



## SECTION 53

# Special Standards for Specific Uses

### 53.0 [RESERVED]

### 53.1 STANDARDS

The following special standards, conditions, and procedures are applicable to the establishment of these specific *uses* when permitted in a *District*.

**Accessory Use.** *Accessory uses* will not include *uses* that are otherwise not permitted or specifically prohibited in the *District*. In Residence *Districts*, *accessory uses* will also conform to the following additional standards and conditions:

- A. The *accessory use* will be located on the same *lot* with the *use* to which it is accessory.
- B. *Accessory uses* may include a *boat* landing, and dock to accommodate no more than two (2) *boats*.
- C. *Accessory uses* may include off-street parking spaces and private garages, except in connection with a farm or a Special Exception *use*, there will be no more than one (1) commercial vehicle parked on any *lot*, and the vehicle will not exceed one and one-half (1 1/2) ton capacity.
- D. No part of a *lot* located in any of the Residence *Districts* will be used for access to a *use* not permitted in the *District*.

**Adult Entertainment Businesses.** The purpose of this section is to regulate *uses*, which, because of their nature, have potentially serious objectionable operational characteristics, particularly when concentrated, and under certain circumstances, having a deleterious effect upon surrounding areas. Special regulation of these *uses* is necessary to insure that these adverse effects will not result in the downgrading of the surrounding neighborhood. These regulations prevent clustering of these *uses* in any one location and protect health, safety, general welfare and property values in the Town of Old Saybrook. In addition to conforming to standards elsewhere in these regulations, any *adult entertainment business* will also conform to the following special standards:

- A. **Specific Concerns** – An *adult entertainment business*, as defined in Section 9, Definitions, may be approved as a Special Exception *Use* in a Business B-4 *District* only, provided the following standards and criteria are met:
  1. No *lot* containing the *adult entertainment business* will be located within two hundred fifty feet (250') of a *district* which, pursuant to these regulations and the Zoning Map of the Town of Old Saybrook is classified AAA, AA-1, AA-2, AA-3, A, B, B-1, B-2, B-3, I, MI or SP *Districts*.
  2. No *lot* containing the *adult entertainment business* will be located within one thousand feet (1,000') of an adjacent municipality.

3. No *lot* containing the *adult entertainment business* will be established within one thousand feet (1,000') of another business.
  4. No *lot* containing the *adult entertainment business* will be located within one thousand feet (1,000') of the property line of any public, private or parochial school, *daycare* center, library, *park*, playground or other recreational facility, whether commercial or non-profit, or any other area where numbers of minors regularly travel or congregate, in any *zone*. Nor will any business be located within one thousand feet (1,000') of the property line of any church, convent, monastery, synagogue or other similar place of worship, or cemetery.
  5. For purposes of this section, distances will be measured in a straight line, without regard to intervening *structures* or objects, from the nearest portion of the *lot* containing or proposing to contain an *adult entertainment business use* to the nearest boundary of the *uses* specified above.
  6. In businesses where the adult entertainment section accounts for less than ten percent (10%) of a business stock in trade, display space, or floor space, the adult entertainment section of the business will be secluded from the principle section of the business in a manner acceptable to the *Commission*.
  7. No accessory apartment or apartments or other *dwelling units* will be permitted on the premises of an *adult entertainment business*.
  8. In accordance with C.G.S. §8-6, these Regulations (Section 53 Adult Entertainment Businesses) will not be varied by the Zoning Board of Appeals to permit an *adult entertainment business*.
- B. **Application Procedure** – Application for a permit for an *adult entertainment business* will be made to the *Commission* in accordance with these Regulations.
- C. **Required Renewal** – Renewal of *adult entertainment businesses* is required in January of each calendar year and will conform to the following standards:
1. Purchasers of *buildings* that have had Special Exception *uses* for *adult entertainment businesses* who want to continue the Special Exception *Use* will obtain a Certificate of Zoning Compliance and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the *adult entertainment business*.
  2. Any renewal will be referred to the *Commission* for consideration. The *Commission*, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Exception *Use* before the continued operation of the *adult entertainment business*.

**Amusement Device.** No more than two (2) *amusement devices* are permitted for *use* by the public on a fee basis unless sponsored by a local charitable or benevolent organization and located in a Business or Industrial *District* and then for a period not to exceed six (6) days; any establishment, including arcade, amusement center, store or shop, where more than two (2) *amusement machines* or *devices* are available for *use* by the public on a fee basis.



**Animal Care Services.** Animal care service establishments may be allowed in the Residence AA-1 Zoning District subject to the following:

- A. *Animal care services* may be located on a Lot of not less than three (3) acres and which Lot abuts a railroad right-of-way.
- B. All *buildings* where animals are kept *will* be not less than one hundred (100) feet from any residential property line, but this setback *will* not apply to street line or railroad right of way. All outside runs or pens *will* not be less than one hundred and fifty (150) feet from any residential property line, but this setback will not apply to street line or railroad right of way. Perimeter landscaping buffer requirements apply to property lines other than railroad right of way.
- C. The maximum number of animals on site at any one time for an *Animal Care Services* in the Residence AA-1 Zoning District will be thirty (30).

**Animals, Domestic.** The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted toward this limit. See also Farm; *Kenel*; Livery or Boarding Stable; Livestock or Poultry.

See also **Farm; Kenel; Livery or Boarding Stable; Livestock or Poultry.**

**Apartment, Accessory.** An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) *family* is a *use* subordinate to the single detached *dwelling* and an additional *use* for which a Certificate of Zoning Compliance is required.

The following standards, conditions, and procedures are applicable to the establishment of the accessory apartments:

- A. An accessory apartment may be attached to or detached from the primary *dwelling unit*.
- B. A maximum of one accessory apartment (attached or detached) is permitted on a *lot* having at least the minimum area as required by these Regulations for the *District* where the *lot* is located or on a pre-existing *non-conforming lot* of 12,500 s.f. or more when served by public water. Accessory apartments (detached) are expressly prohibited on *lots* of less than 12,500 s.f.
- C. A single detached *dwelling*, located in a *Planned Residential Development (PRD)*, as defined in these Regulations, is not eligible to contain an accessory apartment.
- D. The single detached *dwelling* is eligible to have a professional office or home occupation as an *accessory use* in addition to the accessory apartment. The accessory apartment is not eligible for *use* as a professional office or a home business in a *dwelling unit*.

- E. The *gross floor area* of the accessory apartment will not exceed one-third of the *gross floor area* of the single-detached *dwelling* including attached or detached garage area serving as the principal *use* on the *lot*, or one thousand (1,000) square feet, whichever is less.
- F. The accessory apartment will be provided with a kitchen and a full bathroom, separate from the facilities of the *single-family* principal *dwelling*, as well as two (2) means of egress including a separate outside door.
- G. The *single-family* detached *dwelling* for one-*family* will be provided with the number of off-*street* parking spaces required by these Regulations, and the accessory apartment will be provided with at least one (1) additional off-*street* parking space that is usable independently of other spaces required for the *dwelling*.
- I. Either the *single-family* detached *dwelling* for one-*family* or the accessory apartment will be occupied by a *person* who owns the premises, except, under this subsection, a *person* may also be a non-profit corporation organized for the purpose of providing housing for low and moderate income individuals and *families*, where the premises is not operated for profit, in which case both the single detached *dwelling* and the accessory apartment (residential) may be occupied by non-owners.
- J. Accessory apartments will not be rented for a duration of thirty (30) days or less.
- K. Issuance of a Certificate of Zoning Compliance for an apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) *family* is conditioned upon the following:
  - 1. In January of each year ending in the numeral five (5) or zero (0), *person* who owns the premises will file with the Enforcement Officer a new affidavit of ownership of the premises certifying that either the accessory apartment or the *single-family* detached *dwelling* is occupied by the *person* who owns the premises as required for the original application; and certifying that the rental of either the accessory apartment or the *single-family dwelling* will not be rented for a duration of thirty (30) days or less.
  - 2. The Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.
- L. The property will be served by one shared *driveway* and will not have multiple *driveways* or curb-cuts to the *street* giving the appearance of two (2) *single-family* detached *dwelling units*.

### Standards for Accessory Apartments (attached)

- A. The accessory apartment (attached) will be located within, or in an addition to, the *single-family* detached *dwelling*. A garage *structure* attached to the *dwelling* and converted to contain an accessory apartment is considered attached.



- B. The *single-family* detached *dwelling* for one-*family* containing an accessory apartment will have a design that maintains the appearance of the premises as a *single-family* detached *dwelling* for one (1) *family*. Alterations to the *structure* to accommodate the accessory apartment will be designed in a manner that the *structure* can be converted back to a *single-family* detached *dwelling* without substantial demolition or reconstruction to the *dwelling*.
- C. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* or detached garage will be located on the side or rear of the building/*structure* and will include at least one fully enclosed stairway. Only one front door facing the *street* is permitted unless two doors existed at the time of application.

**Standards for Accessory Apartments (detached)**

- A. The accessory apartment (detached) will be located on the same *lot* as *single-family* detached *dwelling unit* for one *family*.
- B. The accessory apartment (detached) will meet all *setback*, and *bulk* standard requirements.
- C. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* or detached garage will be located on the side or rear of the accessory *structure* and will include at least one fully enclosed stairway. Only one front door facing the *street* is permitted unless two doors existed at the time of application. One door facing the *street* is permitted.
- D. The accessory apartment (detached) will be designed in a manner that it appears accessory and subordinate to the *single-family* detached *dwelling unit*.

**Accessory Apartment Application Requirements:**

The application for Certificate of Zoning Compliance will be accompanied by the following:

- A. An affidavit of ownership signed by the owner of the premises and affirming knowledge of the following Zoning Requirements pertaining to the issuance of the permit:
- B. The accessory apartment or the *single-family dwelling* will be occupied by an owner of the premises as the principal place of residence.
- C. Neither the accessory apartment nor the *single-family dwelling* is permitted for rental for a duration of thirty (30) days or less.
- D. B-100a or Engineered Plan Review approval from the CT River Area Health District (CRAHD) demonstrating that septic and water are sufficient to accommodate the *uses*.
- E. A plan of the premises as specified in Paragraph 72.2; and
- F. Competent floor plan drawings of the *dwelling* and accessory apartment, and suitable sketches, architectural drawings or photographs sufficient to show the extent of exterior *building* and façade construction including any alterations.

**Apartment, Mixed Use.** An apartment mixed *use* is a *dwelling unit* that is accessory and subordinate to a permitted non-residential *use* and is an additional *use* which the *Commission* may approve by Special Exception in the Central Business B-1 Zoning *District*.

The following standards, conditions, and procedures are applicable to the establishment of all mixed-use apartments:

- A. When mixed-*use* apartments are proposed on a *lot*, the total s.f. of the apartments will not exceed 50% of the *gross floor area* of the *buildings* on a *lot*. One apartment will not exceed 800 s.f. of *gross floor area* and the other will not exceed 1,500 s.f. of *gross floor area*, the sum of both will not exceed 2,300 s.f. If only one apartment is proposed, the mixed-use apartment will not exceed 800 s.f. or 1500 s.f. of *gross floor area*. When three or more apartments are proposed on a *lot*, the third apartment and any additional apartments will not have a maximum *gross floor area* requirement but will be deed restricted as affordable unit(s) for 30 years at 80% or lower of the median income of Middlesex County.
- B. Except for an access door, lobby, or hallway, no portion of a mixed-use apartment will be located on a first *story* or will be located facing a *street* in a manner that disrupts a series of commercial *uses* (i.e., non-residential permitted in the underlying zone) as viewed from a *street* or other public space. The purpose of this provision is to limit first *story* mixed-*use* apartments to those areas where commercial *uses* transition to nearby residential *uses* located along the *street*. A door along the *street* to access second *story* apartments or to a hallway to access rear apartments is to be permitted and is encouraged.
- C. For corner *lots*, the *Commission* in its discretion may allow for first *story* mixed-*use* apartments facing a *street* when the location does not break up an existing or planned commercial streetscape.
- D. Any *gross floor area* remaining on any *story* of the *building* that is not used for mixed-*use* apartments will be used in accordance with the *uses* permitted in the underlying *district*, or, if vacant, is being actively marketed as such.
- E. Residential *uses* shall comply with the provisions of Section 68, specifically Sections 68.1.3 and 68.1.4.
- F. Any Special Exception issued under this Section shall be valid until the following January of each year ending in a five (5) or a zero (0), at which time the owner of the premises will file with the Enforcement Officer an affidavit, and such other evidence as the Enforcement Officer may require, establishing that the mixed-*use* apartment continues to comply with the criteria set forth above, the approved plans, and any condition of approval attached to such Special Exception.

**Athletic Field Lighting.** In Industrial I *District* and Residence A, illumination of athletic fields not located in the *CT River Gateway Conservation Zone* will be permitted as an *accessory use* subject to the following special standards and conditions:

- A. Athletic Field Lighting *will* be located on a *lot* of a minimum of eleven (11) acres owned by the Town of Old Saybrook or Old Saybrook Fire Company #1.



#### B. Times and Hours of Operation

1. Lighting is permitted from March 1<sup>st</sup> to November 30<sup>th</sup>.
2. Lighting is not permitted on Sundays unless otherwise specified as part of the Special Exception approval.
3. Lighting is permitted on State or Federally-recognized Holidays if the Holiday is specifically identified in the Statement of *Use* as part of an approved Special Exception Permit.
4. Lighting *will* be turned on no earlier than 7 a.m.
5. Lighting *will* be shut off by 9:00 p.m on Monday – Thursday and by 10:30 p.m on Friday and Saturday.
6. Requests for the *use* of lighting for a special event not specifically listed in a Special Exception approval will be submitted to the Zoning Commission for consideration a minimum of three (3) weeks in advance of a regular meeting in letter format and will not require an application for modification of the Special Exception approval.

#### C. Standards

1. All lighting must be down directed to the greatest extent possible.
2. International Dark Sky Criteria for Community-Friendly Outdoor Sports Lighting is the preferred measure for illuminance density standard for athletic fields.
3. At the property line, the *Commission* may allow up to 0.60 foot candles yet prefers a maximum of 0.3 foot candles.
4. Power supply *will* be located on the same *lot* as the athletic field or on an adjacent *lot*. Power *will* be permanently hardwired and not powered by the *use* of gas, diesel or other fuel-powered generators.
5. Prior to the issuance of a Zoning Certificate of Compliance the applicant *will* submit a final engineer's certification of luminance measurements at the property line.

#### D. *Setbacks* for Light Poles Used To Illuminate Athletic Fields

1. From *Street Line*: 50 feet
2. From *Rear Property Line*: 50 feet
3. From Other Property Line: 50 feet
4. Maximum *Height*: 80 feet

**Bed and Breakfast Transient Lodging.** A bed and breakfast transient lodging *use* consists of a room or rooms for overnight accommodation of visitors, including service of breakfast to the visitors, and the *use* is subject to the following special standards:

- A. The bed and breakfast transient lodging *use* will be in a *dwelling* located on a *lot* in the Residence AA-2 or A *Districts* or a *building* or *structure* located in the Central Business B-1 or Restricted Business B-3 *Districts*.

- B. The owner of the bed and breakfast transient lodging will reside on the premises, and the premises will be the principal place of residence of the owner.
- C. The *dwelling* or bed and breakfast transient lodging *building* or *structure* will have a minimum *gross floor area* of two thousand square feet (2,000 s.f.) and will be found to be capable of accommodating rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment. There will be no more than four (4) rooms and each room will be limited to double occupancy. One (1) full bathroom will be provided for each two (2) rooms for transient visitors. Not less than seven hundred fifty square feet (750 s.f.) of the *building* or *structure* will be reserved and assigned for occupancy by the owner of the premises.
- D. The *use*, including any modification or additions, will preserve the architectural style and integrity of the *building* as a *dwelling* in residence districts and any stairways for access to floors above ground level will be located inside the *dwelling*. In the event that the *dwelling* is an historic *structure*, the *use*, including any modifications to the *building* or *structure*, will not preclude the structure's continued designation as an historic *structure*.
- E. In addition to off-*street* parking spaces required for other *uses* on the *lot* one (1) off-*street* parking space will be provided for each room for transient visitors, and in residence *districts*, no parking spaces will be located in the area required for *building setback* from a *street line* and in business *districts* the parking spaces will be located on the same *lot*.
- F. The bed and breakfast transient lodging will be served by public water supply. The sewage disposal system, existing, or as proposed to be modified to serve the proposed *use*, will be approved by the Connecticut River Area Health District. The transient lodging occupancy will be approved by the Fire Marshal.
- G. Occupancy of rooms for transient lodging by any person will not exceed fourteen (14) consecutive days in the ninety-day (90) period commencing with the day of first occupancy. Meals for occupants of the rooms will be limited to breakfast only.
- H. In determining the appropriate number of rooms to be permitted on a *lot* in a Residence *District* the *Commission* will be guided by the following:
  - 1. A *dwelling* on a *lot* of at least twenty thousand square feet (20,000 s.f.) may contain no more than two (2) rooms or a *dwelling* on a *lot* of at least thirty thousand square feet (30,000 s.f.) may contain no more than three (3) rooms or a *dwelling* on a *lot* of forty thousand square feet (40,000 s.f.) or more may contain no more than four (4) rooms.
  - 2. The *Commission* may modify the above *lot area* standards to allow for more or fewer rooms based upon, but not limited to, factors such as the size and shape of the *lot*, the more distant or closer proximity of a *dwelling* on other *lots* and across the *street* and the provision for and layout of off-*street* parking in a manner supporting the residential pattern of the neighborhood, including screening. In any event, there will be no more than four (4) rooms in the *dwelling*.
- I. No bed and breakfast transient lodging *use* is permitted in a *dwelling* where rooms are rented.



- J. In the event of any change in ownership of the *lot* where an approved bed and breakfast transient lodging *use* is located, the new owner, before continuation of the operation of the *use*, will submit an application for Certificate of Zoning Compliance and the application will be approved and Certificate issued by the Enforcement Officer when the Officer determines that the continued *use* will be in compliance with these regulations and the original Special Exception *use* requirements for the *lot*.

**Boarding House.** A *building* where lodging with or without meals for no more than three (3) persons are provided to long term (i.e.: non-transient) residents only, for compensation, utilizing one central kitchen facility. A boarding house will be confined to the principal *building* on the *lot*. No more than three (3) rooms will be rented per boarding house.

**Cannabis Dispensary (previously approved).** An existing, or proposed, adult-use and/or medical *cannabis dispensary facility* may be expanded, enlarged or changed by Special Exception Permit subject to the following standards:

- A. The existing, or previously approved adult-use and/or medical *cannabis dispensary facility* obtained an approved Site Plan Application and/or approved Certificate of Zoning Compliance (CZC) prior to January 1, 2022.
- B. The *lot* size has not increased or decreased in size since the original Site Plan Application and/or approved Certificate of Zoning Compliance (CZC) prior to January 1, 2022.
- C. *Use* changes will be limited to types of retail *uses* only (medical and/or adult sales).
- D. The addition of *Cannabis Manufacturing/Growing* is not proposed.

**Cannabis Micro-Cultivation Facility.** An indoor facility where the cultivation, manufacturing and packaging of cannabis and cannabis products may be permitted, expanded, enlarged, or changed by *special exception permit* subject to the following standards.

- A. All activities will take place inside an enclosed *building* with walls.
- B. A *Cannabis Micro-Cultivation Facility* will not exceed ten thousand (10,000 s.f.) of *cannabis grow space* at the time the initial *Special Exception Permit* is issued. Any future expansion will require authorization by the commissioner of CT Department of Consumer Protection, and a *Special Exception Permit*.
- C. The total maximum *cannabis grow space* of a *Cannabis Micro-Cultivation Facility* will not exceed twenty-five thousand square feet (25,000 s.f.).
- D. No Cannabis Micro-Cultivation Facility will be located within one-thousand feet (1000') of a municipal building, public park, public recreation or open space area, licensed adult or child day care center, school (private or public) or place of worship located within the town of Old Saybrook, or within five-hundred feet (500') of a *residential zoned property* located within the town of Old Saybrook (each a "Protected Use") that are in existence at the date of application. Distances measured under this subsection are measured from property line to property line. A *Cannabis Micro-Cultivation Facility* will not become a *nonconforming use* by the later establishment of any of the uses listed above and can be enlarged, renovated, and reconstructed by *Special Exception Permit*.

**Club.** Golf, tennis, swimming or similar clubs will be located on a *lot* of not less than ten (10) acres, and no *building, structure* or recreation facility established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street line*.

**Commercial Kennel or Stable.** A commercial *kennel*, livery or boarding stable, or riding academy will be located on a *lot* of not less than five (5) acres. Dogs will be kept in *buildings*, enclosures or runs located not less than one hundred fifty feet (150') from any property or *street line*. Any *building* in which livestock are kept will be located not less than one hundred feet (100') from any property or *street line*.

**Convalescent Home or Hospital.** A convalescent home, private hospital or sanitarium, licensed by the State of Connecticut, will conform to the following special standards:

- A. In the Residence AAA or AA-1 *District*, the *use* will be located on a *lot* having a minimum area of ten (10) acres and there will be no more than one (1) patient bed for each ten thousand square feet (10,000 s.f.) of *lot area*. In the Residence AA-2, A, B or Restricted Business B-3 *Districts*, the *use* will be located on a *lot* having a minimum area of five (5) acres, and there will be no more than one (1) patient bed for each five-thousand square feet (5,000 s.f.) of *lot area*. In the Gateway Business B-4 *District*, the *use* will be located on a *lot* having a minimum area of ten (10) acres, and there will be no more than one (1) patient bed for each twenty-five hundred square feet (2,500 s.f.) of *lot area*. In the Industrial (I) *District*, the *use* will be located on a *lot* having a minimum area of fifteen (15) acres and there will be no more than one (1) patient bed for each five thousand square feet (5,000 s.f.) of *lot area*.
- B. No *building or structure* established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street line*.
- C. The *use* will be served by public water supply.
- D. The *use* will comply in all respects to applicable laws and regulations of the State of Connecticut.
- E. The application will be accompanied by a report from the Connecticut River Area Health District attesting to the adequacy of the proposed location, site plan, *buildings*, and facilities for the intended *use*.
- F. The application will be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, site plan, *buildings* and facilities.

**Conversion of Dwelling.** The *dwelling* to be converted to contain two (2) *families* will be a single-family detached *dwelling* for one (1) *family* and will conform to the following special standards:

- A. Such *dwelling* will have been in existence on January 1, 1944, will contain not less than two thousand square feet (2,000 s.f.) of enclosed floor space, and, upon conversion, neither of the two (2) *dwelling units* will contain less than eight hundred square feet (800 s.f.) of enclosed floor space.



- B. The *dwelling* will be located on a *lot* having a minimum area of twenty-five thousand square feet (25,000 s.f.) if served by public water supply or having a minimum of forty thousand square feet (40,000 s.f.) if not so served.
- C. In making changes to the exterior of the *dwelling*, the appearance and historic qualities of a single-family house will be preserved, and no structural changes will be made other than to provide the necessary means of egress for each *dwelling unit*.
- D. Stairways leading to the second and any higher floor will be located within the walls of the *dwelling*.
- E. Sewage disposal facilities will be designed and constructed in accordance with applicable State and Town codes and regulations.

**Daycare.** *Daycare* will conform to the following special standards:

- A. The *use* will be limited to daytime group care of six (6) or more unrelated children or adults outside their homes including the providers' relatives for compensation on a regular basis not exceeding twelve (12) hours in a twenty-four (24) hour period.
- B. In an Industrial I *District*, the *daycare* facility will be located within a *building* on a *lot*, which *building* is also occupied by other *uses* or within a separate *building*. The facility may have an outside *fenced* playground area. The *daycare* facility, including but not limited to its location within a *building*, its location in relation to other *buildings* on the *lot*, its playground area and its drop off and pick up points in relation to truck and other vehicular traffic, will be subject to the applicable requirements of these Regulations.

**Drive-through windows.** *Drive-through windows* are permitted by Special Exception Permit as an *accessory use* to service customers in motor vehicles at a *drive-through window* for financial institutions, *pharmacies*, indoor restaurants or other food and beverage establishments under the following conditions:

- A. In the Business B-4 District, on one (1) lot a maximum of one (1) *drive-through window* for *pharmacies* or indoor restaurants or other food and beverage establishments is permitted on any one (1) *lot* having not less than ninety thousand square feet (90,000 s.f.) of *lot area* excluding wetlands and a minimum street frontage of two hundred twenty five (225) feet along either the Boston Post Road (Route 1), or Spencer Plain Road (Route 166) when located South of I-95. The sum of frontage on two (2) or more streets will not count towards minimum frontage requirements.
- B. In the B-4 District, two *drive-through windows* may be permitted on a *lot* not having less than ninety thousand square feet (90,000 s.f.) when one of the two drive-through windows is for a financial institution. Both drive-throughs must be located in separate structures with a minimum gross floor area of seven

- hundred and fifty (750 s.f.) square feet each not including any roof overhangs and have separate stacking lanes. No new additional curb cuts will be allowed. Existing curb cuts may be relocated.
- C. In the Business B-4 District, a maximum of one (1) *drive-through window* is permitted for financial institutions and (one) separate lane for an ATM or financial transaction bank tube carrier may be permitted on any one *lot* meeting the minimum lot size in the District.
  - D. *Drive-through windows* for *pharmacies*, indoor restaurants and other food and beverage establishments must be located in an enclosed *building* with a minimum of seven hundred fifty square feet (750 s.f.) of gross floor area. The *building* must be accessible to the public and allow customers without a motor vehicle to enter the building for the retail purchase of products or consumption of food and beverages.
  - E. *Lot depth*. The lot will have a minimum depth on at least two sides of four hundred (400'). On a corner *lot*, one (1) side of the *lot* counted as street frontage may be counted to satisfy the lot depth requirement.
  - F. Any new drive-through *building* or structure will be located on a *lot* with a minimum of one thousand (1,000') feet from an existing lot with a *drive-through window*. The distance will be measured along the street line from closest property line to closest property line. This separation distance will not apply to financial institutions.
  - G. A building/structure including a *drive-through window* will be located a minimum of one hundred (100') from the street line. Except for a corner *lot*, the drive-through window on the building/structure will be located at the back of the building/structure where the building/structure is least visible from all public roads.
  - H. Reduced setbacks for pedestrian nodes for liner buildings will not apply to buildings with *drive-through windows*.
  - I. A maximum of one (1) drive-through business is allowed per building/structure.
  - J. No building/structure having a *drive-through window*, substation or outdoor speakers associated with a drive-through business will be located within one hundred feet (100') from a residence district boundary line, residential use or mixed use. The one-hundred-foot (100') residence buffer area must be screened with evergreens and other tree species as specified in Section 63.5.2 to provide a landscaping buffer to adjacent residential uses from noise and headlight glare.
  - K. No exit or entrance to a drive-through will be located within one-hundred feet (100') of an intersection of any Town or State Road
  - L. Any *drive-through window* for *pharmacies*, indoor restaurants or other food and beverage establishments will have no more than one (1) stacking lane per building/structure and for use by only one (1) business per building/structure. Stacking lanes will be located towards the rear or side portion of a *lot* and separate from internal traffic stacking lanes. Drive-through stacking lanes must have a minimum width of 20 ft to allow for a bypass lane only (not for ordering or pick-up) and pedestrian striping and/or other signage where required for safe pedestrian passage. The Applicant will



demonstrate, to the satisfaction of the *Commission*, that adequate provision has been made for customers to park and safely enter/exit the buildings on the *lot* without crossing through adjacent lanes of moving traffic or stacking lanes for the drive-through window service.

M. The Applicant will demonstrate that there is sufficient stacking area for each *drive-through window* based on the following minimum standards.

**For financial institutions** with a *drive through window*, a minimum of nine (9) stacking spaces are required not including the vehicle being serviced.

- Two (2) of the nine (9) spaces will be located after the drive-through window, ATM or ITM.

**For pharmacies, indoor restaurants or other food and beverage establishments** with a drive through window, a minimum of fourteen (14) stacking spaces are required not including the vehicle being serviced.

- Two (2) of the fourteen (14) spaces will be located after the food and beverage pick up window.
- A minimum of eight (8) of the fourteen (14) spaces will be located between the street line and the front of the building where the first window or menu board is located to prevent vehicles from stacking onto a sidewalk, street, drive aisle for other businesses to the same *lot* or adjacent *lot*.
- Stacking spaces will not be located perpendicular to any entry on the lot that will encourage people to wait in the entry lane to try to merge into stacking spaces before the first window or menu board.

N. Service to customers in motor vehicles at a *drive-through window* for financial institutions, *pharmacies*, indoor restaurants or other food and beverage establishments will be limited to transactions related to the primary sales of the business and not for general retail or other window sales e.g.: *pharmacies* will limit sales to the presentment or pick-up of prescriptions and medical testing banks to financial transactions, and restaurant/food and beverage establishments to prepared foods and beverages.

O. The Applicant will demonstrate to the *Commission* that trash receptacles have been provided for customers patronizing *drive-through windows* for *pharmacies*, indoor restaurants or other food and beverage establishments. Receptacles will be placed in easily accessible locations to motor vehicle traffic where practical when exiting.

P. There will be no more than two additional “drive-through” *signs* for directional flow provided that the directional signs are no wider than forty-eight inches (48”) nor higher than eight inches (8”) with the words “Enter” or “Exit” only. No more than two (2) “Open” or “Closed” *signs* will be allowed and only when directly located above the drive-through lane and will be no wider than forty-eight (48”) inches nor higher than eight inches (8”). A maximum of one (1) restaurant

drive-through menu board is allowed per drive-through lane. Advertisements located at substations are *signs*. *Signs*, menu boards, clearance bars and structures associated with any *drive-through window* will be considered design elements complimentary to the main building/structure.

- Q. An existing business with a drive-through business proposing a change of use must be approved by the *Commission* and meet the current regulations or the drive-through will be abandoned. (e.g. an existing financial institution with a drive-through converting to a *pharmacy*).

**Domestic Animals.** The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted toward this limit.

**Dwelling for Elderly or Handicapped Persons.** A *dwelling* for elderly or handicapped *persons* will conform to the following special standards:

- A. The *dwelling* will be owned by a *non-profit corporation*, established under the laws of the State of Connecticut for the specific purpose of owning, constructing and operating the *dwelling*. A copy of the articles of incorporation, as well as a copy of a management plan, will be submitted with the application for a Special Exception *Use*.
- B. The *dwelling* or *dwelling unit* will be designed and equipped specifically to meet the special needs of elderly or handicapped persons, and each *dwelling unit* will be occupied by at least one (1) *person* who is either sixty-two (62) years of age or older or is physically handicapped. The management plan will include a provision that a surviving spouse under the age of sixty-two (62) may be permitted to remain in the complex.
- C. The *dwelling* may:
  - 1. Contain not less than two (2) nor more than eight (8) *dwelling units* or
  - 2. Consist of one or more clusters of up to six (6) single detached *dwelling units* per cluster for one (1) *family*. No *dwelling unit* will contain more than two (2) *bedrooms*. Each one-*bedroom dwelling unit* will contain not less than four hundred square feet (400 s.f.) of enclosed floor space and each two-*bedroom dwelling unit* will contain not less than five hundred fifty square feet (550 s.f.) of enclosed floor space. No separate *dwelling unit* will be located above any other *dwelling unit* unless the upper *unit* has at-grade access (principal doorsill not more than twenty-four (24) inches above the grade of the adjoining land).
- D. The *dwelling* will be located on a *lot* having a minimum area of two (2) acres that have an average seepage rate of one (1) inch in ten (10) minutes or less. A *dwelling* will be located on suitable *building land* on the *lot*, and the total number of *dwelling units* will not exceed twelve (12) per acre of land having the above seepage rate. All the *dwelling units* will be served by public water supply.



- E. No *dwelling* or *accessory building* or *structure* will extend within less than twenty-five feet (25') of any *street line* or property line, and no parking spaces or access aisles in connection therewith will extend within twenty-five feet (25') of any *street line* or within fifteen feet (15') of any property line. No *dwelling* will extend within less than fifteen feet (15') of any other *dwelling* on the *lot*.
- F. The *use* may include *accessory* community rooms and facilities for the *use* of the occupants of the *dwellings*, as well as utility and maintenance *buildings* and facilities necessary for support of the *dwellings* on the *lot*.

**Farm.** A farm, including a truck garden, nursery, greenhouse, forestry or the keeping of livestock, will conform to all standards for animals listed in this section. A farm will not include a commercial piggery, and there will be no commercial slaughtering, fertilizer manufacturing, or any commercial reduction of animal matter.

**Fence, Hazardous.** All *hazardous fences* must be permitted by Special Exception except when used to provide security to a public utility *building* or *structure* (including a utility tower); for Town and State facilities requiring security from entry; or where constructed as a barrier to livestock and farm animals to prevent them from entering or leaving an enclosed area accessory to a permitted farm.

**Food and Beverage Concession Service.** A food and beverage concession service is an accessory *use*, involving the indoor or outdoor retail sale of food for consumption on the premises, such retail sale *not* being to the general public nor for consumption off the premises, but *accessory* to a *park* or *playground* operated by the Town of Old Saybrook when said *park* abuts Long Island Sound. A food and beverage concession service may be permitted in any *district* by Special Exception *Use* when in accordance with the following standards and conditions:

- A. A food and beverage concession service will not operate when the *park* to which it is accessory is not open to the public, and in no event will a food and beverage concession service operate for more than six (6) months in any calendar year.
- B. A food and beverage concession service will not obstruct parking, loading, emergency access areas, pedestrian *walkways* or paths.
- C. A food and beverage concession service will provide service to patrons of the *park* to which it is accessory. *Signs*, advertising, promotion, or other market efforts directed to off-site patrons is prohibited.
- D. A food and beverage concession service will have a maximum floor area of no more than four hundred square feet (400 s.f.) of indoor or otherwise enclosed space. One wheeled cart or one motor vehicle situated on the property for a minimum of four hours per day may be permitted in lieu of a permanent *building*. No outdoor seating will be provided for this *accessory use* however *park* benches, picnic tables and other furniture located at the *park* on a year round basis may be used for seating.

**Heliport.** Any heliport will be a private heliport for non-scheduled periodic landing and takeoff of rotor-craft, will be accessory and incidental to another permitted *use* on the *lot* and will conform to the regulations of State and Federal agencies having jurisdiction over aircraft landing and takeoff facilities and *use* of airspace.

**Home Business in a Dwelling Unit.** A home business in a *dwelling unit* located in a Residence *District* is an additional *use* or which a Certificate of Zoning Compliance is required. A home business consists of an activity conducted for gain and will conform to the following standards and conditions:

- A. The *person* conducting the home business will reside in the *dwelling unit*, and there will be no more than one (1) non-resident *person* employed on the premises in connection with the business.
- B. There will be no evidence outside the *dwelling*, except permitted *signs* and required off-street parking, that the *dwelling* contains a home business.
- C. The home business will be confined to but one (1) floor of the *dwelling unit* and will not exceed more than twenty-five percent (25%) of the *gross floor area* of the *dwelling unit*.
- D. No finished consumer goods will be acquired outside the *dwelling unit* for sale in connection with a home business within the *dwelling unit*.
- E. The home business and conduct thereof will not impair the residential appearance of the premises nor impair the reasonable *use*, enjoyment and value of other residential property in the neighborhood.
- F. The application for a Certificate of Zoning Compliance will be signed by the *person* or *persons* proposing to conduct the home business and will be accompanied by a detailed description of the proposed *use*. Each Certificate of Zoning Compliance will automatically terminate when the Applicant no longer resides in the *dwelling unit*.

### **Hotel Suites in the SP-2 and SP-3 Districts.**

- A. A *hotel suite* and *hotel rooms* may be permitted as accessory to and part of a *hotel* permitted under these regulations. The *hotel suite* and *hotel rooms* may be located within the *hotel Building* or *Buildings*.
- B. Section 9.1 of these Regulations notwithstanding, a *hotel suite* or *suites* and *hotel room* or *rooms* may be located in a *building* or *buildings* on a separate *lot* from the *hotel* provided that a public entrance to said *hotel* is not more than 1000 feet distant from the entrance to the *building* in which each *hotel suite* and each *hotel room* is located, and provided that all other requirements of this Section are met.
- C. The number of accessory *hotel suites* will be less than 50% of the number of total rooms in the *hotel* devoted to transient lodging.
- D. The floor area of the accessory *hotel suites* will be less than 50% of the floor area of the total rooms in the *hotel* devoted to transient lodging.
- E. A *hotel suite* will not be less than 750 square feet, nor exceed 1900 square feet and a *hotel room* will not be less than 250 square feet nor exceed 700 square feet outside the *hotel room* or suite that is designed or arranged such that it is for the exclusive use of one



or more of the *hotel rooms* or suites shall be allocated to that *hotel suite* or room prorata.

- F. In the event a *hotel suite* or *hotel room* is located on a separate *lot* from the *hotel*, no more than 24 *hotel suites* or *hotel rooms*, or combination of *hotel suites* and *hotel rooms* may be located on any single *lot*, and no other *hotel* facilities will be located on the same separate *lot*.
- G. No *hotel* facilities shall be located on the said separate *lot* for use by the *hotel* guests other than the occupants of the separate *building* or *buildings* on the *lot*, or for use by the general public.
- H. Within the *building* or *buildings* on the separate *lot*, the *Commission* may approve a separate entry area and a separate common area which may have kitchen facilities, for the use of the occupants of the *building*, and not for use by *hotel* guests other than the occupants of the *building*, nor for use by the general public. Any such *building* or *buildings*, including any entry area and common area, shall not have separate staff, but shall be administered as an accessory part of the *hotel* as required under Section 37.1.14.
- I. In the event a *hotel suite* or *hotel room* is located on a separate *lot* from the *hotel*, there will be two parking spaces per *hotel suite* and one parking space per *hotel room* located on the same *lot*. Such parking spaces per *hotel suite* and *hotel room* will be in addition to the parking required for any other uses, principal or accessory, located on such *lot*.
- J. In the event the *hotel suites* or *hotel rooms* are to be located in an existing *dwelling* or *dwellings* having the same or more *bedrooms* than proposed, which *dwelling* or *dwellings*, or the lot on which it is located, is *nonconforming* to one or more of the requirements of Section 37.2 through 37.5, inclusive, the provisions of 10.7 shall apply.
- K. In the event the *hotel suites* or *hotel rooms* are to be located in an existing *building* containing more than one *dwelling* unit, no part of the existing *building* can be converted to *hotel suites* or *hotel rooms* except under the following condition:
  - 1. Only the first floor *dwelling units* will be converted to *hotel suites* or *hotel rooms* in the event *dwelling units* are to remain above the first floor of the *building*.

**Kennel.** A *kennel* will be located on a *lot* of not less than five (5) acres as a Special Exception Use. Dogs and cats located at a *kennel* will be kept in *buildings*, enclosures or runs located not less than one hundred and fifty (150') feet from any property or *street line*.

**Livery and Boarding Stables.** Livery and boarding stables and riding academies will be located on a *lot* of not less than five (5) acres. Any *building* in which livestock are kept will be located not less than one hundred (100') feet from any property or *street line*.

**Livestock or Poultry.** No livestock will be kept on a *lot* of less than five (5) acres and any *building* in which livestock or poultry are kept will not extend within less than one hundred fifty feet (150') of any property or *street line*, except as follows:

- A. On a *lot* of not less than eighty thousand square feet (80,000 s.f.), one (1) animal unit, consisting of one (1) equine, bovine or llama or up to five (5) sheep or goats, an aggregate of not more than twenty (20) chickens, other poultry or rabbits may be permitted by Special Exception Permit provided that any *building* or shelter in which animals are kept is located not less than seventy feet (70') from any property or *street line*, and there may be one (1) additional animal unit for each forty thousand (40,000) square feet of *lot area* over eighty thousand square feet (80,000 s.f.), up to a maximum of three (3) animal units.
- B. The keeping of five (5) or fewer chickens, poultry or rabbits or combination is permitted on any *lot* if kept in a *building* or enclosure conforming to the *setback* requirements for *buildings* and other *structures* in the *district*.

**Marine Research Laboratory.** Any marine research laboratory for the study of aquatic and marine environment, ecology and resources, will also conform to the following special standards:

- A. The laboratory activity will have need for and actually use access from the *lot* to Long Island Sound or the Connecticut River by *boat* or other vessels in connection with its primary study activities.
- B. Access by *boat* or other vessel to the Sound or River will be of a type, that is in harmony with and conforming to the appropriate and orderly *use* of Long Island Sound or the Connecticut River by boating and fishery *uses* permitted in the *District*.

**Marine Vehicle Establishment.** A *marine vehicle establishment* will conform to the following special standards:

- A. The marine vehicle establishment will be located in the Industrial I, Business B-3 or B-4 *Districts* and within five thousand (5,000) feet of the main navigable channel of the Connecticut River, specifically excluding North Cove, South Cove and tributaries of the Connecticut River.
- B. The display or storage of *boats* and related products, or any other outdoor storage or display, may be permitted when located at least fifty feet (50') from the *street line*. The *Commission* may allow a lesser setback where a landscaped buffer is provided between any such display or storage area which buffer is as high as any product to be displayed or stored less than fifty feet (50') from the *street line*. The *Commission* may also require landscaped buffering for outdoor storage or display areas regardless of their location on the *lot* where desirable to protect abutting zones or *uses*.
- C. The sale of parts, accessories, and products related to motorized or non-motorized *boats*, personal watercrafts, marine trailers, marine equipment, and marine engines is permitted as an *accessory use*, the application for *marine vehicle establishment* will identify the floor area within a *building* or the square footage of outdoor areas to be dedicated to such *accessory use*, and the *Commission* may impose conditions of approval to establish that such sale is significantly accessory



to the *principal* use for the sale, repair, manufacturing, storage or servicing of motorized or non-motorized *boats*, personal watercrafts, marine trailers, marine equipment and marine engines. The intent of these Regulations is that retail trade not be the primary or predominant use of premises approved for a *marine vehicle establishment*.

**Material Earth Removal, Filling & Excavation.** A Special Exception Permit is required and valid for one (1) year from the date of *Commission* approval for deposition, excavation, removal, grading or dumping one hundred cubic yards (100 yd<sup>3</sup>) or more of earth or any other material on any *lot* in a calendar year.

A Special Exception is not required for deposition, excavation, removal, grading or dumping of one hundred cubic yards (100 yd<sup>3</sup>) or more of earth including loam, sand, gravel, clay, peat or quarry stone material or any other material on a *lot* in a calendar year when the project/activity is associated with the following:

- A. A permit issued by the CT DEEP, Army Corps of Engineers, Planning Commission, Zoning Commission, Zoning Board of Appeals, Inland Wetlands & Watercourses Commission or Zoning Enforcement Officer.
- B. Installation of a Health Code compliant septic system or drinking water well approved by the CT River Area Health District (CRAHD) or State of Connecticut when the fill deposited or excavated will not exceed the absolute minimum required to meet the Health Code.
- C. Installation, maintenance or replacement of driveways, *sidewalks*, roads, parking lots, snow removal, drainage, utilities such as gas lines and buried utility tanks.
- D. Operation of a permitted agricultural *use*, transfer station, public works garage or recycling center or temporary debris storage by the Town of Old Saybrook or State of CT as a result of major storms.

**Motor Vehicle Fueling Station.** The retail sale of gasoline or other motor vehicle fuel and related vehicle battery-charging stations, will be subject to the following special standards and conditions in addition to the other requirements of these regulations.

- A. There will be no more than ten (10) fuel-dispensing stations (“pumps”) which may be in double-sided configurations.
- B. The vehicle spaces immediately adjacent to the fuel-dispensing stations and any vehicle battery-charging station space will not be counted to meet any minimum parking space requirements for the site.
- C. The applicant will demonstrate to the satisfaction of the *Commission* that provision has been made for the safe *street* access and egress of vehicles from the fuel-dispensing stations and any battery-charging station to the *street* as well as the rest of the site.
- D. The applicant will demonstrate to the satisfaction of the *Commission*, that adequate provision has been made for *pedestrians* to safely enter/exit the fuel-dispensing station or battery-charging stations proposed under this Section.

- E. There will be no more than two (2) signs for directional flow provided that the directional signs are no wider than forty-eight (48") nor higher than eight inches (8') only, with the words "Enter" or "Exit" with "Fuel." A battery-charging station will be identified by a sign no wider than forty-eight inches (48') nor higher than eight inches (8'), with the words "Battery-Charging Station."
- F. The location of television screens, monitors, or speakers at the fueling station for the purpose of entertainment or advertising while fueling are not permitted.

**Motor Vehicle, Unregistered (Residence District).** No more than one (1) unregistered motor vehicle will be stored outdoors on any *lot* in a Residence *District*.

**Motor Vehicle Uses.** A *motor vehicle fueling station*, motor vehicle repair garage and automotive *uses* specifically listed as Special Exception *Uses* in a zoning *district*, will conform to the following special standards:

- A. No *building* or *structure* used for a *motor vehicle fueling station* or other automotive *use*, and no land used for the purposes, will extend within one hundred feet (100') from a residential *district* boundary line.

In addition, no *motor vehicle fueling station* or other automotive *uses* will have any entrance or exit for motor vehicles at the *street line* within a radius of five hundred feet (500') of any entrance or exit at the *street line* of any public or private school grounds, library, church or other place of worship, park, playground or institution for sick, dependent or children under sixteen (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* will be located within less than twenty-five feet (25') of any *street line* or property line or within a radius one thousand feet (1000') in the Shopping Center Business B-2 District and within five hundred feet (500') in the Gateway Business B-4 District of any pump or other fuel-filling devices on any other *lot*.
- C. There will 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 32.3.1 and 32.3.2, in the Business B-2 District, and *outside storage* areas as set forth in Paragraph E. below, no more than five (5) undamaged motor vehicles awaiting repair will be stored or parked out of doors.
- E. More than five (5) vehicles, including damaged vehicles, may be stored or parked outdoors if located in an enclosed *outside storage* area. Said *outside storage* areas will be enclosed by *buildings* 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*, but will be allowed necessary access drives.
- F. The requirements of these Regulations will be in addition to, not in lieu of, the requirements set forth in C.G.S. §14-54, §14-67i, and §14-321.



**Non-Commercial Communication Equipment.** *Antennas* and their support *structure* in residence *districts* intended for *non-commercial communication* purposes, including television *antennas*, HAM radio towers and satellite dishes, may be considered customary *accessory uses* subject to the following standards.

- A. *Antennas* and support *structure* for HAM radios will not exceed a *height* of sixty-five feet (65'), including the *height* of the *building* if *building* mounted. (Any inhabited portion of the *building* will not exceed the *height* specified for the *district*.) *Antennas* and support *structure* located in the *Gateway Conservation Zone*, however, will not exceed thirty-five feet (35').
- B. Satellite and microwave dish *antennas* will not exceed a diameter of three feet (3') and will not extend more than eight feet (8') above the roofline of *building* served.
- C. A *setback* of one (1) foot for each one (1) foot of *height* of the *structure*. *Antenna* will be maintained from all property lines to provide an adequate fall zone. If mounted on a *building*, then the *Commission* measures the *height* from the point of attachment to the *building* for determining *setback*.
- D. No *structure* or antenna will be located in the front yard.

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

DISTRICT	PERCENTAGE OF LOT AREA
B-1	25%
B-2	25%
B-3	none permitted
B-4	75%
MI	75%
I-1	25%
SP-2	25%

In addition, any *outside storage* area located in a B-1, B-2, B-4 or I-1 *District* will be enclosed, except for necessary access *driveways*, by *buildings* or *fences*, walls embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any *street*, provided, however, that the *Commission* may determine that the enclosure is not necessary in connection with all or a portion of necessary and reasonable *outside storage* that is an adjunct to retail sales.

**Propane, Bulk Storage.** The *bulk* storage of propane, liquified petroleum gas, or liquified natural gas, where such storage is not for consumption of the product by the occupant(s) of the *lot*, shall be allowed in the Industrial *District* under the following conditions:

1. The gross amount of propane, liquified petroleum gas or liquified natural propane stored on any *lot*, or in a single, integrated multi-lot development, shall not exceed 60,000 gallons;
2. The maximum tank size shall be 30,000 gallons;
3. Any tank shall have a minimum *setback* of fifty (50) feet from any other *lot*;
4. Any tank shall have a minimum *setback* of five hundred (500) feet from a *dwelling unit*; and
5. The *lot* on which the *bulk* storage is located shall not be within six hundred (600) feet of U.S. Route 1 (Boston Post Road).
6. In addition to the bulk storage of propane described above, the occupant may have additional, separate propane storage of up to 1,000 gallons which serves the *building* or *buildings* located on the *lot*.

The bulk storage of propane, liquified petroleum gas, or liquified natural gas, where storage is not for consumption of the product by the occupant(s) of the lot, shall be prohibited in the Coastal Management Area, in the *CT River Gateway Zone* and on properties located within a *Special Flood Hazard Area*.

**Public Utility Substation.** A public utility substation or telephone equipment *building* will conform to the following special standards:

- A. Any *building* in connection with the *use* will have a design that is in harmony with residential architecture in the neighborhood.
- B. Any equipment or utility facilities not located in a *building* will 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*.

**Radio Tower.** A radio tower for a standard broadcasting radio station must be used in connection with a radio station located completely within the Town of Old Saybrook.

**Renting of Rooms.** The renting of no more than two (2) 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 will reside in the *dwelling unit*. No *accessory building* will be used for renting of rooms, and there will be no provision for cooking facilities in or available to the rooms, except the principal cooking facilities of the *dwelling unit*.

**Residential Life Care Facility.**

- A. The *residential life care facility* will consist of a *building* or *buildings* containing *assisted living units*. These will consist of studio, one (1) or two (2) *bedroom* units. These units will be designed and equipped specifically to meet the special needs of elderly *persons*. Each *assisted living unit* will be occupied by at least one (1) *person* who is either sixty (60) years of age or older. The management plan required by these *Regulations* may include provision that a surviving spouse under the age of sixty (60) may be permitted to remain in the *assisted living unit*.



- B. The *residential life care facility* will provide the following facilities and services for use by or benefit of all residents of the facility and their guests:
1. A medical facility which will be equipped to provide medical and other health-related services; common areas will contain a dining room, kitchen, lobby, library, gift shop, beauty salon/barber shop, craft/hobby shop, chapel and health club. An emergency generator system capable of providing emergency power to both the residential and the medical facility will be provided. A fully equipped physical therapy room available to both residents of the life care *building* and the medical facility will be provided on site. Common services will also include food service, housekeeping assistance, a full-time health counselor, a full-time social director, 24-hour on-site licensed nursing, a medical director or licensed physician on call 24 hours a day, transportation services, home health care or other medical services, a fully integrated 24-hour security system and fire alarm system with individual unit, as well as full-facility alerting capability.
- C. The *residential life care facility* will be located on a *lot* having a minimum of seven (7) contiguous non-wetland acres. The *lot* will have a minimum *frontage* of three hundred feet (300') on a *street* and will be of a shape that a square with a minimum dimension of four hundred feet (400') will fit on the *lot*. The total number of *assisted living units* will not exceed twelve (12) per acre, and the facility will be served by public water supply.
- D. The *residential life care facility building* and *structure* will not exceed the *height* limit of the *district*. *Assisted living units* may be located above other *assisted living units*. When located outside the *Gateway Conservation Zone*, the *Gross Floor Area* of all *buildings* and other *structures* on the *lot* may be increased to fifty percent (50%) of the *lot area* outside the *zone*.
- E. Each studio *assisted living unit* in the *residential life care facility* will not contain less than four hundred twenty square feet (420 s.f.) of enclosed floor space; each one (1) bedroom *assisted living unit* will not consist of less than five hundred twenty square feet (520 s.f.) of enclosed floor space; and each two (2) *bedroom assisted living unit* will contain not less than seven hundred fifty square feet (750 s.f.) of enclosed floor space. No more than twenty-two percent (22%) of *assisted living units* will be studios.
- F. A management plan specifying the occupancy, facilities, services and administration for the *residential life care facility* will be submitted with the application for Special Exception *Use*.

**Restaurant, Indoor.** An indoor restaurant or other indoor food and beverage service establishment will serve customers only when they are seated at tables or counters. At least seventy-five percent (75%) of the seats at tables or counters will be located within an enclosed *building*. The establishment may provide food take-out service when (a) the service and transfer of food and beverages to customers is located within an enclosed *building*, (b)

the food is intended for consumption off the premises, and (c) the service is clearly incidental to a primary permitted indoor food and beverage service establishment where customers are served only when seated as specified. Where specifically permitted in a *district* as a Special Exception *Use*, the establishment may also include service to customers at service counters as well as service to customers in motor vehicles at a take-out window.

**Restaurant, Outdoor.** An *outdoor restaurant* serving customers who are consuming the food and beverages at tables or counters located outside. The *outdoor restaurant* is required to include restaurant facilities on the same *lot*, including, for example, dedicated restrooms, utility connections, tables, chairs, and hostess station. A Food and Beverage Concession Service (as set forth above) will not be used in the operation of an *outdoor restaurant* or be allowed as an *accessory use* for an *outdoor restaurant*.

**Outdoor Seating.** Outdoor seating associated with an indoor restaurant, an *outdoor restaurant*, or for the consumption of food purchased at a retail establishment will be renewed by Certificate of Zoning Compliance on an annual basis by the *Commission* to *insure* that pedestrian ways are not obstructed and to ensure the exterior cleanliness of the establishment is maintained.

A. **Restaurant or other indoor food or beverage service establishment.** An indoor restaurant, an *outdoor restaurant*, or other indoor food and beverage service establishment will be permitted to have outdoor seating as an accessory use on the property in which the indoor restaurant or *outdoor restaurant* is located. A restaurant will be permitted to locate one additional exterior seat for every three parking spaces approved for the restaurant *use*.

B. **Retail establishment.** A retail establishment will be permitted to have outdoor seating as an *accessory use* on the property where the retail business is located when the purpose of the seating is for the consumption of food purchased at retail on the premises such as ice cream or pre-packaged foods not prepared on the premises. A maximum of two (2) tables and eight (8) chairs or two (2) picnic tables are permitted per retail business.

The Zoning Commission in its discretion may permit a business to exceed the permitted number of outdoor seats by no more than fifty (50) seats in addition to the approved number of outdoor seats allowed as of right as a Special Exception when at a minimum the business can demonstrate that one (1) parking space is provided for every three (3) outdoor seats or that there is adequate parking or bicycle/*boat*/pedestrian traffic in the area that additional parking spaces are not necessary.

Outdoor seating for all other uses (i.e., employee lunch areas, waiting areas, picnic areas, lawn furniture and *street* furniture) is permitted and does not require a Certificate of Zoning Compliance unless the seating, tables and furniture placed outdoors is for sale or for storage purposes.

**Roadside Stand.** A *roadside stand* will be established only for the display and sale of farm products grown on the premises where the stand is located, will not exceed a maximum *building/structure coverage* of four hundred square feet (400 s.f.), will observe all *setbacks* required for *buildings* and other *structures*, and will be provided with at least one (1) off-*street* parking space for each fifty square feet (50 s.f.) of *building/structure coverage*.



**School.** No *building* or *structure* used for any public or private school grounds will be located within a radius of five hundred feet (500') of any entrance or exit at the *street line* of a *motor vehicle fueling station* or other motor vehicle *use*.

### **Vehicle Battery Charging Station**

1. Vehicle battery charging stations are permitted as an *accessory use* to a business or industrial *use*. For parking lots with fifty (50) or more parking spaces, five (5) charging stations are permitted for the first fifty (50) approved parking spaces and one (1) additional station is permitted for every additional ten (10) parking spaces located on the *lot*.
2. A maximum of five (5) vehicle battery charging stations are permitted as an *accessory use* to a *dwelling unit* or multiple *dwelling units*, any *uses* or facilities on a *lot* owned by the Town of Old Saybrook, State of Connecticut or Federal Government. For parking lots with twenty-five (25) or more spaces, five (5) charging stations are permitted for the first twenty-five (25) approved parking spaces and one (1) additional station is permitted for every additional ten (10) parking spaces located on the *lot*.