

ARTICLE III

DEFINITIONS

SECTION 300.

INTENT

Certain words and terms used in these Regulations shall have the meanings listed in this section, and the following rules shall hold:

- Words in the present tense include the future tense.
- Words in the singular include the plural.
- The term "shall" is mandatory.
- The term "person" includes a partnership or corporation.
- The term "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Doubts as to the precise meaning of other words and terms shall be determined by the Commission with reference to the Connecticut General Statutes.

SECTION 310.

DEFINITIONS

Access right-of-way - a strip of land in which a legal interest has been acquired permitting access to an adjoining interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § B)

Access strip - a portion of an interior lot, between the street line of a public street, a proposed public street, or an approved private street, that provides access to said interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § A)

Accessory use - a use or structure subordinate to and customarily incidental to the principal use of land or buildings on the same lot. Unless otherwise specified in this ordinance, no use or structure for commercial or industrial purposes shall be permitted as accessory in a residential zone. Normal sewer, water, and other utility lines shall be considered an accessory use in all zones. Satellite dish antennas shall be considered to be an accessory use. (Amend. of 2-10-86, § 6)

Active Face – that portion of the earth or rock excavation where material is being removed daily. In a rock quarry excavation this is typically referred to as the batter or bench face. (Added on 12-18-2017)

Active Senior Housing – Housing designed for seniors, 55 years or older and providing several, but not all of the services and facilities required for Assisted Living and/or Congregate Living Facilities. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 USC Section 3601 et seq. as amended, (and Connecticut State Statutes Section 46a-64B, as amended, as it pertains to “Housing for Older Persons.”) This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern implementation of such Act and compliance with all rules and restrictions promulgated by the Town of Killingly and set forth in this zoning regulation. (Amend. of 09-18-2017)

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.

Adult Day Care Facility – A facility established to offer activity programs authorized by the Department of Mental Retardation and/or the Department of Public Health including training in one or more of the following areas; self-care, activities on daily living, personal and social adjustment, work habits and skills, speech and language development. Such a facility may also offer a recreational program involving activities which may be of a social, athletic or purely diversionary nature. This definition does not include facilities that provide overnight care and accommodations. (Amend. of 09-18-2017)

Adult oriented Establishment - shall include, without limitation, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters”, and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to

provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Adult Bookstore - means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, sexual aids, toys, novelties, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and may in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

Adult Entertainment - means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers.

Adult Mini-motion Picture Theater - means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

Adult Motion Picture Theater - means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

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; and in accordance with CT General Statutes Sec. 1-1(q), and as may be amended from time to time. (Amend. on 6-17-2019)

Agricultural Production Purposes – means activities directly related to the production of agricultural commodities for the purpose of sale. (Added on 12-18-2017)

Amusement game arcade - four (4) or more amusement game machines in the same place, location or premises. (Amend. of 11-14-83, § A)

Amusement game machine - any machine, whether mechanical, electrical, or electronic, used or designated to be operated for entertainment or as a game by the insertion of a piece of money, coin or token or other article or by paying money to have it activated. This definition shall not include jukeboxes, bowling alleys, vending machines or machines that provide a ride, weight or photograph. (Amend. of 11-14-83, § A)

Analytical Laboratories – establishments primarily engaged in performing physical, environmental, chemical, and microbiological (except medical and veterinary) testing by professional and technical personnel using scientific equipment.

Ancillary – Something that is subordinate to, auxiliary to, supplementary to the primary activities or operation of an organization or farm. (Added on 6-17-2019)

Antique shop - a commercial establishment for the sale of furniture, clothing, and other household items, generally considered to be antiques.

Assisted Living Facility – Housing designed for more fragile seniors, including such facilities licensed and designed to meet the needs of seniors with Alzheimer or other dementia-related illnesses, that provides nursing services, communal dining facilities and meal services, and/or assistance with personal care activities of daily living to clients living within a managed residential community having supportive services that encourage clients, aged 55 or older, to maintain a maximum level of independence. These types of facilities are licensed by Assisted Living Services Agency (ALSA); and are inspected by the CT Department of Health. (Amend. of 09-18-2017)

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 6-17-2019)

Aquifer protection zone - the primary and secondary recharge areas of designated aquifers. The aquifer protection zone is shown on overlay to the official zoning map of the Town of Killingly.

Area of Special Flood Hazard - the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. (Amend. of 12-10-84)

Base flood - the flood having a one percent chance of being equaled or exceeded in any given year. (Amend. of 12-10-84)

Bed and Breakfast Establishment – a portion of a residential house or premises where short-term lodging and meals are provided to transients for compensation for a period not to exceed ten contiguous nights. (Amend. Effective: 11-6-98)

Bedrock – means the solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface. (Added on 12-18-2017)

Blasting – means the detonation of an explosive device as defined by NFPA 495, as amended from time to time, referring to and using the most current version. (Added on 12-18-2017)

Bond Performance – means sums of money placed in escrow by the applicant which may be used by the Town to complete and/or correct permitted activities provided the applicant does not complete and/or correct the permitted activities as approved. This bonding assures that the Town will not be left with an incomplete or unsafe project should the applicant default or go bankrupt, and it allows the applicant to proceed in an orderly fashion and utilize staged financing. (Added on 12-18-2017)

Boulder – means a large rock of not less than one (1) cubic yard in size. (Added on 12-18-2017)

Building - any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials, excluding trailers.

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

Building line - a line running parallel to the street at a distance from the right-of-way 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, 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 the responsibility of the owner and/or occupant of the property. (See also “Planted Screenings” Section 310 Definitions) (Amend. on 6-17-2019)

Café - a place where alcoholic liquor is sold for consumption and food is available for sale, but hot meals are not necessarily served.

Center, multiuse - any grouping of two (2) or more separate commercial, professional office, and/or service operations on the same lot. Such centers shall include professional office buildings and shopping centers.

Certification – A signed, written approval by the Killingly Planning and Zoning Commission (its designated agent or the Windham County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Clay – means a mineral soil consisting of particles less than 0.005 to 0.002 millimeters in equivalent diameter, depending on soil classification system. (Added on 12-18-2017)

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 more than twelve.

Clustered arrangements - grouping of not more than six (6) separate signs, each of which identifies a governmental, educational, charitable, philanthropic, civic, fraternal, or a religious organization. Such grouping shall be attached to permanent type supports, with the grouping contained within the outer sign supports. Grouping plus supports shall not exceed ten (10) feet in width. Such grouping

may include in addition a community "welcome" sign. Notice of temporary events, except for regular meetings or services, shall not be permitted.

Commercial Earth Excavation and/or Processing Operation – means a business engaged in the removal and/or alteration of earth materials on site, including screening, crushing, washing and mixing with other approved materials for sale. (Added on 12-18-2017)

Commercial Forest Practices – Any forest practice performed by a person other than the owner of the subject forest land for remuneration which, when performed, yields commercial forest products; and in accordance with CT General Statutes Sec. 25-65f (1); and as may be amended from time to time. (Added on 6-17-2019)

Commercial Forest Products – Wood products harvested from a tract of forest land in excess of fifty cords or one hundred fifty tons or twenty-five thousand board feet, whichever measure is appropriate, in any twelve month period; and in accordance with CT General Statutes 23-65f (2), and as may be amended from time to time. (Added on 6-17-2019)

Commercial Forest Practitioner – Is anyone who advertises, solicits, contracts or engages in a commercial forest practice at any time. Three levels of certification exist: Forester, Supervising Forest Products Harvester, and Forest Products Harvester; and in accordance with CT General Statutes Chapter 451a Forest Practices, and as may be amended from time to time. (Added on 6-17-2019)

Commercial pig farm - the keeping of more than fifty (50) pigs, hogs, or swine at one time.

Commercial poultry farm - the keeping of more than one thousand (1,000) fowl at one time.

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

Commission – the Planning and Zoning Commission of the Town of Killingly.

Congregate Living Facility – Housing designed for seniors, 55 years or older, and/or adult individuals with disabilities, who require little, if any, assistance with activities of daily living and who may have some home health care-type services provided to them by in-house staff or an outside agency, offering communal dining facilities and meal services and including, but not necessarily limited to, services such as housekeeping, organized social and recreational activities, and transportation services. (Amend. of 09-18-2017)

Connecticut Grown – Produce and other farm products that have a traceable point of origin within the State of Connecticut; and in accordance with CT General Statutes CGS §22-38(a) as may be amended from time to time. (Added on 6-17-2019)

Contractor's Business – shall include but not be limited to excavation, building, electrical, plumbing, heating and masonry contractors and similar uses including ancillary offices, garages, outdoor storage, etc.

Council - means the Town Council of the Town of Killingly, Connecticut.

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

Crushing – means a process by which rock is reduced in size. (Added on 12-18-2017)

Day camp - a seasonal facility for the care of five (5) or more children having no overnight accommodations except for staff members.

Development - Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Underlined = addition. Effective 04/14/95.

Director - means the Killingly Director of Planning and Development.

Distribution Center – A building or group of buildings where finished goods are received and / or stored for delivery to the ultimate customer at remote locations. Manufacturing and assembly are not part of the distribution process. (Added on 8-16-2021)

Disturbed area - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Dog kennel - the harboring on any lot of more than five (5) dogs that are more than six (6) months old.

Dwelling - a building or portion thereof designed exclusively for residential occupancy, including single-family, two-family dwellings, duplex and multifamily dwellings, but excluding hotels, motels, and rooming or boardinghouses.

Dwelling, multifamily - a building or portion thereof designed exclusively for residential occupancy, including three-family dwellings or more, but excluding hotels, motels, and rooming or boardinghouses.

Dwelling unit - a building or portion thereof designed for house keeping and occupied by a single family.

Earth Products – means – natural soil, loam, sand, gravel, clay, rock or any other excavated natural material. (Added on 12-18-2017)

Employee - means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a business.

Erosion - the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Excavate – means to seer from the earth’s surface or to remove earth materials from the ground. (Added on 12-18-2017)

Existing Manufactured Home Park or Subdivision - means 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 before the effective date of the flood plain management regulations adopted by the community. Effective 04/14/95.

Expansion to an Existing Manufactured Home Park or Subdivision - means-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). Effective 04/14/95.

Family - one or more persons occupying a single housekeeping unit and using 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 6-17-2019)

Farm implements - vehicles designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations and not operated on the highway for the transportation of a pay load or other commercial purpose.

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; and in accordance with 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 6-17-2019)

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. (See also, Section 585.6[d]) (Amend. on 6-17-2019)

Farm Winery – A wine making establishment, incident to the farm at which it is located; and in accordance to CGS §30-16(e) –Farm Winery means any place or premises that is located on a farm in the state in which wine is manufactured and sold. (Added on 6-17-2019)

Farm vehicles, registered - motor vehicles duly registered with the State Commission of Motor vehicles and bearing farm number plate(s).

Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters and/or (2) The unusual and rapid accumulation or runoff of surface waters from any source. (Amend. of 12-10-84)

Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Amend. of 12-10-84)

Flood Insurance Study - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood. (Amend. of 12-10-84)

Floodway - means 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 (1) foot. Effective 04/14/95

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

Forest – Areas or stands of trees covering an area greater than one-quarter acre; or groves of mature trees without regard to minimum area consisting of substantial numbers of individual specimens. (Added on 6-17-2019)

Forestry – Is the science, art and practice developing, managing, cultivating and harvesting a stand of tree. (Reference is hereby made to CT DEEP publication “Agriculture, Forestry & Connecticut’s Inland Wetlands and Watercourses Act” ; Section “How are Agriculture and Forestry Defined”; page 2; printed 11/2014, reprinted 10/2016.) (Added on 6-17-2019)

Forest Products – Any product derived from a farm for direct consumption, or use, such as lumber, mulch, firewood, or other related products. (Added on 6-17-2019)

Fowl - chickens, turkeys, geese, ducks and any other type of bird.

Fresh Produce – Fruits and vegetables that have not been processed in any manner. (Added on 6-17-2019)

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

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

Gravel – means a loose mixture or unconsolidated deposit of pebbles and rock fragments sometimes mixed with clay, and other materials, rounded or angular fragments of rock. (Added on 12-18-2017)

Groundwater - water in the subsurface zone beneath the water table in which all pore spaces are filled with water.

Groundwater recharge area - that area from which water is added to the saturated zone by: (1) natural processes such as infiltration of precipitation, or (2) artificial processes such as induced filtration.

Growing Medium – a native soil, nutrient system or environment in which vegetation may function or flourish and develop into maturity. (Added on 12-18-2017)

Guidelines for Soil Erosion and Sediment Control – means a document (DEP Bulletin 34; ISBN 0-942085-10-8) prepared and amended by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection; as amended from time to time, referring to and using the most current version. (Added on 12-18-2017)

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

Heavy equipment and heavy specialized vehicles – Commercial motor vehicles as defined by the Connecticut Department of Motor Vehicles, and/or vehicles with a gross vehicle weight rating of 10,001 or more pounds, fire apparatus, farm and construction machinery or equipment; buses and vans designed primarily for the transportation of ten (10) or more passengers; mobile homes, motor homes, recreational vehicles, trailers and boats of any size, transport trucks or trailers and other equipment and vehicles of a like nature as determined by the Commission.

House Conversion - The conversion of an existing single, two, or multi-family structure, for purposes of increasing the residential density as may be permitted by the zone in which it is located and the lot size of the particular parcel.

Incidental – Subordinate or minor in significance and bearing a reasonable relationship to the primary use. (Added on 6-17-2019)

Inspection - the periodic review of sediment and erosion control measures shown on the certified plan.

Inspector - means an employee of the Killingly Department of Planning and Development designated by the Director of Planning and Development and/or an employee of the Town of Killingly designated by the Town Manager, who shall hereby be authorized to inspect premises regulated under this ordinance and to take the required actions authorized by this ordinance in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

Imported Materials – means earth materials brought to a permit area. (Added on 12-18-2017)

Kiddie park - a park primarily intended for use by children which may include mechanical devices (rides) designed solely for use by such children and such park shall be limited in operation by the hours of 9 a.m. to 9:00 p.m., except on Sunday when no mechanical device (ride) may open before 12:00 noon, although the park may open sooner.

Large scale poultry/fowl farm – the keeping of more than one thousand (1,000) poultry and/or fowl at one time.

License - a written license issued by the Connecticut Real Estate Commission under the provisions of Chapter 412 of the General Statutes as amended, allowing the operation and maintenance of a mobile home park.

Light weight - the weight of an unloaded motor vehicle as ordinarily equipped and ready for use, but exclusive of the weight of the operator of such motor vehicle.

Loam – means a soil consisting of a mixture of clay, silt and sand, suitable for vegetative growth. (Added on 12-18-2018)

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, roofs, driveways, parking areas or other impervious surfaces.

Lot interior - a lot which meets all of the dimensional and other requirements for the zoning district in which it is located, save an access strip to a street is present in lieu of the minimum required frontage on said street.

Lot line, front - the boundary line of a lot which abuts a street line of an accepted public street, a proposed public street, or an approved private street or, in the case of an interior lot that is served by an access right-of-way, the boundary line of said interior lot which abuts the access right-of-way. (Amend. of 10-17-83, § D)

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

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor. (Effective 04/14/95)

Manufactured Home - means a structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision - means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. (Effective 04/20/87)

Minor - shall be deemed to refer to a person under the age of eighteen (18) years.

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.

Multi-family development – One or more multi-family and accessory structure(s) on one lot, the lot for which shall meet at least the minimum lot size and frontage for the zone in which it is located, and shall not exceed five contiguous acres. Multi-Family developments shall not exceed the density requirements for the zone, as amended. See Multi-family section for requirements.

Multifamily structure - is one which has three or more dwelling units within the structure, each dwelling unit housing one family, and may have commercial uses in the structure, as may be permitted in the zone, but excluding hotels, motels, and rooming or boarding houses.

New construction – structures for which the "start of construction" commenced on or after the effective date of this ordinance. (Amend - 12-10-84)

Nursing Home – A chronic and convalescent nursing home or a rest home with nursing supervision, as defined and licensed by the Connecticut State Department of Health. (Amend. of 09-18-2017)

Operator - means any person, partnership or corporation operating, conducting or maintaining a business.

Overall Slope Angle – in a rock excavation refers to the angle measured from horizontal between the lowest toe point and the highest crest point inclusive of any ramps or additional step backs. (Added on 12-18-2017)

Overburden – means the surface soil material overlying a desired earth material that must be removed for excavation of the desired earth material to take place. (Added on 12-18-2017)

Parcel - a lot of record.

Peat – means unconsolidated soil material consisting largely of undecomposed, or slightly decomposed, organic matter accumulated under conditions of excessive moisture. (Added on 12-18-2017)

Personal service establishment - any of the following uses employing not more than five non-resident persons: barbershop, hairdresser and/or beauty salon, tailor, dressmaker.

Planned Residential Development - A parcel of land to be developed in the Low or Medium Density zones as a single entity for not less than ten dwelling units, the lot for which meets or exceeds the minimum requirements and specifications as provided in Section 570.5.18 and may include any combination of detached single and attached single-family dwellings or townhouses, to meet the densities permitted by the Planned Residential Development Regulations. A portion of, or the entire development may be designated as Active Adult housing, age 55 and over in accordance with state and federal law.

Planted screenings – 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 six feet in height. Spacing of such planted material shall be sufficient to serve the intended buffering purpose. Permanent structures such as wooded 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.

Primary recharge area - that area immediately overlying the stratified drift aquifer and adjacent areas of stratified drift that may not have a sufficient saturated thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between the stratified drift and adjacent till or bedrock.

Primary Residence – is the principle residential structure. (Added on 08/13/2018)

Processing (earth materials) – means an alteration of earth materials on site, including screening, washing and mixing with other approved materials. This does not include crushing. (Added on 12-18-2017)

Processing (agriculture) – 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 6-17-2019)

Professional building - a building used primarily for the conduct of the following occupations: Licensed medical practitioner, attorney, accountant, architect, surveyor or engineer.

Portable Sawmills – A mill, or a machine, primarily engaged in sawing rough lumber and timber from logs and bolts. The operation of the portable sawmill may include, but is not limited to, lumber, cordwood, firewood, and woodchips. (Added on 6-17-2019)

Public Service Corporation - any railroad, electric, gas, telephone, telegraph, pipeline, sewage, water, fire, ambulance or community antenna company or corporation; and any vehicle or transportation system, owned or regulated by a governmental agency, used for the mass transport of people. (Effective 02/16/87)

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

Reclamation – means the restoration to conditions similar to what existed prior to the operation or that will be compatible with what existed prior to the operation on the area of land affected by

excavation under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the planting of trees and shrubs, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources. (Added on 12-18-2017)

Reclamation Plan – means a plan which depicts how the project area will be restored, or altered for the productive use of the land, after excavation is complete. (Added on 12-18-2017)

Recreational Vehicle - means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Effective 04/14/95)

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

Repairer – includes any person, firm or corporation qualified to conduct such business in accordance with the requirements of section 14-52a, having a suitable facility and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle, but shall exclude a person engaged in making repairs to tires, upholstering, glazing, general blacksmithing, welding and machine work on motor vehicle parts when parts involving such work are disassembled or reassembled by a licensed repairer.

Repairer – (Limited repairer) includes any qualified person, having a suitable place of business and adequate equipment engaged in the business of minor repairs, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers. For the purpose of this section, the place of business of a limited repairer shall be deemed to be suitable if the building in which the work of the repairer is performed has space capable of receiving at least one motor vehicle at any one time, exclusive of a grease pit or rack, and has adequate space for an office and for the storage of parts and accessories. A person shall be deemed capable of performing the duties of a limited repairer if he is, in the opinion of the commissioner, a qualified mechanic who has a thorough knowledge of the services to be rendered, or has a certificate of completion of a specialized course from a service school approved by the commissioner, or satisfactory proof of previous employment by a licensed repairer for a period of three years, or has successfully passed an examination given by the Department of Motor Vehicles.

Residential Life Care Communities – A service-enriched community comprised of a building or group of buildings located on one or more contiguous parcels of land containing dwelling units including such housing and facilities defined hereunder as Congregate Living Facilities, Assisted Living Facilities, and Nursing Homes, primarily for the aged. Said category of uses shall also contain meeting rooms, dining rooms and central kitchen, and recreation rooms or areas for the use of the residents of such facility and their guests appropriate to the facility. Any facility covered by this definition may also contain offices used for the management and operation of the facility as well as services such as, but not limited to, a general store, beauty shop, and laundry for the use of the residents of such facility. In addition, other individuals having permanent and/or temporary difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transport may also be housed in any of the housing options noted herein. Dwelling units are either multi-bedroom

units, single bedroom, or individual housing units. The units may be rented, leased, or purchased. (Amend. of 09-18-2017)

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. (Amend. of 4-14-80; Amend. of 7-14-80)

Restaurant, drive-in – a public eating establishment having curb service and/or drive-in service alone or in combination with table service and/or counter and/or take-out service. Such establishment may be a combination drive-in, fast-food restaurant. (Amend. of 4-14-80)

Restaurant, fast-food - a public eating establishment having take-out service which constitutes more than twenty (20) percent of all business, and/or does not provide any waiting on tables. Such establishment may be a combination fast-food drive-in restaurant. (Amend. of 4-14-80; Amend. of 7-14-80)

Rock Quarry – means a commercial surface excavation or pit from which bedrock is obtained by drilling, cutting or blasting for the preparation of marketable rock materials. A rock quarry shall include the removal of solid rock materials in the preparation of a site as the result of an approved zoning permit. (Added on 12-18-2017)

Rooming house, boarding house - a building providing sleeping quarters for not more than six persons not related to the proprietor, with or without provision of meals.

Sand – means a soil separate, individual rock or mineral fragments from 0.05 millimeters to 2.0 millimeters in diameter. (Added on 12-18-2017)

Sand and Gravel Operation – means any operation the principal product of which is sand, gravel, pumice or any other common variety of material. (Added on 12-18-2017)

School – Any building or part thereof or accessory facilities there to which is designed and constructed to provide full time instruction and education, associated with a program of study which meets the requirements of the educational laws of the State of Connecticut. Includes public, private, charter, and parochial schools, at the primary (day-care & kindergarten), elementary, middle school and high school levels; excludes home schools. For the purposes of these regulations home schools are still considered a private residence. (Added on 7-18-2022)

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 6-17-19)

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. (See also, Section 585.6[c]). (Added on 6-17-19)

Seasonable High Water Table – shall mean the upper surface in an unconfined aquifer where water saturation exists for a significant period of time (more than a few weeks). (Added on 12-18-2017)

Seasonal tent or camping ground - a tract of land on which may be located two or more cabins, tents, camp or tent trailers, motor homes or other accommodations of a design or character suitable for seasonal or other temporary recreational living purposes, excluding mobile home parks, boarding and rooming houses, tourist home, motels or hotels.

Secondary Dwelling Unit – an additional dwelling unit established in conjunction with a primary residence (single family dwelling) on the same lot. A secondary dwelling unit shall include a kitchen, sleeping quarters, and full bathroom facilities with a permanent foundation. There are three types of secondary dwelling units: Interior (often referred to as an in-law apartment), Attached and Detached. (Added on 08-13-2018)

Secondary recharge area - the land area adjacent to the primary recharge area from which groundwater moves down-gradient into the aquifer.

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

Self-Service Storage Facility - A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses. Leased to individuals, organizations, or businesses; surrounded by security fencing with controlled access to both the area and individual units. (Added October 18, 2021)

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.

Septage - sludge produced by domestic wastes that is pumped from septic tanks.

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

Sexual Activities - as used in these regulations, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least 25 per cent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Sign - Any object, statute, 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.

Silt – means a mineral soil generally consisting of soil particle ranging between 0.05 to 0.002 millimeters in size. (Added on 12-18-2017)

Silviculture – Is the art and science of growing and tending forests for the production of wood and other benefits. Silviculture encompasses a wide range of practices intended to reproduce forest stands or to increase the growth rate, vigor and value of trees. (Reference is hereby made to CT DEEP publication “Agriculture, Forestry & Connecticut’s Inland Wetlands and Watercourses Act” ; Section “How are Agriculture and Forestry Defined”; page 2; printed 11/2014, reprinted 10/2016.) (Added on 6-17-2019)

Site area, gross - the total acreage of a tract of land, including the portion devoted to roads, buffers, open space and other public uses.

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

Slope – means the inclination of the land surface from the horizontal, measured as a percentage, as a numerical ratio or in degrees. (Added on 12-18-2017)

Soil - means the unconsolidated minerals and material on the immediate surface of the earth that serve as a natural medium for the growth of plants. (Amend. 12-18-2017)

Soil Analysis – means a chemical testing procedure to determine the nutrient content of soils in a given field. (Added on 12-18-2017)

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.

Solid waste - unwanted or discarded materials including solids, liquids or contained gaseous materials.

Special Flood Hazard area - is the area within a community subject to a one (1) percent or greater chance of flooding in any given year, as identified on the community's FIRM. (Effective 04/14/95)

Specified Anatomical Areas - means:

1. Less than completely and opaquely covered:
 - i. human genitals, pubic region:
 - ii. buttocks:
 - iii. female breasts below a point immediately above the top of the areola
2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified Sexual Activities - means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy,
3. Fondling or erotic touching of human, genitals, pubic region, buttock or female breasts.

Start of Construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stormwater Quality Manual – means a document prepared and amended by the Connecticut Department of Environmental Protection, and as may be amended from time to time. (Added on 12-18-2017)

Streambelt, watercourse, waterbody - a natural or manmade 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, as amended; and/or has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and/or the Town of Killingly Zoning Regulations.

Street, proposed public - any street duly proposed for acceptance by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes, provided said street has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and the Town of Killingly Zoning Regulations.

Street line - the limit of an accepted public street, proposed public street or approved private street right-of-way or, in the case of an interior lot that is served by an access right-of-way, the limit of said access right-of-way. (Amend. of 10-17-83, § C)

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

Subsoil – means technically, the B horizon; roughly, the part of the solum below plow depth. The upper part of a soil profile, above the C horizon, in which the processes of soil formation are active. (Added on 12-18-2017)

Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Effective 04/14/95).

Substantial Improvement – means any combination of repairs, reconstruction alteration, or improvements to a structure taking place during a one (1) period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement or (2) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, “substantial Improvements”, is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement or a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Tavern - a place where beer is sold under a tavern permit.

Tertiary recharge area - the upstream drainage area of streams that traverse the primary recharge area. Rain that falls in this area moves first into a surface water body and then, by induced filtration, into the aquifer. In many cases, induced infiltration from the stream may be the principal source of water for high capacity wells.

Topsoil – means the upper part of the soil, which is the most favorable material for plant growth. It is ordinarily rich in organic matter and is used to top-dress road banks, lawns, and land affected by mining. (Added on 12-18-2017)

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.

Washing – the act or action of one that cleanses with water; to separate particles from a substance by agitation with or in water; to pass through a bath (of water) to carry off impurities or soluble components. (Added on 12-18-2017)

Wetland – any area designated as a wetland on the Official Map of the Killingly Inland Wetland Commission.

Yard – a required open space unoccupied and unobstructed by any building or portion of a building. (Amend. Of 09/09/80; Amend. of 12/8/80; Amend. Of 12/10/84; Amend. Of 02/11/85)