses and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods and marine transportation.

### 66.3 STANDARDS

No trailers and boats, storage and construction/office trailers or commercial trailers shall be permitted on any lot except in accordance with the standards and provisions of this section.

66.3.1 Trailers and boats - the parking and storage of "trailers and boats" as defined in Section 66.2.1 shall comply the following special standards:

- a). No more than one trailer or one boat shall be stored at any time on a lot in a Residential District or on any lot containing a legally-existing nonconforming residence;
- b). Any "trailer and boat" that is not parked or stored within a garage or other structure shall meet all setback and maximum ground coverage requirements for buildings or other structures for the district within which the "trailer and boat" is parked or stored and shall be located no closer than 10 feet to any building or other structure.
- c). A "trailer and boat" that is not parked or stored within a garage or other structure shall be located to the rear of a principal building or other major building or structure in a neat and orderly manner and/or in the most inconspicuous location practicable. The parked or stored "trailer and boat" shall be screened with fencing, landscaping or other measures to satisfaction of the Zoning Enforcement Officer so as to be generally not visible from any street or adjacent property.
- d). In the event that a "trailer and boat" is parked or stored on a vacant lot, the "trailer and boat" shall be located in the most inconspicuous location practicable and shall be screened with fencing, landscaping or other measures to satisfaction of the Zoning Enforcement Officer so as to be generally not visible from any street or adjacent property.
- e). At no time shall such parked or stored "trailer and boat" be occupied or used for living, sleeping or housekeeping purposes. There shall be no connections to any utility service, including electric, heat, water and sewerage disposal service.

- f). In event of non-compliance, the Zoning Enforcement Officer shall require the removal, relocation and/or screening of such parked or stored "trailer and boat".

66.3.2 Placement of storage and construction/office trailers - the parking, storage and use of storage and construction/office trailers as defined in Section 66.2.2 a. and b. shall comply with the following special standards:

- a). A construction/office trailer or trailers shall be located on the same lot as, and in connection with, a bonafide construction project for a duration of no more than six (6) months unless extended at the discretion of the Zoning Enforcement Officer to coincide with an additional period when the construction project is in progress. Such trailer or trailers shall not be placed at said construction site prior to 2 weeks before start of construction and shall be removed within 2 weeks of final completion of the project.
- b). Storage and construction/office trailers shall meet all setback requirements for buildings or other structures for the district within which the trailer or trailers are parked or stored and shall be located no closer than 10 feet to any buildings or other structures.
- c). Trailers parked or stored for the purpose of storage in connection with an approved business or industrial use shall be located so as not to occupy or obstruct parking or loading spaces required for other uses on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.
- d). Storage, construction/office and commercial trailers shall be required to be screened from view from a street or any adjacent property with fences, landscaping or other measures to the satisfaction of the Zoning Commission or their designated agent.
- e). In event of non-compliance, the Zoning Commission or their designated agent shall require the removal, relocation and/or screening of such parked or stored storage and construction/office trailer or trailers.

66.3.3 Placement of commercial trailers - the parking of commercial trailers as defined in Section 66.2.2 c. shall comply with the following special standards:

- a). Commercial trailers are permitted on a lot in connection with an approved business provided that the such commercial trailers are used only for the purposes of transportation. At no time are such trailer or trailers to be used for storage except in conformance with these regulations.

- b). Commercial trailers shall conform to all setback requirements for buildings and other structures for the district within which they are located and shall be located so as not to occupy or obstruct parking or loading spaces required for other uses on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.

#### **66.4 AUTHORIZED USE OF TRAILERS AND BOATS**

No "trailer and boat" as defined in Par. 66.2.1 shall be used for any purpose on any lot without the approval of the Zoning Commission and such approval shall be limited to a period of six (6) months, extendible for an additional period or periods of six (6) months. Such an approval may be granted only in cases of extenuating circumstances, such as a request to live in a mobile home while the residence is being repaired or rebuilt after a fire or other casualty. In the case of Special Events approved by the Zoning Commission, "trailers and boats" as defined in Paragraph 66.2.1 that are customarily used for temporary living purposes may be occupied for the duration of the approved Special Event only. Said vehicles shall be parked so as to meet all applicable parking regulations and standards. Where said "trailers and boats" are to be occupied, sanitary facilities shall have written approval of the Director of Health of the Town of Old Saybrook at the time of the approval by the Zoning Commission, and it may be occupied by only one (1) family, at least one member of which shall be either the owner of the lot or related by blood, marriage or legal adoption, to the owner of the lot. No such "trailer and boat" shall be located in a Flood Plain District, and additional restrictions may be made a part of the conditions of approval by the Zoning Commission.

#### **66.5 SALES AND RENTALS**

Where authorized as a permitted use in a District, the parking and storage of trailers and boats as defined in Par. 66.2.1 for the purpose of sales and rental shall conform to the requirements for outside storage areas specified in Section 8.18.

#### **66.6 PLOT PLAN**

Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a "trailer and boat" as permitted under Paragraph 66.3.1 and Section 66.4, a PLOT PLAN shall be submitted to and approved by the Zoning Enforcement Officer in accordance with the provisions of Sections 8 and 66.

66.7      **SITE PLAN**

Prior to approval of any **APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE** for a storage and construction/office trailer as permitted under Paragraphs 66.3.2 and 66.3.3 and Section 66.5, a **SITE PLAN** shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 66.

\* Effective:    5/30/95

## SECTION 67 - SOIL EROSION AND SEDIMENT CONTROL

- 67.1 General: When any use, building or other structure or site development that is subject to these Regulations involves a "disturbed area" of one half ( $\frac{1}{2}$ ) acre or more, or otherwise when provision for soil erosion and sediment control is required by these Regulations, a certified Soil Erosion and Sediment Control Plan in connection therewith shall be in effect prior to, during and upon completion of construction. The Control Plan may be integrated with plot plans, site plans, other maps and plans and Statements of Use required by these Regulations and shall cover all construction, clearing, grading and site development locations that constitute a "disturbed area". A Control Plan certified by the Planning Commission in connection with approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook and in effect for the lot where the "disturbed area" is located, may constitute the Control Plan required by these Regulations.
- 67.2 Special Definitions: Certain words used in this Section are defined as follows:
- 67.2.1 "Disturbed area" means an area where the cover is destroyed or removed leaving the land subject to accelerated erosion.
- 67.2.2 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.
- 67.2.3 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified Control Plan.
- 67.2.4 "Soil Erosion and Sediment Control Plan" means a plan for minimizing soil erosion and sedimentation, consisting of no less than a map and narrative as follows:
- a. a narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed; and
  - b. a map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities.
- 67.2.5 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 67.2.6 "Soil" means any unconsolidated mineral and organic material of any origin.
- 67.3 Control Plan: To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provision adequate to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the lot based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, published by The Connecticut Council on Soil and Water Conservation. Alternative

principles, methods and practices may be used with prior approval of the Zoning Enforcement Officer. The Control Plan shall contain the following to the extent applicable to the particular use, building or other structure and site development:

67.3.1 Narrative: a narrative describing elements such as the following:

- a. the use, building or other structure and site development;
- b. the schedule for grading and construction activities including i) start and completion dates; ii) sequence of grading and construction activities; iii) sequence for installation and/or application of soil erosion and sediment control measures; and iv) sequence for final stabilization of the project site;
- c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
- d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
- e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
- f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

67.3.2 Map: a site plan map at a sufficient scale to show the following:

- a. the location of the proposed use, building or other structure and site development and adjacent properties;
- b. the existing and proposed topography including soil types, wetlands, water courses and water bodies;
- c. the existing structures on the lot, if any;
- d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed buildings, structures, utilities, roads and, if applicable, new property lines;
- e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- f. the sequence of grading and construction activities;
- g. the sequence for installation and/or application of soil erosion and sediment control measures;



h. the sequence for final stabilization of the development site, and

i. the name, address and telephone number of the person designated by applicant for the use, building, other structure or site development to be responsible for supervision of installation and completion of the Control Plan.

Any other information deemed necessary and appropriate by the applicant or requested by the Zoning Enforcement Officer may be made part of the Control Plan.

\*\* 67.4 Minimum Standards: The following are minimum standards applicable to Soil Erosion and Sediment Control Plans required by these Regulations, and the preparer of the Control Plan shall certify that the Plan complies with the minimum standards:

67.4.1 Plans for soil erosion and sediment control shall be developed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Soil Erosion and Sediment Control Plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

67.4.2. The minimum standards for individual measures shall be those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Zoning Enforcement Officer or the Middlesex County Soil and Water Conservation District may approve alternate standards when requested by the applicant if technically sound reasons are presented.

67.4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Zoning Enforcement Officer.

67.5 Certification: The Soil Erosion and Sediment Control Plan shall be in effect when certified as follows:

67.5.1 The Zoning Enforcement Officer, or the Middlesex County Soil and Water Conservation District if so requested, shall certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and criteria of this Section or shall deny certification when the Control Plan does not comply. Certification may be incorporated in the approval of a SITE PLAN, approval of a SPECIAL EXCEPTION or other action by the Zoning Commission, Planning Commission or Board of Appeals and otherwise shall be incorporated in the approval of an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer.

67.5.2 The Zoning Enforcement Officer shall coordinate certification of the Control Plan with related actions of other agencies, such as the Board of Selectmen, Planning Commission and the Old Saybrook Inland Wetlands Commission.

- 67.6 Conditions: The Soil Erosion and Sediment Control Plan shall be certified subject to the following conditions and requirements:
- 67.6.1 The estimated cost of measures and facilities to control erosion and sedimentation shall be guaranteed by a cash or savings account bond in form acceptable to and in amount deemed sufficient by the Zoning Commission, Planning Commission or Board of Appeals in connection with their actions under these Regulations or otherwise acceptable to and deemed sufficient by the Zoning Enforcement Officer. It is not intended, however, that such bond duplicate similar bonds required by other agencies.
  - 67.6.2 No site development shall commence unless the Soil Erosion and Sediment Control Plan is certified, the bond has been posted and the control measures and facilities in the Plan, scheduled for installation prior to site work, have been installed and are functional.
  - 67.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Control Plan.
  - 67.6.4 All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified Control Plan.
- 67.7 Inspection and Orders: Soil Erosion and Sediment control measures of the certified Control Plan are subject to inspection as provided in Par. 72.8 and orders as provided in Par. 72.9. The Zoning Enforcement Officer may require the applicant under these Regulations to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.

**A R T I C L E   V I I**

**A D M I N I S T R A T I O N   A N D   E N F O R C E M E N T**

**SECTION 71   -   BOARD OF APPEALS**

**SECTION 72   -   ADMINISTRATION**

**SECTION 73   -   PENALTIES AND REMEDIES**

**SECTION 74   -   AMENDMENTS**

**SECTION 75   -   VALIDITY**

**SECTION 76   -   EFFECTIVE DATE AND REPEAL**

## SECTION 71 - BOARD OF APPEALS

- 71.1 The Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.
- 71.2 The powers and duties of the Board of Appeals include the following:
- 71.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer;
  - 71.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and
  - 71.2.3 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.
- 71.3 These Regulations impose special requirements applicable in the Flood Plain District and, under Section 54, incorporate requirements of the "Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut". The Board of Appeals shall hear and decide appeals and requests for variances from the Flood Plain District requirements and such Ordinance. Such Board shall have the following duties:
- 71.3.1 to hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Engineer in the enforcement and administration of such Ordinance;
  - 71.3.2 to issue variances from the standards of Section 54 and such Ordinance, under the general considerations set forth in Par. 5.2 and the conditions for variance specified in Par. 5.3 of the Ordinance; and
  - 71.3.3 to issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the consideration and conditions of Par. 5.2 and 5.3 of such Ordinance.

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals acting under this Paragraph 71.3, or any person

owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Old Saybrook, having jurisdiction or responsibility over flood hazards in the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

## SECTION 72 - ADMINISTRATION

- 72.1 Zoning Enforcement Officer: The Commission shall appoint a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint Deputy Zoning Enforcement Officers to assist and act for him.
- 72.2 Applications: ALL APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE shall be submitted to the Zoning Enforcement Officer and shall be accompanied by three (3) copies of a \*PLOT PLAN in accordance with the provisions of Section 8, and showing the following:
- 72.2.1 Area of the lot, and the dimensions and angles or bearing of all lot lines;
  - 72.2.2 The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;
  - 72.2.3 The location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
  - 72.2.4 The location of any existing or proposed wells and private sewage disposal system;
  - 72.2.5 The location, area and dimensions of any signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations;
  - 72.2.6 In the Flood Plain District, flood plain boundary and elevation data as specified in Par. 54.2.3;
  - 72.2.7 Within 100 feet of any wetlands, water body or related embayments and in all other cases that involve a disturbed area of one half ( $\frac{1}{2}$ ) acre or more, all construction, including dwellings, shall make provision for soil erosion and sediment control in accordance with Section 66, unless a separate Soil Erosion and Sediment Control Plan is submitted as specified in Section 66. \*\*
  - 72.2.8 Such additional information as may be necessary to determine compliance with the provisions of these Regulations.

In addition the APPLICATION shall be accompanied by other plans, drawings, data and statements necessary to determine compliance with the provisions of these Regulations. For proposed construction involving only interior alterations, or exterior alterations with no enlargement or extension of the building or structure, the Zoning Enforcement Officer may waive

the required submission of a plan drawing. APPLICATIONS which pertain to a nonconforming building or other structure or a nonconforming lot shall be prepared and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

72.3 Additional Application Requirements: THE APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall also be accompanied by the following when applicable:

72.3.1 Article V and Section 65: When required by the provisions of ARTICLE V and Section 65, the APPLICATION shall be accompanied by the additional applications and related statements of use, site plans, architectural plans and other plans and drawings specified therein. Such plans and drawings, if incorporating all of the information required for a plan drawing under Par. 72.2, may be substituted for such plan drawing.

72.3.2 Coastal Management Act: In accordance with the provisions of Sections 22a-105 through 22a-109 of the Connecticut General Statutes, any APPLICATION pertaining to a proposed building, other structure, use, site development, excavation or grading that is subject to these Regulations and located fully or partially within the "Coastal Boundary" as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of Old Saybrook, shall be accompanied by a "Coastal Site Plan" as specified in such Act. Information required by the Act in connection with a Coastal Site Plan is in addition to and may be combined with the APPLICATION submission requirements of these Regulations. Coastal site plans shall be drawn at a scale of not less than 50 feet to the inch. Such Act assigns to the Zoning Commission the responsibility to approve, modify, condition or deny the Coastal Site Plan under the criteria of the Act, provided however that such responsibility rests with the Board of Appeals or Planning Commission as specified for APPLICATIONS under Sections 53, 56 and 71 of these Regulations. Under the authority of Section 22a-109(b) of the Connecticut General Statutes, gardening, grazing and the harvesting of crops are exempt from Coastal Site Plan review requirements; and the following are also exempt:

- a. activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- b. construction of a single detached dwelling for

one (1) family when conforming in all respects to these Regulations and when located 100 feet or more from tidal wetlands, coastal bluffs and escarpments and beaches and dunes;

- c. on any lot, the construction of new or modification of existing fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs permitted in Residence Districts and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach;
- d. construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings; and
- e. minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds, when such additions or modifications on any lot have a ground coverage of not more than 500 square feet, which maximum area is accumulated from the date of adoption of this paragraph.
- f. interior modifications to buildings;
- g. minor changes in use of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters, may also be exempted;
- h. the foregoing exemptions from coastal site plan review requirements may apply to the following site plans, plans and applications:
  - (1) Site plans submitted to the Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes.
  - (2) Applications for a special exception submitted to the Planning Commission or Zoning Board of Appeals in accordance with Section 8-2 of the Connecticut General Statutes and Sections 52 and 53 of these regulations.
  - (3) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the



Connecticut General Statutes and Section 71 of these regulations; except that a use variance shall not be exempt from coastal site plan review.

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

\* 72.4 Fees: Each APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, and related additional applications, requests for certification and provision for inspection under these Regulations, shall be accompanied by fees as set forth in An Ordinance Concerning the Adoption of a Schedule of Fees for the Processing of Land Use Applications, adopted by the Town of Old Saybrook and as the same may be amended from time to time.

72.5 Staking: No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may require the placement of stakes or markers to be made and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

\*\* 72.6 Referral: The following referrals, made by the Zoning Enforcement Officer, are applicable to particular APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE:

72.6.1 When any such APPLICATION may be approved only after approval of a SITE PLAN, approval of a SPECIAL EXCEPTION or other action by the Zoning Commission, Planning Commission or Board of Appeals as specified in these Regulations, the APPLICATION shall be referred to such Commission or Board upon receipt.

\*\*\* 72.6.2 A copy of any site plan or plot plan, received in connection with an Application for approval of an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, a SITE PLAN or approval of a SPECIAL EXCEPTION and pertaining to a lot in a Conservation Zone, shall upon receipt be transmitted to the Middlesex Soil and Water Conservation District with a request for its technical review and advisory opinion.

72.6.3 A copy of any Soil Erosion and Sediment Control Plan may be referred to the Middlesex County Soil and Water Conservation District for its technical review and advisory opinion and for certification in accordance with Section 67.

**\*\* 72.7**     Approval and Issuance: The Zoning Enforcement Officer shall approve an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and shall issue a CERTIFICATE OF ZONING COMPLIANCE when he determines that all of the requirements of these Regulations have been met. No APPLICATION shall be considered approved and no CERTIFICATE shall be considered issued unless signed by the Zoning Enforcement Officer or his Deputy.

Within 10 days after notification by the applicant that the premises are ready for occupancy, or within 10 days after receipt of the certified measurements if required, the Zoning Enforcement Officer shall issue or deny a CERTIFICATE. One (1) copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the approval of APPLICATIONS and issuance of CERTIFICATES.

**72.7.1**     Sanitation: Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved until plans for such system have been approved by the Director of Health or his authorized agent; no CERTIFICATE OF ZONING COMPLIANCE shall be issued until such system has been completed and approved by the Director of Health or his authorized agent or until the use or building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

**72.7.2**     Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Zoning Commission, Planning Commission or Board of Appeals in connection with any action of such Commission or Board, and any conditions of approval attached by the Commission or Board, shall be conditions for approval of an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer and issuance by him of a CERTIFICATE.

**72.7.3**     Temporary Certificate: Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a TEMPORARY CERTIFICATE OF ZONING COMPLIANCE having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved APPLICATION.

72.7.4 Other Permits: Approval of an APPLICATION or issuance of a CERTIFICATE shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer may at his discretion withhold approval of an APPLICATION or issuance of CERTIFICATE until any such permit has been approved and obtained by the applicant.

\* 72.7.5 Soil Erosion and Sediment Control: When a proposed use, building or other structure or site development involves a disturbed area of one half ( $\frac{1}{2}$ ) acre or more, or otherwise when provision for soil erosion and sediment control is required by these Regulations, no APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved until a Soil Erosion and Sediment Control Plan in connection therewith has been certified in accordance with Section 67 and no CERTIFICATE OF ZONING COMPLIANCE shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Plan.

\*\* 72.7.6 Measurements and Certifications: Prior to issuance of a CERTIFICATE OF ZONING COMPLIANCE, the applicant shall furnish to the Zoning Enforcement Officer a plot plan, or a SITE DEVELOPMENT PLAN if applicable, certified by a land surveyor licensed to practice in the State of Connecticut, showing the location and setback distances for buildings and structures on the lot as built. While such certified plan is not required for subsequent minor additions, alterations and outbuildings, the Zoning Enforcement Officer, if deemed necessary to determine compliance with these Regulations, may require the applicant to furnish measurements of any construction features that are subject to these Regulations, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut.

72.8 Inspections: The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No CERTIFICATE OF ZONING COMPLIANCE shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or the buildings or other structures conform to these Regulations.

72.9 Orders: The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if in his judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall withdraw such ORDER when he determines that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

## SECTION 73 - PENALTIES AND REMEDIES

- 73.1 Penalties: Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.
- 73.2 Remedies: The proper authorities of the Town of Old Saybrook, or any person, firm or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.

## SECTION 74 - AMENDMENTS

- 74.1 These Regulations, including the Zoning Map which is a part hereof, may be amended by the Zoning Commission on its own initiative or when initiated by a written petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be prepared and submitted in accordance with any rules for submission of petitions adopted by resolution of the Zoning Commission.
- 74.2 Administrative Policy #1, effective October 15, 1973, sets forth the procedures for petitioning amendments of the Zoning Regulations or Zoning Map.

ADMINISTRATIVE POLICY #1 accompanying the Zoning Regulations of the Town of Old Saybrook, Connecticut.

RULER FOR SUBMISSION OF PETITIONS:

A. General: Any petition for amendment of the Zoning Regulations or Zoning Map shall be accompanied by the following:

- A-1. Petition: three (3) copies of a petition, signed by the petitioner or his authorized agent, which shall include a statement setting forth the specific proposal which is requested to be granted a public hearing under the provisions of the Connecticut General Statutes and which may include a statement of the petitioner's interest in the land for which the change is proposed and an identification of reasons for such change and the specific use anticipated.
- A-2. Text: For petitions concerning the text of these Regulations, 25 copies of the precise wording of both the existing and the proposed text shall be submitted.
- A-3. Map: For petitions concerning the Zoning Map, the following shall be submitted:
  - a. three (3) copies of a map, drawn to a scale not less than 200 feet to the inch, covering the area of the proposed change and all area in the Town of Old Saybrook within 500 feet of the proposed change, and showing for such area the existing and proposed zoning boundary lines, the existing property lines, and an outline sketch of all buildings within the properties abutting the proposed zone change. Whenever the proposed change includes an elevation variance of fifty (50) feet or more, such map shall show contours based on Town datum, at contour intervals not less than ten (10) feet, and a north point; and
  - b. three (3) copies of a metes and bounds description of the area proposed to be changed.
- A-4. Fee: A minimum petition fee of \$200.
- A-5. A list of names and current, proper mailing addresses of property owners as indicated in the Old Saybrook Assessor's records, within 500 feet of the proposed zone boundary change.

B. Additional Information: Petitions submitted in accordance with these rules shall be scheduled for public hearing as required by law. The Commission may require additional information as it deems necessary, to be submitted by the petitioner, prior to or at such public hearing, as the Commission may determine.

Adopted and effective: October 15, 1973  
Old Saybrook Zoning Commission

## SECTION 75 - VALIDITY

- 75.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- 75.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

## SECTION 76 - EFFECTIVE DATE AND REPEAL

- 76.1 These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- 76.2 The Zoning Regulations of the Town of Old Saybrook, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations, and all amendments thereto, shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

# AMENDMENTS - TEXT OF REGULATIONS

<u>Effective Date</u>	<u>Reference</u>
December 16, 1974	Par. 32.2.2, 32.3.2, 53.6.2 and 53.6.2d re. automotive uses in B-2 Districts.
January 31, 1975	Par. 51.9 re. sub-surface sewage disposal systems.
June 26, 1975	Connecticut River Gateway Conservation Zone amendments: Par. 4.3, 6.1.4, 7.3, 7.3.1, 7.4.9, 7.5.2, 8.2.1, 8.2.3, 9.31, 22.6.3a, 23.6.2a, 24.6.2a, 25.6.2a, 41.4.1a, 41.4.2a, 41.6.2a, 51.3, 51.16, 52.4, 52.7.8, 53.4, 65.2.2, 65.2.3 and 65.6.13.
March 1, 1976	Par. 72.4 (72.4.1 thru 72.4.5); 65.8.
May 1, 1976	Par. 55.2, 55.6.2, 55.6.3 and 55.6.4.
June 15, 1976	Par. 8.2.1, 8.12, 34.1.4, 34.2.2, 51.2.5 and 55.5b.
June 15, 1977	Par. 7.4.8, 8.13, 10.6.2, 32.1.14 (deleted), 32.3.1, 51.2.2, 51.2.3, 51.12.3, 52.3.2, 53.6.2d, 55.5, 55.6.3, 55.6.4, 55.6.6, 62.7.4, 63.5.3e, 72.4.6 and 74.2.
June 15, 1978	Par. 6.1.5, 7.4.10, 8.6, 8.12, 9.9 (new), 9.33 (new), 32.2.3, 34.2.3, 35.2.8, 41.2 (and renumbering), 42.2 (and renumbering), 51.10, 51.17, 52.7.9 (new), 62.7.4 and 63.7.
June 29, 1978	(Flood Plain Management) Par. 4.2, 4.2.1 and 4.2.2; Par. 8.2.1 and 8.11; SECTION 54; Par. 66.4, 71.3 (new) and 72.2.6 (new).
July 10, 1979	(Restaurants) Par. 31.1.4, 32.1.4, 34.1.4 and 41.1.6 (deleted); Par. 31.2, 31.2.1, 32.2.4 and 41.2.2 (new); Par. 8.3 and 34.2.2 (revised) and Par. 31.3 - 31.8 (renumbering).
September 18, 1979	(Dwellings for elderly and/or handicapped persons) Par. 8.12.1, 24.2.5 and 62.3.1 (revised) and Par. 52.7.10 (new).
October 2, 1979	(Site Plan) Par. 8.2.1 and 51.16 (revised).
October 2, 1979	(Condominium District) Par. 55.2.2 (new); Par. 55.3.1-55.3.3, 55.4, 55.5 and 55.6.1 - 55.6.6 (revised).
January 29, 1980	(Marine research laboratories) Par. 35.2.3, 36.2.2 and 52.7.11 (new); Par. 35.2.4 - 35.2.10 and 36.2.3 - 36.2.8 (renumbering).

# AMENDMENTS - TEXT OF REGULATIONS

<u>Effective Date</u>	<u>Reference</u>
February 22, 1980	(Coastal Management Act) Par. 72.3 (revised); Par 72.3.2 (new); Par. 72.4.6 (new); and Par. 72.4.7 (renumbered).
February 22, 1980	Par. 7.4.10, 24.3.1, 24.3.2 and 24.3.4 (revised); Par. 51.2.4, 52.3.4 and 53.3.4 (revised); Par. 35.1.8 and 36.1.7 (revised).
March 12, 1980	Par. 10.6.2 (revised); Par. 21.2.14 and 52.7.12 (new) and Par. 21.2.15 (renumbered); Par. 7.3(revised
September 30, 1981	Par. 6.1.3 (revised).
January 29, 1983	(Saybrook Point) Par. 4.1. (revised), 4.4; (new), 5.1 (revised); 7.4.9 (revised); Section 37 (new); Par. 51.13 (revised); Par. 51.18 (new) and Par. 63.5.6 (revised) and Par. 63.5.7 (renumbered).
September 21, 1983	Par. 5.1, 7.4.9, Section 35, Par. 51.5.2, Par. 51.8 (revised); Par. 51.9.A (new), Par. 51.13, Par. 51.16 (revised); Par. 51.19 (new); Par. 62.3.11, Par. 62.3.12, Par. 63.5.5., Par. 72.2.7, Par. 72.2.8 and Par. 72.3.2 (revised).
June 16, 1984	Add new Section 26 -District of Otter Cove and Watrous Point area (AA-3)
March 18, 1985	Par. 21.1.5 (new) Par. 21.1.5 thru 21.1.8 (renumbered); 22.1.5-(new) Par. 22.1.5 thru 22.1.8 (renumbered); Par. 23.1.4 (new) Par. 23.1.4 thru 23.1.7 (renumbered); Par. 24.1.5 (new) Par. 24.1.5 thru 24.1.8 (renumbered); Par. 8.14 (new - Accessory Apartments); Par. 72.4.7 (new) Par. 72.4.7 thru 72.4.8 (renumbered).
April 25, 1985	Add new Par. 34.2.4 (Convalescent Homes); Amend Par. 34.3.1 (Dwellings; and hospitals and sanitararia); amend Par. 52.7.3(a) by adding: in B-4 District, the use shall be located on a lot having a minimum area of ten (10) acres, and there shall be no more than one (1) patient bed for each 2,500 square feet of lot area.
July 1, 1985	Add new Section 37 (Aquifer Protection); add new Section 66 (Soil Erosion and Sediment Control); Correct error in Par. 37.8.1 ("Dry" storage).
October 28, 1985	Add new Par. 41.2.3 (Convalescent Homes); amend Par. 41.3.1 and Par. 52.7.3a.



# AMENDMENTS - TEXT OF REGULATIONS

<u>Effective Date</u>	<u>Reference</u>
July 1, 1986	Amend Par. 66.4, 9.27, 51.13, 55.4, 72.7; add new Par. 51.5, 51.7, 51.14; Amend Subpar. 10.6.2, 62.3.8, 62.7.3, 62.7.4; add new subpar. 8.2.1r, 51.2.1, 51.2.5, 62.3.9, 72.7.6.
April 7, 1987	Par. 51.14.3 Landscaping, and Par. 62.7.4 Parking Setbacks, in the SP-1, 2 and 3 Districts.
November 23, 1987	Par. 8.8 Farms (revised)
December 28, 1987	SEC. 9 - DEFINITIONS: delete paragraph numbers for words defined; change 9.9.1, 9.9.2 and 9.9.3 to a, b and c; add "Coverage, Buildings and Structures" and "Coverage, Total"; revise "height" and "story, 1/2"; SEC. 51 - SITE PLANS: revise 51.15 Total Ground Coverage.
March 28, 1988	SEC. 55 - CONDOMINIUM DISTRICT: amend Par. 55.1 and 55.6.1 to include portion of AA-2 (Ragged Rock) and standards therefor.
April 25, 1988	SEC. 8 - ADDITIONAL STANDARDS: amend Par. 8.3; SEC. 33 - RESTRICTED BUSINESS B-3 DISTRICT: amend Par. 33.2.3 (food service to customers in motor vehicles).
August 24, 1988	SEC. 7 - AREA, LOCATION AND BULK STANDARDS: amend Par. 7.4.10 (delete setback from inland wetlands).
January 30, 1989	SEC. 24 - RESIDENCE A DISTRICT: amend Par. 24.2 by renumbering Par. 24.2.6 through 24.2.13 to be 24.2.7 through 24.2.14, and ADD new Par. 24.2.6 (Residential Life Care Facility); SEC. 52 SPECIAL EXCEPTIONS, ZONING COMMISSION, ADD new Subpar. 52.7.13 Special Standards; SEC. 62 - PARKING AND LOADING, Amend Subpar. 62.3.1, Required number of parking spaces.
April 27, 1989	SEC. 8 - Amend Par. 8.3 Indoor Restaurants to permit Take-out Window as a Special Exception Use; SEC. 33 (B-3 District) Amend Subpar. 33.2.3 to permit Take-out Window.
October 2, 1989	Par. 24.6 (Building Bulk and Coverage) Amend Subpar. 24.6.2a to read: "On lots in the Conservation Zone - 15%".
December 4, 1989	<u>Section 9: Lot Area and Shape and Coverage,</u> <u>Buildings and Structures - Revised.</u>
August 21, 1990	<u>Section 26.3: Lot Area, Shape and Frontage,</u> Minimum Lot Area amended from 80,000 to 87,120 s.f.

AMENDMENTS - TEXT OF REGULATIONS

<u>Effective Date</u>	<u>Reference</u>
October 1, 1990	SEC. 8.14 - ACCESSORY APARTMENTS: amend Par. 8.14.2 to allow non-profit corporations to be non-resident owners of dwelling; SEC. 9 - DEFINITIONS: amend to add "Non-Profit Corporation".
October 1, 1991	Par. 64.8 - (Excavation and Grading) Inspection Fee amended; Par. 72.4 <u>Fees</u> amended and delete Par. 72.4.1 through 72.4.9; Administrative Policy #1: Rules for Submission of Petitions - amend Par. A-4 <u>Fee</u> .
November 10, 1993	SEC. 9 - DEFINITIONS: under Par. 9.1, <u>General</u> , add a new definition of "Bed and Breakfast Transient Lodging" referring to Par. 52.7.14.  Add "Bed and Breakfast Transient Lodging" to the list of Special Exception Uses in the following districts: Residence AA-2 (Par. 23.2.1), and A (Par. 24.2.1) and Business B-1 (Par. 31.2.2), B-2 (Par. 32.2.5), B-3 (Par. 33.2.5 and B-4 (Par. 34.2.5).  Under SEC. 52 - SPECIAL EXCEPTIONS (Zoning Commission) and Par. 52.7 <u>Special Standards</u> , add a new Par. 52.7.14 <u>Bed and Breakfast</u> establishing the special standards for grant of a Special Exception.
January 1, 1995	A new Section 62, establishing revised criteria for parking, loading, access and circulation of motor vehicles. A new Section 63, establishing requirements for landscaping, screening and buffer areas. Other amendments include a new definition of gross floor area, to be used in determining parking space ratio requirements and other necessary cross references to Sections 62 and 63 throughout the existing text.
April 13, 1995	A new Section 7.2.1 establishes standards for minimum area of buildable land on each building lot created; revised Section 51 establishes new requirements for SITE PLAN submissions; certain subsections of Section 51 are renumbered and relocated to Section 8, Additional Standards; revisions to Section 8.2.1 establish requirements for "PLOT PLAN" submissions; in BUSINESS and INDUSTRIAL DISTRICTS permitted uses with a gross floor area greater than a specified amount will require a SPECIAL EXCEPTION PERMIT.

AMENDMENTS - TEXT OF REGULATIONS

Effective Date

Reference

May 16, 1995

Addition of Section 52.7.15 to current Section 52, Special Exception, establishing standards for Adult Entertainment Businesses, including procedural and informational requirements; New definition in Section 9 added; revised Section 34.2 in B-4 General Business District to allow for Adult Entertainment Businesses by Special Exception.

May 30, 1995

A revised Section 66 which establishes new requirements for the parking and storage of trailers, including definitions, standards and administrative procedures; existing definitions in Section 9 replaced with amended definitions.

## AMENDMENTS - ZONING MAP

<u>EFFECTIVE DATE</u>	<u>REFERENCE</u>
February 25, 1974	MCL to A, Saltus Drive
December 16, 1974	B-3 to B-2, Middlesex Turnpike at Rt. 9
June 26, 1975	B-3 to AAA, Middlesex Turnpike at Rt. 9
September 23, 1976	I-1 to A, Ingham Hill Road, north of Rt. 1
August 9, 1977	B-4 to A, south of Rt. 1 at railroad
June 12, 1979	I-1 to AA-1, Ingham Hill Road, north of railroad
August 14, 1979	A to B-2, south side of Rt. 1, west of Quarry Street
January 29, 1983	Saybrook Point - New SP-1, SP-2 & SP-3
September 21, 1983	North Cove (MCL to MC, MCL to A and A to MC) Riverfront (A to MC) and Ferry Point/Hydes Creek (A to MC and MC-2)
October 12, 1983	Off Main Street, north of Coulter Street (B-1 to Residence A)
February 6, 1984	Intersection of Essex Road and Fourth Avenue Extension - B-2 to Residence A
February 15, 1984	Residence A to B-3, portion of property on northwest corner of Ingham Hill Road and Boston Post Road (McDonald's Restaurant)
June 16, 1984	District of Otter Cove & Watrous Point area - AA-1 to AA-3.
November 5, 1984	B-2 to Residence AA-2 - portion of lot #17, Map #58 - off Spring Brook Road
April 25, 1985	Residence A to B-2, south side of Route 1, west of Quarry Street - 3.2 Acres
July 1, 1986	Industrial One to Residence A on less than 1/4 acre on southerly side of Ragged Rock Road.
March 28, 1988	Establishment of Condominium District on portion of AA-2 (Ragged Rock area); revision of Condominium District map note.

## ADMINISTRATIVE RULES AND PROCEDURES

<u>ADOPTED</u>	<u>SUBJECT</u>
October 15, 1973	#1 - Rules for Submission of Petitions
May 6, 1974	#2 - Submission of Site Plans

AMENDMENTS - ZONING MAP

EFFECTIVE DATE

REFERENCE

Feb. 15, 1988

Zone Change on 9.5 acres (more or less) on Coulter Street, Map 49, Lot 12, to Residence A from Industrial 1.

May 16, 1988

From Residence A to B2 on 1.9 acres, Ledge Road and Route 1, Map 29, Lots 13, 14, 15 16, 36.

May 30, 1989

Residence A to B2 on a portion of Lot 37 on Map 29, Ledge Road and Route 1.

December 18, 1990

Zone Change - B-4 to Residence A on a portion of Lot #5 on Map #17, Route One and Thompson Lane.