

CHAPTER 15 DEFINITIONS

Section 015-010 Definitions

Accessory Use or Accessory Building: A use or building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main use or building.

Adult-Oriented Establishment: Shall include without limitation, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters” and commercial establishments containing one or more “adult amusement machines”. “Adult-oriented Establishment” 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, 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, encounter studio, sensitivity studio, modeling studio, or any other term of like import. (*Effective: November 20, 1999*)

Adult bookstore: An establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specific anatomical areas”, as defined below provided that this definition shall not apply to any establishment in which such materials constitute less than ten (10%) percent of the value of the inventory of said establishment and in which the display of such materials does not permit the viewing of “specified sexual activities” or “specified anatomical areas” within the establishment. (*Effective: November 20, 1999*)

Adult Amusement Machine: Any amusement machine that is regularly used for resenting distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein. (*Effective: November 20, 1999*)

Adult Entertainment: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, which has as a significant or substantial portion of such performance or any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas”. (*Effective: November 20, 1999*)

Adult Motion Picture Theater: An enclosed building or portion of 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. *(Effective: November 20, 1999)*

Adult Mini-Motion Picture Theater: An enclosed building or portion of 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. *(Effective: November 20, 1999)*

Amusement Machine: Any machine which upon the payment of a charge or upon insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated. *(Effective: November 20, 1999)*

Affordable Housing: Housing for which persons and families pay a specified amount as defined by state statute, or as amended. *(Effective: October 21, 2000)*

Affordable Housing Development: As defined by state statute. *(Effective: October 21, 2000)*

Bed and Breakfast Inn: An establishment, which provides temporary travelers’ accommodations and breakfast in a single-family residence for a fee. *(Effective: October 31, 1991; Amended Effective: June 19, 1995)*

Boardinghouse: A dwelling occupied by three (3) or less persons, while lodged with or without meals, in which there are provided such services as are incidental to its use as residence for the occupants and for which compensation is paid either directly or indirectly. Only one (1) kitchen and dining room may be provided. The boardinghouse shall be deemed to include the term “tourist home”. *(Effective: March 7, 1985)*

Brewery: A wholesale manufacturing facility, distinct from a microbrewery, used for the brewing, bottling and production of more than 15,000 barrels of beer per year. *(Effective: May 8, 2017)*

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation and/or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of the site to adjacent sites or properties. *(Effective: November 20, 1999)*

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattel.

Building Line: A line on a lot or parcel of land establishing the minimum set for structures from a street line. A “building line” may or may not be coterminous with a street line.

Certificate of Occupancy: A statement, signed by the Building Inspector, setting forth that a building or structure may lawfully be employed for specified uses. (*Effective: March 7, 1985*)

Certificate of Use and Compliance: A statement, signed by the Zoning Enforcement Officer certifying that the premises, building and use comply with these regulations. (*Effective: June 26, 1987*)

Club: An organization catering exclusively to members and their guests, provided that the purpose of the “club” is not conducted primarily for gain and that there are not conducted any commercial activities, except as required generally for the membership and purposes of the “club”.

Congregate Housing: A form of residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services for persons sixty-two (62) years or older, who may have temporary or periodic difficulties with one (1) or more essential activities of daily living, such as feeding, bathing, grooming, dressing or transferring, sponsored and implemented pursuant to the provisions of Section 8-119d to and including Section 8-119i of the Connecticut General Statutes. (*Effective: February 5, 1981*)

Construction Material: Lumber; Building components such as windows, doors, stairs, trusses; plumbing or electrical supplies masonry, roofing material, fencing, concrete, gravel, topsoil or processed soil, wood chips, and similar items. Construction material shall not include materials resulting from any demolition process. (*Effective: November 20, 1999*)

Continuing Care Retirement Community/Assisted Housing: A development consisting of elderly residents with independent living units but with additional common facilities such as common dining room, recreation room, physician and dental offices exclusively serving such residents, twenty-four (24) hour emergency call system, optional nursing, housekeeping and laundry services. (*Effective: November 20, 1999*)

Convalescent Home: Any establishment, other than a hospital, where three (3) or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept, boarded or housed for remuneration.

Convenience Market: Any retail store with a gross floor area of 3,000 square feet or less, generally open expanded hours, selling a limited selection of groceries, beverages, and snacks to be consumed primarily off the premises, lottery tickets, newspapers, magazines, tobacco products, household products and personal items. (*Effective: September 9, 1996; Amended Effective: January 30, 2009*)

Custom Slaughter Facility: A facility that slaughters animals and returns them to the owner of the animal for personal consumption, as defined by CGS Section 22-272b, and as may be amended. (*Effective: June 8, 2018*)

Distillery: A wholesale manufacturing facility, distinct from a microdistillery, used for the distilling, bottling, and production of more than 15,000 gallons of spirits per year. (*Effective: May 8, 2017*)

Dwelling: A building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels or boardinghouses.

Dwelling Unit: One or more rooms which are arranged, designed, or used for independent residential purposes. Each dwelling unit shall contain a kitchen sink, cooking appliance and refrigeration facilities as well as at least one (1) bathroom with a toilet and a bathtub or shower and a sleeping area. (*Effective: April 25, 2011*)

Enlargement, or to Enlarge: Any addition to the floor area, footprint, height or cubic volume of an existing building or structure or an increase in that portion of a tract of land occupied by an existing use. “To Enlarge” is to make an enlargement. (*Effective: November 1, 2007*)

Extend, or to Make an Extension: An increase or amplification, as distinguished from establishment or inception. “Extension” shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or structures. (*Effective: November 1, 2007*)

Extended Stay Motel: A building(s) containing six (6) or more separate guest rooms, with individual bathroom and toilet facilities, intended or designed to be used or which are used or rented out to be occupied or which are occupied for sleeping purposes by guests for a period of time not to exceed 120 days within a calendar year provided that each separate room may contain a refrigerator, stove and/or oven to be used in connection with food preparation. (*Effective: June 17, 2000*)

Family: One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that, unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

Farm: A tract of land containing five (5) acres or more, used in part or wholly for agricultural purposes, excluding fertilizer manufacture. A “farm” may include premises used for keeping livestock and other domestic animals when permitted by these regulations. A “farm” may include as an incidental use, structures and facilities for

slaughtering and processing of animals, as may be permitted by these regulations. *(Amended Effective: June 8, 2018)*

Farm Brewery/Farm Winery/Farm Distillery: A facility licensed by the State of CT in which beer, wine, spirits, or other alcoholic beverages are brewed, fermented or distilled for distribution and consumption, and said beverages are made from ingredients of which a minimum of twenty percent (20%) are grown on site. The facility may include a tasting room(s) for the consumption of on-site produced beer, wine or alcoholic beverages. *(Effective: May 8, 2017)*

Floor Area: The square footage within the outside perimeter of the outside walls of a structure including hallways, stairs, closets, thickness of walls, columns, and other features as per the Connecticut Building Code, but not including garages, breezeways, and unfurnished attics and unfinished basements. *(Amended Effective: September 1, 2009)*

Garage, Private: A detached or accessory building or portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.

Garage, Public: A building or use, other than a private garage, used for the maintenance, repair and storage of automobiles.

Hazardous Material: Hazardous material means any substance or combination of substances which, because of quality, concentration, or physical, chemical or infectious characteristics, poses a significant, present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater. Any substance deemed a "hazardous waste" under the Connecticut General Statutes or the regulations of Federal or Connecticut State Agencies shall also be deemed a hazardous material for the purposes of the regulations. *(Effective: August 6, 1999)*

Height of Building: The vertical distance measured from the average level of the finished grade at the four (4) corners of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hipped or gambrel roofs.

Hillside: Land having an average of greater than 25% for 200 feet or more. *(Effective: November 20, 1999)*

Home Occupation: *(Effective: March 7, 1985) (Deleted: February 11, 2003)*

Hospital: An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, control service facilities and staff offices. *(Effective: March 7, 1985)*

Hotel: A building containing rooms intended or designed to be used or which are used,

rented or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building. The term “hotel” shall be deemed to include the term “motel.”

Junkyard: The term “junkyard” shall be construed to include any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two (2) or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit for used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one (1) automobile.

Kennel: The term “kennel” shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include “commercial kennel” as defined in such statutes.

Loft: Loft shall mean a constructed building for the housing of pigeons exclusively.

Lot: A “lot” is defined as a parcel of land which is either owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of New Milford, or is a building lot shown on a subdivision map approved by the Planning Commission and filed in the office of the New Milford Town Clerk.

Lot Area: The total horizontal area within the lot lines. In determining compliance with the minimum lot area requirements of these regulations, areas consisting of wetlands, watercourses, natural slopes in excess of 25%, portions of the lot less than 25 feet wide, or the private right-of-way leading to the rear lot shall not be included. (*Effective: February 26, 2000*)

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot Coverage: The area of a site covered by buildings or roofed areas. (*Effective: November 20, 1999*)

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In determining the required depth of a lot, any portion of said lot, which is in excess of the minimum lot area, need not be included.

Lot Line: The property lines bounding a lot as defined herein.

Lot Line, Front: In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; the case of a corner lot, the Zoning Commission shall, for the purpose of these regulations, have the privilege of electing any street lot line as the “front lot line”. (*Effective: January 29, 1980*)

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

Lot Line, Side: Any lot line, which is not a front lot line or a rear lot line, as defined herein.

Lot, Rear: A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way. (*Amended Effective: September 8, 2001*)

Marina: A building, dock or basin used for the maintenance, repair, sale, lease or storage of boats.

Medical Marijuana Dispensary: A person who is licensed to dispense pharmaceutical grade medical marijuana to qualified patients and their primary caregivers pursuant to a physician's prescription as defined by the Connecticut General Statutes and Regulations of Connecticut State Agencies. (*Effective: February 26, 2014*)

Medical Marijuana Dispensary Facility: A place of business licensed by the Commissioner of Consumer Protection as a dispensary facility where pharmaceutical grade marijuana may be stored, dispensed and sold at retail to qualified patients and their primary caregivers pursuant to a physician's prescription. The dispensation of pharmaceutical grade, medical marijuana shall not be considered an agricultural use under Section 025-050 of these regulations. (*Effective: February 26, 2014*)

Medical Marijuana Production Facility: A secure, indoor facility where the planting, manufacture, cultivation, harvesting, processing, compounding, packaging and labeling of pharmaceutical grade marijuana occurs and which facility is operated by a person to whom the Connecticut Commissioner of Consumer Protection has issued a producer's license pursuant to the Connecticut General Statutes. The production of pharmaceutical grade, medical marijuana shall not be considered an agricultural use under Section 025-050 of these regulations. (*Effective: February 26, 2014*)

Microbrewery: A facility licensed by the State of Connecticut in which a maximum of 15,000 barrels of beer per year is brewed for distribution and consumption both on and off-site. The facility may include the following activities: 1) wholesale and retail sale of beer and related items; 2) a tasting room and patio/deck for the consumption of on-site produced beer as well as consumption of food; 3) tastings; 4) tours; 5) special events; provided the above listed activities are specifically permitted by the Zoning Commission and authorized by State Statute. (*Effective: May 8, 2017*)

Microdistillery: A facility licensed by the State of Connecticut in which a maximum of 15,000 gallons of spirits per year are distilled for distribution and consumption both on and off-site. The facility may include the following activities: 1) wholesale and retail

sale of spirits and related items; 2) a tasting room and patio/deck for the consumption of on-site produced spirits as well as consumption of food; 3) tastings; 4) tours; 5) special events; provided the above listed activities are specifically permitted by the Zoning Commission and authorized by State Statute. (*Effective: May 8, 2017*)

Microwinery: A facility licensed by the State of Connecticut in which a maximum of 2,000 barrels of wine per year is fermented for distribution and consumption both on and off-site. The facility may include the following activities: 1) wholesale and retail sale of wine and related items; 2) a tasting room and patio/deck for the consumption of on-site produced wine as well as consumption of food; 3) tastings; 4) tours; 5) special events; provided the above listed activities are specifically permitted by the Zoning Commission and authorized by State Statute. (*Effective: May 8, 2017*)

Motel: A building or group of buildings having units containing sleeping accommodations that are available for temporary occupancy by automobile transients.

Nonconforming Building or Structure: A building or structure legally existing on the effective date of these regulations, which met all requirements of the zoning regulations then in force, but does not meet the current requirements of these regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations. (*Effective: November 1, 2007*)

Nonconforming Lot: A parcel of land separately recorded by deed or depicted on a subdivision map approved by the Planning Commission and duly filed in the office of the Town Clerk prior to the effective date of these regulations or any amendments thereto, or any zoning change which fails to meet the area, shape, frontage or any other applicable requirements of these regulations pertaining to lots. (*Effective: November 1, 2007*)

Nonconforming Use: A use of land, which does not conform to the regulations of the use district in which it is, located and which was a lawful use at the time these regulations or any amendments thereto became effective.

Ordinary Repairs and/or Replacement: Repair to a structure and/or replacement of structural components that do not alter the size or appearance of a structure. Replacement shall be of like materials and architectural style to the component being replaced.

Personal Slaughter: The practice of animal slaughter conducted by a person on their property for personal consumption. (*Effective: June 8, 2018*)

Pharmaceutical grade marijuana: Marijuana or marijuana products as defined and described in the Regulations of Connecticut State Agencies regulating the Palliative Use of Marijuana. (*Effective: February 26, 2014*)

Pigeons: Pigeons shall include any and all varieties and breeds of Antwerp, racing, or

homing pigeon as accepted by the American Racing Pigeon Union, Inc. as a racing or homing pigeon.

Planned Senior Housing: A residential complex consisting of one (1) or two (2) bedroom dwellings, each owned and inhabited by at least one (1) household member of age fifty-five (55) years or older and deed restricted to maintain this age standard for ownership and occupancy. No children under the age of eighteen (18) shall be allowed as residents of planned senior housing.

Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers and others who, through training or experience, are qualified to perform services of a professional as distinguished from a business nature.

Public Water System: Includes a corporation, company, association, joint stock association, partnership or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any pond, lake, reservoir, or distributing plant employed for the purpose of supplying water for general domestic use in any town, city or borough, or portion thereof, within this State. (*Effective: May 20, 1996*)

Restaurant, Class I: Any permanent building or portion thereof where food and beverages are provided for sale to members of the general public for consumption on or off the premises, including a cafe, coffee house, tea room and dining room.

Restaurant, Class II: Any permanent building or portion thereof where any portion of the food and beverage provided for the sale to members of the general public for consumption on or off the premises is furnished utilizing a take-out window or window counter service.

Restaurant, Class III: Any permanent building or portion thereof where food and beverages are provided for sale to members of the general public for consumption on or off the premises where live entertainment or dancing is performed. (*Effective: December 20, 1991*)

Restaurant-Brewery: A restaurant that brews and sells beer for on and off-site consumption as an accessory use to the restaurant with the area dedicated to brewing, bottling and kegging not to exceed fifty percent (50%) of the restaurant floor area. (*Effective: May 8, 2017*)

Restaurant - Fast Food: An establishment or use where customers are served food or beverage primarily in paper, plastic or other disposable containers at counters located within an enclosed building and which use may include a food and beverage take-out service from within the building. (*Effective: January 13, 1996*)

The term “restaurant” shall not include establishments where the preparation of food products such as grocery stores and food markets nor shall the term “restaurant” include

cafeterias connected with the operation of hospitals, nursing homes, schools and private industry for employees and their guests.

Retail Shopping Center: A building or group of buildings in excess of ten thousand (10,000) square feet of space devoted solely for retail sales and services. The definition “retail shopping center” shall include shopping center, shopping mall, shopping plaza and other related terms. (*Effective: March 7, 1985*)

Rural Country Road: A road identified as such in the New Milford Plan of Conservation and Development, as amended. (*Effective: November 20, 1999*)

Setback: See, “Yard Setback” (*Effective: November 11, 2015*)

Sign Definition: See Chapter 145. (*Amended Effective: April 25, 2013*)

Slaughterhouse and Animal Processing Facility: A facility where animals are 1) slaughtered and prepared for market, or 2) slaughtered, prepared and returned to the owner of the animal for personal consumption. The term slaughterhouse shall include custom slaughter facility. (*Effective: June 8, 2018*)

Specialty Food Retailer: Any retail store with a gross floor area of 3,000 square feet or less selling a limited selection of foods generally not readily obtainable in supermarkets, including, but not limited to, ethnic foods, produce, organic foods, herbs, cheeses, jams and jellies, baked goods, soups, meats, fish, and beverages. In such store, a limited number of non-food items and services such as household, health and beauty goods and other miscellaneous wares and services may also be offered but the supply of such items and services must be clearly incidental and secondary to the primary purpose of the site which is the retail sale of specialty foods directly to the consumer for offsite consumption. (*Effective: January 30, 2009*)

Street: Any private road, existing town or state highway or any proposed town or state highway shown on a recorded subdivision map duly approved by the Town Planning Commission. (*Effective: October 21, 2000*)

Street Line: A line separating a parcel of land from a street.

Structure: Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground.

Studio: A workroom for a painter, sculptor or photographer; a place where an art is studied; a place where films are made; a place from which radio and television programs are transmitted. (*Effective: March 7, 1985*)

Temporary: A use of land not exceeding five consecutive days in any calendar month for the purpose of announcing or promoting special events. (*Effective: June 19, 1995*)

Town Landmark: A protected town landmark shall be any building, structure, group of structures or natural feature, together with the site of land on which standing, as designated under these regulations by the Zoning Commission.

Veterinary Hospital or Clinic: A self-contained building designed for dispensing the treatment and care normally associated with a licensed veterinarian's practice. Boarding of animals not requiring treatment and external runs are not permitted uses in any zone other than industrial.

Yard Setback: The shortest distance from a structure to a lot line or public right of way. It is measured as a straight, level line. Chimneys, balconies, bay windows, porches, decks, basement hatchways, cantilevers, covered entry steps, and covered stoops are part of the structure to which they are attached and must meet all yard setback requirements. Roof overhangs, eaves, cornices, and gutters and leaders that extend less than 24 inches from the structure are not counted in the yard setback calculations. Uncovered entry steps and stoops and handicap ramps built to the minimum dimensional requirements shall be permitted in yard setbacks. (*Amended Effective: November 11, 2015*)

Yard, Front: The open unoccupied space required across the full width of a lot from the front line to the nearest edge of the principal building or any covered porch, garage or addition which extends from the principal building.

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

Yard, Side: A yard between the side line of a lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line, as the case may be. (*Effective: October 31, 1991*)