

ZONING ORDINANCE

for the

TOWN OF OLD SAYBROOK, CONNECTICUT

Revised to July 8, 1948

ARTICLE I. Zones; Zones Boundaries and Definitions.

Section 1. Purpose of this ordinance.

For the purpose of promoting the health, comfort, safety, and general welfare of the community, including highway development and vehicular transportation; to regulate and restrict unsightly or detrimental development, obstructions and constructions tending to depreciate the value of property and hinder progressive improvements; to lessen, eliminate and regulate distracting hazards to safe motor vehicle operation and general traffic upon the highways; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water supply facilities, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the town; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and restrict the location, the height, number of stories and size of buildings and other structures, the percentage of the area of the lot which may be occupied, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence or other purpose within the limits of such town and in pursuance of authority conferred by Chapter 29 of the General Statutes, Revision of 1930, as amended and supplemented by Public Act 418 of the Acts of 1947, the zoning ordinance of the Town of Old Saybrook is hereby amended and supplemented to read, with the inclusion of this section, as follows:

Section 2. Zones.

There shall be 7 classes of zones.

- 1 - AA Residence
- 2 - A Residence
- 3 - B Residence
- 4 - Central Business
- 5 - Local Business
- 6 - Industrial
- 7 - Open Area

### Section 3. Zone Boundaries.

The boundaries of these zones are established as shown on a map entitled "Building Zone Map, Old Saybrook, Conn.", dated June 22, 1935, and amended which, together with any amendments and explanatory matter is made a part of this ordinance.

In cases of uncertainty, the zoning commission shall determine the location of the boundary.

Where a zone boundary line divides a lot recorded or filed with the Town Clerk at the time such boundary line is established, the regulations of the less restricted zone of such lot may apply to not more than 30 feet in the more restricted portion provided the lot has frontage on a street in the less restricted zone.

### Section 4. Definitions.

A. Words used in the present tense include the future, the singular and plural number are used interchangeably, the word "lot" includes "plot", "building" includes "structure", "occupied and used" includes "designed, arranged or intended to be occupied or used."

B. A "lot" is any parcel of land occupied by one building or one unit group of buildings and its accessory buildings and uses, including such open spaces as are provided or as are required by this ordinance.

C. The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.

D. A "street line" is the dividing line between a street and a lot.

E. Height of a building is the vertical distance measured from the ground level to the deck line for mansard roofs, the mean height between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any other type of roof.

F. An attic is the space between the ceiling of the top story and a pitched roof. A ground story or first story is the lowest story entirely above the ground level.

G. A "rear lot line" is the lot line opposite to the street line. In the case of a corner lot, the rear lot line may be elected by the owner, provided that it be indicated on the application for permit to build.

H. The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The width of a lot is its mean width measured at right angles to its depth.

I. A "front yard" is an open unoccupied space within and extending the full width of the lot, between the street line and the parts of the building nearest to such street line.

J. A "side yard" is an open space extending from front yard to rear yard or its equivalent between the side lot line and the parts of the building nearest thereto.

K. A "rear yard" is an open space the full width of the lot between the rear lot line and the parts of the building nearest thereto. In the case of a triangular or irregular lot, the rear lot line shall be a line entirely within the lot not less than 10 feet long and parallel to and most distant from the front lot line.

L. The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line.

M. Non-conforming building or use is one legally existing at the time of the adoption of this ordinance and amendments but which does not conform to the regulations of the zone in which it is located.

N. Accessory building or use is a building or use subordinate and incidental to and on the same lot with the principal building or use. Garages attached to the principal building by a roof or wall, or having a wall in common with the principal building are not accessory buildings.

O. Lot frontage is the distance between the side lines of a lot measured along the front lot line. Where the front lot line is an arc or where the side lines converge toward the front lot line, the distance of the frontage may be measured along a line approximately parallel to the front lot line and not more than 25 feet therefrom.

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

Q. Rooming house is a dwelling in which rooms for living purposes are rented for compensation to seven or more persons other than members of the family of the proprietor.

R. Boarding house is a dwelling in which meals, or rooms and meals are provided for compensation to seven or more persons other than members of the family of the proprietor.

## ARTICLE II        General Regulations.

### Section 1. Uses and buildings not governed by these regulations.

Streets, public parks and playgrounds, public school and school grounds, and other lands of town, county and state used for public purposes; railroad locations, reservations for water supply are not governed by these regulations, provided that if the buildings and uses above specified are abandoned, no building shall be used and no alteration of any buildings or no use of land shall be permitted until the land or buildings so changed in use have been zoned by the zoning commission.

### Section 2. Every building and use affected.

Except as specified above in Article II, Section I, no building or land shall hereafter be used and no building or part thereof shall be erected or altered except in conformity with the regulations which apply to the zone in which such land or building is located. The erection of a single

family house shall not, however, be prohibited on lots filed or recorded in the office of the Town Clerk on or before June 1, 1948, which are smaller than required by these regulations, provided the owner of any smaller lot did not own sufficient adjoining land at the time of the adoption of these regulations to conform thereto and provided further that all buildings on the lot are so designed and erected as to conform with yard and other open space requirements of this ordinance.

### Section 3. Non-conforming buildings and uses.

Non-conforming buildings and non-conforming uses of buildings and land are permitted subject to the following conditions.

1. A non-conforming use of a building may not be changed to another non-conforming use which by these regulations is placed in a lower zoning classification or which is more detrimental to the neighborhood.
2. A non-conforming use of a building shall not be enlarged or extended so that an enlargement of the building will be required.
3. Where a non-conforming use of a building or of land has been discontinued for a period of one year or more or has been changed to a conforming use, the non-conforming use shall not again be permitted.
4. A non-conforming use of land not involving a building, or a non-conforming use of land involving buildings or improvements which have a value less than \$1,000.00 shall be discontinued within 3 years from the adoption of these regulations, and any such use which becomes non-conforming by reason of a subsequent change in these regulations or in the zone boundaries shall be discontinued within 3 years from the date of such change.
5. Where a building in which there is a non-conforming use is accidentally or criminally damaged or destroyed, it may be restored and the non-conforming use resumed, provided the restored building covers no greater area or has no greater cubical contents.

### Section 4. Unsafe Buildings

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the enforcing officer.

### Section 5. Reducing Lot Area.

No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this ordinance for the district in which it is located.

### Section 6. Adjoining Zones

Along and within fifty (50) feet of any boundary line between two different classes of zones, any side yard or rear yard required in the less restricted zones, shall be increased in minimum width and depth to equal the required minimum widths and depths for such yards in the more restricted zones. In any business zone adjoining a residence zone, any

building within 50 feet of the boundary line shall be set back from the street line a distance equal to at least one half of the setback required for ground story parts of a principal building on the adjoining lot in the Residence Zone.

Section 7. Access for fire apparatus.

No building to be occupied in any part for residential purposes shall be constructed on any lot or part of a lot, unless such lot or part of a lot has a frontage of not less than twenty (20) feet in its least width on a public street or on an open and unoccupied private way leading to a public street.

Section 8. Location of Automobile Services.

No public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station; or any of their appurtenances or accessory uses, shall hereafter be erected or placed within 500 feet of any residence district. No such public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station; or any of their appurtenances or accessory uses, 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, public library, church, playground or institution for the sick, dependent, or for children under sixteen years of age.

Section 9. Height Exemption.

The provisions of this ordinance governing height of buildings in all districts shall not apply to cupolas, belfries, chimneys, flag or radio poles, gasholders, grain elevators, water towers, nor to bulkheads, hose towers, elevator enclosures, water tanks, scenery lofts or scenery towers, nor to churches, town or institutional buildings.

Section 10. Corner Visibility.

On a corner lot there shall be no building, structure, or planting such as to obstruct traffic visibility, within the triangular space 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.

Section 11. Projections and encroachments in yards.

Except for accessory buildings and as herein specified, yards required by this ordinance shall be open and unobstructed to the sky. Cornices, leaders, belt courses, sills and similar ornamental features may project six inches over any yard.

Section 12. Fences.

A fence or structure deemed by the zoning commission to be designed primarily to cause annoyance or damage to an adjoining owner, shall in no case be permitted as an accessory use.

### Section 13

The Board of Appeals may, after public notices and hearings and subject to appropriate safeguards in harmony with the general purpose of this ordinance as expressed in Article I, permit the conversion of single family houses into two family houses subject to the following conditions:

1. The lot shall have an area of at least 8,000 square feet.
2. In making changes in the exterior of the building, the appearance and character of a single family house shall be preserved, and no structural change shall be made other than to provide desirable means of access from each residential unit.
3. Stairways leading to the second and any higher floor shall be within the walls of the building.

ARTICLE III. Regulations for zones.

Section 1. AA residence zones. Use regulations.

The following uses are permitted and all others are expressly excluded:

1. Detached one family houses for one housekeeping unit only.
2. Churches and other places of worship including parish houses and Sunday school buildings.
3. Schools, colleges, libraries and museums.
4. Farms and truck gardens, greenhouses and nurseries, provided that any building used for a commercial purpose shall be at least 20 feet from any lot line and provided that any commercial slaughtering, fertilizer manufacture or any commercial reduction of animal matter shall not be permitted.
5. Signs not over 12 square feet in area, advertising the sale or rental of the premises on which they are maintained, and not referring to other premises.
6. Private garages or stables, provided that no business service or industry connected directly or indirectly with motor vehicles is carried on and provided that they shall not contain space for more than one motor vehicle for each 2,500 square feet of lot area, nor for more than six horses, or six vehicles in any case, except that two vehicles or two horses shall be permitted in any case. Not more than two such vehicles shall be commercial vehicles and of not more than one and one-half ton weight each. These provisions shall not apply to farm vehicles and horses.
7. Accessory uses and structures customarily incident to any use permitted herein, provided that such accessory uses shall not include any activity commonly conducted for gain, or any private way, drive or walk giving access to such activity; or any billboard or advertising sign, signboard or poster, except for announcement signs not over two square feet in area. Such accessory buildings may be erected on a then vacant lot, if so placed as not to interfere with the eventual practicable and conforming location of a principal building.
8. Boat houses, landings, docks and structures accessory thereto which are not conducted for profit.
9. Tourists accommodations and the renting of rooms, but in neither case shall more than three rooms be rented and to not more than six persons.

10. The following uses only when authorized by the zoning commission after public hearing. The decision of the zoning commission shall be in accordance with the requirements as indicated in each case, and in harmony with the intent of these regulations as expressed in Article I.

- A. Membership clubs, golf courses and other grounds for games and sports but not including enterprises carried on or customarily carried on for gain.
- B. Dormitories, hospitals or sanitariums not primarily for contagious diseases nor for the care of epileptics or drug or liquor patients; charitable institutions which are not correctional institutions, and provided that all buildings specified in this paragraph are located not less than 100 feet from any lot line.
- C. Cemeteries.
- D. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith.
- E. Quarries, gravel pits and sand pits when not detrimental to the area within 1000 feet.
- F. Roadside stands for the display and sale of natural products grown on the premises under requirements of location, design parking space and other conditions which the zoning commission may deem necessary to carry out the purpose expressed in Article I.
- G. Airports, private landing fields and hangers for air craft under requirements imposed by the zoning commission to carry out the purpose expressed in Article I.

11. HEIGHT AND AREA REGULATIONS.

Height. No building shall be erected to a height of more than 2 stories and attic or 35 feet.

Lot frontage and area. No lot shall have less than one acre per family except in Modified AA, where one half acre per family is permitted.

Side yards. There shall be a side yard along each side lot line not less than 20 feet wide.

Rear yard. There shall be a rear yard on every lot not less than 50 feet in depth.

Accessory buildings may be located in side yards and rear yards but shall occupy not more than 25% of any yard and shall be at least 10 feet from side and rear lot line.

Section 2. A Residence zones. Use regulations.

The following uses are permitted and all other uses are expressly prohibited.

1. All uses permitted in AA Zone except as modified in this section.
2. Announcement or professional signs not over 2 square feet in area.
3. Private garages or stables, provided that no business service or industry connected directly or indirectly with motor vehicles is carried on and provided that they shall not contain space for more than one vehicle for each 2500 square feet of lot area, nor for more than three horses or three motor vehicles in any case. Not more than 2 such vehicles shall be commercial vehicles of not more than  $1\frac{1}{2}$  tons weight each, except for motor vehicles primarily used on the premises.
4. Accessory uses and structures customarily incident to any use permitted herein, but with the same limitations as specified in AA Zones.
5. Customary home occupations carried on by a resident occupant with the assistance of not more than 2 regular employees provided that not more than the equivalent of the floor area of one story is devoted to such use, and provided that there is no display of products and no sign over 2 square feet in area.

Height and area regulations.

No building shall be erected to a height of more than 2 stories and attic or 35 feet.

Lot frontage and area. No lot shall have a frontage of less than 60 feet or an area of less than 7500 square feet.

Front yards. Every lot shall have a front yard of at least 25 feet in depth.

Side yard. There shall be a side yard along each side lot line at least 10 feet wide.

Rear yard. There shall be a rear yard on each lot except as hereinafter specified. Except for accessory buildings, no rear yard of any interior lot shall be less than 15 feet in depth. No rear yard of any corner lot shall be less than 50 feet in depth, except that a ground story rear projection may extend to within 15 feet of the rear lot line.

Accessory buildings may be located only in rear yards and shall occupy not more than 25% thereof, but in no case shall be nearer than 10 feet to side or rear lot lines.

### Section 3. B Residence Zone. Use Regulations.

The following uses are permitted and all other uses are expressly excluded.

1. All uses permitted in AA and A Zones except as modified in this section.
2. Two family houses.
3. Private garages or stables, provided that no business or industry connected with motor vehicles, is carried on therein and provided that they shall not contain space for more than one motor vehicle or one horse and one horse-drawn vehicle for each 1250 square feet of lot area or for more than six vehicles in any case. Not more than 2 such vehicles shall be commercial vehicles of not more than  $1\frac{1}{2}$  tons weight each except for commercial vehicles used primarily on the premises.
4. Accessory uses ~~incident (etc.) as in A zones~~ and structures customarily incident to any use permitted herein but with the same limitations as in A Zone. Height and area regulations.

Height. No building shall be erected to a height of more than 2 stories and attic or 35 feet.

Lot frontage and area. No lot shall have a frontage of less than 60 feet and an area of less than 7500 square feet.

Front yard. There shall be a front yard on every lot of not less than 25 feet in depth.

Side yard. There shall be a side yard along each side lot line of not less than 10 feet in width.

Rear yard. There shall be a rear yard on every lot of not less than 20 feet in depth.

Accessory buildings shall be located and conditioned as in A Zone.

### Section 4. Central Business Zone. Use Regulations

The following uses are permitted and all other uses are expressly excluded.

1. Any use permitted in B residence zones except as modified in this section.
2. Retail stores and personal service establishments, shops for making articles incident to the conduct of a retail business and primarily to be sold on the premises, if not more than three employees are engaged in the manufacturing process.
3. Restaurant, tavern, grill and package store.

4. Hotel, theater, bank, office, studio.
5. Newspaper and job printing.
6. Public utility building.
7. Mortuary or undertaking rooms.
8. Accessory uses, including private garages and parking space, but excluding any business as an accessory use which is not permitted as a principal use.
9. Outdoor signs advertising only the business carried on or the articles sold on the premises, provided that the total area of such signs does not exceed 3 square feet for every foot of lot frontage actually occupied by the building using the sign and provided further that such signs shall be affixed to or painted on the walls of the building.

The following uses shall not be regarded as retail establishments and are excluded:

1. Used car lots for the storage and sale of motor vehicles.
2. Filling stations and service stations for serving of motor vehicles.
3. Public garages or groups of public garages with capacity for storing more than 5 motor vehicles.
4. Coal, coke, oil, lumber and wood yards.
5. Building material storage yards.
6. Building or yard for storage or bailing of scrap paper, iron, bottles, rag or junk.
7. Stone yards and monument works.
8. Any business or service similar to those specified in 1--7 above.

Height and area regulations.

Height. No building shall be erected to a height of more than  $2\frac{1}{2}$  stories or 35 feet.

Lot frontage and area. Lots used for residence shall conform to the requirements of B residence zone.

Front yard. There shall be a front yard on every lot at least 10 feet in depth.

Side and rear yards. Lots used for residence shall conform to the requirements of B residence zone, and lots used for business shall have a rear yard at least 10 feet in depth except where the rear of the lot has frontage on a street.

Section 5. Local business zone. Use regulations.

The following uses are permitted and all other uses are expressly excluded.

1. All uses permitted in Central Business Zone.
2. Filling stations, service stations and public garages, but no storage or repair work shall be permitted outside the building except emergency work.

Height and area regulations.

Height. Same provisions as in central business zone.

Lot frontage and area. Same provisions as in central business zone.

Front yard. There shall be a front yard on every lot at least 25 feet in depth.

Side and rear yards. Same provisions as in central business zone.

Section 6. Industrial zone. Use regulations.

The following uses are permitted and all other uses are expressly excluded.

1. All uses permitted in local business zone.
2. Any industry, business or trade except those prohibited in Section 7, and uses which are hazardous, offensive or detrimental to the neighborhood because of odor, fumes, dust, smoke, waste, vibration, noise or other objectionable characteristics.

Height and area regulations.

No building to be used for residential purposes shall exceed 35 feet in height. No other building shall exceed 45 feet in height.

Front yards. There shall be a front yard on every lot at least 40 feet in depth.

Rear and side yards. Same provisions as in local business zone.

Section 7. Prohibited uses.

1. Overnight cabins for the accommodation of tourists.
2. Quonset huts for purpose of residence.
3. Outdoor advertising signs and devices however created or displayed except as specifically permitted in Article III, Section 4.
4. Trailers, except for special permit by the zoning commission.
5. The following industrial uses:
  - a - Commercial slaughter house.
  - b - Acetylene gas manufacture.
  - c - Ammonia, chlorine or bleaching powder manufacture.
  - d - Animal black, lamp black or bone black manufacture.

- e - Asphalt manufacture or refining.
- f - Celluloid manufacture.
- g - Coal tar products manufacture, except as an accessory to gas manufacture.
- h - Creosote treatment or manufacture.
- i - Distillation of coal, wood, or bones, except in the manufacture of gas.
- j - Explosives or fireworks manufacture or storage.
- k - Fat rendering.
- l - Fertilizer manufacture or potash refining.
- m - Glue or size manufacture or processes involving recovery from fish or animal offal.
- n - Gypsum, cement, plaster or plaster of paris manufacture.
- o - Incineration, reduction of or dumping of offal, garbage or refuse on a commercial basis, except where controlled by town.
- p - Linoleum manufacture.
- q - Petroleum refining.
- r - Sewage disposal plant, except where controlled by the town.
- s - Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
- t - Tar roofing manufacture.

#### Section 8. Open area zones.

In any open area zone no building shall be erected or used for residential, business or industrial use except that after public notice and hearing, the Zoning Commission may grant permits subject to appropriate safeguards in harmony with the general purpose of this ordinance as expressed in ARTICLE I, Section 1.

#### ARTICLE IV. Administration and Enforcement.

##### Section 1. Interpretation.

The provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of public health, safety, convenience and general welfare. When this ordinance imposes greater restrictions upon the use of buildings or land or upon the height of buildings or requires larger yards or other open spaces than are imposed or required by existing provisions of by-laws or ordinances or by any regulations, permits, restrictions, easements, covenants or agreements, the provisions of this ordinance shall control. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued or for which plans are on file with the Zoning Commission at the time of enactment of the ordinance, provided the entire building shall be completed within one year from the date of enactment of this ordinance, in accordance with such plans.

##### Section 2. Enforcement.

(a) This ordinance shall be enforced by the Building Inspector who is empowered to cause any building or land to be inspected and to order in writing the remedying of any conditions found to exist in violation of this ordinance.

(b) No building shall be constructed, moved, altered or used until a permit has been granted by the Building Inspector, who may require of the applicant for the permit such information as he may deem necessary to properly perform his duties. The Building Inspector shall refuse to grant any permit for building or use which is in violation of the provisions of this ordinance.

### Section 3. Certificate of Occupancy.

It shall be unlawful to use or permit the use of any land or of any building or part thereof hereafter erected or enlarged or changed to a different use until a certificate of occupancy shall have been issued to the owner by the Building Inspector stating that the land or building complies with all the provisions of this ordinance. A temporary certificate of occupancy for a part of a building may be issued.

### Section 4. Penalties.

Violations of this ordinance shall be punished in accordance with the provisions of Section 430 of the 1930 Revision of the General Statutes.

### Section 5. Board of Appeals.

There shall be a Board of Appeals established in accordance with Public Act 418 of the Acts of 1947 with the following powers:

- (a) To hear and decide appeals where it is alleged there is any error in any order requirement or decision made by the Building Inspector in the enforcement of this ordinance.
- (b) To hear and decide all matters upon which it is required to pass by the specific terms of this ordinance.
- (c) To determine and vary the application of this ordinance in harmony with its purpose and intent as expressed in ARTICLE I with respect to a specific parcel of land or to a specific building where, owing to conditions especially affecting such parcel or such building, but not affecting generally the district in which such land or building is situated, a literal enforcement would result in exceptional difficulty or unusual hardship, provided relief can be granted without substantial detriment to the public welfare, and to the neighborhood in which the land or building is located.
- (d) To adopt rules of procedure.

### Section 6. Validity.

The invalidity of any section of this ordinance shall not invalidate any other section or provision thereof.

So much of any section of the present ordinance and former votes of the Town as is inconsistent herewith is hereby repealed.

Section 7. Effective Date.

These regulations shall take effect from and after their promulgation.

Section 8. Amendments.

This ordinance may be amended in the manner provided by law.