

ARTICLE 2 DEFINITIONS

Section 2.1 Use of Terms

For the purposes of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning defined in this Section of these Regulations, unless otherwise clearly qualified by the context. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

Section 2.2 Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is always mandatory.
2. The words "may" and "should" are discretionary.
3. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used".
4. The words "zone", "zoning district" and "district" have the same meaning.
5. The word "person" also includes a partnership, association, trust, corporation or other legal entity.

Section 2.3 Undefined Terms

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended;
2. The Connecticut General Statutes, as amended;
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended;
4. Black's Law Dictionary; and
5. A comprehensive general dictionary.

Section 2.4 Defined Terms

Accessory Building or Use: An accessory building or use is one subordinate and customarily incidental to the principal building and/or use on the same lot. A building attached to the principal building by a covered passageway or having a wall or a part in common with the principal building shall be considered an integral part of the principal building and shall be governed by the height and yard requirements applicable to the principal building.

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ADT - Average Daily Trips: the average number of vehicle trips generated on a street per day.

Applicant: A person submitting an application.

Application: The application form and all accompanying documents, maps, plan sets and exhibits required of an applicant by an approving authority for development review purposes.

As-Built Plan: A certified plot plan showing foundation footings, columns, piers or walls, for verification of setbacks for any new, detached building or structure on a lot.

Bathing Facility: A facility for swimming including a beach area on a river, quarry, pond, or lake; or an outdoor or indoor swimming pool. Such facility may include an accessory structure for dressing rooms, toilet rooms, and/or showering rooms.

Bed and Breakfast: An owner-occupied residence that provides overnight accommodations and a morning meal to boarders for compensation.

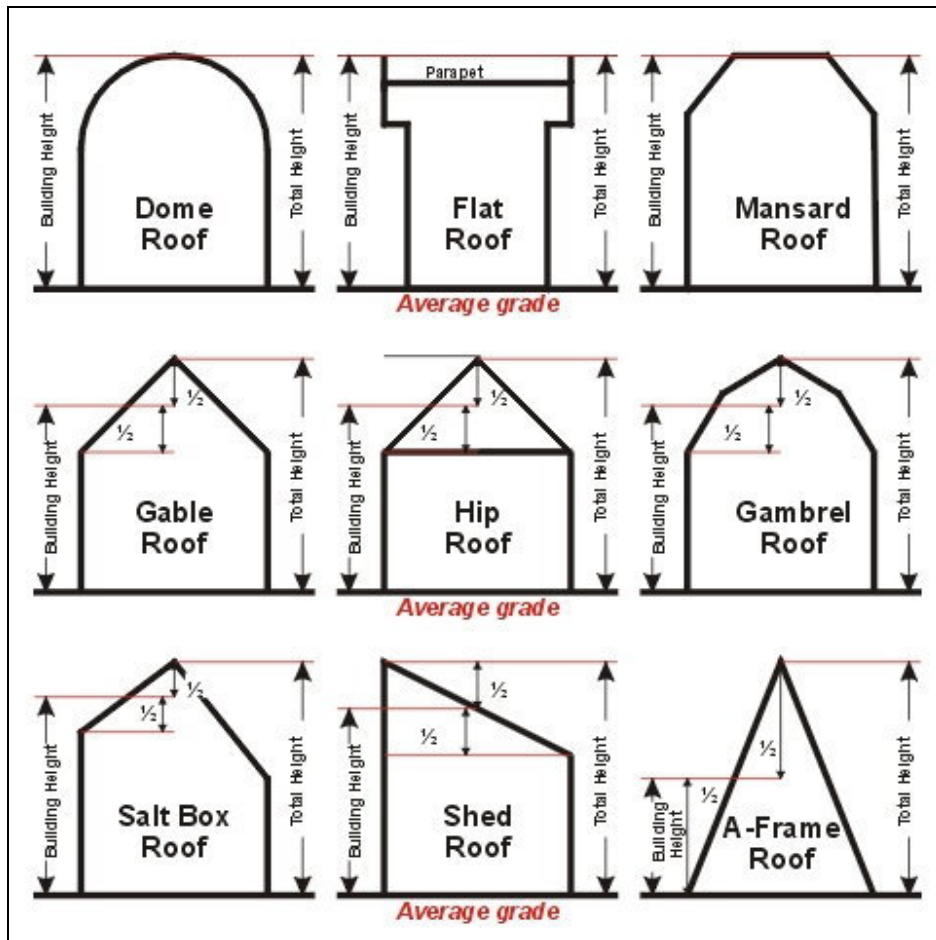
Buildable area, net: The gross area of a parcel minus areas of wetland soils, special flood hazard areas, flood plain, and slopes over 25%.

Building: Any structure, excluding trailers, with a roof and intended for the shelter, housing or enclosure of persons, animals or materials. Any structure more than 8 feet in height shall be considered a building, excluding a public utility pole, flagpole, or telecommunications tower.

Building Area: The ground area enclosed by walls or a building, together with the area of all covered porches and other roofed portions.

Building Height: The vertical distance from the average finished grade of the walls of the building or other structure to the highest point of the following elevations on the building or other structure:

1. The elevation of the highest point of the highest dome, flat, or mansard roof, including the top of any parapet;
2. For roofs which are gable, hip, gambrel, shed, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave; and
3. For roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave.



Building Line: A line parallel to a street at a distance equal to the required front yard setback line.

Building Materials: Materials used in the construction trades such as concrete, gravel, woodchips, masonry, plumbing or electrical supplies, and other similar materials.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Certification (Erosion Control Plan): A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

Commercial Vehicle: A vehicle which exceeds a gross vehicle weight of 5,000 pounds, is licensed as a commercial or combination vehicle, and is regularly used in the conduct of a business, profession, or trade.

Commission: The Portland Planning and Zoning Commission.

Community Residence: A facility for mentally ill adults, which houses the staff and residents of a group home for eight or fewer mentally ill adults, licensed by the Commissioner of Public Health, and which provides supervised, structured group living activities and psychosocial rehabilitation and other support

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services to mentally ill adults discharged from a state-operated or licensed facility or referred by a licensed physician specializing in psychiatry, or a licensed psychologist.

Construction Plan: A plan and profile drawing of all proposed improvements to be constructed, maintained, and installed as part of a proposed subdivision development. Such construction plan shall include other methods of conveying the required information, including supportive documentation and calculations. All construction plans shall bear the seal of a qualified professional engineer registered in the State of Connecticut.

Contractor Related Terms

Contractor, Contractor Establishment: A person or firm engaged in the construction trades, including building, painting, plumbing, heating, and landscaping trades, who is providing a service for a developer, applicant or property owner in regards to construction, development or maintenance activities.

Contractor Office: A structure used predominantly for offices necessary for the operation of a contracting business, which may include as an accessory use the interior storage of contractor's equipment and materials used in the construction trades.

Contractor Yard: Property used for the conduct of a contractor business, including the storage of equipment, vehicles, building materials, and earth materials used in the conduct of the contractor's business.

Convalescent Home: A facility, licensed by the State of Connecticut, providing skilled nursing for people who need intensive care but do not require hospitalization.

Coverage Related Terms

Coverage, Lot: The percentage which the combined building area of all buildings on the lot bears to the areas of the lot. The building area of any building or structure with a roof, counts towards lot coverage.

Coverage, Impervious: The total area covered by buildings, pavement, structures and other surfaces that prevent stormwater from penetrating into the ground.

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

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Day Care Related Terms

Day Care: The care of people on a regularly recurring but part-time basis in a place other than the home of the person being cared for.

Day Care Center: A facility which offers or provides a program of supplementary day care to more than 12 related or unrelated people.

Day Care Home, Family: Day care provided in a private family home for not more than 6 people and where the principal provider of the services resides on the premises.

Day Care Home, Group: Day care provided in a private family home for more than 6 but not more than 12 people on a part-time, but regularly recurring basis, and where the principal provider of the services resides on the premises.

Density: The number of dwelling units permitted per acre of land.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land. This term shall include the term “subdivider”.

Development: Any construction or grading activities to improved or unimproved real estate.

Disturbed Area: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Drainage Easement: An easement for the flow of water either in an open ditch or trench, or enclosed in conduit; and to allow any maintenance as may be necessary on the drainage structure.

Dwelling: A building designed or used as the living quarters for one or more housekeeping units.

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room for cooking of provisions for the same, and including room or rooms for living, sleeping and eating.

Easement: A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific purpose.

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

Family: A single individual, or a collective body of persons doing their own cooking and living together upon the premises as a single housekeeping unit.

Farm: A tract of land containing 5 acres or more, used in part or wholly for agricultural purposes, which may include the raising and keeping of domestic and other animals, but excluding the raising of fur bearing animals, animals for medical and/or scientific research and excluding dog kennels. A farm is not considered Home Agriculture if it is classified under State of Connecticut General Statute Section 12-504f as a farm by the Assessor and a certificate for same has been recorded on the Portland Land records.

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Home Agriculture: The production, principally for use or consumption of the property owner, of plants, animals or their products and for sales to others where such sales are incidental.

Home-Based Business Related Terms – See Section 9.6 Home Occupations and Home Offices

Hotel: A building, designed and used primarily for temporary occupancy by transients, which provides or offers accommodations for compensation for 7 or more persons exclusive of employees living on the premises, and which may provide rooms for public assembly and may include the serving of food.

Improvement: Any change or alternation to the existing conditions of a site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: construction and installation of roadway, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

Infill Development: The development of new housing or other buildings on scattered vacant sites.

Inland Wetlands Agency: The agency acting as the Portland Inland Wetlands and Watercourse Agency.

Inspection: The periodic review of sediment and erosion control measures as shown on the certified plan.

Institution, Health Care: A hospital; health care facility for the handicapped, mental health facility; alcohol or drug treatment facility; an infirmary operated by an educational institution for the care of students enrolled and faculty and employees of such institution; and hospitals operated by any state agency for the care and treatment of tuberculosis, mentally ill or mentally retarded persons. Any multi-family dwelling with units designed for a particular population that requires on-site staff shall be considered an institution.

Kennel: The keeping, boarding, breeding, raising, showing, or training of 4 or more animals over 6 months old, limited to dogs and cats as a business.

Kennel Private: The keeping, breeding, raising, showing, or training of 4 or more animals over 6 months old, limited to dogs and cats, for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Laundry (Laundering), Commercial: A laundry that services only business and commercial customers, such as hospitals and factories, and does not perform on-premises dry cleaning services. Self-service laundromats and retail laundries are specifically excluded from this definition.

Livestock: Grazing animals kept either in open fields or structures, including, but not limited to, cattle, horses, donkeys, sheep, goats, llamas and alpacas.

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Lot Related Terms

Lot: A parcel of land capable of being built on in conformance with these Regulations. In the case of multiple dwellings; row houses; public, institutional or commercial buildings; or a group of buildings under the same ownership may be considered as occupying a single lot. Such parcel of land shall meet the lot frontage requirements on an approved town road as found on the most current map entitled, "Town Road, Town of Portland, Connecticut, Connecticut Department of Transportation, TRU-82, or roads which are to be built as part of a subdivision in accordance with these Regulations.

Lot, Corner: A lot that abuts two intersecting streets at their intersection. (See illustration).

Lot, Interior: A lot, other than a corner lot. (See illustration).

Lot Coverage *See Coverage, Lot.*

Lot, Depth: The average distance measured from the front lot line to the rear lot line. (See illustration).

Lot, Front: A lot fronting on a public street and having direct driveway access to the public street, and where the building site is located on or near the front yard setback as measured from the street. (See illustration).

Lot, Frontage: *See Lot, Minimum Width.* (See illustration).

Lot, Rear: A lot not having the required frontage on a public street and having access to the street via an access way or a strip of land that may be part of the rear lot, and where the building site is located to the rear of front lots on the same street. (See illustration).

Lot Line, Front: All lines dividing the lot from the street or streets. (See illustration).

Lot Line, Rear: All lines dividing the back portion of the lot, that portion furthest from the street, between the side lot lines and an abutting parcel. (See illustration).

Lot Line, Side: Any and all lines extending from the street which divides individual lots. Any lot line not deemed a rear line or front line shall be identified as a sideline. (See illustration).

Lot, Minimum Width: The distance between the side lines of a lot as measured along the front street line, unless otherwise specifically stated and allowed by the Commission, and providing the lot can comply with the "minimum square" requirement. The minimum width of a lot is also referred to as Lot Frontage. (See illustration).

Lot Related Terms

Parcel: A contiguous piece of land, which may have more than one lot or potential lot, but which is owned by one person or entity and recorded as a single tract of land.



Manufactured Housing: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

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Marina: A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Medical Facility: A facility or office which provides medical services to patients on an outpatient basis, provided that no such office or facility shall offer services requiring or allowing overnight stays.

Metes and Bounds: A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

Minimum Square: The area described by the minimum lot width and depth requirements as outlined in the schedule of height, area and yard requirements. Lots shall be configured such that some portion of the square must intersect the front yard setback line.

Mixed Use Development: A development containing planned residential and commercial elements, presented as a unified development plan for an entire site as a single project.

Mobile Unit: A vehicle which can be drawn by or carried on a motor vehicle, designed to be used for dwelling or sleeping purposes on a temporary basis.

Motel: A building or group of buildings that provide temporary sleeping accommodations primarily for transient motorists.

Motor Vehicle Related Terms

Motor Vehicle, Limited Repairer: As defined in CGS 14-51, as may be amended (Any...person...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...).

Motor Vehicle, New Car Dealer: As defined in CGS 14-51, as may be amended (Any person, firm or corporation engaged in the business of merchandising new motor vehicles under a manufacturer's or importer's contract for each such make of vehicle who may, incidental to such business, sell used motor vehicles and repair motor vehicles...).

Motor Vehicle, Repairer: As defined in CGS 14-51, as may be amended (Any person, firm or corporation...engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle...).

Motor Vehicle, Used Car Dealer: As defined in CGS 14-51, as may be amended (Any person, firm, or corporation engaged in the business of merchandising motor vehicles other than new who may, incidental to such business, repair motor vehicles...).

Motor Vehicle Filling Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Multi-Family Dwelling: Any building erected or used and designed and intended to be occupied by no more than 4 families living independently of each other.

Nonconforming Use, Building or Land: A use of land, building or premises which is not a use permitted by the provisions of these Regulations for the zoning district in which said use, building or land is situated.

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Open Space: Property within a subdivision, designated to be deeded to the Town or other approved agency or entity by the developer, to be used for passive or active recreation; sediment, erosion, or storm water control; or for preservation of natural features.

Outdoor Recreation, Active: Activities which require a paved area or covered structure, including tennis, paddle tennis, swimming pools or basketball courts, or activities which require playing fields such as soccer, base ball, softball, etc., or playgrounds.

Outdoor Recreation, Passive: Activities which occur in a predominantly pervious or natural space, including bicycling paths, hiking paths, jogging/walking paths, gardens or parks. Notwithstanding the foregoing, the following uses are excluded: uses that cause loud noise, motorized off-road vehicles, including, but not limited to, dirt bikes, all-terrain vehicles or snowmobiles except when necessary for emergency services.

Parking Area: An area exclusively used for the parking of motor vehicles, and in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

Pavement Related Terms

Bituminous Concrete: A designed combination of dense graded mineral aggregate filler and bituminous cement mixed in a central plant, and laid and compacted while hot.

Curbing: A raised pavement structure, which is usually constructed of bituminous concrete used to control drainage, to deter vehicles from leaving the pavement, to delineate and protect the edge of pavement, to present a more finished appearance to the street, and to assist in the orderly development of the roadside.

Pavement Structure: The combination of sub-base, base course, and surface course constructed on a sub-grade to support and distribute the traffic load.

Personal Service Establishment: An establishment where a service is rendered to the ultimate customer. The following uses are permitted under this definition: barber shop, beauty parlor, nail salon, day spa, interior decorating service, jewelry, watch or clock repair, locksmith, photography studio, shoe repair, tailor shop, tanning salon, therapeutic massage administered solely by a professional person licensed by the State of Connecticut to provide such treatment, travel agency, or other closely-related use as determined by the Zoning Enforcement Officer.

Plan-Profiles: The drawing or drawings of the developer's design for street construction, drainage, and other improvement. They are referred to as "Construction Plans" in these Regulations.

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

Record Drawing: A construction plan revised to show the improvements as actually constructed in the field.

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Recycling Facility: An industrial use, conducted in a fully enclosed structure, which is involved in removing certain items from construction and demolition debris and/or reducing the volume of such debris. Items removed from the waste stream are to be shipped elsewhere for re-use or processing. Items to be removed from the waste stream are: asbestos, glass, metals, paper products, wood, tires and dirt. The above items may be reduced in volume by means of bailers, compactors, grapples, shredders and chippers in order to prepare the material for transportation to secondary markets. Volume reduction does not allow the use of incinerators or other resource recovery facilities, composting or pulverizing. All other recycling facilities are prohibited as specified in Section 6.2.5 Industrial Zones: Prohibited Uses. Such a facility shall be differentiated from a "junkyard" as herein defined. A "junkyard" shall not be considered a recycling facility as defined in these Regulations. A recycling facility as herein defined shall be utilized by commercial contractors only. Such a facility shall not be utilized and/or accessible by the general public.

Retail Business: A commercial enterprise, a company that is engaged in on site stocking and sales of commodities in small or large quantities to the ultimate consumer.

Retail Establishment: The occupied space devoted to a single retail business.

Road: See Street Related Terms.

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

Sign: See Section 8.4 Signs.

Site Development Plan: That part of a development plan which clearly defines all buildings, parking areas, driveways and walkways, utilities, drainage facilities, landscaping and other site improvements.

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 detailed map and narrative.

Soils Map: The officially adopted soils classification of the Town of Portland as prepared by the Middlesex County Soil Conservation District and the Department of Agriculture, Soil Conservation Service.

Special Event: Bazaar, carnival, farmers market, cruise night, or similar activities.

Special Flood Hazard Area: The land in the flood plain subject to a one (1) percent or greater chance of flooding in any given year. The Special Flood Hazard Area contains all "A" and "A1"-"A30" Zones as designated on the Flood Insurance Rate Maps, dated 1978, and as revised; and contains all land within the Flood Plain Zone as a designated on the official Town of Portland "Zoning Map".

Stable: Any building or enclosed area used for the housing, feeding or caring of one or more horses.

Stable, Commercial: A stable where horses are kept for profit or gain, including but not limited to, the boarding of horses, riding instruction programs or the renting of horses.

Stable, Non-commercial: A stable used solely for horses owned by the resident-occupant.

State Health Code: The Public Health Code adopted by the Public Health Council pursuant to CGS Section 19-13, as amended.

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Storage Related Terms

Commercial Self-Storage Building: A commercial principal use where a building is divided into individual spaces which are rented or otherwise made available to persons for the storage of household, business, or other articles.

Storage Sheds: A one-story accessory building, not greater than 400 square feet, for the storage of equipment, tools or supplies.

Temporary Storage Structures: A temporary accessory structure, such as PODS, used for the storage of personal or business possessions for a limited period.

Street Related Terms

Abandoned Streets: A street that has been removed from the Town's system of accepted streets through cessation of public use over a period of time.

Arterial Street: A major through street that conducts relatively high volumes of traffic between communities (usual ADT is over 3,000 trips) and that is not intended to have a residential environment.

Collector Street: A street that conducts traffic between major arterial streets, activity centers, and/or neighborhoods (usual ADT range is 800-3000 trips). It is a principal traffic route within residential areas and carries relatively high volumes. A collector street ties in at one or both ends with an arterial street.

Cul-de-sac Street: A dead-end street that terminates in a circular vehicle turning area.

Discontinued Street: A street that has been removed from the Town's system of accepted streets through formal action at a Town Meeting.

Driveway: A privately owned road or means of access from a public road to the structures or uses on a lot.

Right-of-Way: A narrow strip of land used to gain access to a parcel of land that does not have direct access to a street right-of-way. A right-of-way is usually owned in fee by the party having the right to use it.

Road: The term "street" shall include road in these Regulations.

Street: Any road, highway, avenue, lane, or other public right-of-way dedicated to the movement of motor vehicles and that is shown on a subdivision plan approved by the Commission; or that is a State or Town road; private right-of-ways and discontinued, abandoned, or impassible streets are excluded.

Street, Impassable: A street in such a condition that it cannot be navigated by a standard passenger vehicle.

Street Line: The limit or property lines of the street right-of-way. Where such line has not been established, it is deemed to be a line parallel to and 25 feet distant from the centerline of the traveled section of the pavement for the purposes of these Regulations.

Street Right-of-Way: The parcel of land between street property lines, which are defined as the limits of land dedicated, secured, or reserved for public transportation uses; usually referred to as the Town or street right-of-way.

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Structure: Anything constructed or erected which requires location on the ground, including signs and billboards, excluding patios, and fences, or walls used as fences, which are less than 4 feet above the ground.

Town: The Town of Portland, Connecticut.

Trailer Related Terms:

Self-Contained Mobile Camping Vehicle: The definition of this term shall be the same as provided in Section 19-13-B97, subsection (a)(4) of the Public Health Code of the State of Connecticut, as amended.

Trailer: Any vehicle, not self-propelled, which is or can be mounted on wheels, and which is or can be used for sleeping or living quarters, or for business or storage purposes such as shipping containers, and tractor and box trailers, and also including mobile homes. Camp trailers, boat trailers, and livestock trailers or vans are also considered trailers and are therefore subject to the regulations described hereinafter.

Terminal, Bus: Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Terminal, Railroad Freight: A rail facility for freight pick up or distribution.

Terminal, Truck: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

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

Veterinary Clinic: A commercial facility where animals are brought in for medical treatment but are not kept overnight.

Veterinary Hospital: A commercial facility where animals are brought in for medical treatment and may remain overnight for observation, further medical treatment or recuperation.

Watercourses: Watercourses are the areas identified and defined in CGS Section 22a-38, as amended. "Watercourses" means river, streams (perennial or intermittent), brooks, waterway, lakes, ponds, marshes, swamps, bogs, and all other bodies of water that are contained within, flow through, or border upon any portion of this state; whether natural, artificial, public, or private; but does not include any tidal waters.

Wetlands: Wetlands are the areas identified in CGS Sections 22a-32 and 22a-38, as amended; and officially delineated by the Inland Wetlands and Watercourses Agency. "Wetland" means land that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, and amended, of the USDA Soil Conservation Service; and includes submerged land, but not tidal wetlands.

Work: "Work", as defined in the CGS, as amended, means all physical improvements required by the approved plan, other than the staking out of lots, and including but not limited to the construction of roads, storm drainage facilities, and water and sewer lines; the setting aside of open space and recreation areas; the installation of telephone and electric service; the planting of trees or other landscaping; and the installation of retaining walls or other structures.

Yard Related Terms

Yard: The open unoccupied space on the same lot with a building, extended along the entire length of a street or of an interior lot line, in which there shall be no structures other than permitted fences and/or signs.

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

Yard, Rear: The open unoccupied space across the full width of a lot between the rearmost structure and the rear lot line.

Yard, Side: The unoccupied space situated between the building and the sideline of the lot and extending from the front yard to the rear yard.

Yard Setback Related Terms

Setback: The shortest distance between any part of a building or structure and the nearest lot line or recorded right-of-way.

Setback, Minimum Front Yard: The minimum required distance from the front lot line to a building, structure, or use.

Setback, Minimum Rear Yard: The minimum required distance from the rear lot line to a building, structure, or use.

Setback, Minimum Side Yard: The minimum required distance from the side lot line to a building, structure, or use.

