

Z O N I N G R E G U L A T I O N S

O F T H E

T O W N O F O L D S A Y B R O O K , C O N N E C T I C U T

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OLD SAYBROOK ZONING COMMISSION

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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 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 District	MC
Marine Commercial Limited MCL District	MCL
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:

Flood Plain District
Condominium District

- 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.

SECTION 5 - ZONING MAP

- 5.1 Map: The boundaries of the districts specified in Section 3 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 supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map".
- 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.

SECTION 6 - PERMITTED USES

- 6.1 Uses: Land, buildings and other structures in any district may be used for one or more 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 65.
 - 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, whirligig, 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.
 - 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.
- 6.2 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.

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 and Frontage: 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 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, airconditioning 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.

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. 35.1.6, 35.1.8, 35.1.9, 35.1.10, 36.1.7 and 36.1.8.

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 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.

7.5.2 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 Plans: Site 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 Site Plan: A site plan shall be drawn to a scale of not less than 50 feet to the inch and shall show all of the following information, both existing and proposed, as applicable to the particular APPLICATION: property lines and lines delimiting the land to be used under the APPLICATION; contours at an interval not exceeding two (2) feet or equivalent ground elevations; buildings, structures, retaining walls, signs and outdoor illumination facilities; streets, driveways and off-street parking and loading spaces; outside storage areas and all paved areas; water courses, ponds and wetlands; storm drainage and sewage disposal and water supply facilities; docks, wharfs and bulkheads; in a Conservation Zone, provisions for erosion and sedimentation control; and landscaping (including trees and/or shrubs, lawn, other landscape features and natural terrain not to be disturbed). The site plan shall be prepared by a professional engineer, architect, land surveyor or landscape architect licensed to practice in the State of Connecticut and as required by law.
- 8.2.2 Architectural Plans: 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, prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut.
- 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 seated at tables or counters, and at least 75% of the customer seats shall be located within an enclosed building. Such establishments may include a food

take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.

- 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. Home occupations consist of activities 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 two (2) nonresident persons 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.
- 8.7 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. horses or ponies may be kept on a lot of less than five (5) acres provided that the lot contains an area of not less than 40,000 square feet for each such animal and the total number thereof does not exceed three (3); and
 - b. an aggregate of not more than 20 chickens or other poultry 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: The floor of any building or other structure to be used for human occupancy shall have an elevation of not less than 10 feet above Mean Sea Level in accordance with the following limitations and exceptions:

- 8.11.1 In the case of dwellings, the minimum floor elevation shall apply to any floor or portion thereof that includes rooms that are designed and intended for use as kitchen, bedroom, and principal living room and bathroom of a dwelling unit.
- 8.11.2 No basement shall have a floor elevation of less than six (6) feet above Mean Sea Level, and this provision, in the case of dwellings, shall also apply to any floor or portion thereof that includes rooms that are designed and intended for use for purposes other than those specified in Par. 8.11.1.
- 8.11.3 The minimum floor elevations specified above shall not apply to additions or alterations to buildings or other structures which do not conform to such elevations on the effective date of these Regulations, and any such building or other structure shall not be deemed nonconforming under the provisions of these Regulations.

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.
- 9.2 Commercial Trailer: See Par. 65.2.3 of Section 65.
- 9.3 Dwelling: A "dwelling" is a building containing one (1) or more "dwelling units".
- 9.4 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".
- 9.5 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.
- 9.6 Floor Area: In computing total floor area of buildings and other structures for the purpose of determining building bulk and coverage, measurements shall be taken to the outside surfaces of exterior walls enclosing the floor area.
- 9.7 Frontage: "Frontage" is defined as a property line that is also a "street line".
- 9.8 Height: In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the average ground level within 10 feet of the building or structure to the level of the highest roof of the building or highest feature of the structure.
- 9.9 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.

- 9.10 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.
- 9.11 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 more than 25% of 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.
- 9.12 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.
- 9.13 Mobile Home: See Par. 65.2.4 of Section 65.
- 9.14 Motorized Camper: See Par. 65.2.1(c) of Section 65.
- 9.15 Nonconformity: See Par. 10.2 of Section 10.
- 9.16 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.
- 9.17 Pick-Up Camper: See Par. 65.2.1(b) of Section 65.
- 9.18 Pick-Up Coach: See Par. 65.2.1(b) of Section 65.
- 9.19 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.
- 9.20 Sign: See Par. 63.2 of Section 63.

- 9.21 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".
- 9.22 Story, $\frac{1}{2}$: For the purpose of determining the number of stories in a building, a " $\frac{1}{2}$ " story shall mean the highest most story of the building, and having a stairway access located within the walls of the building and having a floor area, with a ceiling height of at least seven (7) feet, equal to no more than 50% of the floor area of the floor next below.
- 9.23 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.
- 9.24 Street, Width: The "width" of a "street" shall mean the distance between the "street lines".
- 9.25 Street Line: The term "street line" shall mean the right-of-way, easement or taking line of any "street" or of any easement of vehicular access or private right-of-way 25 feet or more in width.
- 9.26 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.
- 9.27 Tent Trailer: See Par. 65.2.1(d) of Section 65.
- 9.28 Trailer: See Par. 65.2 of Section 65.
- 9.29 Travel Trailer: See Par. 65.2.1(a) of Section 65.
- 9.30 Utility Trailer: See Par. 65.2.2 of Section 65.
- 9.31 Non-Commercial Cutting: 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.

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.

- 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.

A R T I C L E I I

R E S I D E N C E D I S T R I C T S

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 21 - RESIDENCE AAA 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 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 21.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 21.1.7 Signs as provided in Section 63.
- 21.1.8 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 sanatoria, 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. 21.1.5.
- 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 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%

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 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 22.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 22.1.7 Signs as provided in Section 63.
- 22.1.8 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

22.2 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. 22.1.5

- 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.

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 Schools, parks, playgrounds and open space land of the Town of Old Saybrook.
- 23.1.5 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 23.1.6 Signs as provided in Section 63.
- 23.1.7 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 Roadside stands for the display and sale of farm products grown on the premises.
- 23.2.3 Day nurseries.
- 23.2.4 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 23.2.5 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.
- 23.2.6 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 23.1.4.

- 23.2.7 Summer day camps, provided that there is no furnishing of rooms.
- 23.2.8 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.
- 23.2.9 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 23.2.10 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 23.2.11 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 23.2.12 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 23.2.13 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%

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 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 24.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 24.1.7 Signs as provided in Section 63.
- 24.1.8 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 Roadside stands for the display and sale of farm products grown on the premises.
- 24.2.3 Day nurseries.
- 24.2.4 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 24.2.5 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.

- 24.2.6 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 24.1.5.
- 24.2.7 Summer day camps, provided that there is no furnishing of rooms.
- 24.2.8 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.
- 24.2.9 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 24.2.10 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 24.2.11 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 24.2.12 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 24.2.13 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: 12,500 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: 80 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: 80 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 not served by public water supply in Conservation Zone:	15%

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 63.
- 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%

A R T I C L E I I I

B U S I N E S S A N D M A R I N E D I S T R I C T S

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 MCL DISTRICT

SECTION 31 - CENTRAL BUSINESS B-1 DISTRICT

31.1 Permitted Uses:

- 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 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 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 63.

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

31.2 Prohibited Uses:

31.2.1 Dwellings; and convalescent homes, hospitals and sanitarium.

31.2.2 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.

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

31.2.4 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.

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

31.2.6 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding and machine shops.

31.3 Lot Area, Shape and Frontage:

31.3.1 Minimum Lot Area:

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

31.3.2 Minimum Dimension of Square:

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

31.3.3 Minimum Frontage: 50 feet.

31.4 Height:

- | | |
|-----------------------------------|-------------|
| 31.4.1 Maximum Number of Stories: | 2½ stories. |
| 31.4.2 Maximum Height: | 35 feet. |

31.5 Setbacks:

31.5.1	From Street Line:	10 feet
31.5.2	From Rear Property Line:	10 feet
31.5.3	From Other Property Line:	none
31.5.4	From Residence District Boundary Line:	20 feet
31.5.5	Projections Into Setback Area:	5 feet

31.6 Building Bulk and Coverage:

31.6.1	Maximum Floor Area:	200%
31.6.2	Maximum Ground Coverage:	75%

31.7 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 31.1.1 through 31.1.12, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

SECTION 32 - SHOPPING CENTER BUSINESS B-2 DISTRICT

32.1 Permitted Uses:

- 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 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 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 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 32.1.15 Buildings, uses and facilities of the Town of Old Saybrook.
- 32.1.16 Signs as provided in Section 63.
- 32.1.17 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.

32.3 Prohibited Uses:

- 32.3.1 Dwellings.
- 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 material, 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 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 and approved in accordance with the provisions of Section 51.

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 63.
- 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, 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 Day nurseries.

- 33.2.7 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 33.2.8 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.
- 33.2.9 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 33.1.5
- 33.2.10 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.
- 33.2.11 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 33.2.12 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 33.2.13 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 33.2.14 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 33.2.15 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%

SECTION 34 - GENERAL BUSINESS B-4 DISTRICT

34.1 Permitted Uses:

- 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 Restaurants and other food and beverage service establishments.
- 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 and maintenance and service facilities.
- 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, wood-working, 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 63.
- 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.

34.3 Prohibited Uses:

- 34.3.1 Dwellings; and convalescent homes, hospitals and sanitararia.

34.4 Lot Area, Shape and Frontage:

34.4.1 Minimum Lot Area:

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

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: 2½ 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:	80%
34.7.2	Maximum Ground Coverage:	40%

- 34.8 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 34.1.1 through 34.1.15, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

SECTION 35 - MARINE COMMERCIAL MC DISTRICT

35.1 Permitted Uses:

- 35.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 35.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8.
- 35.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.
- 35.1.4 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.
- 35.1.5 Schools, parks, playgrounds and open space lands of the Town of Old Saybrook.
- 35.1.6 A dock, wharf, slip basin or similar landing facility for pleasure boats, or for vessels engaged in fishery or shell fishery but expressly excluding the processing of junk fish.
- 35.1.7 A fish market primarily handling local catches.
- 35.1.8 Establishments for making repairs to and servicing of boats, including the dispensing of fuel and lubricants at retail but expressly excluding bulk storage of fuel.
- 35.1.9 A sail loft or ship chandlery, including the retail sale of marine equipment, engines and provisions for boats.
- 35.1.10 Storage of boats when accessory and subordinate to a use permitted under Par. 35.1.6 or 35.1.8.
- 35.1.11 Signs as provided in Section 63.
- 35.1.12 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 Conversion of dwellings so as to contain two (2) dwelling units.

- 35.2.2 The following uses when accessory and subordinate to a use permitted under Par. 35.1.6 on the same lot: stores and other buildings and structures where goods are sold or services are rendered primarily at retail; business and professional offices associated with boating; indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8; and swimming and other recreational facilities.
- 35.2.3 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 35.1.5.
- 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 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: | 2½ 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: | 20 feet. |
| 35.5.5 | Projections Into Setback Area: | 3 feet. |

35.6 Building Bulk and Coverage:

- | | | |
|--------|--------------------------|-----|
| 35.6.1 | Maximum Floor Area: | 80% |
| 35.6.2 | Maximum Ground Coverage: | 40% |

- 35.7 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 35.1.6 through 35.1.10, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

SECTION 36 - MARINE COMMERCIAL LIMITED MCL DISTRICT

36.1 Permitted Uses:

- 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 making minor repairs to and 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 63.
- 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 Buildings, uses and facilities of the Town of Old Saybrook other than uses specified in Par. 36.1.5.
- 36.2.3 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 36.2.4 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

- 36.2.5 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 36.2.6 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 36.2.7 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 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 36.1.6 through 36.1.8, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

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:

- 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 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 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 63.
- 41.1.18 Accessory uses customary with and incidental to any aforesaid permitted use.

41.2 Prohibited Uses:

- 41.2.1 Dwellings; and convalescent homes, hospitals and sanitarium.
- 41.2.2 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.
- 41.2.3 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.
- 41.2.4 Commercial kennels; livery and boarding stables and riding academies; and roadside stands for the display and sale of farm products; summer day camps.

41.3 Lot Area, Shape and Frontage:

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

41.4 Height:

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

41.5 Setbacks:

41.5.1	From Street Line:	50 feet.
41.5.2	From Rear Property Line:	20 feet.
41.5.3	From Other Property Line:	20 feet.
41.5.4	From Residence District Boundary Line:	50 feet.
41.5.5	Projections Into Setback Area:	5 feet.

41.6 Building Bulk and Coverage:

41.6.1	Maximum Floor Area:	80%
41.6.2	Maximum Ground Coverage:	40%
	a. in Conservation Zone:	25%

- 41.7 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 41.1.1 through 41.1.15, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

SECTION 42 - INDUSTRIAL I-2 DISTRICT

42.1 Permitted Uses:

- 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 63.

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

42.2 Prohibited Uses:

- 42.2.1 Dwellings; and convalescent homes, hospitals and sanitarium.
- 42.2.2 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.
- 42.2.3 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.
- 42.2.4 Commercial kennels, livery and boarding stables and riding academies, and roadside stands for the display and sale of farm products, summer day camps.
- 42.2.5 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.
- 42.2.6 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.

42.3 Lot Area, Shape and Frontage:

42.3.1 Minimum Lot Area:

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

42.3.2 Minimum Dimension of Square:

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

42.3.3 Minimum Frontage:

50 feet.

42.4 Height:

- | | |
|-----------------------------------|------------|
| 42.4.1 Maximum Number of Stories: | 3 stories. |
| 42.4.2 Maximum Height: | 50 feet. |

42.5 Setbacks:

42.5.1	From Street Line:	75 feet.
42.5.2	From Rear Property Line:	50 feet.
42.5.3	From Other Property Line:	50 feet.
42.5.4	From Residence District Boundary Line:	100 feet.
42.5.5	Projections Into Setback Area:	5 feet.

42.6 Building Bulk and Coverage:

42.6.1	Maximum Floor Area:	50%
42.6.2	Maximum Ground Coverage:	25%

42.7 Site Plan: Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 42.1.1 through 42.1.11, a SITE PLAN shall be submitted and approved in accordance with the provisions of Section 51.

ARTICLE V

SITE PLANS, 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 51 - SITE PLANS

- 51.1 General: The following regulations shall apply to the submission and administrative approval of SITE PLANS for the establishment of certain uses of land, buildings and other structures as specified in Business, Marine and Industrial Districts. All provisions of this Section are in addition to other provisions applicable in the district in which the use is to be located.
- 51.2 Application: The SITE PLAN, submitted to the Zoning Enforcement Officer with an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, shall include the following:
- 51.2.1 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.
 - 51.2.2 Site Plan: four (4) copies of a site plan, in accordance with the provisions of Section 8.
 - 51.2.3 Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
 - 51.2.4 Waiver: The Zoning Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs 51.2.2 and 51.2.3 which pertains to existing buildings, structures and/or site development that are not proposed to be altered or changed if the Commission finds that the information is not necessary in order to decide on the APPLICATION.
- 51.3 Standards and Procedures: The SITE PLAN shall conform to the standards hereinafter specified in this Section. Upon receipt, the Zoning Enforcement Officer shall transmit the SITE PLAN and a copy of the APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE to the Zoning Commission; he shall also transmit a copy thereof to the Planning Commission. A copy of any site plan pertaining to a lot in a Conservation Zone shall 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. Within 45 days after receipt of such copies, 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. Within 65 days after receipt of a complete SITE PLAN and APPLICATION by the Zoning Commission, it shall either approve, approve subject to modifications or disapprove the SITE PLAN. The applicant may consent in writing to any extension of the time for action. The grounds for the action of the Zoning Commission shall be stated by the Commission in its records. In the event of failure of the Zoning Commission to act within the 65 day period, or as such period may be extended, the Zoning Enforcement Officer shall enforce the standards hereinafter specified.

- 51.4 General: The proposed use, buildings and other structures, signs and parking and loading spaces shall conform to all of the requirements of these Regulations.
- 51.5 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.
- 51.6 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.
- 51.7 Plan of Development: The site plan and architectural plans shall be in conformance with the purpose and intent of any Plan of Development, or Supplement or Amendment thereto, adopted by the Planning Commission for the area in which the use is to be located.
- 51.8 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 in 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 in accordance with sound design criteria under good engineering practice and approved by the Zoning Commission.
- 51.9 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 sub-surface 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 SITE PLAN. 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.
- 51.10 Wetlands: The site plan shall provide for the protection of tidal marshes, upland swamps and other wetlands on the lot by avoiding pollution, excavation, grading or filling, unless the Zoning Commission determines that the wetland is already permanently damaged, cannot support marine life or does not function in an effective manner in the control of flooding in the natural drainage system.

51.11 Existing Streets: Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the Zoning Commission and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access specified in Par. 51.5.

51.12 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:

51.12.1 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.

51.12.2 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.

51.12.3 Parking Spaces: Parking spaces and driveways in connection therewith may extend any distance into the area required for setback, or a lesser distance, in accordance with the district where located, as follows:

	<u>Street Line</u>	<u>Property Line</u>	<u>Residence District Boundary Line</u>
a. B-1:	any	any	10 feet
b. B-2:	20 feet	any	15 feet
c. B-3:	none	10 feet	Not Applicable
d. B-4:	40 feet	any	25 feet
e. MC:	35 feet	any	10 feet
f. MCL:	35 feet	any	10 feet
g. I-1:	40 feet	any	25 feet
h. I-2:	25 feet	25 feet	none

The foregoing limitations shall not apply to necessary access drives across areas required for setback from a street line.

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51.13 Outside Storage: 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%

In addition, any outside storage area located in an I-1 or I-2 District shall be 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.

51.14 Landscaping: Sufficient landscaping shall be provided and permanently maintained on each lot so as to meet the standards of Par. 51.6. All portions of the lot that are not left as undisturbed natural terrain shall be suitably graded, cleared of debris and seeded or otherwise improved or landscaped so as to avoid soil erosion. The area required for setback from a Residence District boundary line, except as such area may be authorized for use for parking spaces under Par. 51.12.3, shall be provided with evergreen shrubs or trees, which may be in combination with fences, walls or embankments, so as to provide a transition to the Residence District and provide for the reasonable use and enjoyment of such District as a residential area.

51.15 Total Ground Coverage: The total ground coverage by buildings and other structures, outside storage and paving shall be limited in extent on any lot in specified districts as follows:

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

51.16 Erosion and Sedimentation Control: In a Conservation Zone, the site plan shall provide for erosion and sedimentation control that meets the following criteria:

51.16.1 The site development shall be fitted to the topography and soils so as to create the least erosion potential.

51.16.2 Wherever feasible, natural vegetation shall be retained and protected. Only the smallest practical area of land shall be exposed at any one time during construction.

51.16.3 When land is exposed during construction, the exposure shall be kept to the shortest practical period of time.

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 3.
- 52.3.3 Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 3.
- 52.3.4 Waiver: The Zoning Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs 52.3.2 and 52.3.3 which pertains to existing buildings, structures and/or site development that are not proposed to be altered or changed if the Commission finds that the information is not necessary in order to decide on the Application.
- 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 accompanying the application and pertaining to a lot in a Conservation Zone shall 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. 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 conform to the standards of Section 51 concerning Plan of Development, Drainage, Sanitation, Wetlands and Existing Streets.
- 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 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.
- 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.

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.
- 53.3.4 Waiver: The Board of Appeals, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs 53.3.2 and 53.3.3 which pertains to existing buildings, structures, and/or site development that are not proposed to be altered or changed if the Board finds that the information is not necessary in order to decide on the Application.

- 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 accompanying an application for an automotive use and pertaining to a lot in a Conservation Zone shall 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. 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.

53.5.2 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) motor vehicles awaiting repair shall be stored or parked out-of-doors except that additional 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 General: The Flood Plain District is a class of district in addition to and overlapping one or more of the other districts. In any Flood Plain District no land, building or other structure shall be used, no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land shall be filled or excavated except in accordance with this Section.
- 54.2 Purpose: In the delineation of Flood Plain Districts it is recognized that there are areas of the Town of Old Saybrook which are, or which are surrounded by areas which are, subject to potential, periodic, occasional or frequent flooding and/or which function as part of the natural drainage system of the Town. Strict limitations on the use of land, buildings and other structures for human habitation, on the construction of buildings and other structures and on the filling or excavation of land are necessary for the protection of the public health and safety and for protection of property values. The purposes of the Flood Plain District include the following:
- 54.2.1 To establish strict standards on the use of land, buildings and other structures, the filling or excavation of land and the construction of buildings and other structures, in order to protect life and property, to avoid health problems and to avoid increase in flood danger;
 - 54.2.2 To establish a procedure for review of plans for all development projects in floodable areas with regard to security of access in emergencies, flood potentials, protective works and potential increase in flood danger to other property;
 - 54.2.3 To recognize flood potentials projected by the U. S. Army Corps of Engineers and by other studies that may be made from time to time;
 - 54.2.4 To recognize that some floodable areas serve a valuable conservation function which should not be disrupted until after a determination that such areas can be used for human occupancy without danger to the public health, safety and property values; and
 - 54.2.5 To delineate, from time to time, floodable areas where special precautions should be exercised and conservation functions should be considered.
- 54.3 Boundaries: The Flood Plain District consists of the following:
- 54.3.1 Wetlands: all "wetlands" as defined in Public Act 695 of the 1969 Session, Connecticut General Assembly; and

54.3.2 Other: such other areas as may be delineated from time to time by the Zoning Commission and made a part of the Zoning Map.

54.4 Procedure: Land in a Flood Plain District shall be preserved and retained in its natural state unless a change is authorized by one of the following:

54.4.1 State: grant of a permit by the Commissioner of Environmental Protection, State of Connecticut, under the provisions of said Public Act 695;

54.4.2 Town Ordinance: approval of the Board of Selectmen as provided by a Town Ordinance adopted on December 4, 1970; or

54.4.3 Special Exception: when the provisions of Par. 54.4.1 and 54.4.2 are not applicable by law, approval of a SPECIAL EXCEPTION by the Zoning Commission in accordance with Section 52 and additional standards hereinafter specified.

54.5 Standards: The proposal requested under the SPECIAL EXCEPTION shall conform to all of the standards and conditions of Section 52 and the following:

54.5.1 The proposed use, buildings and other structures shall conform to all of the requirements of the District where located.

54.5.2 The streets and driveways giving access to any building or other structure for human occupancy shall be of such elevation, or shall be suitably protected, as to allow access by emergency vehicles during flood.

54.5.3 Any private sewage disposal or water supply system shall be approved by the Director of Health of the Town of Old Saybrook.

54.5.4 The proposed use, building or other structure and any construction or any filling or excavation of land shall not increase the potential for flooding in the surrounding area and shall not otherwise endanger the public health or safety or property values.

SECTION 55 - CONDOMINIUM DISTRICT

- 55.1 **General:** The Condominium District is a class of district in addition to and overlapping the Residence A District or such portion thereof as may be delineated on the Zoning Map. Within the Condominium District and in accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission may approve a SPECIAL EXCEPTION to permit use of a lot for condominium development. If so approved, all other uses of of the lot are expressly prohibited.
- 55.2 **Definition:** A "condominium development" shall mean one (1) or more dwellings each containing not less than four (4) nor more than eight (8) dwelling units 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.
- 55.3 **Application:** Application for a 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:** four (4) 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, and existing contours at an interval not exceeding five (5) feet and the location seepage test holes.
- 55.3.2 **Site Plan:** four (4) copies of a site plan, in accordance with the provisions of Section 8.
- 55.3.3 **Architectural Plans:** four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 55.3.4 **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 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.

- 55.5 Approval: After the public hearing the Zoning Commission may grant preliminary approval to the application or preliminary approval subject to modifications. Preliminary approval of the application shall not constitute final approval and shall merely authorize the submission of detailed plans setting forth the specifications for the condominium development plan. Final approval of the application shall be considered granted by the Zoning Commission when the Commission has approved the detailed plans. The Zoning Commission may grant preliminary and final approval if it finds that the condominium development will conform to the standards hereinafter specified. Approval of an application under this Section shall constitute approval conditioned upon completion of the condominium development, in accordance with plans as approved, within a period of five (5) 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 25% of the total number of dwelling units, or one (1) dwelling, whichever includes the greater number of units, and approved under the detailed plans 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. 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. 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 that have an average seepage rate of not more than one (1) inch per eight (8) minutes.

- 55.6.2 Dwelling Units: The dwellings shall be located on suitable building land on the lot. The total number of dwelling units on the lot shall not exceed five (5) per acre of suitable building land as approved by the Zoning Commission, except that there may be one (1) additional dwelling unit for each acre of the lot in the Condominium District that is permanently reserved by deed covenant for park, recreation, conservation or other open space purposes, for common use of the residents of the condominium development or in the alternative is reserved for such purposes by conveyance to the State of Connecticut, Town of Old Saybrook or a private land trust; the maximum number of such additional dwelling units shall not exceed one (1) per acre of suitable building land, so that the total number of dwelling units does not exceed six (6) per acre of such land.
- 55.6.3 Dwelling Unit Specifications: No dwelling unit shall contain more than two (2) bedrooms. Each one-bedroom dwelling unit shall contain not less than 800 square feet of enclosed floor space; each two-bedroom dwelling unit shall contain not less than 1,200 square feet of enclosed floor space.
- 55.6.4 Setbacks: In any condominium development, no building or other structure shall extend within less than 50 feet of any street line or property line. No dwelling shall extend within less than 35 feet of any other dwelling.
- 55.6.5 Utilities: 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 in soil with a seepage of one (1) inch in five (5) minutes or less. Seepage tests shall be taken in accordance with the State Sanitary 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; 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. Sewage disposal systems shall be designed and constructed in accordance with applicable State and Town codes and regulations. All electric and telephone utility lines shall be located underground.
- 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.

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.

A R T I C L E V I

T O W N W I D E R E Q U I R E M E N T S

SECTION 61 - PERFORMANCE STANDARDS

SECTION 62 - PARKING AND LOADING

SECTION 63 - SIGNS

SECTION 64 - EXCAVATION AND GRADING

SECTION 65 - TRAILERS

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 - PARKING AND LOADING

62.1 General: Parking spaces and loading spaces shall be provided off the street for any use of land, buildings or other structures in accordance with the standards hereinafter specified. Off-street parking and loading spaces required by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. All off-street parking and loading spaces hereafter established, whether required by this Section or not, shall conform to the standards of Paragraph 62.7.

62.1.1 Existing Uses: Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of this Section. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any existing use which does not conform to the standards of this Section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this Section.

62.2 Dimensions: For the purpose of this Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one (1) automobile having an overall length of 20 feet and shall contain an area of 180 square feet; one (1) loading space shall constitute an area 12 feet in width and 30 feet in length with a vertical clearance of 15 feet with such shape, access and slope as to accommodate one (1) truck having an overall length of 30 feet.

62.3 Parking Spaces: Off-street parking spaces shall be provided in such number and location specified as follows:

62.3.1 Dwellings (and rented rooms): two (2) spaces for each family or dwelling unit plus one (1) space for each bed in the rented room for tourists or roomers, and located on the same lot with the dwelling.

62.3.2 Professional Office (in a dwelling unit): four (4) spaces, and located on the same lot with the dwelling.

- 62.3.3 Auditorium (churches, places of worship, theaters, assembly halls or stadium): one (1) space for each five (5) seats, and located on a lot not more than 300 feet in a direct line from the building; if the building is located in a Residence District, such parking spaces shall be located on the same lot with the building.
- 62.3.4 Undertaker: one (1) space for each five (5) seats, and located on the same lot with the building.
- 62.3.5 Stores and Offices (retail stores, business and professional offices, post offices, financial institutions and medical and dental clinics): one (1) space for each 150 square feet of ground floor area of the building and each 300 square feet of upper floor area, and located on a lot not more than 300 feet in a direct line from the building.
- 62.3.6 Restaurants (and other establishments serving food or beverages): one (1) space for each 50 square feet of patron floor area, and located on the same lot with the building.
- 62.3.7 Bowling Alleys: four (4) spaces for each alley, and located on the same lot with the building.
- 62.3.8 Hospitals and Motels (and hotels, convalescent homes and sanitariums): one (1) space for each bed for patients or guests plus one (1) space for each three (3) employees, and located on the same lot with the building.
- 62.3.9 Service stations (and automobile repair garages): 10 spaces, and located on the same lot with the building.
- 62.3.10 Commercial and industrial (including warehouses, wholesale businesses, trucking terminals, research laboratories and establishments for the manufacture, processing or assembling of goods): one (1) space for each 1.5 employees during the largest daily work shift period, and located on a lot not more than 500 feet in a direct line from the building.
- 62.3.11 Other uses: sufficient off-street parking spaces, as approved by resolution of the Zoning Commission shall be provided in connection with any use not specified in Paragraphs 62.3.1 through 62.3.3 to accommodate the vehicles of all persons occupying the premises so that the purpose and intent of this Section is maintained.

- 62.4 Multiple Uses: Where separate parts of a building are used for purposes for which there are different numbers of parking spaces required in Paragraph 62.3, the number of spaces required shall be determined by adding the number of spaces required for each separate use. When two or more classifications provided in Paragraph 62.3 are applicable to a use of land, buildings or other structures, the classification requiring the larger number of spaces shall apply.
- 62.5 Joint Use of Parking Space: The owners of two or more separate premises may establish a joint parking area to provide the total number of required parking spaces.
- 62.6 Loading Space: Each building or structure other than a dwelling, having a gross floor area in excess of 4,000 square feet, shall be provided with one (1) off-street loading space on the same lot with the building for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.
- 62.7 Standards: All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:
- 62.7.1 Design: Except for parking spaces provided in connection with a dwelling, each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 20 feet without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading.
- 62.7.2 Construction: All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling, all off-street parking and loading spaces located within 10 feet of any public street right-of-way shall be separated from such right-of-way by a curb, a fence or wall or an embankment in such a manner that cars will not overhang the right-of-way.

62.7.3 Landscaping: Any parking area accommodating 30 or more cars in connection with a use of land, buildings or other structures for which approval of a SITE PLAN or SPECIAL EXCEPTION is required under these Regulations shall be provided with not less than one (1) tree, for each 30 cars in the parking area, and suitably located in landscaped islands within or border strips adjacent to the parking area so as to enhance the appearance of the premises. Trees shall be of a species approved by the Zoning Commission, shall be suitably planted and maintained and shall be not less than two (2) inches caliper and 10 feet in height.

SECTION 63 - SIGNS

- 63.1 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.
- 63.2 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.
- 63.3 Standards - All Districts:** Signs in all Districts shall conform to the following standards:
- 63.3.1 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. 63.3.1, 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.

63.3.2 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.

63.3.3 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.

63.3.4 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.

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

63.4 Standards - Residence Districts: In addition to the standards specified in Par. 63.3, all signs in Residence Districts shall conform to the following standards:

63.4.1 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 63.4.1(a), 63.4.1(b) and 63.4.1(f).

63.4.2 Location and Height: Signs permitted under Paragraph 63.4.1(c), 63.4.1(d) and 63.4.1(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.

63.5 Standards - Other Districts: Signs permitted under Par. 63.4 are permitted in all other Districts. In addition to the standards specified in Par. 63.3, all other signs in Business, Marine and Industrial Districts shall conform to the following standards:

63.5.1 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.

63.5.2 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.

63.5.3 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.

63.5.4 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.

63.5.5 Marine 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;
- 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.

63.5.6 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.

63.6 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.

- 63.7 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 10 consecutive days, and totaling more than 30 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 64 - EXCAVATION AND GRADING

- 64.1 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. 64.2 or as authorized under an Application for a TEMPORARY SPECIAL EXCEPTION granted by the Zoning Commission under the provisions of this Section.
- 64.2 Exemptions: The provisions of this Section and the requirements to obtain a TEMPORARY SPECIAL EXCEPTION shall not apply to the following cases:
- 64.2.1 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;
 - 64.2.2 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, except that in a Conservation Zone no more than 300 cubic yards of material removed from the lot; and
 - 64.2.3 excavation and removal, or grading or dumping of less than 100 cubic yards of material on any lot in any calendar year, except that no material may be removed from a lot in a Conservation Zone;
 - 64.2.4 provided that the excavation and removal, or grading or dumping, a) authorized under Par. 64.2.2 and 64.2.3 shall not occur in tidal wetlands and b) authorized under Par. 64.2.1 and 64.2.2 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 Par. 64.2.1 and 64.2.2 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.

64.3 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:

64.3.1 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.

64.3.2 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; and
- h. an estimate of the number of cubic yards of material to be excavated, graded or dumped.

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

64.3.4 Application Fee.

- 64.4 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 63 days after receipt of a completed TEMPORARY SPECIAL EXCEPTION application meeting the requirements of Paragraph 45.3, 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. Failure to submit additional information requested by the Commission under Paragraph 64.3.3, within the period for action on the application, shall be grounds for disapproval of the application.
- 64.5 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.
- 64.6 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:
- 64.6.1 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;
- 64.6.2 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;
- 64.6.3 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;
- 64.6.4 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;

- 64.6.5 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;
- 64.6.6 There shall be no processing of material, such as screening, sifting, washing or crushing, except in an Industrial District.
- 64.6.7 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;
- 64.6.8 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;
- 64.6.9 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;
- 64.6.10 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.

64.6.11 The applicant shall file with the Zoning Commission a cash, saving account or surety bond, in 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

64.6.12 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.

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

64.7 Time Limit: Each TEMPORARY SPECIAL EXCEPTION granted under this Section shall be valid for a period of one (1) 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.

64.8 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 equal to \$2.00 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, graded or dumped.

64.9 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.

64.10 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 65 - TRAILERS

65.1 General: The use, occupancy, parking and storage of trailers constituting camping and recreational equipment, utility trailers, commercial trailers and mobile homes on any lot shall conform to the provisions hereinafter specified.

65.2 Definitions: Certain words used in this Section are defined as follows:

65.2.1 "Trailers constituting camping and recreational equipment" are defined and described as follows:

- a. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and when equipped for the road shall have a body width not exceeding eight (8) feet and which shall be eligible to be licensed/registered and insured for highway use.
- b. A "pick-up coach" or "pick-up camper" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient 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. A "motorized camper" is 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. A "tent trailer" is 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.

65.2.2 A "utility trailer" is a small box, boat, horse or flat trailer designed to be towed by a vehicle using a ball and socket connection.

65.2.3 A "commercial trailer" is of a larger and heavier type trailer using a ring and pin, fifth wheel, or similar connection, and shall include mobile office trailers.

65.2.4 A "mobile home" is 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 and exceeding 19.5 feet in length.

65.3 Use, Parking and Storage: Any owner of a trailer constituting camping and recreational equipment as defined in Par. 65.2.1 or a utility trailer as defined in Par. 65.2.2, which trailer is 19.5 feet or less in length, may park or store such trailer on private residential property subject to the following conditions:

65.3.1 At no time shall such parked or stored trailers be occupied or used for living, sleeping or housekeeping purposes. There shall be no connections to any utility service, including electrical, heat, water and sewage disposal service.

65.3.2 If such trailer is parked or stored outside of a garage, it shall be parked or stored to the rear of the principal building or other major building in a neat and orderly manner, and generally not visible from any street; it shall conform to the setback from side and rear property lines as required for buildings and other structures.

65.3.3 In Residence Districts parking or storage of any such trailer on any lot shall be limited to one (1) such trailer per dwelling unit on the lot, except that one (1) additional utility trailer may be parked or stored for each 10,000 square feet of lot area. Said trailers shall be registered in the name of and be the legal property of an occupant of the principal building on the lot.

65.3.4 Notwithstanding the provisions of Par. 65.3.2, any such trailers may be parked anywhere on the lot for servicing, cleaning, loading or unloading purposes for a period not to exceed two (2) days.

65.4 Mobile Homes: No mobile home shall be used for any purposes on any lot, or stand unoccupied except with the approval of the Zoning Commission, and such approval shall be limited to a period of six (6) months. Such approval may be granted only in cases of extenuating circumstances, such as request to live in the mobile home while the residence is being repaired or rebuilt after fire or other casualty. Where said mobile home is to be occupied, its sanitary facilities must have written approval of the Director of Health of the Town of Old Saybrook at the time of approval by the Zoning Commission, and it may be occupied by only one (1) family, at least one (1) 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. Additional restrictions may be made a part of the conditions of approval by the Zoning Commission.

65.5 Sales and Rentals: Where authorized as a permitted use in a District, the parking or storage of trailers constituting camping and recreational equipment for sale or rental shall conform to the requirements for outside storage areas specified in Section 51.

65.6 Commercial Trailers: Commercial trailers shall conform to the following provisions:

- 65.6.1 Subject to the securing of a CERTIFICATE OF ZONING COMPLIANCE, commercial trailers used as storage or offices may be parked on any lot in connection with a bonafide construction project on the lot. Such CERTIFICATE shall have 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 process.
- 65.6.2 Commercial trailers are otherwise permitted on a lot only in conjunction with permitted commercial and industrial establishments, such as trucking terminals, building contractors' businesses and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods, construction projects and marine transportation, provided that the commercial trailer is used only for transportation, that no such trailer is used as a storage building and that the storage of such trailers shall conform to all of the setback requirements for buildings and other structures.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

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.

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 plan drawing or drawings, drawn to scale, 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; and

72.2.6 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 Supporting Applications: When required by the provisions of ARTICLE V and Section 64, the APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be accompanied by specified additional applications and related site plans, architectural plans and other plans and drawings. Such plans and drawings, if incorporating all of the information required for a plan drawing under Paragraph 72.2, may be substituted for such plan drawing.

72.4 Fees: Each APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be accompanied by fees as follows, paid to the Town of Old Saybrook:

72.4.1 APPLICATION, when no Building Permit under the Building Code is required for the work: \$5.00.

72.4.2 SPECIAL EXCEPTION:

a. Under Sections 52 or 53, \$50.00.

b. Under Section 55, \$10.00 per dwelling unit.

c. Under Section 56, \$10.00 per lot.

d. Under Section 64, \$100.00.

72.4.3 Additional CERTIFICATES: \$1.00.

72.4.4 CERTIFICATE for a nonconformity: \$10.00.

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: When any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE 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.

72.7 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. If deemed necessary to determine compliance with these Regulations and before issuance of a CERTIFICATE OF ZONING COMPLIANCE, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. 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.
- 72.8 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.
- 72.10** Records: The Zoning Enforcement Officer shall keep records of all fees, all APPLICATIONS and CERTIFICATES, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.
- 72.11** Procedure: The Zoning Commission may from time to time by resolution adopt administrative rules and procedures for the enforcement 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.

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, 64.2.2, 64.2.3 and 64.6.13.

AMENDMENTS - ZONING MAP

<u>Effective Date</u>	<u>Reference</u>
February 25, 1974	MCL to A, Saultus 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.

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.