

ARTICLE III

Section 300

DEFINITIONS

Accessory use: a use or structure subordinate to and customarily incidental to the principal use of land or building on the same lot. Unless otherwise specified in this ordinance, no use of a detached structure for commercial or industrial purposes shall be permitted in a residential zone.

Actual use: the specific use to which a building or property is put. This term shall not be taken as referring to the category of uses allowed in any zone (i.e., all residential, commercial, or industrial uses), but rather to a single type of such use. For example, conversion of a single-family house to a two-family house may not require a change in the residential zoning category, but is a change of actual use. Similarly, conversion of a tailor shop to a retail clothes store may not require a change in the commercial use category, but is a change in actual use.

Agriculture and Farming – Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations; or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations; or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The Term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. Nothing herein shall restrict the power of a local zoning authority under chapter 124; in accordance with CT General Statutes Sec. 1-1(q), and as may be amended from time to time. (Amend. on 8-19-2019)

Ancillary – Something that is subordinate to, auxiliary to, supplementary to the primary activities or operation of an organization or farm. (Added on 8-19-2019)

Antique shop: a commercial establishment for the sale of furniture, clothing, hardware, and other works of art, produced in a former period and purchased as such for their historical value or unique significance.

Aquaculture – means the farming of the waters of the state and tidal wetlands and manmade tanks both above and in-ground and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands; and as may be further defined and described in CT General Statutes Sec. 1-1(q) as may be amended from time to time. (Amend. on 8-19-2019)

Building: Any structure having a roof supported by walls or other means and intended to afford shelter to persons, animals or chattel.

Building height: the distance measured from the mean level of the ground surrounding the building to the highest point of the structure.

Building line: A line running parallel to the street at a distance from the street which is at least equal to the required setback from the street.

Buffer Zone/ Buffer Strip – Vegetative screening consisting of, but not limited to, plantings, shrubs, bushes, evergreens, berms, and/or, which may also include or require, fencing. The purpose of such buffers is to isolate, both visually and acoustically adjacent property areas (or zones) and to help maintain the quiet enjoyment of residential areas. Maintenance of required buffers shall be responsibility of the owner and/or occupant of the property. (See also Planted Screenings, Section 310) (Amend. on 8-19-2019)

Cafe: a place where alcoholic beverages are sold for consumption and food is available for sale, but hot meals are not necessarily served.

Clinic: includes a single legal entity or establishment for the diagnosis with or without treatment of patients, with no overnight lodging, with more than three licensed staff, or more than three patient/treatment rooms or a total occupancy, including both patients and staff, of the more than twelve. (Approved: 02/21/2017, Effective: 03/27/2017, 12:01 AM)

Commercial Indoor Recreation Facility: An establishment designed and equipped for the conduct and/or instruction of indoor sports and athletic leisure activities which is operated as a business and is open to the public and/or program participants for a fee. (Amend. Effective 11/06/98, 12:01 AM)

Commercial vehicles, registered: motor vehicles duly registered with the State Commissioner of Motor Vehicles and bearing commercial number plate(s).

Commission: the Zoning Commission of the Town of Killingly.

Condominium: A multi-family dwelling in which each unit is individually owned.

Connecticut Grown – Produce and other farm products that have a traceable point of origin within the State of Connecticut; in accordance with CT General Statutes CGS §22-38(a) and as may be amended from time to time. (Added on 8-19-2019)

Customary home occupation: any use conducted entirely within a dwelling and carried out by the inhabitants thereof plus no more than two non-resident persons in which the use is clearly incidental and secondary to its main use as a dwelling, and does not change the character thereof. For the purposes of this ordinance, personal service establishments (which include barber shop, hairdresser and/or beauty salon, tailor, and dressmaker) which meet the criteria set forth in this definition will be considered a Customary Home Occupation. No home occupation shall be conducted outside of the main dwelling unit including an accessory building.

Dog Kennel: the harboring on any lot of more than five dogs that are more than six months old, as define in Section 22-327 of the Connecticut General Statutes.

Dwelling, single-family: a detached residential dwelling unit other than a mobile home designed and occupied by one family.

Dwelling, two-family: a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, multiple-family: a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit: a building or portion thereof designed for housekeeping and occupied by a single family.

Family: one or more persons occupying a single housekeeping unit and sharing common cooking facilities. No such family shall include more than five (5) persons who are not related by blood, marriage, adoption, or guardianship.

Farm – Includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structure, or other structure used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities; and as may be further defined and described in CT General Statutes Sec. 1-1(q), and as may be amended from time to time. (Added on 8-19-2019)

Farm Products – Any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of aquaculture, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine, or plant and their flowers, or any of the products listed in this definition, as described in CT General Statutes Sec. 22-6g, and as may be amended from time to time, including, but not limited to, baked goods, wool products, soap products made with farm products; and leather as long as it does not violate Section 510 – Prohibited Uses of these zoning regulations. (Added on 8-19-2019)

Farm Store / Retail Farm Store – Used by a farm business for the year round sale of raw and/or processed agricultural and horticultural products, services, and activities. (Added on 8-19-2019)

Fence: a barrier used to enclose a lot, usually of posts and wire or wood, or of a natural material used to prevent entrance or mark a boundary.

Fresh Produce – Fruits and vegetables that have not been processed in any manner. (Added on 8-19-2019)

Floor area: the sum of the horizontal area computed with exterior measurements of the several floors of a building or structure. Cellars, basements and attics used for storage or for heating or cooling equipment and unenclosed porches or patios shall not be included when computing floor area.

Frontage the portion of a lot directly abutting a street line.

Lot: for the purposes of this ordinance a lot is an amount of land-of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards, buffers and open areas as are required for the district in which such lot is located. A lot may consist of one or more lots of record, or a portion of a lot of record, provided that no such division or combination creates a tract of land incapable of meeting zoning district requirements.

Lot of record: a lot which was legal at the time of the adoption of these regulations or any amendment hereto and was owned separately from any adjoining lot, as evidenced by maps on file with the Town Clerk and/or by land records of the Town of Killingly.

Lot, corner: a lot fronting on two or more streets or roads.

Lot coverage: the total portion of any lot covered by buildings, structures, patios and roofs, but not including impervious surfaces used for parking, driveways, and the like.

Lot, interior: a lot which meets all of the dimensional and other requirements for the zoning district in which it is located. An access strip to a town road shall be provided in lieu of the minimum required frontage on said street. The lot must be at least as wide as the minimum required frontage at some point and the building line shall be measure from the point.

Lot line front: the boundary line of a lot which abuts a street line, or the lot line closest to the street line.

Lot line, side: any lot line which is not a front or rear lot line.

Lot line, rear: the lot line which is farthest from the street.

Motel, hotel: a building or group of buildings designed or used as individual living and sleeping quarters for hire. These terms shall include auto courts, tourist cabins and the like.

Non-conforming use; a use legally existing at the adoption of these regulations which does not conform to the regulations for the zone in which it is located.

Non-conforming lot: a lot legally existing at the adoption of these regulations which does not conform to the minimum lot size requirements for the zone in which it is located.

Non-conforming structure: Any building or structure in existence at the time of these regulations housing a permitted use which does not comply with the minimum area, frontage or other dimensional requirements of these regulations.

Parcel: a lot of record.

Parking space: a space used for parking motor vehicles, not less than 180 square feet in area and with access from a street or driveway.

Party wall: a wall used or adapted for joint service between two (2) buildings or structures.

Personal service establishment: barber shop, hairdresser, beauty salon, tailor, dressmaker, etc.

Planted screening: a strip of trees and shrubs planted to serve as a buffer between neighboring incompatible land uses. Hardy indigenous plant material shall be used where such a screen is required, at least 30% of which shall be evergreen and at least 60% of which shall be a minimum of three (3) feet in height at planting time (Spacing of such planted material shall be sufficient to serve the intended buffering purpose.) Permanent structures such as wooden fences, stone walls and the like may be approved in lieu of part or all of the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution. A clear line of site shall be maintained for at least the first five (5) feet of a driveway, measured from the point of intersection with a Town Road.

Processing – Processing on farms is not considered manufacturing if the raw materials are grown on the farm and processed in compliance with all necessary CT Department of Health and Consumer Protection Licenses. (Added on 8-19-2019)

Professional building: a building used primarily for the conduct of the following occupations: licensed medical practitioner, attorney, accountant, architect, surveyor, realtor, engineer, or insurance agent.

Public service corporation: any railroad, electric, gas, telephone, telegraph, pipeline, sewage, water, fire, ambulance or municipal antenna company corporation.

Public Water: any water supplied by a water company regulated by the State Department of Health.

Redemption Center: means any facility established to redeem empty beverage containers from consumers or to collect and sort empty beverage containers from dealers and to prepare such containers from dealers and to prepare such containers for redemption by the appropriate distributors (as defined in CT General Statutes 22a-243). (Added on 12-19-2023)

Repair shop a building used for the repair and maintenance of appliances, equipment or small machinery, but excluding motor vehicles and heavy construction equipment. All work and storage areas must be contained within such a repair shop.

Restaurant: a public eating establishment which provides at least four (4) tables and twenty (20) seats, or counter service for twenty (20) or a like combination of tables and counter space, and waiting on tables. Such establishment may provide take-out service provided that such service shall not constitute more than 20 percent of all business.

Restaurant, drive-in: any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Restaurant, fast-food: a public eating establishment having take-out service which constitutes more than 20 percent of all business. Such establishment may be a combination Fast-Food, Drive-In Restaurant.

Rooming house, Boarding house: a building providing sleeping quarters for not more than six (6) persons not related to the proprietor, with or without provision of meals.

Season – A clearly delineated period of time during a given year that has a beginning date and ending date, which correlates with a major portion of the harvest period for Connecticut Grown fresh produce. (Added on 8-19-2019)

Seasonal Farm Stand – Used by a farm business for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services and activities. (Added on 8-19-2019)

Self-service Storage Facility: A structure or structures containing separate, individual, private storage spaces of varying sizes leased or rented on individual leases for varying periods of time, serving residential and commercial establishments. In addition, the owners or operators of a self-service storage facility may offer full service storage of personal belongings for individuals, with pick-up, delivery and access by facility employees only, during normal working hours. Approved May 12, 1999, Effective June 9, 1999

Semi-trailer: any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and load rests upon or is carried by another vehicle.

Setback: the minimum distance required between any lot line and the nearest building line.

Setback, front line: the building line.

Setback, side line: the line which establishes the minimum distance for consideration from the side lot line for the particular district as measured from the side lot line.

Setback, rear line: the line which establishes the minimum distance for construction from the rear lot line for the particular district as measured from the rear lot line.

Signs: any object, statue, device, display or structure or part thereof visible from a public way, which is used to advertise, identify, 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.

Site area, gross: the total acreage of a tract of land, including the portion devoted to roads, buffers, open space, and required public use.

Site area, net: the portion of a tract of land available for use after subtraction of roads, buffers, open space, and required public use.

Special flood hazard area: any portion of the Borough indicated as a special flood hazard area on the official Flood Insurance Rate Map prepared for implementation of the National Flood Insurance Program as well as the Borough Zoning Map.

Stream belt, watercourse, water body: a natural or man-made body of water, or a channel through which water flows, either constantly or occasionally.

Street, accepted public: any street duly accepted by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes.

Street, approved private: any private street which has been improved and meets the design standards and drainage requirements of the Town of Killingly Subdivision Regulations.

Street line: the limit of the street right-of-way.

Structure: anything constructed, erected or located, the use of which requires location on the ground or attachment to something having location on the ground.

Tourist home: a dwelling occupied in part by the owner or tenant and equipped for the overnight accommodation of transient guests for compensation.

Tractor: means a motor vehicle designed and used for the purpose of drawing a semi-trailer.

Trailer: a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational, or vacation use, or temporary use in conjunction with construction on the premises.

Truck: every motor vehicle designed, used or maintained primarily for the transportation of property.

Wetlands: any area designated as a wetland on the Official Map of the Killingly Inland Wetlands Commission.

Yard: a required open space unoccupied and unobstructed by any building or portion of building.

Yard sale: the occasional sale of household goods or handcrafted items conducted on the premises of the owner and/or craftsman of the goods to be sold, at a maximum frequency of 1 time per year by permit.

Variance: a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be

allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. (See Article VIII on the Zoning Board of Appeals.)