

ARTICLE 2 DEFINITIONS

§2.1 General Rules of Construction

In the construction of these Regulations words and phrases shall be construed according to the commonly approved usage of the language as defined by the following sources in sequence:

- The Illustrated Book of Development Definitions, latest edition
- The Connecticut General Statutes, as amended
- Black’s Law Dictionary, latest edition
- Webster’s Dictionary, latest edition

Technical words and phrases that have acquired a particular and appropriate meaning in law shall be construed accordingly. All words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; the masculine gender includes the feminine. The word “shall” is mandatory and not directory. The word “used” shall be deemed also to include “designed, intended or arranged to be used.” Unless otherwise specified, all distances shall be measured horizontally.

§2.2 Terms Defined

§2.2.1 General Zoning Terms

Except as otherwise defined in these Regulations or as the context may otherwise require, the following words are defined for the purposes of these Regulations as follows:

ADJOINING LOT – A lot that shares all or part of a common lot line with another lot.

ACCESS MANAGEMENT – A set of policies and standards that manage the number and location of driveways/curb cuts on the road system.

ACCESSORY APARTMENT – *See Dwelling Unit, Accessory Apartment.*

ACCESSORY BUILDING OR STRUCTURE – A detached building or structure, or portion thereof, the use of which is subordinate and customarily incidental to the principal use on the same lot.

ACCESSORY DRIVE-THROUGH – *See Accessory Use; and §8.2.3(J) of these Regulations.*

ACCESSORY SEASONAL FARM STORE – *See Farm Store, Accessory Seasonal.*

ACCESSORY USE – A use incidental and subordinate to the principal use on the same lot.

ADAPTIVE REUSE – Rehabilitation or renovation of an existing structure for a use(s) other than the present use(s) or former use(s) if the structure is vacant.

AFFORDABLE HOUSING (AH) DEVELOPMENT – A housing development which constitutes an ‘affordable housing development’ as defined in Connecticut General Statutes §8-30g, as amended, where one-hundred (100%) percent of the dwelling units are AH units as defined by these regulations.

AFFORDABLE HOUSING (AH) UNIT – An affordable rental dwelling unit within an AH Development that is subject to perpetual rental restrictions that comply with Connecticut General Statutes §8-30g, as amended.

AFFORDABLE HOUSING (AH) DEVELOPMENT APPLICATION – A zoning application subject to Planning and Zoning Commission review and approval of an AH development, which shall include applications for a Zone Boundary Change to change the underlying zoning classification of land to an AH District classification and an application for Site Plan Approval for a specific AH Development.

AGE RESTRICTED DWELLING UNIT – *See Dwelling Unit, Age Restricted.*

AGRICULTURE – The inside and/or outside growing of crops, raising of and caring for livestock, poultry and bees as defined in Connecticut General Statutes §1-1q and any amendments thereto, including the storing, processing and sale of agricultural and horticultural products and commodities originating from the property where said agricultural activities occur except as may otherwise be permitted by these Regulations.

AGRICULTURAL BUILDINGS AND STRUCTURES – Buildings or structures used in connection with agriculture, including shelter for livestock and enclosed storage for farm machinery, equipment and supplies, excluding farm stores and seasonal farm stands. (*See also Farm Store and Accessory Seasonal Farm Store.*)

ALTERED – Change from an existing condition by constructing, grading, regrading, clearing, grubbing, trimming, utilizing, paving, excavating, filling, removal, deposition of material or change in light or temperature.

ANTENNA – A device used in communications which transmits or receives telecommunications radio signals. Examples include panel, whip, dish antennas affixed to telecommunications towers and antennas affixed to mechanical equipment installed and maintained by utility companies.

AQUIFER PROTECTION AREA – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

ARBORIST – A trained individual in the art of science of planting, removing, pruning, caring for and maintaining trees and woody shrubs to improve their appearance, health and value in the landscape.

ARCHITECTURAL REVIEW BOARD – The Architectural Review Board of the Town of Monroe.

ART STUDIO / GALLERY – A place where an artist (an individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts; or an individual whose profession relies on the application of the above-mentioned skills to produce creative product, i.e., craftsman, photographer, etc.) produces and/or displays their work, including the ancillary sale of such.

AUTOMOBILE – Self-propelled vehicles designed to carry 10 passengers or less and used for the transportation of persons and goods primarily on public streets.

AUTOMOBILE BODY SHOP – An automobile service shop providing collision repair services, including body and frame straightening, replacement of damaged body and frame parts, and painting.

AUTOMOBILE SALES – An establishment for the interior and/or exterior display, sale and/or lease of new and/or used automobiles (may include light trucks and/or vans), including incidental accessory vehicle preparation, warranty and/or repair services conducted wholly inside a building.

AUTOMOBILE SERVICE SHOP – An establishment primarily engaged in the repair and maintenance of automobiles, including the sale, installation and/or servicing of automobile components, equipment and parts, excluding dismantling and salvage of automobiles.

BANK – A Connecticut and/or Federally licensed financial institution open to the general public for the custody, loan, and/or exchange of currency, including extension of credit, transmission of funds, and similar fiduciary activities.

BASEMENT – The portion of a building all or partly below grade with at least one-half of its height below grade.

BOAT, CAMPER, RV, TRAILER SALES / SERVICE – An establishment for the interior and/or exterior display, sale and/or lease of new and/or used watercraft (motor and non-motorized boats, jet skis, canoes, kayaks or similar small watercraft), campers, RVs and/or related trailers, including incidental accessory vehicle preparation, warranty and/or repair services conducted wholly inside a building.

BREW PUB – An establishment for the manufacture, containerization and storage of beer producing at least five thousand (5,000) gallons but not more than five hundred thousand (500,000) gallons annually, which includes the on-site sale and consumption of said manufactured beer and may include the on-site sale and consumption of other alcoholic liquor and/or food, as well as the wholesale and/or limited retail sale of said manufactured beer for off-site consumption, all in compliance with a State of Connecticut duly issued “manufacturer permit for beer and brew pub” pursuant to Connecticut General Statutes 545 §30-16(f), as amended.

BUILDING – A structure having a roof supported by enclosed walls on all sides, including doors and windows as appropriate.

BUILDING, ACCESSORY – A subordinate building on the same lot as the principal building and use.

BUILDING, PRINCIPAL – A building in which is conducted the main or primary use of the lot on which it is located.

BUILDING PERMIT – An administrative permit for construction issued by the Town of Monroe Chief Building Official.

BULK – The size of buildings or structures and their relationships to each other and to open areas and lot lines.

BULK REGULATIONS – Regulations pertaining to floor area, setback dimensions, building height, lot area, lot frontage, lot width, required yard areas, spacing between buildings on a single lot or development and length of buildings in a row.

BUSINESS SERVICES – Establishments primarily engaged in rendering supportive services to business establishments on a fee or contract basis.

CARETAKER RESIDENCE – *See Dwelling Unit, Caretaker Residence.*

CAR WASH (RETAIL) – AUTOMATIC AND SELF-SERVICE FACILITIES FULLY WITHIN ENCLOSED BUILDING WITH RECYCLED WATER – An establishment for washing motor vehicles within a building where the water used is internally recycled, including application of polish and other detailing services whether by an automated application of cleaner, brushes, rinse water and heat or wind for drying, or a drive-in bay with a washing wand for individual application.

CEMETERY – Property used for the interment of deceased persons below and/or above ground (mausoleum and columbarium), but not including crematories.

CERTIFICATION - A signed, written approval by an appropriate qualified and/or licensed professional.

CHANGE OF USE – Any use that differs from the previous use of a building or land.

CLUB –

COUNTY CLUB (SWIM, TENNIS, GOLF) – A recreational facility (golf course, tennis, swimming pool or similar outdoor recreation activity), including incidental accessory clubhouse, dining amenities and/or maintenance facilities.

FRATERNAL ORGANIZATION – An establishment used by a group of persons formally organized as a legally established nonprofit organization with a common beneficial social or cultural purpose and interest (such as Masons, Knights of Columbus, VFW and similar), having written membership requirements or bylaws for the conduct of regular meetings, rituals, and associated activities to further their common interest.

HEALTH CLUB / SPA – An establishment within a building that provides facilities for recreational activities such as aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and similar, as well as accessory support facilities such as saunas, showers, massage rooms and lockers or similar.

CLUSTER SUBDIVISION – A subdivision in which the lot sizes may be reduced upon approval by the Planning and Zoning Commission in exchange for the provision of permanent open space.

COMMERCIAL QUARRY – The process and act of removing overburden to extract minerals, sand, clay, gravel, rock, and/or other naturally occurring aggregate deposits from a parcel or tract of land for the purpose of commercially selling such; this does not include incidental land preparation excavation or filling activities as set forth in §6.4 of these Regulations.

COMMERCIAL VEHICLE FACILITY – An establishment where commercial licensed vehicles, typically consisting of fleet vehicles designed to carry freight, passengers for a fee, or merchandise, or which are incidental to a tradesman business, are collectively housed and stored inside and/or outside when they are not in service off-premises, including administrative, security, dispatch and minor maintenance facilities thereto within a fully enclosed building.

COMMISSION – The Planning and Zoning Commission of the Town of Monroe.

COMMUNITY CENTER (non-town) – A structure or other facility used for providing fraternal, social, religious, recreational, educational or cultural programs and activities.

COMMUNITY-WIDE EVENT – An indoor and/or outdoor annual, seasonal or otherwise temporary special event such as a carnival, fair, festival or other similar civic oriented organized program open to the general public, which is not part of the property's normal use or otherwise permitted, and is reasonably expected to draw in excess of 150 persons, 100 vehicles, and/or more vehicles than can be accommodated by available permanent on-site parking.

COMMUNITY-WIDE EVENT PERMIT – That form of Zoning Permit approval as issued by the Zoning Enforcement Officer authorizing a temporary community-wide event.

COMMON INTEREST COMMUNITY – Real property described in a residential condominium declaration with respect to which a person, by virtue of his ownership of a condominium unit, is obligated to pay for a share of real property taxes on, insurance premiums on, maintenance of, improvement of, or services or other expenses related to, common elements, other units or any other real property other than that condominium unit described in the residential condominium declaration. An association of property owners funded solely by voluntary payments from those owners is not a common interest community.

CONDOMINIUM ASSOCIATION OR UNIT OWNERS' ASSOCIATION – The condominium association or unit owners' association organized under Connecticut General Statute §47-243, as may be amended from time to time.

CONDOMINIUM COMMON ELEMENTS – All portions of the residential condominium other than the condominium units and any other interests in real property for the benefit of the condominium unit owners which are subject to the residential condominium declaration.

CONDOMINIUM UNIT – A physical portion of a residential condominium designated for separate ownership or occupancy by a condominium unit owner.

CONDOMINIUM UNIT OWNER – A declarant or other person who owns a dwelling unit in a residential condominium created by a residential condominium declaration.

CONSERVATION / OPEN SPACE – A parcel or area of land or water, essentially unimproved and legally set aside, dedicated, designated, or reserved for public or private use and/or enjoyment in its relative natural state for perpetuity through deeds or other legal means; lands protected and/or restricted from development; lands dedicated to remain unaltered or in a natural state.

CONTRACTOR'S / BUILDING TRADES ESTABLISHMENT – The managerial and administrative office of an electrician, plumber, painter, carpenter, general or specialized contractor, or other trades contractor

(heating, ventilating, air-conditioning, refrigeration, alarm/security, roofing, and other similar trade occupations), including the orderly inside and/or outside on-site parking of company fleet vehicles (excluding Federal Highway Administration Classes 7 and above, and vehicles weighing greater than 26,000 lbs) during off-business hours (i.e., where tradesman utilize company vehicles during the conduct of off-site services, leaving their personal vehicles at the premises until returning at the end of business), as well as the related contained storage of directly associated materials, equipment and supplies as otherwise permitted. This definition does not include vehicle fueling facilities; contractor's storage yard; waste/refuse haulers or haulers of chemical, flammable or hazardous materials; a mason, landscaper or excavator type contractors.

COUNTY SOIL AND WATER CONSERVATION DISTRICT – The Fairfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.

DAY CARE SERVICES

ADULT DAY CARE CENTER – An establishment, licensed by the State of Connecticut, which offers or provides a program of supplementary care for adult persons outside their home for part of the twenty-four (24) hours in one or more days in the week.

CHILD DAY CARE CENTER – An establishment, licensed by the State of Connecticut, offering or providing a program of supplementary care to more than twelve related or unrelated children outside their own home on a regular basis.

GROUP DAY CARE HOME – An establishment, licensed by the State of Connecticut, offering or providing a program of supplementary care a) to not less than seven or more than twelve related or unrelated children on a regular basis, or b) that meets the definition of family day care home except that it operates in a facility other than a private family home.

FAMILY DAY CARE HOME – An establishment, licensed by the State of Connecticut, consisting of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three (3) or more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve (12) hours but not more than seventy-two (72) consecutive hours to accommodate the need for extended care or intermittent short-term overnight care.

DEVELOPMENT – Any construction or grading activities or noticeable site disturbance or change to improved or unimproved real estate.

DIAMETER-AT-BREAST-HEIGHT (DBH) – Measurement of the diameter of a tree trunk, measured at chest height four and one-half (4½) feet above the ground.

DISTURBED AREA – An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING UNIT – One or more rooms designed, occupied or intended for occupancy as a separate living quarter with cooking, sleeping and sanitary facilities provided within.

ACCESSORY APARTMENT – A residential dwelling unit accessory to a principal single-family dwelling unit on a lot zoned RF-1, RF-2 or RF-3 only, provided that the accessory apartment use is limited in extent, clearly secondary and incidental to the use of the principal dwelling unit, and does not alter the single-family residential or exterior character of the principal dwelling or property, subject to the standards enumerated in these Regulations.

AGE RESTRICTED DWELLING – A deed restricted residential condominium dwelling unit where one or more of the occupants is fifty-five (55) years of age or older, as further set forth in §3.5 of these Regulations.

ATTACHED DWELLING – A dwelling with ground floor outside access, attached to one or more dwellings by common vertical walls without openings.

CARETAKER RESIDENCE – An accessory residential dwelling unit for the exclusive residential occupancy by the person (and immediate family) charged with the care, operation, maintenance and protection of the larger subject premises and related facilities.

DETACHED DWELLING – A dwelling that is not attached to any other dwelling by any means.

MULTI-FAMILY DWELLING – A building containing three (3) or more dwelling units on the same lot.

MULTI-FAMILY, GROUP HOME <6 RESIDENTS – A community residence, licensed by the State of Connecticut, as otherwise defined by State of Connecticut General Statutes, Chapter 124, §8-3e, as may be amended from time to time.

MULTI-FAMILY, GROUP HOME >6 RESIDENTS – A community residence, license by the State of Connecticut, as otherwise defined by State of Connecticut General Statutes, Chapter 124, §8-3e, as may be amended from time to time.

RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES – A residential dwelling unit(s) for rent contained within an upper floor of an existing or proposed commercial use building.

SINGLE FAMILY DWELLING – A building containing one (1) dwelling unit that is not attached to any other dwelling by any means.

TWO-FAMILY DWELLING – A building on a single lot containing two (2) dwelling units.

EASEMENT – A right, established in a deed or other legal document, of one (1) party to use land of a second party for a special purpose.

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

EXCAVATION – The process of altering the natural grade/elevation by cutting the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

EXCLUSIVE USE AREA – Area surrounding each dwelling unit that shall be treated as a limited common element under the Connecticut Common Interest Ownership Act, Connecticut General Statute §47-200.

FAMILY – A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

FARM – A parcel or parcels of land under single ownership or leasehold where the principal or accessory use is agriculture. (*See also Agriculture*).

FARM STORE (accessory to Farm) – An accessory permanent structure used by a farm for the year round sale of agricultural products and commodities.

FARM STORE, ACCESSORY SEASONAL – An accessory structure used by a farm for the temporary, seasonal sale of agricultural products and commodities.

FIREWOOD PROCESSING FACILITY – A business establishment engaged in the cutting and splitting of felled trees and timber into smaller pieces, sized (less than three feet in length) to fit whole into a typical residential fireplace or interior wood burning stove, for the end purpose of commercially selling as firewood, which may include kiln drying and/or bundling.

FLOOR AREA, GROSS (GFA) – The sum of gross horizontal areas of the floor(s) of a building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

FLOOR AREA, NET – The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the ground floor, except when used or intended to be used for human habitation or service to the public.

FOOT-CANDLE – A measure of illumination or light falling on a surface that is everywhere one (1) foot from a uniform point source of light – one (1) foot-candle is equal to one (1) lumen. Foot-candle measurements are made with a photometric light meter and with a specified horizontal orientation.

FRATERNAL ORGANIZATION – See Club, Fraternal Organization.

FUNERAL HOME or MORTUARY – An establishment used for the preparation and/or viewing, including associated rituals connected therewith, of deceased persons prior to burial or cremation elsewhere, including the display and sale of burial/cremation related items (caskets, funeral urns and other related funeral supplies), all within a building.

GASOLINE STATION – An establishment primarily engaged in the retail sale and dispersal of automobile gasoline via outdoor dispensers and other petroleum products to the general public.

GOLF COURSE – An establishment with at least nine holes (designated tees, greens, fairways and hazards) designed and regularly maintained for the playing of golf outside, may include other indoor and/or outdoor recreational facilities such as swimming pools, tennis, golf practice greens and driving ranges but excluding miniature golf.

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

GROCERY STORE – A retail establishment (supermarket, food store, general store, food market, delicatessen or similar) where most (80% or more) of the floor area is devoted to the sale of consumer processed, prepackaged and perishable food products for home preparation and consumption, but where other typical home and personal care products may also be sold.

HEALTH CLUB – *See Club, Health Club / Spa.*

HEIGHT – The vertical distance of a building or structure measured from the average elevation of the finished grade surrounding a building or structure within ten (10) feet of the building or structure to the highest elevation of a flat roof or the mean elevation of a sloped roof between the eave (at bottom soffit) and ridge. The height of a structure without a roof shall be the vertical distance measured to the highest point of such structure. Measurement of building height shall not include church spires, ornamental towers, water towers, chimneys, solar panels, HVAC or other mechanical equipment, except as otherwise regulated herein.

HISTORIC STRUCTURE – Any structure that is: (a) listed individually on the National Register of Historic Places; (b) certified by the Secretary of the Interior as contributing to the historic significance of a registered historic district; (c) individually listed on the State of Connecticut inventory of historic places; or (d) recognized as a local historic structure by the Town of Monroe.

HOME-BASED BUSINESS (accessory to single-family dwellings) – A business carried out in a dwelling unit by the resident thereof and no more than two (2) nonresident persons or employees that is of higher intensity than a home occupation, but clearly secondary to the use of the dwelling unit for residential purposes and does not alter the residential character of the dwelling or property, subject to the standards enumerated in these Regulations.

HOME OCCUPATION (accessory to single-family dwellings) – An occupation carried out in a dwelling unit by the resident thereof and no more than one (1) non-resident employee, provided that the use is limited in extent, clearly secondary and incidental to the use of the dwelling unit for residential purposes and does not alter the residential character of the dwelling or property, subject to the standards enumerated in these Regulations.

HOSPITAL – An institution, licensed by the State of Connecticut that primarily provides health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, may include as an integral component related incidental accessory facilities such as patient related laboratories, out patient services, medical offices; excluding drug and alcohol dependency facilities.

HOTEL – An establishment providing for a fee, short-term (less than 30 consecutive days) transient lodging accommodations (maid service, furnishing and upkeep of furniture, bed and bath linens and supplies, telephone, television, internet and similar) to the general public where access to all guest rooms is from interior lobbies, courts or hallways, may include incidental accessory facilities and services such as restaurants, meeting rooms, sundry retail goods, and recreational facilities primarily serving the transient guests of the hotel.

HOUSING OPPORTUNITY DEVELOPMENT – A proposed housing development in which, for at least thirty (30) years after the initial occupancy of units within the proposed development: (a) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which

shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Connecticut General Statute §8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (b) not less than ten percent (10%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

HOUSING OPPORTUNITY UNIT – Housing for which persons and families are presumed to pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%), as applicable, of area median income for the Town of Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban Development.

HOUSE PET – An animal of such size and nature as is commonly and traditionally kept in the home, including but not restricted to dogs, cats, birds, fish and smaller animals.

INDOOR CULTIVATION FACILITY – The vertical and/or horizontal growing of crops by method of conventional horticulture, hydroponics or aquaponics, including the storing and processing of agricultural and horticultural products inside a building.

INLAND WETLANDS COMMISSION – The Town of Monroe Inland Wetlands Commission.

INSPECTION – The periodic review and evaluation of properties in the conduct of enforcement activities and/or to determine compliance with permits and approvals as issued pursuant to these Regulations.

JUNK – Any scrap, waste, reclaimable material, or debris; unregistered or inoperable vehicles, machinery or equipment, or parts thereof; tires; construction and building materials; household appliances; brush; or similar.

JUNKYARD – Any lot, land, parcel, building, or structure, or part thereof, used for the temporary or permanent storage, collection, processing, purchase, sale, salvage, or disposal of junk, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof, any of which not being stored for immediate use on the lot. The term shall also include any junkyard, motor vehicle junk business, and motor vehicle junkyard as defined in the State of Connecticut General Statutes.

LANDSCAPER – A business principally engaged in landscape planning, design, installation, removal and maintenance services of offsite lawns and gardens (trees, shrubs, perennials, annuals and incidental hardscape features such as patios, stone walls and walkways).

LAUNDROMAT, DRY CLEANERS (retail and drop-off centers) – An establishment providing to the general public facilities for the washing, drying or dry cleaning of clothing and/or other fabrics in machines operated by the patron, or by employees of the establishment on or off-premises.

LIGHT FIXTURE – Complete lighting unit consisting of a lamp, lens, optical reflector, housing and electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

LIGHT FIXTURE, DIRECTIONALLY SHIELDED – A light fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.

LIGHT FIXTURE, FIXED – A light fixture whose means of support (pole, arm or other) is not adjustable so the direction of light cannot be moved or repositioned.

LIGHT FIXTURE, FULL-CUT-OFF – A light fixture which emits a light distribution where no light is emitted at or above a horizontal plane located at the bottom of a fixture.

LOT – A parcel of land having defined boundaries not divided by streets and considered as a unit, devoted to or intended to be devoted to a particular principal use and/or occupied by a principal structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open areas and yards, which parcel shall have frontage on a street as defined herein and complies with all applicable area and bulk requirements set forth in these Regulations. The mere recording of a deed and/or map in the Monroe Land Records in the Monroe Town Clerk's office shall not constitute the creation of a lot or a lot for purposes of development or obtaining a zoning or building permit.

LOT AREA – The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER – A lot abutting upon two (2) or more streets at their intersection forming an interior angle of not more than one-hundred-thirty-five (135) degrees. The point of intersection of the street right-of-way lines is the “corner.”

LOT DEPTH – The horizontal distance measured from the median point on the front lot line to the median point on the rear lot line.

LOT FRONTAGE – The distance between the side lines of a lot measured along the front lot line.

LOT, INTERIOR – Any lot other than a corner lot.

LOT LINE – A property line of record bounding one lot from another lot or from a public or private street or any other public or private space.

LOT, REAR also FLAG LOT – A lot with less than the minimum required lot frontage and/or an accessway, typically narrow, to the rear buildable portion of a lot measuring less than the width of the required minimum lot frontage.

LOT, THROUGH – An interior lot having frontage on two (2) or more segments of a street or different streets.

LOT WIDTH – The average minimum horizontal distance between the side lot lines measured at right angles to the lot depth.

MAINTAINED AVERAGE ILLUMINATION – Values which the average light levels for a playing field shall always meet or exceed during the life expectancy of the system. The average light levels shall be

calculated over the entire playing field using a grid method of measurement which divides the total light levels by the number of grid points.

MANUFACTURING / INDUSTRIAL –

MANUFACTURING, PROCESSING AND/OR ASSEMBLY OF PRODUCTS WHERE CONDUCTED WITHIN FULLY ENCLOSED BUILDINGS – Includes a range of assembling, fabricating, and manufacturing activities conducted within enclosed buildings, including production, processing, packaging, warehousing and distribution of: household and consumer goods, clothing and shoes, electronic equipment, medical instruments, food and beverages, pharmaceuticals, personal care health and beauty products and other similar products from previously manufactured components; manufacture of products and merchandise involving the use of chemicals and plastics; wholesaling, warehousing and distribution centers; machine shops; and printing and publishing. Excluding concrete and asphalt batch plants; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; automobile salvage and reclamation yards and facilities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; medical, biological or hazardous waste disposal facilities; bulk chemicals; explosives; sulfuric, sulfurous, nitric or hydrochloric acids; pesticides, insecticides and herbicides.

BUSINESS SERVICE FACILITIES PROVIDING SUPPORTING SERVICES TO INDUSTRIAL AND BUSINESS USES, INCLUDING COMPUTER AND BUSINESS MACHINE SERVICE AND REPAIR – An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, photofinishing, protective services, equipment rental and leasing, computer and business machine service and repair.

MARIJUANA DISPENSARY – A place of business where marijuana is dispensed or sold at retail for any purpose, including but not limited to recreational use and/or to qualifying patients and primary caregivers, and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit or license to an applicant in accordance with Public Act 12-55, §21a-408, as amended, of the Regulations of Connecticut State Agencies.

MARIJUANA PRODUCTION FACILITY – A secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license in accordance with Public Act 12-55, §21a-408, as amended, of the Regulations of Connecticut State Agencies.

MEDICAL CLINIC: URGENT CARE FACILITY (no overnight), RADIOLOGY/DIAGNOSTICS LABORATORY – An establishment, licensed by the State of Connecticut that provides outpatient health and medical services to the general public on a walk-in or referral by a physician or other licensed medical care provider basis.

MEDICAL REHABILITATION FACILITY – An establishment providing short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness, injury, or surgery who do not require continued hospitalization; excluding drug and alcohol dependency treatment.

MIXED USE LANDMARK PROPERTY DEVELOPMENT – The reinvestment and renovation of a designated older structure to ensure its continued existence.

MOBILE HOME – A structure, transportable in one (1) or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to required utilities.

MOBILE FOOD VENDOR – Any vehicle or conveyance-mounted unit, cart, trailer, kiosk or other similar apparatus, used to store, prepare, display or serve food and/or non-alcohol beverages intended primarily for immediate consumption, sited on public or private property for a limited duration lasting longer than ten (10) minutes. A mobile food vendor shall be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a “building” or “structure” and shall be required to comply with applicable regulations for such.

MOBILE FOOD VENDOR LOCATION – The specific location on public or private property upon which a duly approved and authorized mobile food vendor may temporarily operate.

MOBILE FOOD VENDOR PERMIT – That form of Zoning Permit approval as issued by the Zoning Enforcement Officer authorizing the time, duration, location and use of property by a duly Health Department licensed mobile food vendor.

MUSEUM – An establishment operated as a repository and/or exhibit for a collection of literary, historical, natural or scientific curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, including the holding of meetings or seminars in the promotion and education of the exhibited items, as well as accessory sale of related materials.

NIGHTCLUB – An establishment dispensing liquor and food and in which music, dancing or entertainment is conducted.

NONCONFORMING STRUCTURE OR BUILDING – A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision, or amendment of the zoning regulations, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning regulations.

NONCONFORMING USE – A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning regulations but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

OFFICE – A room, suite of rooms or building in which the affairs of a commercial business, profession or service provider entity are conducted.

ACCESSORY OFFICE – An incidental office customarily ancillary to a permitted principal use.

GENERAL OFFICE – An office for the transacting of executive, administrative and clerical functions in the conduct of a business (i.e., insurance, real estate, tax preparation, advertising, stockbroker or similar).

MEDICAL AND DENTAL OFFICE – An office for physicians, dentists or other licensed medical practitioners for the examination and treatment of persons solely on an outpatient basis.

PROFESSIONAL OFFICE – An office for a member or members of a recognized profession (licensed or holding an advanced degree) maintained for the conduct of that profession (i.e., architecture, landscape architecture, land use planner, engineering, accounting, law, or similar).

ONE HUNDRED YEAR FLOOD PLAIN – Shall include Flood Zones A1-A30, including the floodway as designated by the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM), Community Panel Numbers 090009-005C and 090009-001013 and the Flood Study, Town of Monroe, Connecticut, Fairfield County, as amended.

OPEN SPACE – Any parcel or area of land or water essentially unimproved, set aside or protected from certain development and/or disturbance; may include active and passive recreational uses.

OUTDOOR DISPLAY – An outdoor arrangement of objects, items, products or other materials, typically not in a fixed position, for the purpose of advertisement or sales.

OUTDOOR and INDOOR SALES of ACCESSORY OUTDOOR AMENITIES – A business establishment providing for the outdoor and/or indoor display and retail sale of accessory outdoor amenities such as playground equipment, sheds, pavilions, pergolas, awnings, chicken coops, deck materials, outdoor hardscaping, hot tubs, fiberglass in-ground pools, outdoor kitchen components, trampolines, basketball hoops and outdoor fire features, including the offering of incidental off premises installation services. For purposes of this definition, “display” shall mean the exhibiting, arrangement and showing of an amenity to simulate its appearance as if installed and operational, as opposed to merely placed, put down, or stored.

OUTDOOR STORAGE – The outdoor keeping of any goods, materials, merchandise, vehicles, boats, equipment or other items. Storage within a structure other than a building is considered outdoor storage.

OUTDOOR WOOD-BURNING FURNACES – A wood-fired boiler in a small, insulated shed with a smoke stack.

PERFORMANCE STANDARDS – A set of criteria or limits established by these Regulations related to nuisance elements that a use or process shall not exceed.

PERSONAL SERVICE BUSINESS – Establishments primarily engaged in providing specialized services involving nonmedical care and individual needs of a person or his or her apparel, including the incidental retail sale of related products, goods and merchandise.

PET DAY CARE / GROOMER BUSINESS – A business establishment providing non-medical personal care services to domesticated pets, not including boarding.

PLACE OF WORSHIP – A facility for an established body organized to sustain faith based and/or religious services on a regular basis, like a church, synagogue, temple, mosque or other similar facility.

PLANNING AND ZONING ADMINISTRATOR – The Planning and Zoning Administrator (or Town Planner) of the Town of Monroe.

PLANNING AND ZONING COMMISSION – *See Commission.*

PREFABRICATED HOME – A structure transportable in one or more sections, that is built and is designed for connection to a permanent foundation and serviced by required utilities. Also referred to as Manufactured or Modular Home.

PROPERTY LINE – *See Lot Line.*

PUBLIC UTILITY FACILITY – Any facility or structure erected by a public service company, as that term is defined by Connecticut law, unless the location of such is regulated by the Connecticut Siting Council.

RECREATIONAL VEHICLE – A motor vehicle built on a chassis and designed to serve as a self-contained living quarters for recreational use.

RECREATION FACILITIES –

INDOOR RECREATION FACILITIES – A commercial building or structure designed and equipped for the conduct of indoor sports and leisure time activities.

OUTDOOR RECREATION FACILITIES – Outdoor places, sites or fields and incidental structures designed and equipped for the pursuit of leisure time activities, usually of a formal nature, often performed with others and/or requiring equipment.

RECREATION, PASSIVE – Activities that involve relatively inactive or less environmentally intrusive activities including, but not limited to walking, sitting, picnicking, board and table games.

RESEARCH AND DEVELOPMENT FACILITIES (not involving hazardous or biological materials use, storage or disposal) – An establishment for the research, investigation, testing, experimental analysis, and/or technological advancement, storage or disposal, of new and innovative systems, equipment, products and/or devices, which does not involve hazardous or biological materials use.

RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES – See Dwelling Unit, Residential Apartments Above Commercial Uses.

RESIDENTIAL CONDOMINIUM – A common interest residential community in which portions of the real property are designated for separate ownership (individual dwelling units where each owner receives a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc.) and the remainder of the real property is designated for common shared ownership solely by all of the owners of the individual dwelling units.

RESIDENTIAL CONDOMINIUM DECLARATION – The legal instruments which are required to be recorded on the land records of the Town of Monroe, however denominated, that create a residential condominium, including any amendments to those instruments.

RESTAURANT and FOOD RELATED USES –

BAKERY, RETAIL – A Retail Food Establishment which sells baked goods directly to the public on premises. Goods may or may not be baked on the premises. Does not include a fast food restaurant as defined herein.

BAKERY, WHOLESALE – An establishment which produces and sells baked goods primarily to other establishments, on premises sale directly to the public is incidental and occupies an inside area of no more than 2,000 square feet. Does not include a fast food restaurant as defined herein.

CAFÉ – An establishment, licensed pursuant to a Café permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division, within a suitable and permanent building, kept, used, maintained, advertised, and held out to the public to be a place where all types of alcoholic and nonalcoholic beverages, and food including the offering of hot meals from an on-premises commercial kitchen, is served for sale at retail for consumption on the premises to persons seated at tables by persons employed by the establishment, and which may include provisions for music, dancing or live entertainment. May also be referred to as grill, saloon, bar, pub, public house, beer garden or similar named establishment.

CATERER, OFF-PREMISES – An establishment whose principal business is the preparation of food and beverages for a specific event, person or organization, typically consisting of full course meals, for consumption off-premises, where the food and beverages are picked-up or delivered, and service thereof may be provided at the off-premises location.

CATERER, ON-PREMISES – An establishment whose principal business is the preparation of food and beverages for a specific event, person or organization, typically consisting of full course meals, for consumption on-premises, where the food and beverages are served to patrons via buffet or table service within a dedicated banquet hall or meeting rooms.

ICE CREAM PARLOR (Yogurt Shop / Dairy Bar) – A Retail Food Establishment primarily engaged in the preparation and retail sale of ice cream, yogurt and other frozen dessert type products and beverages, typically served to order from a counter for consumption on- or off-premises.

OUTDOOR DINING – An outdoor area with tables and seating for the consumption of food and beverages in conjunction with and accessory to a principal permitted food service or restaurant use, operated and located on the same lot and functionally coordinated to the interior of the principal food service or restaurant use.

RESTAURANT, FULL SERVICE – An establishment engaged in the retail sale of prepared food and beverages, primarily consisting of hot meals, ordered from individual menus, served by waiters/waitresses, in a ready-to-consume state, on or in non-disposal dishes or containers, and where customers consume these foods and beverages while seated at tables or counters located within the building. Such establishments may offer take-out, delivery and catering services, which if provided, are ancillary to the overall establishment business and are not provided via drive-thru or window service. Such establishments may also offer the retail sale of all types of alcoholic beverages to be consumed on the premises, pursuant to a Restaurant permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division.

RESTAURANT, FAST FOOD – An establishment primarily engaged in the retail sale of pre-prepared or quickly prepared meals and other food and beverage products for consumption on- or off-premises, in a ready-to-consume state, made available upon a short waiting time, generally served in disposable or prepackaged containers or wrappers with disposal utensils, where customers usually select their orders from a standardized posted menu offering a limited number of specialized and/or standardized array of items, such as but not limited to, hamburgers, chicken, fish and chips, pizza, tacos and hot dogs, prepared according to standardized methods in advance and kept hot then finished and packaged to order, where a substantial portion of sales is by stand-up service where the customer generally pays before eating and performs self cleanup. Such establishments typically include standardized décor, façades, site treatments, food and beverage ingredients, as well as systemic purchasing and distribution of food, containers, wrappers, and other consumable goods from a central source and are usually part of a restaurant chain or franchise operation, typically including drive-through service via an exterior window to allow customers to remain in their vehicles to order and receive food and/or beverages.

RESTAURANT, DRIVE THROUGH or EXTERIOR WINDOW SERVICE – An accessory means of serving restaurant establishment patrons via an exterior walk-up or drive-up service window along a side or rear building wall of the interior restaurant.

RETAIL FOOD ESTABLISHMENT – An establishment primarily engaged in the on-site preparation and retail sale of "carry-out" food and beverage products from a counter-type installation for consumption primarily off-premises, including but limited to:

- Coffee Houses or Shops
- Pizzerias
- Ice Cream Parlors / Yogurt Shops / Dairy Bars
- Bakeries
- Delicatessens
- Fish, Produce or Specialty Food Markets (non-supermarket or grocery store)
- Off-Premises Caterers (not associated with a restaurant or other food service use)

TAVERN – An establishment, licensed pursuant to a Tavern permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division, within a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where beer, wine and alcohol cider is sold at retail for consumption on-premises, with or without the sale of food.

RETAIL, GENERAL – An establishment engaged in selling goods, wares, packaged foods and beverages, and/or merchandise directly to the ultimate consumer for immediate purchase and off-premises personal use or household consumption, and rendering services incidental to the sale of such.

RETAIL, INSTRUCTIONAL (martial arts, dance, music, learning support, painting/pottery, or similar) – A retail establishment offering for a fee, personal or group lessons of specified instruction in a specific field, artistic endeavor or other specialized form of expression such as dance, painting, music, learning support

or similar; or supported self-application in the creation of an artistic endeavor such as candle making, glazing of pottery, canvas painting, or similar craft activities.

RETAIL GARDEN CENTER – A retail establishment primarily engaged in the selling of nursery and residential gardening materials, supplies, tools and similar related products, including but not limited to the inside and outside growing, cultivation and sale of garden plants, flowers, trees, shrubs and garden materials such as mulch, stone, peat moss, seed and similar.

RIDING ACADEMIES, BOARDING STABLES – An establishment where horses are boarded indoors and cared for, and where inside and/or outside instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

SAFE HOMES – A residence licensed by the State of Connecticut to provide a safe, stable environment for children between the ages of three (3) and twelve (12) who are transitioning to foster care.

SCHOOL BUS PARKING FACILITY – A facility for the inside and/or outside parking of school buses when not in use or between times of active service deployment, including administrative, security, dispatch and minor maintenance facilities thereto within a fully enclosed building.

SCHOOLS, PUBLIC and PRIVATE – An institution for the teaching of children and adults (K-12), including preschool and nursery schools, elementary and middle schools, senior high schools, and secondary, vocational and trade schools, providing full time instruction with an educational curriculum which meets the requirements of the laws of the State of Connecticut.

ELEMENTARY or MIDDLE – A public or private school that meets the State of Connecticut requirements for elementary or middle school education.

PRESCHOOL/NURSERY SCHOOL – A school that is primarily educational in nature, meeting the needs of children generally between the ages of two (2) and five (5).

SENIOR HIGH – A public or private school that meets the State of Connecticut requirements for high school education.

SECONDARY, VOCATIONAL, TRADE – A public or private school that meets the State of Connecticut requirements for secondary, vocational or a recognized tradesman education.

TOWN OF MONROE BOARD OF EDUCATION OFFICES – A parcel and/or facility owned or leased by the Town of Monroe for the conduct of school administrative functions, may be within a public school facility.

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

SENIOR HOUSING – Any age restricted development, which may be in any housing form, including detached and attached dwelling units, apartments and residences offering private and semiprivate rooms, with or without services for residents.

SETBACK – The minimum horizontal distance that buildings, structures and other features must be set back from the front, side and rear lot property lines, and an access easement or right-of-way, as required by these Regulations (*see also Yard, Required*).

SIGN – Any object, device, display or structure, or part thereof, situated outdoors, excluding vehicles, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images; but shall not include the sign, directional notice, flag, pennant or insignia of any governmental unit. Signs shall be used only for goods sold, services rendered, or establishments on the premises and shall be accessory to a use only on the premises.

AGRICULTURAL SIGN – A sign directly relating to agricultural products or activities on the premises.

ANIMATED OR MOVING SIGN – Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

BILLBOARD SIGN – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

CHANGEABLE LETTERING SIGN – A sign upon which any combination of letters and numbers may be readily changed to convey varying information about goods sold or services rendered without reconstruction of the sign.

CONSTRUCTION SIGN – A temporary sign erected on the premises on which construction is taking place, restricted solely to the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN – Signs limited to on-premises directional or warning messages, principally for pedestrian or vehicular traffic, such as but not limited to “one-way,” “entrance,” and “exit” but shall not include any advertising or name of establishment.

DIRECTORY SIGN – Signs internal to the premises located within parking areas or at entry doors indicating locations of tenants on the premises.

FLASHING OR INTERMITTENT SIGN – Any directly or indirectly illuminated sign, either outdoors or indoors, which exhibits changing natural or artificial light or color effects by any means whatsoever.

FREESTANDING SIGN – A non-movable sign supported by and placed upon the ground with or without a subsurface foundation, independent of and not affixed to a building or structure, including monuments, support poles or other supporting measures or devices, including pole and ground signs.

GASOLINE PRICE SIGN – An integrated portion of other permitted signs relating to an authorized and licensed gasoline sales facility advertising the type and current price of motor fuel for sale on the premises.

GOVERNMENTAL SIGN – A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance or other governmental regulation; flag, pennant, or insignia of any governmental unit.

GROUND SIGN – Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

HOME OCCUPATION OR HOME-BASED BUSINESS SIGN – A non-illuminated sign containing only the name and occupation of a permitted home occupation.

ILLUMINATED SIGN – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

INTERNALLY ILLUMINATED SIGN – A lighted sign whose light source is internal to its construction.

MENU BOARD SIGN – A freestanding or wall sign listing items for purchase and typically including a radio communication device in connection to an otherwise permitted drive-through facility with the design, materials, and finish to match those of the primary building, the sole purpose of which is to assist patrons within a restaurant drive-through lane with the restaurant menu options available for purchase and communicating such purchase selection via electronic communication to persons inside the restaurant.

NAME PLATE SIGN – A non-illuminated sign, located on premises giving the name address, or both, of the owner or occupant of a building premises.

POLE SIGN – A sign that is mounted on a freestanding pole or other support.

POLITICAL SIGN – A temporary sign announcing or supporting political candidates or issues in connection with national, state or local election.

PORTABLE SIGN – A sign that is not permanent, affixed to building, structure or the ground. This shall include any sign mounted on a vehicle in any manner parked on any premises.

PRE-VIEW MENU BOARD SIGN – A freestanding or wall sign with the design, materials, and finish to match a corresponding restaurant menu board sign, the sole purpose of which is to assist patrons within a restaurant drive-through lane with the restaurant menu options available for purchase prior to arriving at the corresponding menu board sign.

REAL ESTATE SIGN – A sign pertaining to the sale, rental lease of the premises, or a portion of the premises, on which sign is located.

ROADSIDE SIGN – Any sign other than governmental sign located within the right-of-way of any street, road or highway.

ROOF SIGN – A sign that is mounted on the roof or portion thereof of a building or structure or which projects above the top of the wall of the building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

SEASONAL SIGN – A sign or advertising display of a temporary nature not to exceed sixty (60) days in any given year describing a seasonal activity, product or service.

SPECIAL EVENT SIGN – A temporary sign advertising a community, civic or not-for-profit organization temporary occurrence or event such as a carnival, festival, charity event, bazaar, farmers' market, arts and crafts fair or similar.

TAG SALE SIGN – A temporary sign advertising a private sale of personal property by the owner of the premises, such as a garage sale, yard sale, tag sale, estate sale and the like.

TEMPORARY SIGN – A sign which may be permitted for a short duration or specified period of time as otherwise regulated and authorized by these Regulations, such as a special event or portable sign.

TRAFFIC CONTROL SIGN – An official sign indicating or directing the required conduct of vehicular and pedestrian traffic movements along streets and at intersections of streets and/or streets and private driveways.

WALL SIGN – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

SITE PLAN – An accurate and detailed topographic and geometric representation of existing and/or proposed conditions on a lot or lots that is consistent with accurate property survey information.

SITE PLAN, MINOR – Written approval as required by these Regulations issued by the Planning and Zoning Administrator/Town Planner, as a condition precedent to the issuance of a Zoning Permit.

SITE PLAN, STANDARD – Written approval as required by these Regulations issued by the Planning and Zoning Commission, as a condition precedent to the issuance of a Zoning Permit.

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.

SPA – *See Club, Health Club / Spa.*

SPECIAL EXCEPTION USE – A use where specified in these Zoning Regulations that, because of its nature, requires special and careful consideration of all aspects of the proposed operation in order to protect other properties in the zone and to preserve the basic Zoning Regulations.

STORAGE USES –

COMMERCIAL WAREHOUSING CONTAINED WITHIN FULLY ENCLOSED BUILDINGS – A building or part thereof used primarily for the temporary housing of raw materials, works in progress, and/or finished goods, wares, food and non-food products, equipment, parts, and supplies before their use, export, or distribution off-premises, including climate control facilities, but excluding bulk storage of materials that are inflammable, explosive, or that present hazardous conditions.

SELF-STORAGE WAREHOUSING FOR RENTAL OF FULLY ENCLOSED BUILDING SPACE – A building designed and constructed with internal individual rooms, compartments, or units, which may be of various sizes within a larger facility, leased or rented on an individual basis pursuant to a specified duration basis (i.e., monthly, annually), for the storing of personal property.

STORAGE OF CARNIVAL RIDES – A parcel or tract of land used for the coordinated inside and/or outside storage of carnival rides when not in use off-premises.

STORY – That portion of a building above the basement included between any floor and the ceiling or roof above it.

STORY, HALF – Any place under a gable, hip or gambrel roof, the floor of which is not more than two (2) feet below the plate.

STRUCTURE – Anything constructed, erected or installed, the use of which requires location on or under the ground level, in whole or in part, or attachment to something having location on or under the ground. Depending upon its applicability, the use herein of “structure” shall include the term “building.” (*See also Building*)

SUBDIVISION – The division of a lot, tract or parcel of land into three (3) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SUBDIVISION, CLUSTER – A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots that would be permitted under a conventional subdivision or increase in the overall density of development. The remaining land on the site is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

THEATER (indoor for stage/movies) – An indoor establishment designed and constructed with fixed seating for the showing of motion pictures and/or dramatic, theatrical, musical, or other live action performances for an admission fee, including rehearsal activities.

TOWER – A structure intended to support equipment for receiving and/or transmitting electromagnetic waves, including self-supporting lattice, guyed and monopoles.

TOWN ENGINEER – The Town Engineer of the Town of Monroe.

TOWN OF MONROE USES –

TOWN OF MONROE GOVERNMENTAL NON-SCHOOL ADMINISTRATIVE FACILITIES: INCLUDING BUT NOT LIMITED TO OFFICES, EMS, FIRE, POLICE, LIBRARY, SENIOR/COMMUNITY CENTER, FOOD PANTRY – A parcel and/or facility owned or leased by the Town of Monroe for the conduct of non-school administrative functions, including municipal government offices, police, fire, library, senior and/or community center, food pantry, and/or similar facilities operated and maintained by the Town of Monroe in the pursuit of serving the needs of its citizens.

TOWN OF MONROE GOVERNMENTAL SERVICE FACILITIES: INCLUDING BUT NOT LIMITED TO DPW YARD, DOG POUND, TRANSFER STATION, SHOOTING RANGE – A parcel and/or facility owned or leased by the Town of Monroe for the purpose of housing inside and/or outside municipal service facilities such as DPW offices and yard, dog pound, transfer station, shooting range, and/or similar facility operated and maintained by the Town of Monroe in the pursuit of serving the needs of its citizens.

TOWN OF MONROE COMMUNICATION SITES AND FACILITIES – A parcel and/or facility owned or leased by the Town of Monroe for the placement, operation and maintenance of Town of Monroe owned telecommunication devices and facilities.

UNIT OWNERS' ASSOCIATION – *See Condominium Association.*

VARIANCE (Zoning) – Permission granted by the Zoning Board of Appeals to vary the literal requirements of these Regulations.

AREA VARIANCE – Specific relief from the literal area, bulk and other dimensional requirements of the underlying zoning district standards, not including use, without changing or amending these Regulations or the underlying zoning classification of a property, based on a demonstration of hardship relating to the peculiarities of the lot.

USE VARIANCE – Variance to permit a use or facility not otherwise allowed in the zoning district within which the property is located.

VETERINARY HOSPITAL – An establishment, licensed by the State of Connecticut to provide veterinarian care, observation, and/or treatment of animals, primarily domesticated pets, and where boarding is limited to a short term for convalescence incidental to the hospital treatment or procedure conducted only.

WATERCOURSES – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

WETLANDS – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

WHOLESALE AND DISTRIBUTION CENTERS, NOT INCLUDING AUTOMOBILES OR BOATS – A business establishment within an enclosed building primarily engaged in the selling and/or distributing of merchandise to other businesses; excluding automobiles, boats and recreational vehicles with living accommodations.

WIRELESS COMMUNICATION FACILITY – The antenna, telecommunications equipment, communication towers, monopoles and/or support structures used together in conjunction with the provision of commercial wireless communication services. These services may include, but are not limited to cellular communications, personal communication services, and paging.

YARD – An area on a lot that lies between the nearest lot line and the applicable setback and is unoccupied and unobstructed from the ground upward to the sky by any structure or portion thereof, except as permitted herein (*see also Setback*).

YARD, FRONT – An open area extending across the full width of the lot between the front property line and the front setback line.

YARD, REAR – An open area extending across the full width of the lot between the rear property line and the rear setback line.

YARD, SIDE – An open area extending across the full depth of the lot between the side property line and the side setback line.

ZONING BOARD OF APPEALS – The Zoning Board of Appeals of the Town of Monroe.

ZONING ENFORCEMENT OFFICER – The Zoning Enforcement Officer of the Town of Monroe.

ZONING PERMIT – Written approval as required by these Regulations, signed and issued by the Town of Monroe Zoning Enforcement Officer, as a condition precedent to the issuance of a Building Permit and commencement of use, change in use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a principal or accessory building or structure.

§2.2.2 Definitions Pertaining to Off-Street Parking and Loading

The following definitions pertain particularly to the regulation and standards pertaining to off-street parking and loading requirements as set forth in §6.1 of these Regulations:

AISLE – The traveled path through a parking facility along or between one (1) or two (2) rows of parked vehicles.

BAY – A parking facility unit that has two (2) rows of parking stalls and a central aisle.

BENCH SEATING – One (1) seat is equal to two (2) feet of bench length.

CLEAR HEIGHT – The clear vertical height inside a parking structure which is a minimum of seven (7) feet.

DEFERRED PARKING – The practice exercised at the discretion of the Commission where up to fifteen percent (15%) of designed parking is not constructed and is placed in landscaped lawn subject to the provision that the owner of the premises may be required to construct said parking if it is determined by either Commission or owner that circumstances require such construction.

DIRECTIONAL PAVEMENT MARKINGS – Line, symbols and words painted on a pavement surface to direct drivers and control traffic flow.

DESIGN STANDARDS – The criteria, both written and graphic as contained in this article, established to define the design characteristics and specifications of a parking facility.

DRIVEWAY (OR ACCESS OR LANE) – The area of a facility that allows motor vehicles access to or from any public street, other facility or area, or within the facility.

EMPLOYEE PARKING – Parking areas specifically designated for use by employees.

FIRE LANE – The aisle immediately adjacent to a building or structure reserved for access by emergency public safety vehicles in which no parking or standing is permitted.

GROSS FLOOR AREA (GFA) – The total interior floor area of a building or structure measured at the inside face of the exterior walls.

HALF-BAY – The minimum parking facility unit that has one row of parking stalls and aisle.

HANDICAP ACCESSIBLE PARKING – A parking space or bays of parking designed for the exclusive use by persons or drivers as defined in §14-253a of the Connecticut General Statutes and other applicable requirements of the State of Connecticut Basic Building Code, both as amended.

ISLAND – A raised or depressed area in a roadway, driveway, or parking lot designed to control or direct traffic flow, minimize pavement expanse and provide area for landscaping, signage, lighting, and drainage and snow storage.

LOADING SPACE – A dedicated area designed and dimensioned for the temporary parking or standing of truck-type vehicles for the purpose of loading and/or unloading activities in support of uses on the site.

NET SQUARE FEET – In a commercial or public access use, that portion of the GFA accessible to the general public, generally used for display and sales, seating or assembly.

OFF-STREET PARKING – A portion of a lot designed and dedicated for parking on the same site as the principal or accessory building it serves or where a shared and/or joint parking agreement is approved by the Commission as set forth in these Regulations.

ON-STREET PARKING – Parking located within a private or public street right-of-way.

PARKING LOT – A surface area for parking, constructed at grade, off the street and beyond the right-of-way.

PARKING ANGLE – The angle formed by a parking stall and the wall or center line of the facility, ranging from ninety (90°) degrees (perpendicular) to thirty (30) degrees.

PARKING FACILITY – A parking lot, garage, or deck for the purpose of off-street parking.

PARKING SPACE (OR STALL) – A dedicated area directly accessible to an access aisle, designed and dimensioned for the temporary parking of a single vehicle.

PARKING STRUCTURE – Any building or portion thereof either above grade, below grade, or both, for the parking of motor vehicles.

PEAK PERIOD – A period of maximum parking activity; can be by the hour, portion of a day, day of week, or seasonal.

QUEUE SPACE – A standing space for a vehicle equivalent in area to a parking space.

SEATING (OR SEATS) – The total of fixed seats and temporary seats based upon design capacity.

SHARED OR JOINT USE PARKING – The sharing of parking spaces by two or more uses with each use having different peak demand periods.

STANDING – The practice of brief vehicle stopping or waiting, generally for pick-up/ delivery or purchase of an outside service, in an area not designated or permitted for parking.

STRIPING – Painted lines or similar applications delineating stalls and circulation patterns.

§2.2.3 Definitions Pertaining to Flood Damage Control

The following definitions pertain particularly to the regulation and standards pertaining to flood damage control requirements as set forth in §6.6 of these Regulations:

APPEAL (Flood Damage Control) – A request for a review of the interpretation of any provision of §6.6 or a request for a variance (flood damage control) relating thereto.

AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD – The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

BASE FLOOD ELEVATION (BFE) – The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT – For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

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 elements, structural elements, 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.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 17, 1985, of the floodplain management ordinance adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY – The Federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, 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.

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/runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) – The official map of a community in which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

FLOOD INSURANCE STUDY (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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.

FUNCTIONALLY 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 the 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.

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.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME (also referred to as pre-fabricated home) – A structure, transportable in one or more sections that is built and designed for connection to a permanent foundation and served by required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The market value of the structure shall be determined by the property’s tax assessment, minus land value, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL – For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

NEW CONSTRUCTION – Structures for which the “start of construction” commenced on or after April 17, 1985, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, April 17, 1985, of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE – For floodplain management purposes, a portable vehicle built on a single chassis, four-hundred (400) square feet or less when measured at the largest horizontal projection, which can be towed, hauled or driven and primarily designed to be used as temporary living quarters for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding mobile manufactured homes.

START OF CONSTRUCTION – For floodplain management purposes, for other than new construction or substantial improvements under the Coastal Barriers Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one-hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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 erections 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 as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – For floodplain management purposes, any combination of repairs, reconstruction, rehabilitation, alterations, additions, or other improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. 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. This term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a “historic” structure, provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

VARIANCE (Flood Damage Control) – A grant of relief from the terms of the floodplain management regulation that allows construction in a manner that would otherwise be prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION (Flood Damage Control) – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

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.