

## **ARTICLE II - DEFINITIONS**

### **SECTION 200. GENERAL CONSTRUCTION OF LANGUAGE**

For the purposes of these Regulations, certain words and terms used herein are defined as follows:

201. These Regulations consist of Articles, Sections, Subsections and other information. When reference is made to an Article, it shall incorporate everything (Sections, Subsections and other information) contained in the Regulations from the beginning of said Article to the beginning of the next Article. When reference is made to a Section, it shall include everything (Subsections and other information) contained in the Regulations from the beginning of said Section to the beginning of the Section immediately following. When reference is made to a specific Subsection, it shall include all requirements, conditions, terms and other information from the beginning of the Subsection to the beginning of the next Section or Subsection.
202. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Unless otherwise specified, all distances and areas shall be measured horizontally. Reference to the General Statutes applies to the General Statutes of the State of Connecticut as they may be amended from time to time. Words not specifically defined herein shall be used as defined in the latest edition of Webster's New Collegiate Dictionary.

### **SECTION 210. DEFINITIONS**

Accessory Use: See Use, Accessory.

Alcoholic Liquor: As defined in the General Statutes.

Alter: To change or rearrange the use, function, intended use, structural parts or the existing facilities of a building, structure or use of land.

Ancient Burial Grounds: Any tract of land which has been used or has been in existence as a burial ground for more than one hundred years.

Apartment: A portion of a building which is a dwelling unit.

ARB: The Architectural Review Board of the Town of Darien.

Area of Special Flood Hazard: The land in the floodplain within Darien subject to a one percent or greater chance of flooding in any given year. The area may be designated as a Zone A, AE, and/or VE, on the Flood Insurance Rate Map (FIRM). These areas are also referred to as flood zones or flood areas.

Assisted Living Facility (ALF): A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal service, laundry service, housekeeping, social and recreational activities, transportation and personal

services in a group setting to persons primarily fifty-five (55) years and older who require help or aid with activities of daily living. An ALF may provide nursing-type services, but is not a nursing home or convalescent facility as defined by State of Connecticut Regulations.

Attic: That part of a building directly under the roof with a head room of less than 5 1/2 feet for 3/4 of the area. The attic generally would not have a full floor, windows and/or permanent staircase. Attics as defined herein shall not be included in floor area ratio calculations but shall be included in height calculations.

Automotive Service: Any use where automobiles, trucks, motorcycles, or any motorized vehicles requiring licensing by the State are sold or serviced, including Motor Vehicle Repair, Motor Vehicle Service, and Motor Vehicle Service Stations as defined herein.

Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

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

Basement: A cellar or floor area of a building which is located partly or wholly below the average level of the finished grade at the exterior walls of the building. To determine if a basement is a story, see the definition of story. For floodplain management purposes, a basement is any area of the building having its floor subgrade below ground level on all sides.

Bedroom: A room which is designated and primarily used for sleeping. For the purpose of any multi-family provisions herein, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms.

Boarder: See Roomer.

Breakaway Walls: Any type of wall, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is so designed as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is used or any buildings to which it might be carried by flood waters.

Buffer, Buffer Area or Buffer Strip: A strip of land along a property line or zone boundary which shall be free of any building or use other than natural woody growth, landscaping, fencing or screening to provide visual and noise separation and which may be within or part of the minimum setback requirement.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

**Building, Accessory:** A subordinate building, the use of which is customarily incidental to that of a main building on the same lot. Any building used or designed to be used as a dwelling shall not be considered an accessory building.

**Building Coverage:** The combined percentage of the land covered by the roof area or outside dimensions of all structures on the lot including eaves and other similar projections. Building Coverage shall include: dwellings; garages; storage/accessory buildings; commercial buildings; porches; decks; covered courtyards and walkways; pools; tennis and other recreational courts; and other structures that are located on or above the ground. Patios, steps, stoops and similar structures, any portion of which is more than 4 (four) feet above any of the adjacent ground level, shall be included in the calculation of Building Coverage. (See Subsection 223 for illustration).

The following shall not count towards Building Coverage:

- The first six inches (6") of building eave, and up to a total of twenty (20) square feet for overhangs for stairs, stair landings, and stoops.
- Driveways, uncovered walks, patios, terraces and other at grade surfaces that do not require a Building Permit.
- Provided they each are less than nine (9) square feet each; and provided the total of such features does not exceed a maximum total of twenty (20) square feet – above ground mechanical HVAC, pool equipment, generator equipment, fuel tanks, and covers over basement access stairs or window wells.
- For pervious tennis courts and other pervious recreational courts located on lots in a commercial zone or on a residential lot with a Special Permit use thereon, only the largest such court shall count in Building Coverage.

**Building Height:** The vertical distance measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the mean level between the highest eave and the highest point of the roof. If the roof is flat (a pitch of 2:12 or less), the height is measured to the level of the highest point of the roof's surface. The elevation of the finished grade shall not be measured more than one foot higher than the existing grade prior to any proposed development. (See Subsection 225 for illustration.)

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Catering Business:** A place whose primary business (over 75% of business by value of items sold) is the sale of food and drink prepared in bulk in one location for service in individual portions at another property, or which involves preparation and service of food on premises not under the ownership or control of the operator of such service. The preparation and delivery of box lunches from a licensed restaurant is not considered a catering function. A residential kitchen within a residence cannot be licensed for a catering business. A catering business may have up to two tables and up to eight seats for patrons to eat and/or sample food.

**Church:** A building where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

**Club or Lodge:** An association of persons for the promotion of some non-profit common objective, either social, fraternal, religious, educational, political, recreational, or charitable.

**Club, Membership:** An organization catering exclusively to members and their guests on premises and buildings for recreational, athletic, or social purposes, which are not conducted primarily for gain,

providing that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

Coastal High Hazard Area: An area of special flood hazard extending from off-shore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources, including, but not limited to hurricane wave wash or tidal wave. These areas are designated on the Flood Insurance Rate Map (FIRM) as Zone VE.

Commercial Sales and Service: A business or use where products or services are sold or dispensed at retail, wholesale or any other medium or mechanism of trade. For purposes of these regulations, the addition of the terms "internal" or "external" further qualifies this term. This also includes Financial Service uses. Other uses defined in this Section 210 shall not be considered part of this definition.

Commission: The Planning and Zoning Commission of the Town of Darien.

Conservation Restriction: A method of protection and permanent preservation of fragile, vulnerable and valuable areas. These may include, but are not necessarily limited to: natural features such as rock outcroppings, trees, floodplains, wetlands and coastal areas, open space or air connections to such open space, natural habitats, buffer zones, an area to reduce the effects from and noise pollution, scenic areas, historic sites including old stone walls, archeological sites and artifacts, riding and walking trails, and others. The Conservation Restriction would be held by the Environmental Protection Commission, or some independent environmental group.

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

Courtyard: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Deck: A porch-like structure or portion of a structure which is usually constructed of wood with structural supports and having a height of more than eight inches.

Deposit: For the purpose of these Regulations with respect to the movement of earth material, shall include, but shall not be limited to, fill, grade, dump, place, discharge or emit.

Developed Site Area: In non-residential zones, any part of the land area covered by impervious surface or any land area other than natural area or that which is landscaped. Building coverage plus the area covered by driveways, sidewalks, walkways, parking areas, terraces, patios, outside storage areas, loading and unloading areas, etc. shall be considered Developed Site Area. Where a commercial parcel also includes land in a residential zone, only the land area in the non-residential zone shall be considered in calculating Developed Site Area.

Development: For the purpose of these Regulations and with respect to the movement of earth materials, development shall mean any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Disturbed Area: For the purpose of these Regulations with respect to the movement of earth material, shall mean an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Drainage: The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Dwelling: A building designed or used exclusively as living quarters for one or more families; the term shall not be deemed to include hotel or motel.

Dwelling, One-Family: A detached building containing one dwelling unit only.

Dwelling Unit: A building, or portion thereof, providing a kitchen and related housekeeping facilities for one family.

Dwelling Unit, Moderate-Income: A dwelling unit for occupancy by only moderate income families as defined in Section 513.2.

Dwelling Unit, Senior Citizen or Elderly: A dwelling unit for occupancy by at least one person who is 62 years of age or older.

Earth: Includes, in addition to earth as commonly understood, soil, loam, sand, gravel, rock, stone, clay or any other material of which the ground is composed.

Elderly: Persons 62 years of age or older.

EPC: The Environmental Protection Commission of the Town of Darien.

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

Excavation: The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its natural contour, or its contour existing at the effective date of Section 850.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, December 28, 1980, of the floodplain management ordinance adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufacturing 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).

External Use: A permitted use, the nature of which generally requires external activities including storage of materials for display, inventory or sale; overnight parking of trucks and other commercial vehicles; or activities outside the confines of a principal building which are a normal part of the operation of the use.

Facade: The exterior wall of a building exposed to public view.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond.

Farming: Farming shall include the use of a lot, either as a principal use or an accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable, and fruit products of the soil, and may include the raising of horses and other domestic farm animals. Riding academies, livery stables, dog kennels, the breeding, raising or habitation of fur-bearing animals, commercial poultry farms, stands for the sale of product or the commercial processing of the products of the farm, shall not be included.

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

Fence: A barrier of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

Financial Service: A business or use regulated by the State or Federal Government as a 'bank' and any business which makes loans, mortgages, accepts deposits, gives financial advice, or buys and sells securities on behalf of its customers or clients.

Flood or Flooding: A general temporary condition of partial or complete inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report of a community in which the Federal Emergency Management Agency has conducted an examination, evaluation and determination of flood hazards and has provided flood profiles and water surface elevation of the base flood.

Floodplain or Flood-prone Area: Any land susceptible to being partially or completely inundated by water from any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate the possibility of flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Flood-related Erosion: The collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water.

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

Floor Area, Gross: Unless otherwise noted in any other section of these Regulations, the gross floor area of a building shall comprise the aggregate horizontal area at floor level of all stories of a building, measured from the exterior faces of all outside walls, except that garages, basement and attic areas, not designed for occupancy, shall not be included in the calculation.

Floor Area Ratio: The ratio of the gross floor area of a building(s) to the lot area on which the building(s) is located.

Food Service, Accessory: A designated portion of a principal building which dispenses food service to employees and guests of the building in which the use is located, i.e., a cafeteria or lunchroom.

Food Service, Convenience: A retail sales facility that has incidental sales of beverages, sandwiches and other prepared foods to be consumed primarily off-premises and may have a seating capacity of not more than eight persons or ten percent of the customer accessible floor area, whichever is greater. Standing room at eating counters shall represent one seating space for every two lineal feet of counter. For the purposes of this definition, customer accessible floor area is the area of the building physically and routinely accessed by customers, including display areas, seating areas, and bathrooms.

Frontage: The extent of a building or of land along a front lot line.

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

Funeral Home: The establishment of a funeral director or undertaker, which may or may not include facilities for the conduct of funeral services.

Garage, Commercial: Any lot, building or part thereof, used for the storage, service or repair of motors, engines, vehicles or boats for remuneration, including any rental, lease, or sale of any motors, engines, vehicles or boats

Grade, Finished: The final elevation of a particular point above or below a given reference datum.

Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, resulting in a change of contour or elevation.

Habitable Floor: Any floor that is used, or may be used for living purposes, including working, sleeping, eating, cooking, recreation or a combination thereof.

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

Home Occupation: Any permitted business which is conducted entirely within a dwelling in a residential zone and is clearly incidental and secondary to the use of the building for residence purposes. Such use does not change the residential character of the dwelling or the surrounding area.

Hotel or Motel: A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the use thereof as a temporary residence.

Independent Living Facility (ILF): A managed residential community consisting of private residential units and providing meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily fifty-five (55) years and older. An ILF is not a nursing home or convalescent facility as defined by State of Connecticut Regulations. See also Subsection 667 and the definition of a Private Residential Unit.

Internal Use: A permitted use whose function or activity takes place within the confines of a building so that the only external activity related to the use is customer or employee access, parking and loading, and permitted signs.

kennel: The housing or keeping of more than three dogs for show, boarding, temporary care, or sale.

Kitchen: A room, place or space within a structure equipped for the preparation and/or cooking of food.

Land Filling: The placement of any material over the surface of the natural ground which has the effect of altering its natural contour, or its contour existing at the effective date of Section 850 (excepting permitted placement of buildings and structures).

Living Accommodation: For the purposes of Section 405e, a building which, if approved by the Planning and Zoning Commission, includes only one shared kitchen for use by all residents who reside in that building.

Loading Space: The required off-street area for the loading or unloading of goods. (See Subsection 227 for illustration.)

Lot: A parcel or plot of land, not divided by streets or property boundaries, which may be occupied by a building or buildings and accessory buildings, together with such open spaces as may be required under the provisions of these Regulations, and having its principal frontage on a street.

Lot Area: The total horizontal area included within lot lines but excluding the area of an accessway to a rear lot, or any portion of the lot having less than 50 percent of the required lot width.

Lot, Corner: A lot of which at least two adjacent sides abut for their full length on streets. For the purposes of these Regulations, such lot shall have an interior angle of less than 135 degrees at the intersection of the two street lot lines or of the two street lot lines extended in the case of a curved corner. (See Subsection 222 for illustration.)

Lot Depth: The mean horizontal distance between a front lot line and the opposite most nearly parallel lot line measured in the general direction of the side lot lines or a line parallel thereto. (See Subsection 231 for illustration.)

Lot, Interior: A lot other than a corner lot located on a street. (See Subsection 222 for illustration.)

Lot Line, Front: A boundary which separates a lot from the street.

Lot Lines: The property lines bounding a lot. In the definition of Lot Lines, a change of direction of less than 60 degrees shall not terminate a lot line. (See Subsection 222 for illustration.)

Lot Line, Rear: A boundary line other than a front or side lot line which separates two lots. In the case of a corner lot, the rear lot line shall be the lot line opposite the shorter of the lot's two street lines.

Lot Line, Side: Boundary line which separates two lots and one end of which intersects a front lot line. A change of direction of 60 degrees or more from the original bearing at the street line shall change a side lot line to a rear lot line. In situations where a side lot line starts at the street as a turning radius or in situations where there is a total deflection of greater than 60 degrees for a total length of 30 feet or less of the side line, then the boundary shall remain a side lot.

Lot, Rear: A lot having access to the street via a strip of land that is part of the rear lot and where the buildable area is located generally to the rear of other lots having frontage on the same street. (See Subsection 222 for illustration and See Subsection 339.)

Lot, Through: A lot other than a corner lot having frontage on two streets or two frontages on the same street.

Lot Width: The mean horizontal distance between the side lot lines, measured at right angles to its depth. (See Subsection 232 for illustration.)

Lowest Floor: 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.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: The market value of the structure shall be determined by the property's most recent tax assessment, minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean High Water Line: The line formed by the intersection of the land and the plane of the most recent mean high water tidal datum, as established by the National Oceanic and Atmospheric Administration from time to time. The elevation of the mean high water line shall be expressed in terms of the National Geodetic Vertical Datum of 1929.

Mean Sea Level: The average height of the sea for all stages of the tide. National Geodetic Vertical Data 1929, 19-year averages for Darien ending 1929 shall be the datum designated as zero in determining elevations. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Memory Care Facility (MCF): A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal services, laundry service, housekeeping, social activities, transportation and personal services in a group setting to persons with Alzheimer's disease and other forms of permanent memory impairment. A MCF is not a nursing home or convalescent facility as defined by State of Connecticut Regulations.

Mixed-Use Development: For the purpose of the DBR Zone, a use of land, buildings or structures with a combination of office, recreational facilities and/or multi-family dwellings.

Motor Vehicle Repair: The repair of vehicles, as permitted by a Repairer's License as defined in Chapter 246 of the General Statutes, on any lot or in any building or part thereof.

Motor Vehicle Service: The servicing of vehicles as permitted by a Limited Repairer's License as defined in Chapter 246 of the General Statutes, on any lot or in any building or part thereof.

Motor Vehicle Service Station: Includes full service or combined full service/self service gas stations, auto repair shops and garages and similar uses but does not include body repair or painting.

New Construction: As per Section 820, a completely new structure for which the start of construction has commenced on or after December 28, 1980, the effective date of the Flood Damage Prevention portion of these Regulations, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, December 28, 1980, of the floodplain management regulation adopted by the community.

Non-Conforming Building: A building that conforms to these Regulations as to its use, but does not conform with respect to size, area, height, setback, or other detail, for the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

Non-Conforming Lot: A lot legally existing on the effective date of these Regulations or any applicable amendment thereto but which fails by reason of such adoption, revision, or amendment to conform to the present Regulations for any prescribed lot requirement.

Non-Conforming Use: A use of land or of a building that does not conform to these Regulations as to the use in the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

Nursery School: A facility that provides daytime care or instruction for more than five children (including those who live on the premises) and includes but is not limited to family day care centers, group day care centers, pre-school and other similar establishments regulated by the Connecticut Department of Human Resources.

Offices, Administrative and Executive: An office facility which is designed to serve a headquarters or central administration type function and is not designed or oriented to provide goods and services directly to the local public. Parking facilities shall be used on a non-transient basis. In order to minimize the impact on traffic and parking by such facilities on neighboring residential areas, the Commission shall have the right to impose a limit of one employee per 250 square feet.

Offices, Business and Professional: An office structure which supplies office space for businesses and professional persons who primarily provide goods or services directly to the local population. Such facility is generally subdivided into multiple units and typical tenants include doctors, lawyers, real estate agents, architects, engineers, and similar office uses. Requirements for pedestrian access and parking reflect the largely transient nature of the business activities.

Parking Space: The area required for the temporary storage of a motor vehicle not including aisles and driveways giving access thereto; located in other than a public street or other public way; and having a permanent means of access to a public street without requiring passage through another parking space.

Patio: See Terrace.

Person: Any individual, person, firm, partnership, association, corporation, organization or legal entity of any kind including municipal corporations, government agencies or subdivisions thereof.

Personal Service Business: An internal business or use which provides a form of service such as a barber, dry cleaners, business service, or craftsman but not including the sale of products except where incidental to the principal service-oriented use.

Porch: A portion of a structure which is generally not enclosed by full walls and which may or may not have a roof.

Premises: Any real property, either land or buildings or both, located in the Town.

Principle Use: See Use, Principle.

Private Residential Unit: Any room or group of rooms devoted to the exclusive use or occupancy of one or more residents of an Independent Living Facility (ILF), Assisted Living Facility (ALF), Memory Care Facility (MCF), or combination thereof. Since common kitchen and dining facilities are provided for all residents within the ALF and/or ILF, a private residential unit shall not be considered a dwelling unit even though it may have a small kitchenette facility for occasional use by the resident(s). Because these are not dwelling units, an ALF or ILF may not be converted to or sold as a common ownership interest type dwelling.

Private School: Any school or course of instruction which meets the State of Connecticut requirements for primary or secondary education and which is not operated by the Town.

Protected Town Landmark: 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 Planning and Zoning Commission. In order to define a Protected Town Landmark, the Commission shall determine on the basis of factual data, or expert opinion, that the landmark possesses a degree of historic significance, architectural uniqueness, or cultural value which would represent a severe cultural loss to the community if destroyed or altered, and that the preservation of the landmark warrants special regulations for its protection and proper use as per section 1051.

Public School: Any school operated by the Town.

Public and Semi-Public Uses: Uses such as churches, libraries, post offices, and facilities of the Town, the State, or the U.S. Government.

Rear Building Line: The line of maximum permissible rearward extent of a building on a lot, measured from the front lot line.

Recreational Vehicle: For purposes of the Flood Damage Prevention Regulations, a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (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 a temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation Facility, Indoor: A commercial establishment which provides indoor recreation facilities such as tennis clubs, skating rinks, bowling alleys, health clubs, racquetball clubs and other similar uses.

Regulated Activity: Any alteration of a regulated area or any construction upon such an area unless specifically exempted by another section of these Regulations.

Regulatory Floodway within the Established Encroachment Line: 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 increasing the water surface elevation.

Remove: Shall include, but not be limited to, drain, excavate, mine, dig, suck, bulldoze, dragline or blast as per Section 820.

Restaurant: A business or use whose principal function is the preparation and serving of food for consumption on the premises within the confines of the building and normally served at tables, booths or similar sit-down accommodations but not including a night club or facility whose principal function is entertainment. This shall specifically exclude drive-through operations.

Retail Liquor Permit: Any permit issued by the State Liquor Control Commission under the General Statutes, permitting the sale of alcoholic liquor in containers for consumption off premises and forbidding consumption on premises.

Retail Sales: See Commercial Sales and Service.

Roomer or Boarder: An individual other than a member of the family occupying a dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Sand Dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Scenic View: A view or vista identified in the Town Plan of Development which, because of its natural beauty, is in the best interest of the welfare of the entire community to preserve.

Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion as per Section 870.

Self-storage facility: A facility consisting of individual, indoor self-storage units for the storage of business, personal or household goods as well as the indoor and/or outdoor storage of boats, cars, trailers, recreational vehicles and small trucks, rented or leased on an individual basis and related services. This use shall be for those who are to have access to such units for storing and removing personal property only, and not for residential purposes. Such a use does not allow for the rental of trailers or vehicles, or the outdoor storage of construction equipment. All outdoor vehicle storage shall be for licensed, registered vehicles.

Setback: The minimum required distance from any street line or lot line to the closest point of any building, structure or use, measured in a straight line from, and most nearly perpendicular to, such street line or lot line from such point.

Sign: Any sign, illustration, lettering, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind, in view of the general public. The term "sign" shall mean identification signs which are limited to announcing the name of the company or companies housed in the building or the name or kind of business conducted on the premises where the sign is located, or the prospective sale or rental of said premises or business conducted therein, erected or maintained by or at the direction of the owner of the business. The term "sign" shall also include any flag, pennant, banner, or other device of any kind, whether with or without letters, figures or other symbol thereon, intended to advertise or attract attention to any business or commercial establishment in any zone but shall not include flags of any governmental unit or branch, or of any non-profit charitable or religious organization. (See Subsection 230 for illustrations.)

Site Development: See Developed Site Area.

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

Soil Erosion and Sediment Control Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. (See Subsection 229 for illustration.)

Solid Waste: Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities.

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

State: The State of Connecticut.

Stoop: Any raised entrance platform with steps leading up to it.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the elevation from which the height of the building is measured, or if floor area in excess of 50 percent of the floor area directly above it used for any purpose other than accessory storage, vehicular parking, or housing of mechanical equipment (such as facilities for heating, plumbing, electrical, water, waste disposal and the like) attached to and required to serve the building. An attic shall be counted as a story if the finished and habitable portions of the attic are greater than 50% of the square footage of the floor immediately below the attic. (See Subsection 225 for illustration.)

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The term "street" shall mean and include only: (1) a street that was laid out on a map filed in the Town Clerk's office prior to October 6, 1924; (2) a street accepted as a Town Street; or (3) a street whose layout has been approved by the Commission and which has been constructed in accordance with the approval.

Street Line: The dividing line between the street and a lot.

Structure: Anything constructed, installed, placed or erected on a site, the use of which requires location on the ground or attachment to something having location on the ground. As used in these Regulations, structures shall be deemed to include, but not be limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank that is principally above ground, ground mounted antennas, ground mounted solar panels and satellite dishes and fences or walls more than six feet in height, other than retaining walls.

Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams or girders or other work requiring a Building Permit under the State Building Code.

Substantial Damage: For the purposes of Section 820, substantial damage is damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure (exclusive of land value) before the damage occurred. "Substantial Damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement: For the purpose of Section 820, any repair, reconstruction or improvement of a structure, taking place over the previous three year period (as calculated from the issuance the cost of the Certificate of Occupancy), the cumulative cost of which equals or exceeds 50 percent of the market value of the structure itself, exclusive of land value either:

- a. Before the "start of construction" of the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and have been previously identified by the local code enforcement officer or any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swimming Pool: Any structure capable of containing water and intended for swimming, bathing or recreational use, provided the same has a potential water depth of at least 18 inches or at least 100 square feet of water surface area, or both.

Tennis and Other Game Courts: A specially prepared level playing surface for tennis, basketball, paddle ball, platform tennis, racquetball or similar games. Tennis and other game courts shall be deemed structures.

Terrace or Patio: An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure. (See Subsection 361.)

Town: The Town of Darien, Connecticut.

Trailer: A structure mounted on wheels, capable of being towed or hauled by another vehicle and used for short-term human occupancy, carrying or storing materials, goods or objects, or as a temporary office.

Use: The specific purpose for which a building, structure or land is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

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

Use, Commercial: Activity carried out for monetary gain.

Use, Principal: The primary or predominant use of any lot or building.

Variance: A grant of relief by the Town of Darien Zoning Board of Appeals from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Vehicle, Commercial: Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation

Vehicle, Motor: Any motor vehicle as defined by the General Statutes, as amended.

Vehicle, Recreational: Any vehicle designed or intended primarily for use in recreational activities, including boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles, and utility trailers. For purposes of Section 820, Flood Damage Prevention Regulations, "Recreational Vehicle" means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this ordinance.

Violation: For purposes of Section 820, the failure of a structure or other development to be fully compliant with the Darien's floodplain management regulations.

Walkway: An improved pedestrian sidewalk, path, trail or accessway at least three feet in width.

Waterbody: Any pond, lake or body of standing water either natural or artificial; excluding swimming pools.

Watercourse: Any river, stream, brook, waterway, lake, pond, bay, estuary, marsh, swamp, bog or other body of water, fresh or salt, natural or man-made, permanent or intermittent, which lies wholly or partially within the Town of Darien and is shown schematically on the map (as it may be amended from time to time) which supplements these Regulations entitled "Town of Darien, Conn., Regulated Wetlands and Watercourses". In event of reasonable doubt as to any particular body of water's classification as "Watercourse", however, the actual character of the body, as competently verified and accepted by the EPC, shall determine whether the body in question is a watercourse.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. As of January 2010, the Flood Insurance Rate Maps in use in Darien relate expected flood levels to NGVD '29 as sea level.

Wetland: Any land area, including submerged land, which consists of any of the soil types generally designated as poorly drained, very poorly drained, alluvial or floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. Such lands are schematically shown on the map (as it may be amended from time to time) which supplements these Regulations entitled "Town of Darien, Conn., Regulated Wetlands and Watercourses". In the event of reasonable doubt as to any particular body of water's or area of land's classification as "Wetland", however, the actual character of the soil, as competently verified and accepted by the EPC, shall determine whether the area in question is a wetland.

Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground skyward, except for certain features specified in Sections 350 and 360. In measuring a yard, it shall be the shortest distance from any portion of the building to the nearest lot line, exclusive of certain features specified in Sections 350 and 360 as not to be considered in measuring yard dimensions or as being permitted to extend into a yard.

Yard, Front: A yard extending across the full width of a lot and lying between the front lot line (or a line parallel thereto) of the lot and the nearest portion of the building. (See Subsection 222 for illustration.)

Yard, Rear: A yard extending across the full width of a lot and lying between the rear lot line(s) and the nearest portion of the building. (See Subsection 222 for illustration.)

Yard, Side: A yard between a side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard. (See Subsection 222 for illustration.)

ZBA: The Zoning Board of Appeals of the Town of Darien.

ZEO: The Zoning Enforcement Officer of the Town of Darien.

Zone, Residential: Any zone with the prefix "R" and the DMR Zone, including:

R-2	One-Family Residential Zone
R-1	One-Family Residential Zone
R-1/2	One-Family Residential Zone
R-1/3	One-Family Residential Zone
R-1/5	One-Family Residential Zone
R-NBD	Noroton Bay District Residential Zone
DCR	Designed Community Residential Zone
DMR	Designed Multi-Family Residential Zone
3.7AH	3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing
MU	Municipal Use Zone

Zone, Non-residential: Any zone other than a Residential Zone, including:

PR	Parking/Residential
DBR	Designed Business and Residential Zone
DOR-5 & DOR-1	Designed Office and Research Zones
NB	Neighborhood Business Zone
OB	Office Business Zone
DB-1 & DB-2	Designed Business Zones
DC	Designed Commercial Zone
CBD	Central Business District Zone
SB-E	Service Business East Zone
SB	Service Business Zone