

SECTION 3.0 DEFINITIONS

3.1 SCOPE

This Section shall control the definition of all terms relating to the Town of Hebron Zoning Regulations.

3.2 INTERPRETATION

3.2.1 Words used in the singular shall include the plural, and vice versa. Words used in the present tense shall include the future tense, and vice versa.

3.2.2 The word "**shall**" is mandatory and not discretionary. The word "**may**" is permissive.

3.2.3 The word "**structure**" shall include the word "**building**".

3.2.4 The word "**lot**" shall include the words "**piece**", "**parcel**", "**lot**", "**site**", "**property**", and "**premises**".

3.2.5 The word "**person**" shall include a "**partnership**", "**firm**", "**association**", or "**corporation**".

3.2.6 The words "**occupied**" or "**used**" shall include the words "**designed**", "**arranged**", "**intended to be occupied**", and "**intended to be used**".

3.2.7 The words "**zone**", "**zoning district**", and "**district**" shall have the same meaning.

3.2.8 The phrase "**these Regulations**" shall refer to the entire Zoning Regulations or to any Section or Subsection.

3.2.9 The word "**Commission**" shall include the words "**Hebron Planning and Zoning Commission**".

3.2.10 Except where specifically defined herein, all words used in these Regulations shall carry their customary meaning.

3.3 DEFINITIONS

3.3.1 "A"

Acre: For the purpose of these Zoning Regulations; one acre shall be forty three thousand, five hundred and sixty (43,560) square feet.

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Section 3.3 Definitions (cont.)

Agriculture: Except as otherwise specifically defined, the word "agriculture" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fish, fur-bearing animals and wildlife; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations; the harvesting of mushrooms, the hatching of poultry, the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations or in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.

Agricultural Processing Building: An agricultural processing building or structure is a building located on agricultural property and used to dehydrate, mill, pack, or otherwise process farm products grown on the premises. This type of agricultural building requires human occupancy to fulfill its intended use.

Alteration: As applied to a building or structure, or its service equipment, means a change or rearrangement in the structural parts or in the exit facilities or a vital change in the service equipment; or an enlargement by an increase in area or volume, or the moving from one location of position to another; or the change in use or occupancy from one use group to another.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Apartment: A dwelling unit as defined in these Zoning Regulations.

Approved: Approved by the Chairman, or Secretary of the Hebron Planning and Zoning Commission or other authority given jurisdiction specifically by these Regulations.

Area (building): The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

3.3.2 "B"

Base Dwelling Unit Density: The maximum number of Dwelling Units permitted in the zoning district of a property in a Receiving Area, computed over the gross area of the property, without the use of Transfer of Development Rights or any other special density incentive provisions of these Regulations. The calculation of "gross area" as used herein, shall exclude the area of any inland wetlands or watercourses, as those terms are defined in the Hebron Inland Wetlands and Watercourses Regulations; and all areas having a slope in excess of 20%; and all areas located within a 100-year flood boundary as identified on the National Flood Insurance Program, FIRM (Flood insurance Rate Map), Town of Hebron, Connecticut, effective March 18, 1991, as amended. However, the requirements of Section 6.4.2, Minimum Buildable Land, shall not apply to the calculation of "gross area" or to the determination of Base Dwelling Unit Density.

Basement: That portion of a building which is partly below and partly above grade, and having at least one-half (1/2) its height above grade (*see "Grade", "Story", and "Cellar"*).

Bicycle Shop: The retail sale, repair and service of non-motorized bicycles and sale of associated accessories and equipment.

Buffer. Buffer Area or Buffer Strip: A strip of land along a property line or zone boundary which shall be free of any building or use other than natural woody growth, landscaping, fencing or screening to provide visual and noise separation and which may be within or part of the minimum setback requirement.

Building: Any structure used or intended for use supporting or sheltering any use or occupancy.

Building, Accessory (Non-Residential): A subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building and which is located on the same lot as the principal building.

Building Accessory (Residential): A subordinate building attached to or detached from the principal building and used for purposes customarily incidental to the residential occupancy of the principal building.

Building Code: The code regulating the building of structure and building within the Town of Hebron specifically the Connecticut State Building Code, current edition.

Building Complex: Any group of buildings in the same use group which are located on a single parcel of land or on contiguous parcels of land and share common ownership or management.

Building, Existing: Any structure erected prior to the adoption of these Regulations.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Line: The line established by these Regulations beyond which a building shall not extend except as specifically provided by these Regulations.

Building, Non-conforming: A building which does not conform to all the applicable provisions of these Regulations.

Building Permit: A permit allowing construction and required under these Regulations and issued by the Town Building Official or Building Department. A building permit may be issued only after a sanitary disposal permit has been issued for the premises by the Town Sanitarian and a zoning compliance permit has been issued by the Zoning Agent.

Business Services: Services provided including but not limited to accounting, advertising, banking, clerical, collection, copy services, data processing, financial, graphic design and display, insurance, management, real estate, personnel.

3.3.3 "C"

Car Wash: A building containing the facilities for washing motor vehicles in either an automatic car wash bay where methods are used such as a chain conveyor, blower, or other mechanical devices, and/or a self service bay where services are provided such as space, water, equipment or soap for the complete hand washing of motor vehicles by the customer.

Cellar: That portion of a building, which has at least half its height below grade.

Certificate of Completion: A certificate issued by the Building Official indicating that work done complies with the plans authorized by the building permit. No certificate of completion shall be issued by the Building Official unless it bears the signature of the Zoning Agent indicating that the premises or work complies with all the provisions of these Regulations. The Zoning Agent may require the submission of a plot plan showing the "as built" location of all structures prior to the authorization of the issuance of a certificate of occupancy.

Certificate of Occupancy: A certificate issued by the Building Official indicating that work done under the building permit complies with the plans authorized and that the building may be occupied or used. No certificate of occupancy shall be issued by the Building Official unless it bears the signature of the Zoning Agent indicating that the premises or work complies with all the provisions of these Regulations as required by statute 8-3(f) as modified by P.A. 84-174. The Zoning Agent may require the submission of a plot plan showing the "as built" location of all structures prior to the authorization of the issuance of a certificate of occupancy.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Certificate of Zoning Compliance: The certificate issued by the Zoning Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of the Hebron Zoning Regulations.

Club: Premises owned or occupied by a corporation or association of persons which is operated solely for a recreation, social, patriotic, political, benevolent or athletic purpose, but not primarily for profit.

Conservation Easement: Conservation Easement shall mean the grant of a property right transferred to a non-profit or government entity where the landowner retains legal title and all rights associated with the land except provided the land shall remain in its natural state and precluding future development as set forth in the standard "Conservation Easement" used by the Town of Hebron, including easements preserving agricultural rights.

Court: An open, uncovered, and unoccupied space on the same lot with a building.

Court, Inner: Any court other than an outer court.

Court, Outer: A court extending to and opening upon a street, public alley, or other approved open space, not less than fifteen (15) feet wide, or upon a required yard.

3.3.4 "D"

Day Care Center, Child: A day care center in which more than twelve (12) children receive care, maintenance and supervision for less than twenty-four (24) hours per day.

Day Care Home, Family: A private family home caring for not more than six (6) children, including the providers children not in school, full time where the children are cared for not less than three nor more than 12 hours during a 24 hour period and where care is given on a regular recurring basis.

Day Care Home, Group: A day care facility in which at least seven (7) but not more than twelve (12) children receive care, maintenance and supervision by other than parent(s) or legal guardian(s) for less than twenty-four (24) hours per day (generally within a dwelling unit).

Dormer, Eye: A second story dormer on the front building elevation (facing the street) where the length of any individual eye dormer does not exceed eight (8) feet and where the length of all eye dormers combined does not exceed fifty percent (50%) of the length of the wall immediately below and where the main building roof has a minimum of two feet (2 ft.) returns on either side of the eye dormer.

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Section 3.3 Definitions (cont.)

Dormer, Partial Rear: A second story dormer on the rear building elevation (opposite from the street elevation) which length does not exceed ninety percent (90%) of the length of the wall immediately below and where the main building roof has a minimum of two feet (2 ft.) returns on the rear portion of the roof on either side of the dormer.

Dwelling, Two Family: A building containing two (2) dwelling units with not more than one family per dwelling unit.

Dwelling, Seasonal: A Dwelling which was originally designed or intended to be used for residential purposes only during the warmer seasons of the year, and for which no approval required by these Regulations, or any previous versions hereof, has been granted to permit year-round use.

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, One Family: A building containing one (1) dwelling unit for one family as defined by these Zoning Regulations.

Dwelling, Multi-family Apartment House: A building or portion thereof containing more than two (2) dwelling units and not classified as a one- or two-family dwelling.

3.3.5 "E"

3.3.6 "F"

Family: One person, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, legal adoption or other legal guardianship, occupying a dwelling unit as a separate housekeeping unit with a common set of cooking facilities.

Family Elderly Apartment: A special dwelling unit within or attached to the principal single family dwelling unit. Specifically occupied by elderly persons interrelated to the owner of the principal structure by bonds of consanguinity, marriage or legal adoption.

Family Handicapped Apartment: A special dwelling unit within or attached to the principal single family dwelling unit. Specifically occupied by handicapped persons interrelated to the owner of the principal structure by bonds of consanguinity, marriage or legal adoption.

Farm: The term "farm" includes land, main and accessory buildings used primarily or incidentally for those activities included under the definition of "agriculture".

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Fire Suppression System: A mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire.

Floor Area, Gross: Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area, Net: For the purpose of determining the number of persons for whom exitways are to be provided, net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

3.3.7 "G"

Garage, Private: A building or part thereof accessory to a principal building and providing for storage.

Garage, Public: A building other than a private or municipal garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles and equipment.

Grade, Finished: A reference plane representing the median of the finished ground level adjoining and within ten (10) feet of the building at all exterior walls as measured following the completion of site grading associated with building construction. Artificial mounding against the building, inconsistent with the natural grade, will not be considered to be finished grade. See restrictions on site grading set forth in Section 8.9.5.

Grooming, Dogs and Cats: As defined by the Connecticut General Statutes, Section 22-344 all inclusive, as may be amended.

3.3.8 "H"

Height, Building: The greatest vertical distance between the finished grade elevation to the highest point of the roof on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Height, Court: The vertical distance from the lowest level of the court to the mean height of the top of the enclosing.

Height, Wall: The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Hereafter: After the time that this Regulation becomes effective.

Heretofore: Before the time that this Regulation became effective.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Historic and Monument Sites: Those locations set aside for no other purpose than to commemorate an historical event, activity or person.

3.3.9 "I"

Interior Design Shop: A business establishment that offers interior decorating or design services, which may provide for mail-ordered associated retail products delivered directly to the customer. Such products shall not be produced or assembled on the premises.

3.3.10 "J"

Junk Yard, General: Shall include the outside storage (whether in connection with a business or not) of four (4) or more second hand item such as appliances, furniture, bedding, building parts including but not limited to doors, plumbing fixtures, windows, lighting fixtures, etc.; and excluding outdoor furniture and outdoor recreational equipment such as swings, slides, etc. (see 3.3.15 outside storage).

Junk Yard, Motor Vehicle: "Junk Business" or "Motor Vehicle Junk Yard" shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof.

3.3.11 "K"

Kenel: A commercial establishment, which boards dogs or any lot, which has four or more dogs over the age of six months.

3.3.12 "L"

Lot: One or more adjacent pieces or parcels of land under single ownership actually occupied, used, or developed, or intended to be occupied, used, or developed, by one principal building or use and its accessory buildings and uses and including such open spaces as are provided, or as are intended to be used in connection therewith, or as are required by these Regulations. A "lot" may consist of multiple Lots of Record, or Lots of Record and any adjoining Lot(s), which have merged in accordance with the applicable provisions of these Regulations. "Lot" shall include the terms parcel, plot, site, or similar words.

Lot Area: The required area as set forth in the Regulations governing each zone and use as applied.

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Section 3.3 Definitions (cont.)

Lot, Corner: A lot having two adjacent sides facing a street or streets so that the interior angle of the intersection is not more than one hundred twenty (120) degrees also, a lot having two adjacent sides forming tangents of a curve with an inside radius not greater than fifty (50) feet, and a deflection angle of not less than sixty (60) degrees, all of which face a street or streets.

Lot, Coverage: That portion of the lot area occupied by buildings and other structures.

Lot, Depth Of: The mean distance from the street line of the lot to its rear line measured on the mean line of the side lines of the lot.

Lot Frontage: The distance between lot sidelines measured at the building line applicable for the zone.

Lot Interior (Rear): A lot of at least five (5) acres, excluding the access strip, conforming to the one hundred fifty (150) percent of the size and setback requirements of the underlying zone with forty (40) foot frontage on a street. The access strip shall be part of the lot and shall be forty (40) feet in width and may not be used for building purposes.

Lot of Record: A Lot for which a deed has been recorded in the office of the Town Clerk of the Town of Hebron, which lot met the requirements of these Regulations and of the Hebron Subdivision Regulations, as the same were in force at the time of such recording; or which predated the adoption of such Regulations.

Lot Line: The property line bounding the lot.

Lot Lines, Front: All lines dividing the lot from the street or streets.

Lot Lines, Side: All lines extending from a street which divide separate lots abutting the street.

Lot Line, Rear: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long lying wholly within the lot and farthest from the front lot line.

3.3.13 "M"

Mini-Self Storage: A building or buildings designed and used for internally segregating storage units to be rented, leased or otherwise used for cold storage of household goods, recreational equipment, business inventory, fixtures and similar personal property.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Motor Fuel Service Station: A structure, building or premise or any portion thereof where a flammable fluid is stored, housed, or sold for supply to motor vehicles.

Motor Vehicle Repair Shop: A building, structure, or enclosure in which the general business of repairing motor vehicles is conducted, including a public garage.

3.3.14 "N"

Nonresidential Districts: All districts except the Residence-1, Residence-2, and Amston Lake Districts.

Nursery, Plant: An agricultural use and associated retail operation where the primary use is the growing and/or sale of flowers, plants, shrubs or trees. This use may also include the sale of garden supplies as approved by the Commission.

3.3.15 "O"

Occupied: As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied".

Open Space: Open Space shall mean land or water areas which include but are not limited to: areas left in their existing state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and other lands accomplishing the purpose set forth in Section 8.18.4.I of these Regulations.

Outside Storage: The storage of any material other than in a permanent building built in accordance with these Zoning Regulations.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

3.3.16 "P"

Parking Garage: An accessory building used only for the storage of self-propelled vehicles for the use of occupants of the lot on which such building is located.

Parking Lot, Private: Any tract of land which is used as an accessory use for parking or storage of motor vehicles for the occupants, tenants, visitors, employees or patrons of a use or uses and is located on the same lot as said use or uses.

Parking Lot, Public: Any tract of land which is used as the principal use of the lot for the parking or storage of motor vehicles.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Parks: Land and/or water primarily in their natural state except for man-made recreation facilities and dedicated and used for recreation, scenic, leisure or ornamental purposes.

Permit: An official document or certificate issued by the authority having jurisdiction authorizing performance of a special activity to show conformance with these Regulations.

Person: Includes a corporation or copartnership as well as an individual.

Premises: That portion of a lot or structure or building actually in use for the specific purpose or use under consideration.

Private Road (residential): This shall mean streets, avenues, drives, roads, lanes, and any other way, exclusive of driveways, serving more than two lots intended for residential use only. When required by the State of Connecticut General Statutes the Private Road and right-of-way shall be owned and maintained by a Common Interest Ownership Association in accordance with Connecticut law.

Professional: An occupation requiring a specific program of study at the college level which is licensed by the state including but not limited to accountant, architect, attorney, chiropractor, dentist, engineer, marriage-family-child and individual counselors, nurse, psychologist, physician, and for the purposes of these Regulations excluding banker, convalescent or nursing or rest home, insurance, mortician, optician, pharmacist, real estate, sanitarium, veterinarian.

3.3.17 "Q"

3.3.18 "R"

Receiving Area: An area which the Planning and Zoning Commission has determined to be appropriate for residential development in excess of its Base Dwelling Unit Density in accordance with the provisions of Section 8.21 of these Regulations, Transfer of Development Rights.

Restaurant Fast Food: An establishment where food is prepared and served to the customer in a ready to consume state for consumption either within the restaurant building, outside the building and on the same premises, or off the premises and having any combination of two (2) or more of the following characteristics:

1. A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;
2. Self serviced rather than table service by restaurant employees;

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Section 3.3 Definitions (cont.)

3. Disposable containers and utensils;
4. A kitchen area in excess of 45% of the total gross floor area.

3.3.19 "S"

School: Kindergarten and Grades 1-12 supported by public funds and or by nonprofit organizations and not for profit.

Sending Area: An area which the Planning and Zoning Commission has determined to be appropriate for residential development to take place at lesser densities, and from which transferable development rights may be conveyed to a Receiving Area, in accordance with the provisions of Section 8.21 of these Regulations, Transfer of Development Rights.

Signs: See Section 8.2.2.

Single (Separate) Ownership: Possession wherein the owner does not own adjoining property.

Soil Classification: The grouping of soils into types by the USDA Soil Conservation Map and Hebron Inland Wetlands.

Story: The vertical distance between the top surface of any floor and the highest point of the unfinished ceiling or roof above it. A story shall not exceed ten (10) feet of such vertical distance. Basements shall be included in determining the maximum number of stories in a building if the highest point of the unfinished ceiling is five (5) feet or more above the finished grade.

Story, Half: Any space within a building under a gable, hip, or gambrel roof, the floor surface of which is not more than two (2) feet below the plate (intersection of roof and wall) when measured along the exterior wall and where the total floor area of said space, where there is over seven (7) feet in height, does not exceed sixty percent (60%) of the first floor area (see Section 5.3.4.A (k)).

Street: Shall mean, and include but not be limited to streets, avenues, boulevards, roads, lanes, highways, places and any other thoroughfares which afford a principal means of access to abutting property and dedicated for public use Town or State owned.

Street Lot Line: The lot line dividing a lot from a street or other public space.

Structure: Anything constructed or erected which requires location on the ground, including signs, but not including fences or walls used as fences the maximum height of which is less than four feet above the ground.

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

Structural Alteration: Any change or modification in or addition to the structural or supporting members of a structure.

3.3.20 "T"

Trailer-Mobile Home: Any vehicle which is or can be used for sleeping, living or working quarters and which is, has been, or can be mounted on wheels, including those units which can be, have been or are mounted on a pickup or truck chassis.

Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recordation of that conveyance in the land records of the Town of Hebron.

3.3.21 "U"

Use (Used): The purpose for which the building or structure is designed, used or intended to be used.

Use, Accessory: A use of land or a portion of a structure or building customarily incidental to the actual principal use of the land, structure or building and located on the same lot with such principal use, structure or building.

Use, Non-conforming: See Section 7.1.1.

3.3.22 "V"

3.3.23 "W"

Wood Burning Furnaces, Outdoor: An accessory structure, attached or unattached to the principal structure or located within another accessory structure on the premises, designed and intended, through the burning of wood, for the purpose of heating and / or providing hot water to the principal structure or any other structure on the premise.

Written Notice: A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

3.3.24 "X"

3.3.25 "Y"

Yard: An open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and

SECTION 3.0 DEFINITIONS

Section 3.3 Definitions (cont.)

the nearest lot line, and is unoccupied and obstructed from the ground upward except as otherwise provided herein. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.

Yard, Front: A yard extending across the full width of the lot and lying between the front property line of the lot and the nearest line of the principal building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear property line of the lot and the nearest line of the principal building.

Yard, Side: A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

3.3.26 "Z"