

AN ORDINANCE  
CONCERNING BUILDING ON UNACCEPTED STREETS

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Secretary of Planning  
LEDYARD TOWN CLERK

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Declaration of Policy

No building permit shall be issued by the Building Official of the Town of Ledyard and no building or structure shall be constructed on any lot or tract of land abutting an unaccepted highway or street, except that a building permit may be issued for a building or structure on a lot abutting an unaccepted highway or street if a surety bond in an amount satisfactory to the Director of Public Works and approved by the Town Council has been filed with the Town Treasurer required by the Road Ordinance and Subdivision Regulations of the Town of Ledyard or as the same may be amended, which bonds insures the cost of completing said highway or street within the time limit in said bond.

Section 2. Application Variance Process and Authorization

(a) The Planning and Zoning Commission of the Town of Ledyard may, with the concurring vote of three members of said Commission, vary the application of this ordinance and authorize the issuance of a building permit for the construction of a one-family residential dwelling and the building of such dwelling on a lot which does not abut an accepted highway or street provided:

- (1) Such variance shall be in harmony with the general purpose and intent of the zoning and subdivision regulations with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of this Ordinance would result in exceptional difficulty or hardship so that substantial justice will be done and the public safety and welfare secured; or
- (2) Such parcel is located in a layout subdivision recorded in the office of the Town Clerk prior to the adoption of the ordinance establishing planning and zoning in the Town of Ledyard on October 23, 1962; or
- (3) The said Commission finds it is not desirable or feasible to lay out a public highway abutting the tract upon which the building is proposed to be built.

(b) Any person aggrieved by a decision of the Planning and Zoning Commission denying an application for variance may appeal such decision to the Building Code Board of Appeals of the Town of Ledyard, in accordance with the procedure applicable to the appeals to said Building Code Board of Appeals from decisions of the Building Official.

Upon such appeal, the Building Code Board of Appeals may, with the concurring vote of four members of such Board, vary the application of this ordinance and authorize the issuance of a building permit for the construction of a one-family residential dwelling and the building of such a dwelling on a lot which does not abut an accepted highway or street provided the requirements of Section 2(a)(1); (2) or (3) are established.

(c) Upon granting of a variance and authorization of the issuance of a building permit, the Building Official shall cause to be prepared and recorded on the land records of the Town of Ledyard a Caveat in substantially the following Form:

“CAVEAT

Property owned by:  
Location:

This is to certify that on \_\_\_\_\_ (date) \_\_\_\_\_ authorization was granted for the for the issuance of a building permit for the construction of a one-family residential dwelling and the building of such a dwelling on the following described premises:

(Describe the Lot)

The said lot does not abut an accepted highway or street. The Town of Ledyard assumes no responsibility for the accepting or maintain any unaccepted highway or street upon which the lot abuts nor does the Town of Ledyard assume any responsibility for assuring adequate access to said lot for the purpose of fire protection or other public safety measures.

Dated at Ledyard, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

\_\_\_\_\_  
Building Official”

Section 3. Farm Accessory Buildings

This Ordinance shall not apply to a permit for the construction of farm accessory buildings which are not a violation of the zoning or building regulations of the Town of Ledyard or the alterations or remodeling of an existing residence or accessory building.

Section 4. Violations

Any building erected in violation of this Ordinance shall be deemed an unlawful structure and the Town of Ledyard may bring action to enjoin the erection of such structures or cause it to be vacated or removed. Any person, firm or corporation erecting a building in violation of this Ordinance may be fined not more than two hundred dollars (\$200.00) for each building or structure so erected in addition to the relief herein otherwise granted to the Town of Ledyard.

Section 6 . Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 7. Effective Date

Adopted: January 22, 1975

Effective Date: February 15, 1975

Renumbered by the Ledyard Town Council on:: September 25, 2019

Linda C. Davis  
Linda C. Davis, Chairman

Fred B. Allyn, III  
Fred B. Allyn, III Mayor

Patricia A. Riley  
Patricia A. Riley, Town Clerk

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Revision: Ordinance #7 "*An Ordinance Concerning Building on Unacceptable Streets*" Adopted: Town Meeting May 10, 1962; Amended and Adopted August 23, 1972; Amended and Adopted January 22, 1975; Effective: February 15, 1975.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #7 " An Ordinance Concerning Building on Unacceptable Streets" to Ordinance #300-021.

In 1971 The Town of Ledyard changed its form of Government from a Board of Selectman to a Town Council form of government. Therefore, in 1972 the Town Council adopted Ordinance #7 to ratify the Ordinance.

2019: Added Titles to each section to be consistent with the Town's Ordinance Format; added "Zoning" throughout the document to reflect the Combined Planning & Zoning Commission; Added Section 5 "*Cancellation of Previous Ordinance*"; and Section 6 "*Severability*" to be consistent with town ordinances; updated following Section numbers accordingly.