

ZONING REGULATIONS
OF
TOWN OF OLD SAYBROOK, CONNECTICUT

ADOPTED:	September 17, 1973
EFFECTIVE:	October 15, 1973
AS AMENDED THROUGH:	August 16, 1999

OLD SAYBROOK ZONING COMMISSION

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.

ACCESSORY USE: A use of a property subordinate and incidental to the principal, permitted use.

- * **ADULT ENTERTAINMENT BUSINESS:** The term "Adult Entertainment Business" is defined as any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or more combination of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult novelty business, adult personal service business. These businesses and their operations are further defined as follows:
- a. "Adult Bookstore" shall mean an establishment which has as a principal activity the sale of books, magazines, newspapers, videotapes, videodiscs and motion picture films or tapes which are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age.
 - b. "Adult Motion Picture Theater" shall mean an enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age.
 - c. "Adult Mini-Motion Picture Theater" shall mean an enclosed building having as a principal activity the presenting of material characterized by emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths and from which minors are excluded by virtue of age.
 - d. "Adult Cabaret" shall mean a cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.

- e. "Adult Novelty Business" shall mean a business which has as the principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age.
- f. "Adult Personal Service Business" shall mean a business having as a principal activity a person, while nude, partially nude or fully clothed, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.
- g. "Partially Nude" shall mean having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.
- h. "Principal Activity" shall mean a use accounting for more than 10% of a business stock in trade, display space, or floor space, or movie display time per month.

***ASSISTED LIVING UNIT:** a dwelling unit that includes a full bathroom within the unit, including a water closet, lavatory, tub or shower bathing unit and equipment for preparation and storage of food.

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

** **BED AND BREAKFAST TRANSIENT LODGING:** See Par. 52.7.14 of Sec. 52.

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

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

DWELLING: A “dwelling” is a building containing one (1) or more “dwelling units”.

DWELLING UNIT: A “dwelling unit” is a building or a part of a building designed for occupancy, and so occupied, by one (1) family. Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a “dwelling unit”.

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

****FLOOR AREA, ATTIC:** The area enclosed by the roof rafters and the exterior walls at the level of the top of the ceiling below or attic floor joists.

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

FRONTAGE: “Frontage is defined as a property line that is also a “street line”

****HEIGHT:** In measuring the height of a building, or part thereof, or other structure to determine compliance with the maximum height provisions, measurement shall be taken from the level of the highest roof ridge of the building, or part thereof, or highest feature of a structure to a “ground elevation datum” consisting of the average elevation of the existing, natural grade of the lot at the perimeter of the proposed building, or such part thereof, or structure. A separate ground elevation datum is applicable to each building, or part thereof

having a separate roof, and to each structure on a lot. When any two (2) buildings having different ground elevation datum are interconnected, such as by common areas, other floor area or other architectural features or structures, the ground elevation datum applicable to the interconnection feature or structure is the same as the building having the lower ground elevation datum.

HOME OCCUPATION: The term “home occupation” shall mean an activity consisting of one or more of the following:

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

LOT: A “lot” is defined as a parcel of land which is either:

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

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

- * **LOT AREA AND SHAPE:** In determining compliance with minimum lot area and shape requirements of these regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement or vehicular access, private right-of-way for vehicles or easement for above-ground public utility transmission lines may be included. Area consisting of ponds, lakes, swamps or marsh shall not be used for compliance with the minimum lot area requirement. Land in two or more

zoning districts may be used to satisfy a minimum lot area requirement, provided that the requirement of the district requiring the largest lot area is met, but no land in a residence district shall be used to satisfy a lot area requirement in any other district.

LOT, WIDTH ALONG BUILDING LINE: The “building line” along which lot width is measured shall be a line which a) is parallel with or concentric with a street line where the lot has frontage and b) does not extend into the area required for setback from such street line.

NONCONFORMITY: See Par. 10.2 of Section 10.

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

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

PROPERTY LINE, REAR: A “rear property line” is any property line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a “corner lot”, only one lot line shall be considered a rear property line.

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

SIGN: See Par. 64.2 of Section 64.

SOIL EROSION AND SEDIMENT CONTROL PLAN: See Par. 67.2 of Section 67, including related definitions.

****STORY:** A “story” is that portion of a building between the surface of any floor and the surface of the floor or ceiling next above. See definition of “Story, ½” for when an attic is considered a story. A basement shall not be considered a story except when the surface of the floor above it is either:

1. More than four (4) feet above the average existing, natural grade at the perimeter of the proposed building; or
2. More than four (4) feet above the finish grade for more than 50% of the total building perimeter; or
3. More than nine (9) feet above the finished grade at any point.

*****STORY, ½:** For the purpose of determining the number of stories in a building, a one-half (1/2) story is a habitable attic that is the highest most story of a building, having stairway access within the walls of the building, and having an area enclosed by the roof rafters and exterior walls at an elevation of five (5) feet measured vertically above the attic floor joists equal to not more than 50% of the attic floor area immediately below and under the same roof. Exterior doors and balconies are prohibited on the one-half (1/2) story. Under all circumstances, a ½ story that equals more than 50% of the attic floor area immediately below and under the same roof is prohibited. See the attached ½ story diagram for the method of determining compliance with this definition.

STREET: A “street” shall mean any town street or state highway, except limited access state highway, or any street shown on a subdivision map approved by the Old Saybrook Planning Commission and filed in the Office of the Old Saybrook Town Clerk.

STREET WIDTH: The “width” of a street shall mean the distance between the street lines.

STREET LINE: The term “street line” shall mean the right-of-way, easement, taking of property line of any “street” as well as the right-of-way or easement boundary lines of any private toad, driveway or street for vehicular access when the width between such lines is 25 feet or more.

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

***TELECOMMUNICATION TOWER:** A structure designed and intended to support equipment used to transmit and/or receive telecommunications or radio signals for commercial purposes. Examples of such structures include, without limitation, monopoles and lattice construction steel structures which may be self-supported or guyed.

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

Co-located Antennae - Antennae which utilize existing towers, buildings or other structures for siting of a new telecommunications facility.

Telecommunication Equipment Building - The building accessory to a telecommunications tower, in which the electronic receiving and relay equipment in support of a telecommunications facility is housed.

Telecommunication Facility - Towers and/or antennae and accessory structures and equipment used in receiving or transmitting telecommunications or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines. Such facilities shall be for commercial use only and also includes those owned and operated by public utilities.

Co-Located Telecommunication Facility – Telecommunication facilities which utilize existing towers, buildings, or other structures for the placement of antennae and do not require the construction of a new tower. Co-located telecommunications facilities may include accessory structures such as buildings which house associated equipment and security fencing. Any proposed telecommunications facility which utilizes a stub tower or other accessory support structure and exceeds the height of the existing structure by more than twenty-five feet shall not be considered a co-located telecommunications facility and shall be subject to the standards of Section 68.3.

* **TRAILERS:** “trailers and boats”, “storage and construction/office trailers” and “commercial trailers”:

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

TREE CUTTING - NON-COMMERCIAL: The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot.

WETLANDS - TIDAL, INLAND: The terms “tidal wetlands” and “inland wetlands” are as defined in Chapter 440 of the Connecticut General Statutes, as revised.

AMENDMENTS - TEXT OF REGULATIONS

<u>Effective Date</u>	<u>Reference</u>
May 16, 1995	Addition of Section 52.7.15 to current Section 52, Special Exception, establishing standards for Adult Entertainment Businesses, including procedural and informational requirements; New definition in Section 9 added; revised Section 34.2 in B-4 General Business District to allow for Adult Entertainment Businesses by Special Exception.
May 30, 1995	A revised Section 66 which establishes new requirements for the parking and storage of trailers, including definitions, standards and administrative procedures; existing definitions in Section 9 replaced with amended definitions.
October 7, 1996	Addition of Administrative Policy No. 2 requiring that expense of technical assistance for evaluation of an application submitted to zoning commission which town staff will not be able to complete in time period prescribed by state statute will be responsibility of applicant and deposited with the commission or its designated agent prior to review of application and/or submission.
December 10, 1997	Addition to existing and new Sections 7, 8, 9 and 68 on Telecommunication Facilities and Non-Commercial Airway Communication equipment.
June 15, 1998	Addition of amendments to Section 51 - Site Plans; re: scheduling of a preliminary and informal discussion of a potential site plan application with the architectural review board prior to formal application to the zoning commission.said amendments
June 30, 1998	Addition of amendments to Section 52 - Special Exceptions - to include referrals to the Architectural Review Board.
November 16, 1998	Addition to Section 64.4.1 - SIGNS - to permit, for non-profit use only on property owned by the Town of Old Saybrook, one additional non-illuminated sign, not to exceed ten (10) square feet, which may contain interchangeable letters for events taking place on the lot.

December 30, 1998

Delete paragraph 52.7.13, Residential Life Care Facility, and substitute new paragraph 52.7.13, Residential Life Care Facility. Add two new definitions: Assisted Living Unit and Residential Life Care Facility. Delete paragraph 62.3.2I, Residential Life Care Facility, and substitute new paragraph 62.3.2I, Non-Residential Uses: Residential Life Care Facility.

August 16, 1999

Amendments to add definitions for “Attic” and Floor Area, Height”, “Story, One-half (1/2)”, and “Story”.