

## SECTION 02. DEFINITIONS:

The following definitions shall apply for the purpose of these regulations.

### 02.01. "A"

#### 02.01.01. Accessory Apartment:

An accessory apartment is defined as a dwelling unit with bedroom, kitchen and bathroom facilities created within an existing residential structure but subordinate to the home in size and appearance.

#### 02.01.02. Accessory Building or Use:

An accessory building or use is one which is subordinate and customarily incidental to the main building and use on the same lot. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes.

#### 02.01.03. Adult-Oriented Establishments:

Adult-Oriented Establishment, shall include, without limitation, "adult Bookstores", adult motion picture theaters", "adult mini-motion picture theaters" and commercial establishments containing one or more "adult amusement machines". "Adult-oriented Establishment" further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

#### 02.01.04. Agricultural Operations, Non-Commercial:

The use of a lot for gardens (excluding truck gardens), greenhouses, the raising of less than 100 poultry, the keeping of domestic animals, including cattle, riding horses and ponies, dogs, etc., all of which are grown or raised for the non-commercial accessory use of the occupants of the same premises.

#### 02.01.05. Agriculture, Commercial: (See Farm)

#### 02.01.06. Apartment House:

A dwelling containing separate living units for four or more families having separate or joint entrances, services and facilities.

02.01.07. Aquifer:

A geologic unit capable of yielding usable amounts of water.

02.02. "B"

02.02.01. Basement:

The floor next below the principal floor.

02.02.01.01. Basement Room:

A room located partially or entirely within the basement.

02.02.01.02. Billboards:

A flat surface or board, usually outdoors, on which large advertisements or notices are posted.

02.02.02. Boarding House:

A building with not more than five guest rooms where lodging and meals are provided for compensation.

02.02.03. Building:

An independent structure having a roof supported by columns or walls resting on its own foundations and including shed, garage, stable, greenhouse or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

02.02.04. Building Area:

Building area is the aggregate or the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 30 inches, steps, one story open porches, and balconies and terraces.

02.02.05. Building Height:

The vertical distance from the average level of the ground along all walls of the building to the highest point of the building.

02.03. "C"

02.03.01. Camp:

An area of an acre or more, with temporary or permanent structures, designed or used to accommodate ten or more individuals for recreational, educational, political, charitable or social

uses. (Does not include public parks.)

02.03.02. Certification:

A signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

02.03.03. Commission:

The Planning and Zoning Commission of the Town of Durham, Connecticut.

02.03.04. County Soil and Water Conservation District:

The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes

02.04. "D"

02.04.01. Day Care Services:

- a. Child Day Care Center - A facility which offers or provides supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one (1) or more days in the week.
- b. Group Day Care Home - A facility which offers or provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for a part of the twenty-four hours in one (1) or more days in the week.
- c. Family Day Care Home - A private family home which cares for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted.

02.04.02. Development:

Any construction or grading activities to improved or unimproved real estate.

02.04.03. Disturbed Area:

An area where the ground cover is or will be destroyed or removed leaving the land subject to accelerated erosion.

02.04.04. Dwelling:

A building or portion thereof designed and used for residential occupancy, but not including hotels or boarding houses.

02.04.05. Dwelling Unit, Single Family:

A detached building or apartment designed for and occupied exclusively as a home or residence for one family. (Note: The Zoning Commission may, upon application, sanction separate light housekeeping facilities for dependent relatives of the owner.)

02.04.06. Dwellings for Elderly and/or Physically Handicapped Persons:

Shall mean development of dwelling units: 1) designed exclusively to be occupied by and to meet specific requirements and designed standards suitable for occupancy for one or more elderly persons at least one of whom is at least 55 years of age or over and/or is physically handicapped; and, 2) which shall conform to the requirements of State and/or federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, his architect and engineers that such housing conforms to the State and/or federal agencies' program requirements for elderly housing whether or not such housing is constructed under such program. Dwellings for elderly and/or physically handicapped persons may include accessory community rooms and facilities for the use of the occupants as well as other essential service facilities, such as laundry rooms.

02.05. "E"

02.05.01. Erosion:

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

02.06. "F"

02.06.01. Family:

A family is any number of individuals regularly living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding house, or hotel, or rooming house.

02.06.02. Farm:

Any parcel of land containing three or more acres of land in one piece used for real or anticipated profit or as a hobby for the raising of agricultural products, livestock, poultry, fur-bearing animals and dairy products and with or without wood lots. It includes necessary farm structures and the storage of equipment but excludes riding academies, livery and boarding stables and commercial dog kennels.

### 02.06.03 Forest Land:

Forest land means that portion of a parcel of land which constitutes a total of at least (one-half acre) (one acre) contiguous acre on which there is no structure, maintained landscape area, accessway or other improvement and which is (A) occupied in random distribution by trees having a minimum diameter of three inches as measured from a point on the trunk which is four and one-half feet above the ground such trees comprising at least seven and one-half square feet of basal area and the crowns of such trees occupying no less than fifteen per cent of the total area; or (B) which is planted with at least five hundred trees per acre and is not maintained for Christmas tree or nursery stock production.

### 02.07. "G"

#### 02.07.01. Garage, Private:

A detached accessory building or a portion of a main building for the parking or storage of automobiles or trucks belonging to or pertaining to the livelihood of the occupants of the premises.

#### 02.07.02. Garage, Community:

A structure or a series of structures for the storage of automobiles of residents of the neighborhood and not used for the making of repairs.

#### 02.07.03. Garage, Public:

A building other than a private or community garage used for maintenance, repair, and storage of automobiles.

#### 02.07.04. Grading:

Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials on any combination thereof, including the land in its excavated or filled condition.

### 02.08. "H"

#### 02.08.01. Habitable Space:

Habitable space shall conform to the current definition contained in the State of Connecticut Building Code.

#### 02.08.02. Height - Building:

The vertical distance from grade plane to the average height of the highest roof surface.

02.08.03. Home Occupation:

Business or professional offices and home industries or service occupations which are carried on within the walls of a dwelling or existing accessory building, which use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character or appearance thereof. Such use shall be in conformance with the standards established in Section 12.04 of these Regulations and shall not include retail sales.

02.08.04. Hotel:

A building designed as the more or less temporary abiding place for more than twelve persons or providing six or more sleeping rooms in which lodging is provided for compensation with or without meals.

02.09. "I"

02.09.01. Incineration:

Disposal, through combustion, of organic materials using a multi-chambered, high temperature commercially-manufactured mechanical device, and emitting no visible smoke or detectable odors at a distance of 500 feet from the point of discharge.

02.09.02. Impervious Surface:

An area of a lot which has been improved in such a way as to be impenetrable by surface water. Surfaces include, but are limited to, roofs, (including eaves, overhangs and covered porches) paved area (road, driveways, parking lots, including gravel or processed stone parking areas, sidewalks, wood decks, stone patios, or structures, etc.) and swimming pools.

02.09.03. Inspection:

The periodic review of sediment and erosion control measures shown on the certified plan.

02.10. "J"

02.10.01. Junkyard:

The term "junkyard" shall be construed to include any junkyard, motor vehicle junk business and motor junkyard as defined in the General Statutes of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, of one or more unregistered motor vehicles which are no longer in condition for legal use on the public highways and also include any place of storage or deposit of used parts of motor vehicles or trailers and old metals, iron, glass, paper cordage, building salvage materials, appliances, or other waste materials.

02.11. "K"

02.12. "L"

02.12.01. Large Animal Incineration:

The disposal of intact hooved animals and livestock; including horses, goats, cows, and llamas; and excluding non-hooved animals such as dogs, cats, birds, and similar small animals; through incineration.

02.12.02. Lot:

A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to such building and including such open spaces as are intended to be used in connection therewith or as required by subdivision. In the case of commercial, industrial, public, or institutional buildings, a group of buildings devoted to a common interest or use and under the same ownership may be considered as occupying the same lot.

Lot Area:

The area of a lot as measured on a horizontal plane bounded by the front, side and rear lot lines. In determining compliance with minimum lot area requirements of these regulations, land subject to easements for drainage facilities may be included provided that no less than 45% of the minimum area requirements for the applicable zone is left unencumbered on the lot, and a contiguous area of one acre in the FR, LI, HI, and DDD zones, or 20,000 square feet in C zones, shall be unencumbered by streets, highways, easements for vehicular access or private right-of-way for vehicles or utility easements, wetlands, swamps or watercourses.

Lot Area--Minimum Rectangle:

Divisions of land not requiring subdivision approval in the Farm Residential Zone shall contain a minimum rectangle of 130 feet by 150 feet which can be placed between a 10 foot setback from all property lines and a 50 foot setback from wetlands and watercourses. The minimum rectangle shall not include: (1) land subject to easements for drainage facilities, utilities (except for utility service to one or two dwellings) and vehicular access; (2) land classified as wetland, swamp or watercourse; or (3) land with a slope in excess of 30 percent as measured over 100 foot intervals.

02.12.03. Lot, Corner:

A lot situated at the intersection of two or more streets.

02.12.04 Lot Coverage:

The ratio between the Gross Floor, Area of the ground floor of any building, plus parking areas, driveways, sidewalks, outdoor storage areas and other Impervious Surfaces; and the gross area

of the lot.

02.12.05. Lot, Interior:

A parcel of land situated generally behind the lots fronting on a street, accessible to the street only over an access strip.

02.12.06. Lot, Line:

The property line bounding the lot.

02.12.07. Lot, Through:

A lot having both front and rear yards abutting on street.

02.12.08. Lot, Width:

The distance between the side lines of a lot measured along the front lot line. Where the front line is an arc or the side lines converge toward the front lot lines, the width shall be measured along the minimum front yard setback line parallel to the front line, and if it is an arc, then along the arc of a circle drawn at the minimum front yard.

02.13. "M"

02.13.01. Mobile Home: (See 02.20.04.)

02.14. "N"

02.15. "O"

02.15.01. Office:

A building or portion thereof, room or series of rooms in which the affairs of a business, profession, group or governmental unit are carried on.

02.15.02. Outdoor Wood-Burning Furnace:

Outdoor wood-burning furnace means an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or Chimney. (Public Act 05-227)

02.16. "P"

02.16.01. Primary Recharge Area:

That area immediately overlying the stratified drift aquifer and adjacent areas of stratified drift that may not have sufficient thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between stratified drift and adjacent till or bedrock.

02.17. "Q"

02.18. "R"

02.18.01. Rooming House:

A building in which rooms for living purposes are rented for compensation to five or more persons other than members of the family of the proprietor.

02.19. "S"

02.19.01. Secondary Recharge Area:

The land adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

02.19.01.a. Sediment:

A solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

02.19.02. Sign:

Any structure, part thereof, or device or inscription attached thereto or painted or represented thereon, which is located upon any land, on any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. But this definition shall not include the flag, emblem, insignia, poster or other display of any nation or political subdivision including traffic or similar regulatory devices; or legal notices, warnings at railroad crossings, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings.

02.19.02.a Soil:

Any unconsolidated mineral or organic material of any origin.

02.19.02.b. Soil Erosion and Sediment Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

02.19.03. Story:

That portion of a building included between any floor and the ceiling or roof above it. A "half-story" is any place under a gable, hip or gambrel roof, the floor of which is not more than two feet from the plate.

02.19.04. Street:

A public or private thoroughfare including road, highway, drive, lane, avenue, place, boulevard or any other way which affords the principal means of access to abutting property.

02.19.05. Structure:

Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, with the exception of trailers.

02.19.06. Structural Alteration:

Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams or girders.

02.19.07. Swamp:

Means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled Inland Wetland Plants of Connecticut. Wm. A. Niering and R. H. Goodwin, for the Connecticut Arboretum for the Department of Environmental Protection, May, 1973.

02.20. "T"

02.20.01. Temporary Structure:

A structure which by the type and materials of its construction is erected for not more than two years. Such structures shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, advertising signs or other structures of similar character.

02.20.02. Tourist Court and Motel:

A building or group of buildings containing one or more guest rooms having separate outside entrances for each such room or suite of rooms and for each of which rooms or suites of rooms,

automobile parking space is provided on the premises.

02.20.03. Tourist Home:

A building of residential character, offering lodging with or without meals to transients for compensation.

02.20.04. Trailer:

Any vehicle initially designed, used or maintained primarily for the transportation of property.

02.20.05. Tree:

Tree means a woody perennial plant usually having one self-supporting stem or trunk which has a definitely formed crown and is normally expected to attain a mature height of over twenty feet.

02.21. "U"

02.22. "V"

02.22.01. Vehicle:

Any device initially designed for the conveyance or transportation of persons or property.

02.23. "W"

02.23.a. Water Company:

Any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eight per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purpose of this definition.

02.23.01. Water Course:

Means rivers, streams (perennial or intermittent), brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow/through or border upon this town, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive of the General Statutes, as amended.

02.23.02. Wetlands:

Means land, including submerged land, not regulated pursuant to Sections 22a-28 and 22a-35, inclusive, of the General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey (as may be amended from time to time) of the USDA Soil Conservation Service.

02.24. "X"

02.25. "Y"

02.25.01. Yard, Front:

An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line.

02.25.02. Yard, Side:

An open, unoccupied space between a main building and the side lot line extending from the front yard, or front lot line to the rear line. A corner lot shall be considered to have two front yards.

02.25.03. Yard, Rear:

An open, unoccupied space extending across the full width of the lot between the most rear building and the rear lot line.

02.26. "Z"