

ARTICLE 10, Definitions

§ 118-100. Definitions. [Amended effective 10-25-2002; 12-27-2002; 10-28-2005; 7-28-2006; 10-27-2006; 1-26-2007; 7-27-2007; 10-26-2007; 7-25-2008; 8-29-2008; 5-29-2009; 9-25-2009, 11-27-2009; 9-24-2010; 2-25-2011; 7-29-2011; 9-30-2011; 10-28-2011; 9-28-2012; 3-1-2013; 3-29-2013, 12-19-2014, 4-29-2016; 6-10-2016; 7-29-2016; 1-27-2017; 6-13-2017; 8-10-2018; 6-14-2019; 6-28-2019; 7-26-2019; 11-15-2019]

Certain words in this ordinance are defined for the purposes thereof as follows:

Words in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "zone" includes the word "district."

ADULT DAY CARE CENTER -- A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day. [Added effective 8-31-2001]

ADULT USE ESTABLISHMENT -- A restaurant, cabaret, tavern, club, bookstore, video store, movie theater, peep show or similar establishment which devotes a substantial portion of its stock-in-trade or a substantial portion of its total viewing or presentation time to the regular and routine featuring of material or performances that depict the display of the human body in a state of undress, or nudity, including but not limited to the display of female breasts with nipples exposed, or male or female buttocks or genitalia which are less than completely or opaquely covered; and which excludes any minors on the basis of age. [Added effective 1-28-1994]

ALCOHOLIC LIQUOR -- Defined as the term is defined in the Connecticut General Statutes Title 30 Intoxicating Liquors Chapter 545 Liquor Control Act. ^{ENI}[Amended effective 3-9-1955; amended effective 7-25-2008]

ANIMAL CARE CENTER -- An establishment for the care and boarding of dogs or cats for a fee. [Added effective 3-29-1996]

ARTIST LIVE/WORKSPACE -- A building or any portion thereof used by an Artist, as verified by the City of Norwalk, as both their Dwelling Unit and Artist Workspace. [Added effective 6-14-2019]

ARTIST WORKSPACE -- Space within an existing building, used for the creation,-rehearsal or teaching of any visual art or craft and occasional exhibition of artwork, including, but not limited to, painting, photography, sculpture, print making, video, film, and pottery, or of any performing art, whether for live or recorded performance, including music, dance, and theater, and accessory sales of such art. [Added effective 10-27-2006; amended effective 6-14-2019]

ATHLETIC FIELD FACILITIES – Lighting and audio systems used to illuminate athletic playing fields for night-time use and to provide audio broadcasting of events including, but not limited to, football, baseball, softball, volleyball, tennis, marching band and related athletic events.

AUTOMATED PARKING -- An alternative structured parking facility which uses an automated (robotic) parking system located within an enclosed structure to provide the required on-site parking spaces for developments requiring a minimum of two hundred (200) parking spaces or more. Such facility uses palettes or other automated equipment to deliver vehicles to designated parking spaces. [Added effective 8-29-2008]

AWNING -- A roof-like cover constructed of fabric, metal, or glass, designed and intended to provide protection from the elements, which projects from the wall of a structure over a door, walkway or other ingress or egress opening. [Added effective 9-24-2010]

BOARDING- OR ROOMING HOUSE -- Any dwelling or portion thereof in which at least four (4) unrelated persons but not more than twenty (20) persons are housed or boarded without separate kitchen facilities, where meals may be provided. [Added effective 6-12-1987; amended effective 8-10-2018]

BOAT MARINA -- Any business operation or combination of uses in the servicing and maintenance of boats, the mooring of boats for rent or for fee, a retail selling of boat spaces and any other use or product thereto.

BOUTIQUE MANUFACTURING -- The custom manufacturing of certain products by hand in limited quantities for distribution primarily to a local or regional market; including but not limited to: confections and other custom made food items, ceramics, furniture, artwork including painting, printmaking and sculpture, and similar products. [Added effective 12-24-2010]

BREW PUB/DISTILLERY -- **A business establishment engaged in the production and sale of alcoholic liquor, which may be consumed on the premises or sold in sealed bottles or other sealed containers for consumption and/or distribution off the premises and which also may be equipped with a full kitchen.** [Added effective 9-28-2012; amended effective 6-14-2019; 11-15-2019]

BUFFER STRIP -- A strip of land along a property line, free of any structure or other improvement and landscaped with trees and shrubs of sufficient height and mass to buffer adverse effects upon adjacent properties the year around. [Added effective 9-15-1975]

BUILDING AREA -- The maximum area of a building and its accessories, projected on a horizontal plane.

BUSINESS SERVICE ESTABLISHMENT -- Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising, typing, duplicating, mailing, building maintenance, employment, consulting, protective services, taxi, collection, photofinishing, office equipment rental, repair and leasing and other similar services. [Added effective 10-1-1987]

CERTIFICATION -- A signed, written approval by the Zoning Commission, or its designated agent, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations. [Added effective 9-13-1985]

CHILD DAY-CARE CENTER -- A facility which offers a program of supplementary care to more than twelve (12) related or unrelated children on a regular basis and which is licensed by the State of Connecticut. [Added effective 6-12-1987]

COLLEGE OR UNIVERSITY: A public or private institution of higher education offering a two-year or four-year degree program of study which is accredited by the State of Connecticut Board of Governors for Higher Education, as per the Connecticut General Statutes.[Added effective 12-27-2002]

COMMERCIAL COMMUNICATIONS TOWER -- [Added effective 5-29-1992; repealed effective 10-27-1995]

COMMERCIAL RECREATION ESTABLISHMENT -- A business establishment engaged in providing leisure time activities and open to the public for a fee, and which may include as an accessory use the sale, rental or repair of recreation equipment and the serving of refreshments to patrons. A "commercial recreation establishment" may include, but is not limited to, tennis and paddle tennis courts, golf driving range, bowling lanes, ice skating and shooting ranges. A billiard parlor or pool hall shall not be permitted as a "commercial recreation establishment." [Added effective 12-7-1990]

COMMISSION -- The Zoning Commission of the City of Norwalk. [Added effective 12-11-1975]

COMMUNITY CENTER -- A nonprofit facility for recreation, social or cultural activities under the management and unified control of the membership or the city. [Added effective 6-12-1987]

COMMUNITY CENTER (D RESIDENCE ZONES) -- A nonprofit facility where social services are provided and recreation, social, educational, developmental or cultural activities take place under the management and unified control of the City of Norwalk, a public or nonprofit agency or the membership. Permitted programs and activities may include the following: child day-care and summer camp programs, after school and tutoring activities, social services assessment, advocacy and counseling, job training and neighborhood organization; provided that the facility continues to be available for the general public. [Added effective 5-28-1993]

COMMUNITY RESIDENCE -- A facility which houses eight (8) or fewer mentally ill adults and the staff of such facility and which is licensed by the State of Connecticut. [Added effective 6-12-1987]

CONGREGATE HOUSING -- An assisted living facility providing independent or partially independent living quarters, congregate meals, housekeeping, professional caregiving, and other supportive services to persons 60 years of age or older who, because of infirmities and other functional limitations, including those related to beginning and intermediate Alzheimer's disease, cannot live in a completely independent environment. [Added effective 7-25-1980; amended effective 9-27-1996]

CONTRACTORS OFFICE -- A structure used predominantly for offices necessary for the operation of a contracting business, which may include as an accessory use the interior storage of contractor's equipment and materials used in the construction trade. Off-street parking for contractor's vehicles, which do not exceed one-ton rated capacity nor more than two axles, shall be permitted only if all equipment and supplies are stored predominantly within the vehicle. The number of such vehicles shall not exceed the number of parking spaces designated for their use, in addition to the number of spaces required for the office use and all other on-site uses. Outside storage of contractor's equipment or vehicles exceeding one-ton rated capacity or more than two axles shall not be permitted on the premises. [Added effective 1-26-2001]

CONTRACTOR'S STORAGE YARDS -- A parcel of land, with or without structures, a minimum of 12,500 square feet in size, used for the storage of equipment and materials used in the construction, landscaping, landscape nursery, masonry or arborist trade; including, but not limited to, trucks, vans, bulldozers, backhoes and other similar equipment and/or stockpiles of construction or property improvement materials, such as concrete, gravel, woodchips, logs, plant stock, masonry, plumbing or electrical supplies, and other similar materials. All such equipment and material shall be stored in an environmentally safe manner behind the front setback line and no closer than five feet (5') to the side or rear property lines. All such stockpiles shall be limited to a maximum height of twenty feet (20') and shall be effectively screened from view from adjacent properties. [Added effective 10-25-1996; amended eff. 10-28-2011]

CONVALESCENT HOME -- See "nursing home." [Added effective 6-12-1987]

COUNTY SOIL AND WATER CONSERVATION DISTRICT -- The Fairfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the Connecticut General Statutes. [EN2](#) [Added effective 9-13-1985]

CULTURAL ARTS AND ENTERTAINMENT FACILITIES -- A facility to accommodate the visual and performing arts including, but not limited to, art galleries, artist studios, television and radio recording studios, art, dance and music schools, and the like. [Added effective 10-26-2007]

DESIGN DISTRICT DEVELOPMENT PARK -- A parcel or parcels of land, a minimum of ten (10) acres in area, for mixed use developments including two (2) or more of the following uses: office, retail, residential, hotel and related accessory uses, having or proposing more than one (1) building

Article 10: Definitions

(whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities, such as private interior motor vehicle ways and open space for use by occupants and invitees of the park. Development within a design district development park may include one (1) or more adjoining parcels whether or not separated by public street (s) provided that such parcels are developed in accordance with a design district development park master plan. Land previously conveyed or to be conveyed for public right-of-way purposes shall be included in all applicable area calculations (i.e. lot area, density, building coverage, far, etc.). [Added effective 10-26-2007]

DEVELOPMENT -- Any construction or grading activities to improved or unimproved real estate. [Added effective 9-13-1985]

DEVELOPMENT PARK -- A parcel or parcels of land, a minimum of ten (10) acres in area, for office and accessory uses having or proposing more than one (1) building (whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities, such as private interior motor vehicle ways and open space for use by occupants and invitees of the park. [Added effective 4-12-1985; amended effective 12-20-1996]

DEVELOPMENT PARK PRIVATE WAY -- An interior private passageway within a development park designed for motor vehicle passage into and within various areas of the development park and which meets the following standards: [Added effective 4-12-1985]

- A. A defined way available for the passage of motor vehicles having a minimum width of twenty-five (25) feet.
- B. A height clearance of fourteen (14) feet for the entire width of the defined way.

DISTURBED AREA -- An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion. [Added effective 9-13-1985]

DORMER – Any structure whose framing projects out from a sloping roof to form a vertical wall designed to accommodate a window or other opening. When constructed as part of a half story, dormers shall be setback a minimum of two (2) feet from all building faces. Dormers located on the front of the structure facing the street, shall occupy no more than fifty percent (50%) of the length of the second story roof and shall comply with the story definition. When the gabled end of the structure faces the street, dormers on both roof faces shall occupy no more than fifty percent (50%) of the length of the second story roof and shall comply with the story definition criteria. [Added effective July 28, 2006]

DWELLING -- A building containing one (1) or more dwelling units; but in the case of a building having two (2) or more portions divided by one (1) or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling. [Added effective 1-8-1974]

DWELLING, ATTACHED -- A dwelling having any portion of one (1) wall in common with adjoining dwellings. [Added effective 1-8-1974]

DWELLING, DETACHED -- A dwelling having open space on all sides. [Added effective 1-8-1974]

DWELLING, MULTIFAMILY -- A building containing three (3) or more dwelling units. [Added effective 8-25-1978]

DWELLING, SINGLE-FAMILY -- A dwelling having only one (1) dwelling unit with 1 (one) kitchen, as herein defined, from ground to roof and having independent outside access. [Added effective 1-8-1974; amended effective 1-26-2007]

DWELLING UNIT -- Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family provided that each such unit is limited to 1 (one) kitchen, as herein defined. [Added effective 1-8-1974; amended effective 1-26-2007]

ELDERLY HOUSING UNIT -- A dwelling unit specifically designed for and occupied by an elderly person or persons and which conforms to the requirements of state or federal programs providing for housing for the elderly. [Added effective 6-2-1975]

EROSION -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity. [Added effective 9-13-1985]

FAMILY -- A person living alone, or a group living together, as a single non-profit housekeeping unit and sharing common bathing, sleeping, cooking and eating facilities, and sharing at least one common living room space. Said housekeeping unit may include any number of people related by blood, marriage, adoption or legally recognized foster relationship, but shall never include more than three (3) unrelated individuals. [Amended effective 1-8-1974; amended effective 8-10-2018]

FAMILY DAY-CARE HOME -- A private family home caring for not more than six (6) children, including the provider's own children not in school full-time and which is registered with the State of Connecticut. [Added effective 6-12-1987]

FLOOR AREA -- The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls, and excluding floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building and floor space permanently devoted to parking or loading. [Added effective 11-16-1984]

FLOOR AREA RATIO (FAR) -- The ratio of the total floor area of a building to the area of the lot on which it is located. [Added effective 11-16-1984]

GOVERNMENT AGENCIES -- Any department, commission, independent agency or instrumentality of the United States, of the State of Connecticut or of the City of Norwalk, including any authority or district thereof, or other governmental unit. [Added effective 5-28-1993]

GRADING -- Any excavating, grubbing, filling, including hydraulic fill, or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition. [Added effective 9-13-1985]

GREEN ROOF -- Roof areas which are landscaped by vegetation or other means to manage stormwater, where such green roof landscaping comprises a minimum of twenty percent (20%) of the total roof area, excluding roof areas permanently devoted to mechanical equipment used in the operation and maintenance of the buildings or permanently devoted to parking. [Added effective 10-26-2007]

GROUP DAY-CARE HOME -- A private family home or a facility which provides a program of supplemental care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis and which is licensed by the State of Connecticut. [Added effective 6-12-1987]

GROUP HOME -- A facility which provides resident services and twenty-four-hour supervision for not less than seven (7) nor more than twelve (12) mentally retarded and/or physically handicapped persons and which is licensed by the State of Connecticut [Added effective 6-12-1987]

HALFWAY HOUSE -- A transitional living facility which provides resident services and supervision for persons who have physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate their rehabilitation and return as a fully functional member of society. [Added effective 6-12-1987]

HEIGHT OF BUILDING -- The vertical distance measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the level of the highest point of the roof's surface, if the roof is flat, or to the mean level between the eaves and the highest point of the roof if any other type; **except that in the CBD, building height for properties located on the west side of West Avenue shall be measured in relation to the street center line with the highest elevation on which the lot fronts, and for properties located on the east side of West Avenue, building height shall be measured from the center line of West Avenue.** Where the finished grade is established by filling, the average elevation of any filled portions shall be measured from not more than three feet above the existing grade prior to any proposed development. [EN3](#) [Amended effective 7-30-1982; 4-12-1985; 7-27-2007; 6-14-2019]

HEIGHT OF BUILDING - DEVELOPMENT PARK -- In the case of a building located within a development park, as defined herein, the center-line elevation of an adjacent development park private way, as defined herein, may be used to measure height, provided that, in so doing, building height shall not exceed by more than fifteen (15) feet the maximum height as measured from the center-line elevation of the street. [Added effective 7-27-2007]

HELICOPTER LANDING SITES - Sites which are used, designed or intended to be used for the purpose of the taking off or landing of helicopters or any other similar aircraft. Each take-off and landing operation shall constitute one flight.[Added effective 9-28-2001]

HOTEL (includes motel, inn and lodging, boarding- or rooming house) -- A building or group of buildings designed and used primarily as a temporary abode for transients, and not exclusively designed for independent housekeeping, and in which not more than ten percent (10%) of the living or sleeping units shall have cooking facilities. A sign reading "No cooking permitted" shall be posted in all such units not having cooking facilities. [Added effective 2-9-1977]

HOTEL, EXTENDED STAY -- A building or group of buildings designed and used as a temporary abode for travelers, who stay for multiple nights and who have a permanent residence elsewhere. The living units may have cooking facilities. [Added effective 8-29-1997; amended effective 9-29-2000]

INDOOR CONTRACTOR PARKING FACILITY – A structure located on a parcel of land, a minimum of 10,000 square feet in size, used for the indoor storage of equipment and vehicles used in the construction, landscaping, landscape nursery, masonry or arborist trades; including, but not limited to, trucks, vans, bulldozers, backhoes and other similar equipment. All contractor vehicles and equipment shall be stored entirely within the building. No outside storage of materials shall be permitted on the premises. No outside storage of contractor's equipment or commercial vehicles of any kind shall be permitted on the premises. [Added effective 3-29-2013; amended effective 12-19-2014]

INDUSTRIAL DEVELOPMENT PARK: A parcel or parcels of land, a minimum of fifty acres in area, zoned for industrial, manufacturing, office, college or university, research and development, single- and multi-family residential with recreational facilities on a parcel containing 25 acres or more, and accessory uses, having or proposing more than one (1) building (whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities, such as private interior motor vehicle ways and open space for use by occupants and invitees of the park. [Amended effective 10-26-2001; 12-27-2002; 11-27-2009]

INSPECTION -- The periodic review of sediment and erosion control measures shown on the certified plan. [Added effective 9-13-1985]

KIOSK – A structure limited to two hundred (200) square feet in size, located in a design district development park from which a limited selection of products and/or services are sold or provided,

including but not limited to food, flowers, newspapers, information guides, and the like. [Added effective 10-26-2007]

KITCHEN -- An area of a dwelling unit, as herein defined, house or apartment used for the preparation, storage and/or service of food which contains any or all of the following fixtures and/or equipment in whole or part: storage cabinets (plastic, metal or wood), kitchen sinks, refrigerator, dishwasher, stove, hot plate, oven, table top broiler, including fans and hoods; all of which are installed or plugged into related plumbing and electrical fixtures or connections. [Added effective 2-2-1990; amended effective 1-26-2007]

LIVE MUSIC – Any form of musical entertainment performed live for patrons of a specific establishment including, but not limited to, live bands, disc jockeys playing recorded music, and any music played using equipment that amplifies the music. [Added effective 9-29-2011]

LOT -- A parcel of land, not divided by streets, occupied or to be occupied by a building or buildings and accessory buildings or uses customarily incident to it, together with such open spaces as are required under the provisions of these regulations. [Amended effective 8-25-1978]

LOT, CORNER -- A parcel of land at the junction of and fronting on two (2) or more intersecting streets or upon two (2) parts of the same street forming an interior angle of one hundred and twenty degrees (120°) or less. [Amended effective 2-24-1989]

LOT, DEPTH OF -- The mean distance from the street line of the lot, measured in the general direction of the side lines of the lot.

LOT, INTERIOR -- A lot other than a corner lot.

LOT, REAR -- A lot situated to the rear of lots fronting on a street and having access to the street via an accessway which is in the same ownership as the rear lot. [Added effective 2-13-1980]

LOT WIDTH -- The horizontal distance between the side lines of a lot measured at right angles to its depth along the street line. Ninety percent (90%) of this lot width must be maintained for the first seventy (70) feet of lot depth. Where the street line forms an arc with a radius of less than one hundred (100) feet and the side lot lines converge towards the street line, the lot width shall be measured along the front setback. On a corner lot, the width shall be measured along the narrow street front and may include one half (1/2) the arc of the street corner. [Amended effective 7-28-1950; effective 2-13-1980; effective 2-24-1989]

MANUFACTURING AND PROCESSING, BOUTIQUE -- The custom fabrication of certain products by hand by artisans or businesses in limited quantities for distribution primarily to a local or regional market; including but not limited to: confections and other custom-made food and beverage items, ceramics, furniture, artwork including painting, printmaking and sculpture, and similar products. [Added effective 6-14-2019]

MANUFACTURING AND PROCESSING, HEAVY – A use which involves the production of goods from raw materials or the assembly of finished products that may result in the need for considered access by large vehicles or vessels for transport and may require the storage of significant quantities of materials, both internally or externally, for processing on-site or for distribution to other locations. [Added effective 6-14-2019]

MANUFACTURING AND PROCESSING, LIGHT -- A use involving the production of goods from raw materials or the assembly of finished products that will result in limited external effects, noise, and other by-products. [Added effective 6-14-2019]

MASSAGE SPA -- A use or facility located within a business establishment and providing massage therapy as defined in C.G.S. Section 20-206a. Such uses and facilities shall limit the hours of operation

from 7:00 a.m. to 9:00 p.m. and shall provide evidence that all persons rendering such services are licensed by the State of Connecticut in accordance with C.G.S. Section 20-206b. Any such similar uses or facilities not consistent with this definition shall be prohibited. [Added effective 10-25-2002]

MATERNITY HOME -- Supportive pre- and post-partum living environments for pregnant women and their children where housing, meals, medical care, occupational therapy, job training and other services are provided. [Added effective 6-28-2019]

MEDICAL OFFICE -- An establishment used by a licensed health care provider which does not include any hospital or outpatient surgical care facilities as defined by the Connecticut Department of Public Health. [Added effective 9-25-2009]

MEDICAL MARIJUANA DISPENSARY -- A place of business for which a dispensary license has been issued under the provisions of the Connecticut General Statutes Chapter 420f Palliative Use of Marijuana, and the facility is thereby recognized as a "Licensed dispensary" or "dispensary" by the State of Connecticut Department of Consumer Protection pursuant to the Connecticut General Statutes Section 21a-408h (Public Act #12-55). [Added effective 7-29-2016]

MEDICAL MARIJUANA PRODUCER -- A place of business for which a producer license has been issued under the provisions of the Connecticut General Statutes Chapter 420f Palliative Use of Marijuana, and the facility is thereby recognized as a "Licensed producer" or "producer" by the State of Connecticut Department of Consumer Protection pursuant to the Connecticut General Statutes Section 21a-408i (Public Act #12-55). [Added effective 7-29-2016]

MIXED USE RETAIL SHOPPING CENTER DEVELOPMENT-- A parcel or parcels of land, a minimum of ten (10) acres in area, for mixed use developments designed primarily for retail uses (which include food and beverage) in excess of 700,000 gross square feet and including one (1) or more of the following uses in addition to retail, one of which must be Public Realm, as that term is defined in the Urban Renewal Plan for the Reed Putnam Area Norwalk, Connecticut, as amended and restated: Public Realm, office, residential, hotel, personal and business service establishments, commercial recreation establishments, cultural arts and entertainment facilities, colleges and universities and related accessory uses, having or proposing one (1) or more than one (1) building (whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities and may include one (1) or more adjoining parcels whether or not separated by public street(s) provided that such parcels are developed in accordance with an Urban Renewal Plan effective as of the date of the adoption of this regulation, and as may be amended from time to time thereafter. Portions of such parcel or parcels of land previously conveyed or to be conveyed for public right-of-way purposes shall be included in all applicable area calculations (i.e. lot area, density, building coverage, far, etc.). [Added effective 6-10-2016; amended effective 6-13-2017]

MUNICIPAL UTILITY PLANT OR STORAGE YARD -- A plant or storage yard necessary for the production of electric power and related equipment that is owned by a municipality and licensed by the Connecticut Siting Council, including and not inconsistent with the definition of "facility" in Connecticut General Statutes Section 16-50i(a), as amended. [Added effective 9-27-2002]

NEIGHBORHOOD CLUBHOUSE -- An establishment permitted in residence zones that is owned, controlled and used by a neighborhood association for meetings, events and recreational activities of its members. [Added effective 9-24-2010]

NONCONFORMING BUILDING OR USE -- One that does not conform with the regulations of the zone in which it is situated.

NONCONFORMING LOT -- A lot or parcel, the area, dimensions or location of which was lawful prior to the adoption or amendment of a zoning regulation, but which fails by reason of such action to conform to the present requirements of the zoning district in which it is located. [Added effective 2-24-1989]

NONCONFORMING STRUCTURE -- A structure, the size, dimensions or location of which was lawful prior to the adoption or amendment of a zoning regulation, but which fails by reason of such action to conform to the present requirements of the zoning district in which it is located. [Added effective 2-24-1989]

NONCONFORMING USE -- A use or activity which was lawful prior to the adoption or amendment of a zoning regulation, but which fails by reason of such action to conform to the present requirements of the zoning district in which it is located. [Added effective 2-24-1989]

NURSING HOME/HOSPICE -- An establishment for the care of the aged or terminally ill which furnishes, in single or multiple facilities, food, shelter and nursing supervision and which is licensed by the State of Connecticut. The facility may provide services which meet a need beyond the basic provisions of food, shelter and nursing supervision but shall not include surgical services or similar activities as is customarily provided in hospitals. [Added effective 6-12-1987]

PACKAGE DISTRIBUTION FACILITY -- A business establishment engaged in the receipt, sorting, shipping and distribution of packages directly to consumers and businesses, and where customers and businesses may also bring packages for receipt, shipping and distribution, and with limited on-site storage of packages. [Added effective 4-29-2016]

PACKAGE STORE PERMIT -- As the term is used in these regulations shall be construed as defined in Connecticut General Statutes Title 30 Intoxicating Liquors Chapter 545 Liquor Control Act, as amended. [EN4](#) [Amended effective 7-25-1955; 7-25-2008]

PERSONAL SERVICE ESTABLISHMENT -- Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barbershop, beauty parlor, shoe repair, dry cleaning, tailoring or dressmaking, optician, health club, clothing, rental, photographic studio, massage spa and other similar services. [Added effective 10-1-1987; Amended Effective 10-25-2002]

PORTABLE STORAGE CONTAINER -- Any container designed for the storage of personal property that is owned or leased by the owners or occupants of the property for storage and is typically delivered and removed by truck trailer. [Added effective 5-29-2009]

PUBLIC ART – All artwork that may or may not be an integrated part of a public right of way or facility or building, including but not limited to a drawing, painting, murals, fresco, mosaic, sculpture, photograph, work of calligraphy or work of graphic art or mixed media and other architectural embellishment or functional art created by an artist, artisan, or craftsman that is made available to the public, provided that:

- a. Public Art does not mean landscape architecture or landscape gardening.
- b. May include temporary visual art, performances, installations, events and other temporary works.
- c. May possess functional as well as aesthetic qualities. [Added effective 6-14-2019]

PUBLIC MUSEUM -- A nonprofit, noncommercial establishment operated as a repository or a collection of natural, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected. [Added effective 6-12-1987]

PUBLIC REALM – Publicly or privately owned property which is publicly accessible that may provide gathering space for cultural performances; linkages to other private or publically accessible spaces; and/or contains building elements or public art that are physically and/or visually accessible

regardless of ownership. These places and elements can include, but are not limited to, drives, sidewalks, pedestrian ways, bikeways, bridges, plazas, nodes, squares, transportation hubs, gateways, parks, waterfronts, natural features, view corridors, landmarks and building interfaces. [Added effective 6-14-2019]

PUBLIC UTILITY SUPPLY OR STORAGE FACILITY: A structure or facility containing equipment, including, but not limited to, electrical substations, telephone exchanges, water or sewer pump stations, vehicles and related equipment and supplies necessary to transmit and maintain electric power, water, sewer, telephone or other public utility services and equipment related thereto to certain areas or neighborhoods, that is owned by a public utility, licensed by the State of Connecticut, or when the facility is located on a parcel a minimum of ten (10) acres in size in a AAA Residence zone that abuts a limited access highway, by a licensed contractor who works exclusively for and in support of public utility companies. [Added effective 9-27-2002; amended effective 1-27-2017]

RECREATIONAL VEHICLE -- Any vehicle designed or intended primarily for use in recreational activities, including, for example, aircraft, boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles and utility trailers. [Added effective 7-15-1976]

RECREATION AREA -- An open space of not less than two hundred (200) square feet in size devoted exclusively to recreational activities and recreational equipment and facilities, such as play equipment, swimming pools, picnic tables, tennis courts, landscaping, etc. The required recreation area shall have minimum dimensions of not less than ten (10) feet and shall not include buffer strips or the required front yard. [Added effective 2-2-1990]

REFUSE COLLECTION AND RECYCLING RECEPTACLES -- Any receptacle used for the disposal of unwanted items, including dumpsters, trash compactors, recycling bins and the like. [Added effective 7-29- 2011]

RESTAURANT, FULL SERVICE -- A business establishment which has a full kitchen and whose principal function is the preparation and serving of food to the public for consumption on the premises, where hot meals are regularly served and where the customer consumes such meals while seated at tables or similar sit-down accommodations. Such restaurant may include one (1) bar for serving alcoholic beverages, provided that such bar shall not exceed fifteen (15) feet in length, that the active floor area of the bar shall comprise no more than twenty percent (20%) of the active floor area of the restaurant and that a restaurant permit for such service shall be obtained from the State of Connecticut Liquor Control Board. Café permits shall not be accepted in lieu of Restaurant permits. [Added effective 5-29-2009]

RETAIL FURNITURE STORE -- An establishment offering a full line of household furnishings, displayed in room settings, where at least eighty percent (80%) of the floor space shall be devoted to interior household furniture. Room settings shall include large-scale furniture pieces, used in living rooms, dining rooms and bedrooms, and shall not include appliances or electronics. Not more than ten percent (10%) of the floor space shall be devoted to related accessory furnishings, such as lamps and carpets, except that additional accessories may be displayed only as an integrated part of a room setting. Such establishments shall be a minimum of ten thousand (10,000) square feet and shall be open to the general public on a year-round basis. [Added effective 6-30-1995]

RETAIL HOME IMPROVEMENT STORE – An establishment of at least eighty thousand (80,000) square feet in size whose primary use is the offering for sale of a full line of tools, equipment, materials and design services for altering and improving the interior and exterior of homes, buildings, lawns, gardens, landscapes, sheds and other structures, including the sale of such items as grills, outdoor furniture, cabinets, appliances, lumber, paint, plumbing, electrical and hardware and that a

substantial majority of those items offered for sale be stored within the sales area of the building. Such establishment shall be open to the general public on a year round basis [Added effective 3-1-2013]

SAND OR GRAVEL PIT -- The excavation or removal of earth, soil, loam, rock, gravel, etc., from within or upon any lot or privately owned land and removing same from the premises of which it is a deposit thereof for the specific purpose of sale. [Amended effective 5-12-1952]

SCHEDULES -- The Schedules of Height and Bulk of Buildings which are found inside the rear cover of these regulations ^{ENS} and which contain the dimensional standards for lots and buildings in all zones. [Added effective 12-5-1973]

SCHOOL -- A public or private elementary or secondary school meeting all requirements of the compulsory education laws of the State of Connecticut. [Added effective 7-15-1976]

SCRAP METAL PROCESSOR -- Any place of business and any place of storage or deposit which has facilities for preparing and processing iron, steel and nonferrous metals into a form suitable for remelting by a foundry, steel mill or other remelter.

SEDIMENT -- Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion. [Added effective 9-13-1985]

SOIL -- Any unconsolidated mineral or organic material of any origin. [Added effective 9-13-1985]

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. [Added effective 9-13-1985]

STORAGE -- A facility consisting of individual, self-service units that are used for the storage of business, personal or household goods. [Added effective 9-27-1996; amended effective 7-26-2019]

STORY -- That part of a building between any floor and the floor above or, in its absence, the ceiling or roof above. [Amended effective 7-30-1982; 4-12-1985; 2-24-1989; 7-27-2007]

A. A "story" shall constitute a full story where:

- (1) The ceiling is more than three (3) feet above the average elevation of the finished grade adjacent to the exterior wall of the street facade; or
- (2) The lot is located within a development park, as defined herein, and the ceiling of which is three (3) feet or more above the center-line elevation of the development park private way.

B. Any "story" between a pitched roof and the uppermost full story, the floor of which is not more than two (2) feet below the plate, shall be counted as a half story, provided that not more than sixty percent (60%) of the gross floor area is finished for use or occupancy. Except for buildings within a development park, at no point regardless of topography, shall the number of stories exceed by more than one (1), the maximum number of stories as otherwise would be permitted.

STREET ACTIVATING -- Non-residential activities that provide visual engagement between those in the street and those on the street-level floor of buildings. This can include, but is not limited to: retail displays, video displays or promotions, art studios, entertainment, visibility of manufacturing or fabrication, and any other uses that foster visual engagement with pedestrians. [Added effective 6-14-2019]

STREET LINE -- The dividing line between the street and the lot.

WAREHOUSE -- A structure or enclosed part of a structure used solely for the storing of goods, materials and merchandise, excluding goods in the process of fabrication. [Added effective 7-24-1981]

Article 10: Definitions

YARD, AGGREGATE SIDE -- In any Village District, the aggregate side yard shall be defined as an open, unoccupied space on the same lot with a building situated between one side line and all buildings on said lot and extending through from street to the rear yard.[Added Effective 6-27-2003]

YARD, FRONT -- An open, unoccupied space on the same lot with a building, situated between the street wall of the building and the street line of the lot.

YARD, REAR -- An open, unoccupied space on the same lot with a building, between the rear wall of the building and the rear lot line of the lot.

YARD, SIDE -- An open, unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from street to the rear yard, or where no rear yard is required, to the rear line of the lot.

Editor's Note 1: See now C.G.S. ' 30-1(3).

Editor's Note 2: The former definition of "curb level," which immediately followed this definition was repealed effective 7-30-1982.

Editor's Note 3: The former definition of "height of a court or yard," which immediately followed this definition, was repealed effective 5-26-2000.

Editor's Note 4: See now C.G.S. ' 30-20.

Editor's Note 5: Schedules are included at end of chapter.