

SECTION 3

DEFINITIONS

For the purpose of these regulations, the following terms and their definitions shall have the meaning given herein. When not inconsistent with the context, verbs used in the present tense include the future, and nouns in the plural include the singular, and the word “shall” is intended as a mandatory directive. When not defined in this Section, any term with regard to Land Use and Zoning in Haddam will be defined by a recognized Dictionary of The English Language.

Accessory Apartment (Attached): A dwelling unit that shares a common wall with the principal dwelling unit.

Accessory Apartment (Detached): A dwelling unit with bedroom, kitchen and bathroom facilities created in an accessory structure that is separate and detached from the principal structure.

Accessory Building: A building, the use of which is customarily incidental and subordinate and incidental to that of the principal building and located on the same lot therewith.

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

Accessory Structure: A structure which is customarily incidental and subordinate to the principal building, use, or structure and located on the same lot therewith. Examples include swimming pools, ground mounted solar panels, wind generators, and the like; but not including signs.

Address Sign: Any sign indicating street address, name of occupant and/or name of residence.

Alter, Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing the height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity or scope of the use, including but not limited to , the extension of hours of operation, the addition of other activities, equipment, functions, or process, or the extension into additional land or building area.

Animal Hospital: see veterinary clinic.

Aquifer: A geologic unit capable of yielding usable amounts of water.

Assisted Living Facility: A facility with an overnight residential component that assists residents with personal care as defined by the State of CT Public Health Code Section 19-13-D105.

Automobile Gasoline Station: A facility that offers retail sales to the public of gasoline or motor fuels and may include up to three service bays. For boat fueling docks see "Marina".

Automobile Service and Repair Station without gasoline sales: A facility up to four bays that services automobiles, trucks and noncommercial vehicles.

Attic: The space between the ceiling beams of the top story and the roof rafters.

Bars, Taverns and Brew Pubs: An establishment with a valid liquor license that may serve food, and that generates the majority of its revenue from the sale of alcohol for on- premises consumption, or an establishment that identifies itself as a bar, tavern or pub in its signage or name.

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement: A portion of a building partly underground, but having less than half of its clear height below the average grade of the adjoining ground.

Bed and Breakfast Inn: A residence where lodging for no more than six guest rooms is provided for compensation.

Brewery: See Microbrewery.

Building: Any structure having a roof supported by columns or by walls. The term "Building" shall include fabric cover or enclosures supported by hoops, poles, or other rigid frames.

Cellar: A portion of a building, having half or more than half of its clear height below the average grade of the adjoining ground.

Certificate of Zoning Compliance: A document stating that the site plan of a proposed use has been adhered to and completed and/or is in conformance with these Regulations.

Certification: a signed, written declaration or statement that a thing is true, accurate or meeting the applicable requirements of these regulations.

Child Care Center: A premises or portion thereof (commercial or residential) used as a place for the day care, guidance or supervision of six or more minors not related to the property owner or to the tenant that are cared for in the absence of a parent or guardian. All child care centers must be registered with The State of CT Department of Public Health per Section 19a-79-1a to 19a-79-13 of the Public Health Code.

Commercial Cruise Line Facility: A dock, wharf, slip basin or similar landing facility whose primary use is the docking of vessels engaged in commercial boat cruises, excursions and tours, and which may include minor nonstructural repairing and servicing of such vessels and may include company offices, ticket offices, and waiting rooms, but which expressly excludes construction, major repairing of structural components, overhauling and dry-docking of such vessels.

Commercial Fishing Dock or Marina: A dock, wharf, slip basin, or similar landing facility for vessels engaged in fishery or shell fishery.

Commercial Vehicle: See Motor Vehicle.

Cost: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

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

Coverage: The percentage which the aggregate building area of all buildings, parking and impervious surfaces such as impervious walkways and courtyards in relation to the total area of that lot.

Cutting, Commercial: Any cutting or removal of trees which exceeds one acre in extent and is not covered under the definition of non-commercial cutting contained herein.

Cutting, Non-Commercial: The cutting, clearing or removal of trees on a lot for the purpose of preparing a site for the construction of a building, structure or other use and/or cutting for the customary maintenance and improvement of a lot.

Debris: Material which is incapable of performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, scrap wood and building materials, tires, batteries, containers, and garbage which are in the public view.

Decay: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten.

Development: Any construction or grading activities to improved or unimproved real estate, or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dilapidated: Decayed or rotten beyond repair.

Disturbed Area: An area where the ground cover is or will be destroyed or removed such that the exposed land is subject to accelerated erosion.

Dwelling - Housing for Elderly and/or Physically Handicapped Persons: Dwelling units, 1) designed exclusively to be occupied by and to meet specific requirements and design standards suitable for occupancy by one or more persons at least one of whom is at least 55 years of age 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, the owner's architect, and engineers that such housing conforms to the State and/or federal agencies' program requirements for elderly housing regardless of whether such housing is constructed under such program. Dwellings for the 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.

Dwelling, Single-family : A building containing one dwelling unit on a lot for the use of one family.

Dwelling, Two-family: A building containing two dwelling units.

Dwelling, Multifamily: a structure that contains more than two residences either side by side or one on top of the other and that are distinct and separate apartments and not a boarding house or a townhouse.

Enlargement, or to Enlarge: Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Erect: to build, construct, raise up, set up, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

Erosion: any movement of soil or rock fragments by water, wind, ice or gravity.

Extend, or to make an Extension: An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

Family: The term "family," as used in these regulations, includes the following: (1) An individual; (2) Two or more persons related by blood, marriage or adoption; and up to five unrelated individuals.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Fences and Walls: any structure that is constructed above the natural contour from materials such as, but not limited to; wood, metal, wire, earth, sod, stone, concrete, or brick.

Finished Living Space: Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (RFE) cannot have finished living space and needs to be designed for exposure to flood forces. This space can only be used for parking, building access or limited storage.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map: An official map of the Town of Haddam on which the Federal Insurance Administration has delineated the 100 year, 500-year and floodway boundaries.

Flood Insurance Rate Map: An official map of the Town of Haddam on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the town, as well as base flood elevations at selected locations.

Flood Insurance Study: The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The sum of the gross horizontal areas for residential use of the several floors of a building, measured from the interior faces of exterior wall or from the center lines of walls separating two dwelling units. Floor area also includes:

1. Basement or cellar which is used primarily for year-round living accommodations (e.g. finished recreation room).
2. Attics and top half-stories provided that:
 - a) the height shall not be less than seven and one-third feet over not less than one-third the area of the floor when used for sleeping, study or similar activity, and,
 - b) such areas be connected with the floor below by a permanent inside stairway.
3. Stairways
4. Closets
5. Halls

and excludes shafts without openings and courtyards.

Grade: The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

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

Hazardous Waste: Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976.

Height, Building and Structures: Definition for all properties located outside of the Gateway Conservation Zone. The vertical distance from the average height of the roof surface, or in the case of a structure without a roof, the highest point to grade plane. For the purpose of this definition grade plane means the average of the finished ground levels between the structure and a point one foot from the structure. Architectural features such as church steeples, and chimneys are exempt from this definition.

For all properties located within the Gateway Conservation Zone the following definition applies: The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure, which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

Highest Adjacent Grade (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure : Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Hotel: an establishment that provides lodging and meals, and various personal services for the public for a fee.

Impervious Surface: An area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.), and swimming pools.

Inoperable condition: A motor vehicle is in an inoperable condition when such motor vehicle is incapable of performing the function for which it was designed by virtue of having parts missing, or essential components broken or severely damaged.

Inland Wetland: Those areas designated and defined as inland wetlands by the [town] Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Interior Lot: A building lot which does not meet the frontage requirements of Table I.

Junk: Discarded material, such as glass, rags, paper, metal or other debris; articles worn out or fit to be discarded.

Kennel, Commercial: The keeping, boarding, or training of four or more dogs for compensation, that are over the age of 12 weeks, for overnight stays that are not registered to the owner or occupant of the property. For-profit and non-profit rescue leagues are considered commercial kennels.

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

Lowest Floor: The lowest floor of the enclosed area of a building (including basement and/or cellar.)

Manufactured and Modular Home: A structure that is transportable in one or more sections, built on a permanent foundation.

Marina: A waterfront land use which offers berths for recreational boating and providing such ancillary indoor and outdoor boat facilities as boat storage, sales of provisions, fuel, materials and supplies, rentals, and services for boaters, such as rest rooms, showers, laundries, repairs and parking.

Market Value: Market value of the structure shall be determined by a professional appraiser.

Mean Sea Level (MSL): The North American Vertical Datum (NA VD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Medical Marijuana Dispensary (licensed): A pharmacist licensed pursuant to Chapter 400j of the CGS, who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense marijuana pursuant to sections 1-15 inclusive of "An Act Concerning the palliative Use of Marijuana" and which is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy.

Medical Marijuana Producer (licensed): a person or organization that is licensed as a producer by the Connecticut Department of Consumer Protection under Section 10 of “An Act Concerning the palliative Use of Marijuana” and whose purpose is to cultivate marijuana for palliative use and selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under Section 1 to 15, inclusive of the above Act.

Microbrewery: Breweries producing less than 15,000 barrels of beer annually and permitted by the State of Connecticut Liquor Control Commission.

Mobile Home: As used in Section 16 of these regulations shall include trailers and campers used as primary living quarters, and can be mounted on wheels, and may be propelled, either by their own power or by another power-driven vehicle to which it may be attached.

Motel: An establishment that provides lodging for motorists in rooms usually having direct access to an open parking area.

Motor Vehicle: Any vehicle which is self-propelled and designed to travel along the ground, including but not limited to automobiles, buses, trucks, campers, towable camping trailers, motor homes and the quantity of parts equivalent in bulk to constitute a motor vehicle.

Motor Vehicle (Abandoned): Any vehicle parked, stored or left for a period of time greater than 24 consecutive hours on any public or private property within the town without the consent of the owner, occupant or public agency in control of such property.

Motor Vehicle (Commercial): Any motor vehicle other than an automobile, sport utility vehicle, motorcycle, motor-scooter, minivan, passenger van, conversion van, pickup truck, or similar vehicle, registered and intended exclusively for personal use or farm use.

Motor Vehicle (Recreational): A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

New Construction: Structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulations, and includes any substantial improvements to such structures.

Non-Conforming Lot: a lot legally existing prior to the effective date of these regulations, or any applicable amendment, that predates the effective date of these regulations, or applicable amendment, and does not conform to these regulations for the zone it is situated.

Non-Conforming Use: A legally established use of a building or of land that predates the effective date of these regulations, or any applicable amendment, and does not conform to these regulations for the zone in which it is situated.

Non-Conforming Building or Structure: A legally constructed building or structure that predates the effective date of these regulations, or any applicable amendment, and does not conform to these regulations for the zone it which it is situated.

Outdoor Recreational Facilities: One or more buildings, structures or uses either used for, or accessory to, the provision for organized recreational activities or opportunities for persons other than those who lawfully reside on the premises. Outdoor recreational facilities include, but are not limited to campgrounds, fairgrounds, camping sites, cabins for seasonal use, horse or riding stables, facilities where horses are bred, boarded or trained (other than horses owned by persons lawfully residing on the premises), golf courses or driving ranges, ball fields, tennis courts or clubs, swimming pools or facilities, ski slopes or areas, or any combination thereof or similar or related uses.

Outdoor Wood-Burning Furnace: 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 spaces other than where such structure or appliance on the premises, or 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. Outdoor wood-burning furnaces are prohibited in all zones as of December 1, 2007.

Parking Space: The area required for parking one automobile. See Section 21 of these regulations.

Person: Any man, woman, corporation, or other legal entity capable of owning real property.

Pet Training Facility and Day Care: a commercial establishment where dogs and cats are kept or maintained for compensation and shall not include overnight boarding or outdoor runs.

Premises: A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term “premises,” where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this article.

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.

Private property: Any real property within the town which is privately owned and which is not public property as defined in this section.

Private School: Any building or group of buildings the use is solely for primary, secondary or higher education, which meets the State’s requirements for primary, secondary or higher education and which is not operated or predominately funded by the Town, State, or Federal Government. This may include a campus style setting with a variety of buildings including but not limited to residential dormitories, administrative buildings, athletic fields, gymnasiums, cafeterias, classrooms, as well as staff housing in the form of single family, duplex or multifamily dwellings.

Public property: Any street or highway within the town, accepted as a public highway by the State of Connecticut or the Town of Haddam, including the entire width between the boundary of every way publicly maintained for the purpose of vehicular travel, and any other property or facility within the Town of Haddam, the State of Connecticut or the United States government.

Public View: Visible from any public right of way, or from any neighboring property, or the Connecticut River.

Recreational vehicle: see Vehicle

Refuse: Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

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

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

Self-Storage Facility: A single story facility containing rental units for cold storage of household goods; recreational equipment; business, commercial or industrial inventory; fixtures, and other similar personal property. No service or repair shall be permitted in the storage units or on the property. Individual units shall not be serviced by water or electrical service.

SIGNS:

Sign: Any external surface, fabric or device which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, character, animal, or geometric shape (*as with inflatable signs*), designed to attract attention or convey information visually and which is exposed to public view; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. For the purpose of this regulation, the term “sign” shall include all structural members and shall include vending machines, the exterior surface of which are so designed as to convey information as to the contents offered therefrom.

Animated Sign: Any sign that uses movement, inflation, or change of lighting, color or text. This definition includes signs with rotating panels. (see Electronic Message Center Sign).

Banner Sign: Any sign intended to be hung, possessing characters, letters, illustrations or ornamentation applied to or composed of paper, plastic or fabric of any kind. National flags, flags of political entities and state or town flags shall not be considered banners.

Billboard Sign: An outdoor advertising sign which advertises goods, products or services or a business, organization, event, person, place or thing not sold on the premises on which the sign is located.

Changeable Sign: Any sign, either fixed or mobile, that is designated so that character, letters or illustrations can be changed or rearranged without altering the surface of the sign upon which the characters, letters or illustrations are located.

Construction Sign: Any sign giving the names of the architects, engineers, contractors, developers and/or lending institutions responsible for construction on the site where the sign is located.

Directly Illuminated Sign: Shall mean any sign emitting artificial light directly, or through any transparent or translucent material.

Directional Sign: A sign not located on the premises of a business which assists in locating the business.

Directory Sign: Any sign where the name or names and locations of a business, organization, event, person, place or thing or of the occupants or of the building is given.

Electronic Message Center: A sign that uses computer-generated or electronic means to change advertising copy, messages, or color, including signs that flip or rotate including message boards, neon and LED.

Area of a Facade Sign: Shall mean a surface defined by one continuous perimeter of the geometric shape which encompasses all lettering, wording, design or symbols, together with any background different from the balance of the wall on which it is located. Such sign perimeter, however, shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

Area of a Free-Standing or Attached Sign: All wording, lettering and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed. The area does not include minimal supporting framework or bracing, but it does include any decorative structure.

Home Occupation Sign: Any sign as defined herein erected to advertise the location of a home occupation in accordance with Section 23 of these Regulations.

Indirectly Illuminated Sign: Any sign illuminated with an artificial light external to the sign. The light shall be so shielded that rays from it are not directed beyond the lot upon which the sign is located.

Interior Sign: A sign located on or within three feet of a window inside a building with the intent of being seen from the exterior.

Real Estate Sign: Any sign which is used to offer for sale, lease or rent the property upon which it is located.

Street Banner Sign: Any banner sign which is stretched across and hung over a public right-of-way.

Temporary Sign: Any sign erected for a maximum time of two weeks prior to an event and is removed within two days after the event has occurred.

Traffic Sign: Any sign denoting entrances, exits or parking for the premises upon which the sign is located.

Soil: Any unconsolidated mineral or organic material of any origin.

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.

Special Exceptions or Special Permits: A use allowable by the approval by the Planning and Zoning Commission in accordance with Section 15 of these regulations.

Special Flood Hazard Area: An area shown as an overlay on the Zoning Map of the Town of Haddam which contains the land in the flood plain within the town subject to a one percent or greater chance of flooding in any given year. The special Flood Hazard Area includes all Flood Insurance Zones A and A1-A30 as designated on the Flood Insurance Rate Maps.

Start of Construction: Includes substantial improvements, and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alternation of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street Frontage: Frontage on any public street or highway.

Structure: That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires permanent location on the ground or in the water. The following are not considered structures; walls and fences that are less than six (6) feet in height, driveways, sidewalks, parking areas, curbing and liquefied petroleum tanks for residential use either above or below ground that are not located in the Gateway District (such tanks shall conform to the latest provisions of the applicable fire and or building codes).

Structure, Temporary: A structure that rests on a property (the ground or water) for a period less than 3 months and is not used for the purpose of agriculture.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method, the segregated cost method or the square foot method either: a) before the improvement or repair is started, or b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Tag Sale: The temporary use of land and the buildings thereon for the purpose of public sale of personal household goods by the owner thereof in conjunction with the cleaning-out or vacating of residential premises to be conducted no more than twice annually. The term “tag sale” shall include “garage sale,” “yard sale,” “barn sale,” and any similar activity.

Trailer Non-Commercial: A trailer used to move or haul equipment or animals not related to a business.

Trailer, Commercial: A trailer used to haul or move equipment or animals related to a business.

Use: Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

Variance: A grant of relief by the Zoning Board of Appeals to allow the placement of a structure or use of a property, or construction in a manner otherwise prohibited by these Regulations and where specific enforcement would result in unnecessary hardship.

Vertical Wall Area of a Building: The square footage of the wall, including windows and doors, said surface being measured up to but not including the roof.

Veterinary Clinic or Hospital: A place where animals are given medical care by a licensed veterinarian and indoor boarding of animals is limited to short term care accessory to the hospital use.

Violation: A violation means the failure of a structure or other development to be fully compliant with these Regulations.

Water Dependent Use or Facility: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

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 percent 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.

Watercourse: Those areas designated and defined as watercourses by the Haddam Wetlands Commission and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetland: See "Inland Wetland".

Yard, Front: An open, unoccupied space, extending across the full width of the lot between the front wall of a building and the front lot line.

Yard, Side: An open, unoccupied space between a 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 and two side yards except when a new road is proposed and the existing front lot would now become a corner lot, in which case, the lot would be required to have only one front yard.

Yard, Rear: An open, unoccupied space, extending across the full width of the lot between the rear-most wall of a building and the rear lot line.