ARTICLE II.

Definitions

Section 200 General Terms

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this regulation to have the meaning indicated in the article.

Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular number includes the plural, and the plural, includes the singular.

The word "person" includes a profit or non-profit corporation, company, partnership, or individual.

The word "shall" is mandatory and not directory; the word "may" is permissive.

The word "lot" includes the word "plot"

The word "structure includes the word "building".

The word "use" and the word "used" refers to any purpose for which a lot or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use, and to any purpose for which a building or structure or part thereof, is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for or erected, constructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.

Section 210 Other Terms

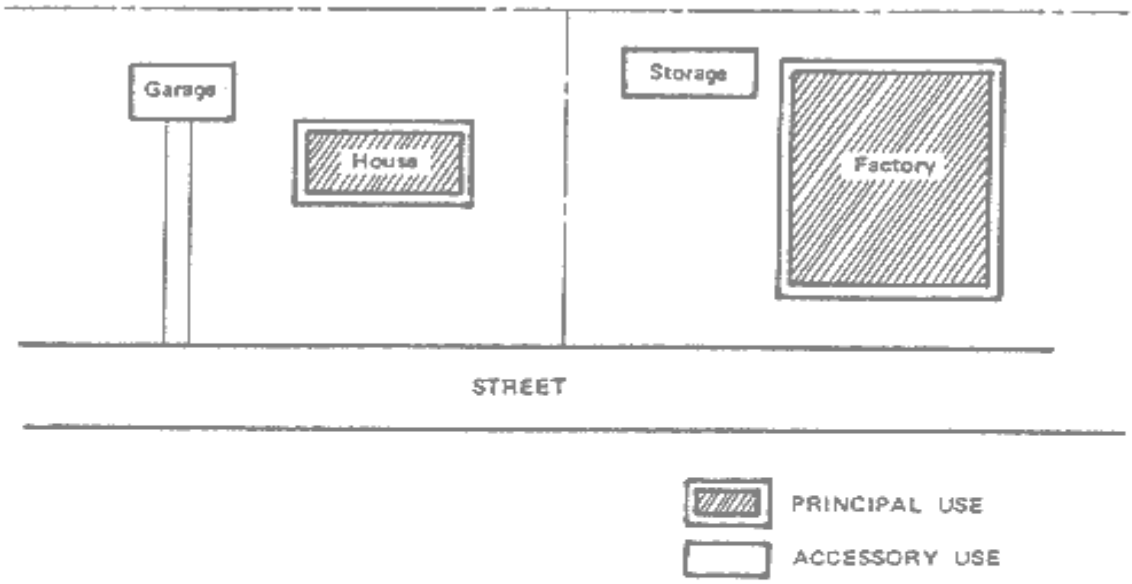
Accepted Street - A street which has been accepted by the City Council as a part of the city street system.

Accessory Apartment - A residential dwelling unit added to, within, or detached from a single-family dwelling that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is accessory and subordinate to the single-family dwelling unit it accompanies. *(Amended 1/16/03)*

Accessory Building - A building which is subordinate to the main or principal building(s) on a lot.

Accessory Residential Unit – A residential dwelling unit within a two-family dwelling unit that provides complete independent living facilities for one or more persons, in which the owner maintains as his/her residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is accessory and subordinate to the two-family dwelling unit it accompanies.

Accessory Use - A use which is subordinate and incidental to the main or principal use of a lot.



PRINCIPAL AND ACCESSORY USES

Adult Book Stores - An establishment having twenty-five percent (25%) or more of its stock in trade, books, magazines, films for sale or viewing on premises by use of Motion Picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Cabaret - A public or private establishment which may be licensed to serve food and/or alcoholic beverages, which regularly and routinely features live performances, where such performances are distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas".

Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

"Specified Anatomical Areas" is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished

or characterized by an emphasis on depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

Adult Motion Picture Theater - An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

Alley - Private or public thoroughfare other than a street, which affords a secondary means of access to the rear or side of abutting property.

Amusement Center - A business establishment containing more amusement devices per amount of floor area than permitted as an accessory use.

Amusement Device - A machine that is controlled and operated by the insertion of a coin or token, and intended for the amusement or recreation of a patron, including but not limited to baseball and football games, pinball games, video games and other similar games. Amusement devices shall only be considered as an accessory use for up to two devices in establishments containing up to 1,000 square feet of gross floor area; four devices in establishments containing more than 1,000 square feet of gross floor area up to 10,000 square feet of gross floor area; plus one additional device per each additional 10,000 square feet of gross floor area over 10,000 square feet.

Apartment Building - See Dwelling, Multiple.

Automobile Service or Filling Station - Any premises, the basic function of which is to provide for the direct retail sale of gasoline and oil, including minor accessories and routine automobile maintenance and service.

Awning - An architectural projection that provides weather protection, identity or decoration, covered with flexible material, including, without limitation, fabric, supported entirely from an exterior wall of a building, by a lightweight, rigid skeleton that may be retracted, folded, or collapsed against the face of the supporting building. *(Amended 8/28/99)*

Banners - Attention getting devices of various shapes, sizes and colors that typically are made of, but not limited to, flexible materials such as cloth, fabric or plastic and that does not typically include rigid supporting framing materials. *(Amended 8/28/99)*

Basement – A space having one-half or more of its floor –to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. See Figure X. *(Amended 08/01/10)*

Bed & Breakfast Inn - Owner occupied residential building, providing at least two (2) guest rooms without their own cooking facilities, but using no more than 60% of the gross floor area, for no more than 16 persons, including the owner occupants, who rent the rooms to transients for a fee on a daily or weekly basis, in which guests may not stay for more than twenty-one (21) consecutive days. The term Bed and Breakfast Inn shall not be interpreted to include a Hotel, Motel, Rooming House, Boarding House, Lodging House or Multiple Dwelling. *(Amended 01/07/03)*

Billboard - A structure designed or used for outdoor advertising of products or services or conveying a message not related to the premises on which it is located.

Boarding House, Lodging or Rooming Houses - Buildings in which sleeping rooms are rented providing sleeping accommodations for more than 3 persons, but not more than 15 persons, on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants; if there are sleeping accommodations for more than 15 persons it shall be considered a hotel.

Brew-pub - A brew-pub shall allow the manufacturer, storage and bottling of beer, and the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food pursuant to a manufacturers permit for a brew pub issued by the State of Connecticut Liquor Control Commission subsection (f) of C.G.S. Section 30-17 (or its successor). Included is the retail sale of beer produced on the premises for personal consumption off the premises and the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of as wholesaler permit issued by the State of Connecticut Liquor Control Commission pursuant to subsection (b) of C.G.S. Section 30-17 (or its successor). *(Amended 02/01/08)*

Building - Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or chattel. This term shall not include mobile homes or trailers.

Building Area - The total square footage of a building as measured in a horizontal plane around the outside of the structure, including overhanging structural members, but exclusive of terraces and steps. *(Amended 06/04/85)*

Building Frontage - The horizontal, linear dimension of that side of a building measured at ground level that abuts a street, parking area, or other circulation area open to the general public and that has either the primary window display of the enterprise or the primary public entrance to the building. Where more than one use occupies a building, each such use having a primary window display or primary public entrance for its exclusive use is considered to have its own building frontage, which is the front width of the portion of the building frontage occupied by that use. *(Amended 08/28/99)*

Building Line - A line established by this regulation which determines the minimum horizontal distance that a building or structure must be located from a lot line.

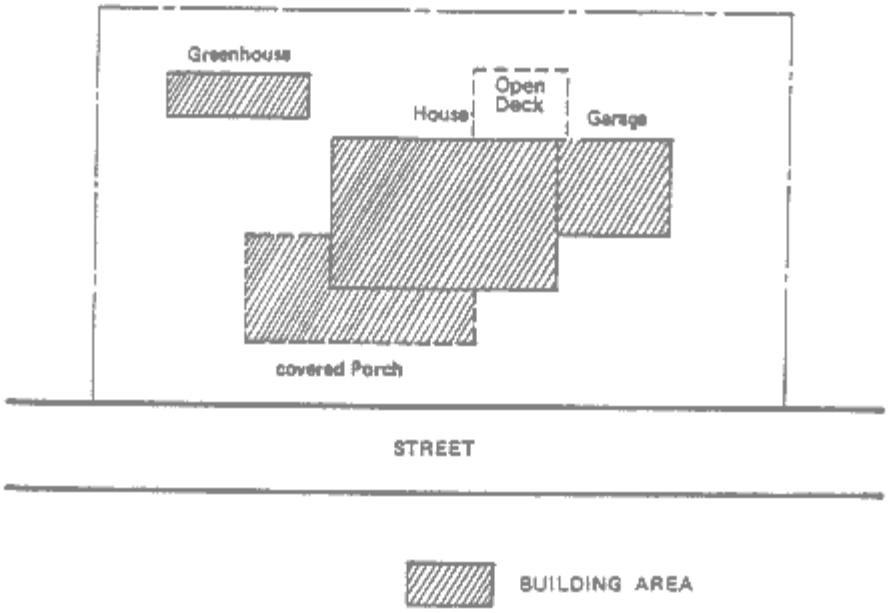
Building, Main - A building in which is conducted the principal use of the lot and/or building site on which it is situated.

Building Site - A lot or parcel of land in single or joint ownership which is occupied or can be occupied by a building, together with such open spaces as are required by the terms of this regulation and having its principal frontage on a public street, road, or highway.

Bulletin Board - A sign erected by a charitable, civic, philanthropic, community, educational or religious institution, organization or a public body, which is erected upon the same property as said institution, and that contains the name of the institution or organization, the names of the individuals connected with it and the events which are held on the premises. *(Amended 08/28/99)*

Business Records Storage Facility - structure used primarily for the compilation and storage of documents by hardcopy (paper), microfiche, optical or electrical media or other technological means. Physical access to documents by customers shall be only with the assistance of the employees of the facility and only during normal business hours. Remote electronic access to any document stored may be allowed at any time. No portion of the facility shall be divided, allocated, leased or separated into individual private storage spaces and shall not be used as a self-storage facility. *(Amended 06/07/06)*

Cable-restrained air supported structure – A cable-restrained air supported structure as defined in the State of Connecticut Building Code as it may be from time to time amended. *(Amended 09/15/14)*



BUILDING AREA
(basis for computing coverage)

Canopy - A roofed architectural projection that provides weather protection, identity or decoration which is supported by an exterior wall of a building and by additional supports, including, without limitations, columns, upright poles, or braces extended from the ground. A canopy is comprised of a rigid structure or stanchions over which a covering is attached. *(Amended 08/28/99)*

Cellar - A portion of a building that is partly or entirely below grade, which has more than one-half its height measured from floor to ceiling below the average finished grade of the ground adjoining the building. See Figure X. *(Amended 08/01/10)*

Child Day Care Center - See Nursery School.

Club, Commercial - A business enterprise conducting leisure time activity, including tennis, swimming, ice skating, racquetball, health and exercise facilities, and similar uses, which make facilities available to members, customers, or clients on a seasonal or hourly basis and which may include incidental sale of snacks, incidental sales or rental of sports equipment and clothing, and nursery facilities; 1;

Club, Membership - A private unincorporated association of persons or an association incorporated under the membership association law for common social, recreational, fraternal, religious, or political purpose, and which association or membership corporation is not conducted for profit, and is not part of, related to, or associated with a profit making venture and whose premises are available exclusively to members and their guests and which is managed by officers or directors, serving without pay and chosen or elected directly by members who form such an association or membership corporation.

Coastal Boundary - A continuous line, delineated on the landward side by the landward property lines of parcels bisected by the interior contour elevation of the 100 year frequency coastal flood zone as determined by the National Flood Insurance Act, or a 1,000 foot linear setback measured from the inland boundary of tidal wetlands mapped under Section 22a-20 C.G.S., whichever is farthest inland. This boundary is delineated on the Coastal Boundary Map for the City of New London on file in the offices of the City Clerk and Building Department.

College - An educational institution of higher learning certified or accredited by the State of Connecticut to award degrees or certificates.

Convalescent Home - See Nursing Home.

Coverage - The proportion of a lot covered by the building area of all buildings, principal and accessory, expressed as a percentage of the total lot area. *(Amended 06/04/85)*

Discontinuance - Any cessation of a non-conforming use whether such cessation is voluntary or involuntary, active or passive; and irrespective of the circumstances giving rise to such cessation or the reasons therefore.

District, Zoning - A portion of the City within which certain uses of lands, buildings, and/or structures are permitted or prohibited and wherein certain yards and other open spaces are required and certain height limits are established for the same; all as set forth and specified in this regulation.

Dormitory - Buildings or spaces in a building where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks, ski lodges; with or without meals, but without individual cooking facilities.

Drinking Establishment - Cafe, Bar, or Cocktail Lounge - An establishment devoted primarily to the retail sale of alcoholic liquor to be consumed on the premises, and where food is available for sale to its customers for consumption on the premises in accordance with Section 30-22a of the Sate of Connecticut Liquor Control Regulations. Such establishments are generally open for lunch and may or may not have live entertainment, but not as a principal use. The use of any of the terms used in these regulations implies the others as well. *(Amended 10/15/93)*

Drive-in Establishment - A retail or service establishment catering to customers through window or counter service and designed for easy automobile access.

Duplex Dwelling – A two family residence in which the individual dwelling units and individual lots are separately owned and in which no dwelling unit is less than 1500 square feet. *(Amended 6/18/98)*

Dustless Surface - Dustless surface shall mean adequately covered with concrete, asphalt, or bituminous products and maintained in good condition at all times.

Dwelling - A group of rooms, including a kitchen and bathroom, designed for non transient occupation by one family.

Dwelling, Multiple - A building or portion thereof used and designed as a residence for three or more households living independently of each other and

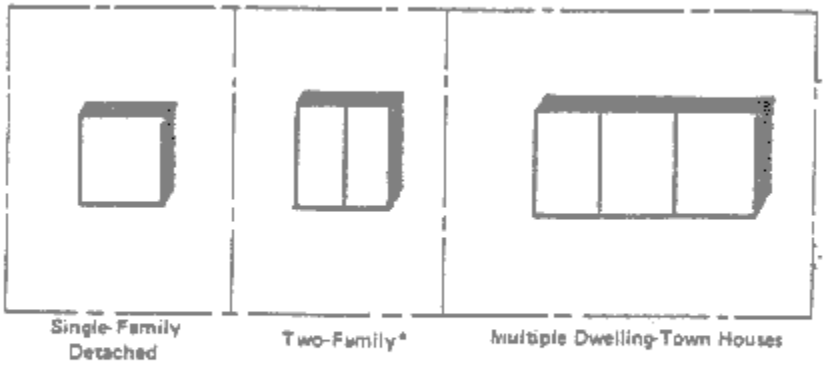
doing their own cooking in said building, including apartment houses, apartment hotels and flats, town houses, but not including hotel, motel or boarding houses.

Dwelling, Single Family - A detached building designed for and/or occupied exclusively by one family.

Dwelling, Town House, - A dwelling attached to at least two other dwelling units and separated from them by one or two party walls extending from the ground to the roof.

Dwelling, Two Family or Duplex - A building designed and/or used to house not more than two families living independently of each other.

Eligible Household- A household whose annual income is at or below eighty percent (80%) of the area median income for New London as determined and reported by the United States Department of Housing and Urban Development (HUD). *(Amended 12/15/10)*



*Two family dwellings may also consist of two units, one above the other (duplex), in addition to side by side as illustrated.

DWELLING TYPES

Family - One or more persons related by blood, marriage or adoption (including wards of the State) or a group of not more than five persons who need not be so related and who are living in a dwelling unit and maintaining a common household *(Amended 08/23/05)*.

Family Day Care Home - A private family home licensed by the State of Connecticut which cares for not more than six children including the provider's own children not at school full-time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period, and where care is given on a regularly recurring basis.

Fence - A barrier of any approved materials or combination of materials erected to enclose, separate, or screen areas of land.

Flags - A piece of cloth or bunting varying in color and design, used as, but not limited to, a symbol, standard, emblem or insignia identifying a governmental agency or any civic, charitable, religious, institutional, patriotic, corporate, fraternal or similar organization, flags of foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by the legislative body of a governmental jurisdiction. ***(****Amended 08/28/99)*

100 Year Flood - Means of flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one percent probability of occurrence in any year.

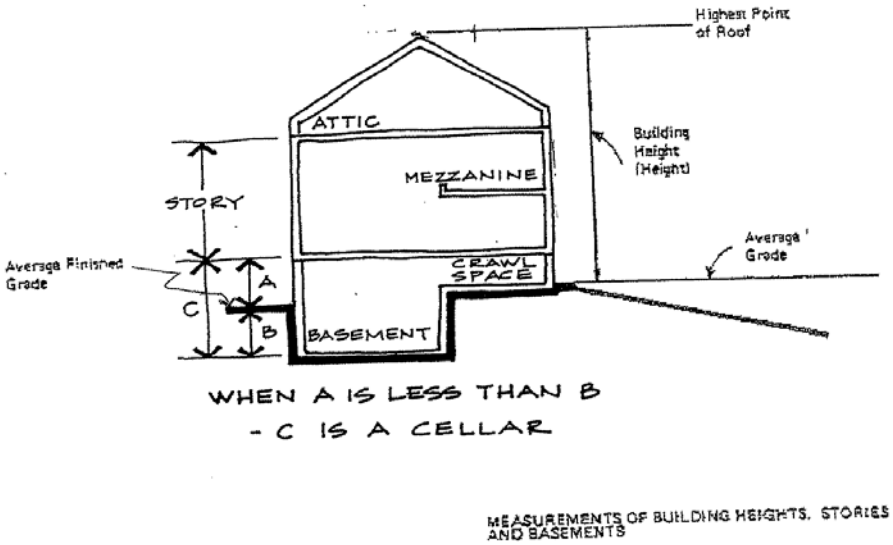
Floor Area, Gross - The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the interior faces of exterior walls, or from the center line of walls separating two buildings. In particular, the "floor area" of a building or buildings shall include:

- Basement space.
- Elevator shafts and stairwells at each floor.
- Floor space for mechanical equipment.
- Penthouses.
- Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more.
- Interior balconies and mezzanines.
- Enclosed and covered porches.
- Accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- Elevator and stair bulkheads, accessory water tanks and cooling towers.
- Uncovered steps.
- Terraces, and open spaces.
- Accessory off-street parking spaces.

Floor Area, Livable - The floor area of a dwelling unit finished for occupancy but not including porches, utility rooms, garages, bay windows or public hallways and capable of maintaining an interior room temperature, having adequate ventilation and meeting dimensional requirements in accordance with the provisions of applicable Codes.



MEASUREMENTS OF BUILDING HEIGHTS, STORIES AND BASEMENTS

FIGURE X

(Amended 08/01/10)

Floor Area Ratio (FAR) **-** The ratio of the gross floor area of a building divided by its lot area.

Front Face - The outer surface of a building which is visible from any private or public street.

Frontage - Linear distance of a lot along a street line.

Grade, Finished - Natural surface of the ground, or surface of the ground after completion of any change in contour.

Height of Building - The vertical distance from the average level of the highest and lowest point of that portion of the original grading of the lot covered by the building to the highest point of the roof. *(Amended 07/26/06)*

Historical Marker/Plaque - A sign, tablet, or plaque memorializing a person, event, structure, or site. *(Amended 08/28/99)*

Home Based Business- Any business, occupation, or activity for gain, undertaken by a legal resident of the property, within a residential structure, that is incidental and secondary to the use of that structure as a dwelling unit. *(Amended 10/18/2001)*

Homeless Service Center - a private, public, or quasi-public facility to provide temporary counseling, case management, medical assessment and referral, health outreach, computer center, social service information and referral, job search assistance, veteran's administration counseling, and other similar services to homeless persons.

Homeless Support Center - a private, public, or quasi-public facility to provide temporary daytime shelter, common room, telephone, mail, showers, laundry, bathrooms, snacks, appointment assistance, and other similar services to homeless persons.

Hospital - A facility licensed by the State Department of Health providing health services and medical or surgical care to persons.

Hospital, Veterinary - A facility for the diagnosis, treatment and/or care of animals by a veterinarian licensed by the State of Connecticut.

Hotel or Motel - Building or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a

hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

Houseboat - A water craft used or designed to be used as a permanent residence or permanent address for a business enterprise or office. All water craft not primarily used for recreational purpose or commercial fishing use and on which people reside for more than weekend periods or more than 30 days in any calendar year, shall be defined as a houseboat.

Incentive Housing Development- A residential or mixed use development that is located within an Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes §§8-13m et seq., as amended, and §537 of these New London Zoning Regulations. *(Amended 12/15/10)*

Incentive Housing Restriction- A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes §§ 8-13m et seq., as amended, and §537 of these New London Zoning Regulations. *(Amended 12/15/10)*

Incentive Housing Unit- A dwelling unit within an Incentive Housing Development that is subject to an incentive housing restriction. *(Amended 12/15/10)*

Incentive Housing Zone- A zone adopted by a zoning commission as an overlay to one or more existing zones, in an eligible location and in compliance with Connecticut General Statutes §§ 8-13m et seq., as amended. *(Amended 12/15/10)*

Juice Bar - A space in a building providing facilities for dancing and/or entertainment, and which is operated in conjunction with a night club catering to persons both above and below the legal age for drinking alcoholic beverages. *(Amended 10/15/93)*

Junk Car or Vehicle - An unregistered or inoperable car or vehicle.

Junkyard - Any land or building where the principal use, in whole or in part, is for the collecting, storage, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, or similar material; including an automobile junkyard as defined by State Law.

Laboratory – A specialized facility where the small scale manipulation of chemicals, biological materials, and under license by the NRC, use of radioactive materials occurs. Manipulations are generally able to be carried out by one person without mechanical assistance, The definition of Laboratory shall include, but is not limited to, the following types of laboratories: Analytical, Clinical, Chemistry, Environmental, Toxicology, Pathology, Virology, Bacteriology, Hematology, Genetics (Plant or Biological), Chemical Synthesis, Process Development, and Radiosynthesis. *(Amended 09/01/98)*

Leased Premises- A portion of a parcel of land or portion of a building footprint as defined by metes and bounds on a Class A-2 Survey and whose boundaries serve as the limit of activity for a use defined in these regulations, the Class A-2 Survey must be certified by a land surveyor with an active license in the State of Connecticut. *(Amended 12/15/10)*

Limited Recycling Processing Facility - The land, appurtenances, and structures thereon where only glass, metal, plastic containers; paper; textiles; and scrap metal are separated and packaged for transport. *(Amended 09/30/08)*

Loading Berth - An accessible unobstructed space, a minimum of 15 feet in width by 45 feet in length by 14 feet in height, adjacent to a street or alley, at the rear or side of the building, and used for the loading or unloading of goods. *(Amended 6/4/85)*

Lot - A plot or parcel of land under the same ownership and permitted by law to be occupied by one building or a group of buildings and accessory buildings including such yards and area as are required by these Regulations.

Lot, Area - The total horizontal area included within the lot lines.

Lot, Corner - A lot at the junction of and abutting on 2 or more intersecting streets.

Lot, Depth - The horizontal distance between the mid-points of the front and rear lot lines measured in the general direction of the side lot lines.

Lot, Rear - A lot located in such a position that it is to the rear of some other lot fronting on the same street and served by means of an access way.

Lot, Interior - A lot other than a corner lot.

Lot, Line - A boundary of a lot.

Lot Line, Front - The street line along the principal street on which the lot abuts.

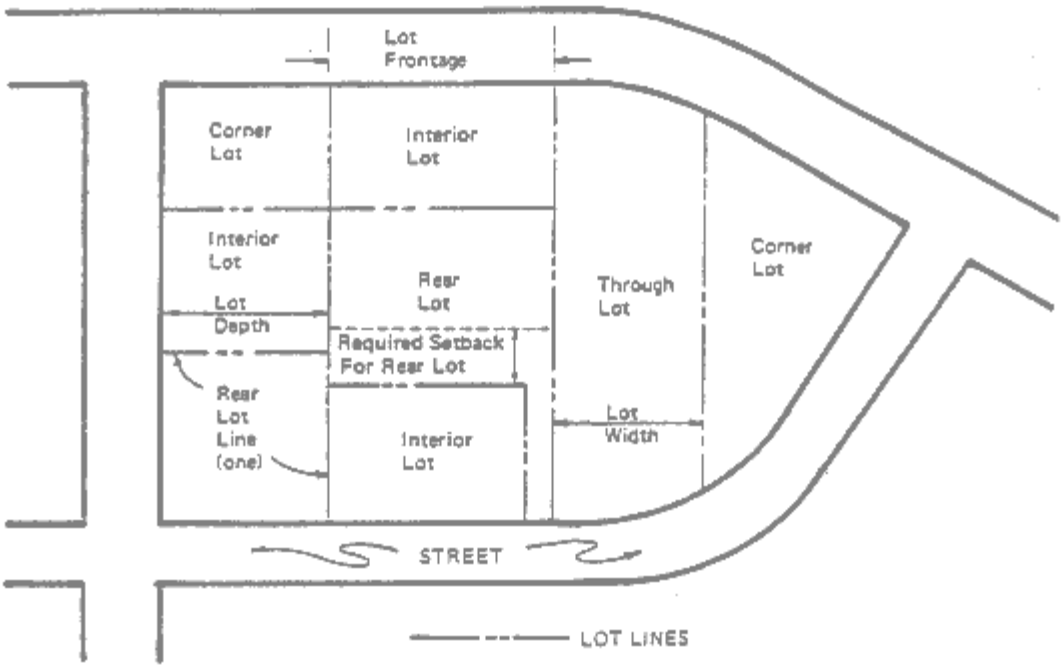
Lot Line, Rear - The boundary opposite the front line, but should this be less than ten feet in length, or should the lot come to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet in length, lying wholly within the lot, and farthest from the front line.

Lot Line, Side - The lines separating the lot from the immediately adjacent lot.

Lot of Record - A lot which is part of a subdivision recorded in the office of the City or County Clerk, or a lot or parcel described by metes and bounds which has been so recorded prior to the effective date of this regulation or any amendment thereof that would affect such lot.

Lot, Through - A lot which is not a corner lot and which has two street lines.

Lot, Width - The distance between the side lot lines measured across the required front yard minimum setback line parallel with the street.



TYPES OF LOTS

Microbrewery - A malt beverage manufacturing facility whose capability does not exceed 60,000 barrels (31 gallons/barrel) per year. *(Amended 05/02/96)*

Mixed-Use Development- A development containing any combination of residential and civic, retail, restaurant, or office uses. *(Amended 12/15/10)*

Mobile Home - A one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

Multifamily Building- A building that contains or will contain two or more residential dwelling units that does not meet the definition of Townhouse. *(Amended 12/15/10)*

Night Club, Discotheque, Dance Hall, or Entertainment Club - An establishment in a permanent building primarily kept, used, maintained and advertised as a place wherein customers above the legal age for drinking alcoholic beverages pay an entry fee for forms of entertainment including music bands, comedy shows, disc jockeys or other forms of entertainment but, excluding adult entertainment cabarets and which may or may not be licensed to serve food and/or alcoholic liquor. The use of any of the terms used in these regulations implies the others as well. *(Amended 10/15/93)*

Non-Conforming Building or Structure - A building or structure legally existing on the effective date of this regulation or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation for any prescribed structure or building requirement, such as front, side or rear yards, building height, building area or lot coverage, lot area per dwelling unit, dwelling units per building, number of parking and loading spaces, etc., but which is continuously maintained after the effective date of these regulations.

Non-Conforming Lot - A lot legally existing on the effective date of this regulation or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation for any prescribed lot requirement (i.e., area, frontage, width or depth).

Non-Conforming Use - A use, whether of a building, structure or lot, or combination thereof, legally existing on the effective date of this regulation or any applicable amendments thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation pertaining to

use, but which is continuously maintained after the effective date of these regulations.

Nursery School - A private establishment licensed by the State of Connecticut having facilities and all necessary personnel for the care, guidance and/or supervision of seven or more related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days of the week.

Nursing Home - A chronic and convalescent nursing home, or a rest home with nursing supervision, as defined and licensed by the State of Connecticut.

Open Unoccupied Space - A space on the same lot as a building not occupied by a building or structure.

Owner Occupied - An individual having recorded title to the land and/or building and using the property as the individual's principal and primary domicile.

P&Z - Planning and Zoning Commission of the City of New London.

Parapet Wall - Any portion of the vertical extension of a perimeter or exterior wall, constructed of materials similar in appearance to those used on the exterior wall below and extending above the roof. *(Amended 8/28/99)*

Parking Space - An area for the temporary storage of a motor vehicle located in other than a public street or other public way and having a width of not less than 9 feet and a length of not less than 20 feet and having a permanent means of access to a public street or public alley without requiring passage through another parking space.

Person - Any person, firm, corporation, partnership, association, company, institution or organization of any kind.

Place of Worship - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Premises - A lot, as defined herein, with own buildings located thereon.

Professional Office - Office for person or persons whose vocation or occupation requires advanced training in a liberal art or science, a State license or certification, and whose work usually involves non-manual work and services are rendered rather than goods offered for sale on the premises, and including

doctors, dentists, other medical professionals, lawyers, engineers, and architects. The following or similar uses are not professional offices: contractor, beauty parlor, insurance agent, medical testing laboratory, pest control, pharmacy, real estate agent.

Public Parking Lot - Any lot or structure used for the storage of motor vehicles which contains space available to the general public by the hour, day, week, month or year.

Public Transportation- A use or structure that facilitates the transportation of the general public, including but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like. *(Amended 12/15/10)*

Residential Homeless Shelter - a private, public, or quasi-public facility to provide temporary overnight sleeping accommodation, storage for personal items, showers, laundry, bathrooms, snacks, and other similar services to homeless persons.

Restaurant - an establishment in a permanent building, kept, used, maintained and advertised as a place where meals are regularly served.
Religious Baths – A bathing facility located entirely within a structure in which facility a member of a religious sect engages in a private ceremony in conformance with adopted rules and tradition of the religious organization. *(Amended 09/18/00)*

Rooming House - See Boarding House.

School - A public or private school teaching subjects required by the Education Code of the State of Connecticut.

Self Service Storage Facility – a structure or structures, with controlled access, containing separate, individual, private storage spaces of varying sizes leased or rented on individual leases for varying periods of time, serving residential and commercial establishments, for the storage of goods or possessions specifically excluding hazardous or flammable materials. (*Amended 09/25/01*)

Sign - Any device, object or display or part thereof, attached to or painted on a building, pole, tree or structure, which shall include without limitations any letter, figure, word, model, insignia, symbol, or representation which is in the nature of, or which is used as an announcement, direction or advertisement or attention getting device. A sign includes any message, neon tube, string of lights, or similar device outlining, hung, painted upon, or attached to part of a building or lot. *(Amended 08/28/99)*

Sign, Abandoned - A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located. *(Amended 08/28/99)*

Sign Area - Sign area shall be measured as follows:

- When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such a frame or outline, including such frame or outline, shall be included.
- Sign area excludes the supporting structure.
- When such a sign consists only of letters, designs, or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter of which such sign consists may be inscribed.
- In computing the area of a sign standard mathematical formulas for regular geometric shapes, including, without limitation, triangles, parallelograms, circles, ellipses, or combinations thereof.
- The total surface area of signs composed of more than one sign element includes the vertical and horizontal spacing between each element of the sign. *(Amended 08/28/99)*

Sign, Awning/Canopy - A sign displayed on or attached flat against the surface or surfaces of an awning or canopy. *(Amended08/28/99)*

Sign, Changeable Copy/Readerboard/Readograph - A sign that is designed so that characters, letters, or illustrations can be changed or rearranged by manual or remote methods. *(Amended 8/28/99)*

Sign, Construction - A temporary sign giving the name or names of the building, project, principal contractors, architects, engineer, sponsors, lending institutions or other persons, individuals or firms involved in the construction of a site. *(Amended 08/28/99)*

Sign, Directional - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrians or vehicular traffic. *(Amended0 8/28/99)*

Sign, Directory - A wall, hanging or free standing sign on which the names and locations of occupants, businesses or the use of the building is given. *(Amended 08/28/99)*

Sign, Flashing - An illuminated sign designed to attract attention by the inclusion of lighting that is not in a constant state of intensity and/or color except for a time-temperature device. *(Amended 08/28/99)*

Sign, Free Standing - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground, if no part of the sign is attached to any part of a building or structure other than its own supports. *(Amended 08/28/99)*

Sign, Ground - A sign which is different from a free standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

Sign, Hanging - A sign other than a wall sign or an awning sign that is attached to, projects from, or hangs down from a building or structure. *(Amended 08/28/99)*

Sign Height - Sign height means the vertical distance measured from the lowest point of the finished grade within ten (10) feet of the sign, to the highest point of the sign or sign structure, whichever is higher. *(Amended 08/28/99)*

Sign, Illegal Non Conforming - Any existing sign that was erected in violation of these regulations governing the sign at the time of its erection and that has never been approved by the zoning authority of the City. *(Amended 08/28/99)*

Sign, Illuminated - A sign characterized by the use of artificial light, either projecting through its surface(s), or reflecting off its surface(s). *(Amended 08/28/99)*

Sign, Illumination, External - Lighting by means of a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front or by a light source that is designed to illuminate the building façade upon which a sign is displayed. *(Amended 08/28/99)*

Sign, Illumination, Internal - Lighting a sign by a light source that is within a sign having a translucent background and silhouettes, opaque letters, or designs, or that is within letters or designs that are themselves made of translucent material. For the purpose of these regulations the use of neon to illuminate a sign shall not be considered as internal illumination. *(Amended 08/28/99)*

Sign, Inflatable - A display capable of being expanded by air or a gas lighter than air, such as helium or other gas and used on a permanent or temporary basis to advertise a product or event. *(Amended 08/28/99)*

Sign, Integral - Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of materials mounted on the face of a building and made an integral part of the structure**.** *(Amended 08/28/99)*

Sign, Interior - Any sign placed within a building, not intended or oriented so as to be legible from a street or other property, but not including window signs. *(Amended 08/28/99)*

Sign, Legal Non–Conforming - An existing sign that was lawfully erected and maintained under any previous versions of these regulations but which does not conform to the requirements of these regulations as a result of the amendments to these regulations. *(Amended 08/28/99)*

Sign, Marquee - A sign attached to or hung from a marquee canopy or other permanent, roof like covered structure projecting from and supported entirely by a building and extending beyond the building wall, building line or street lot line. *(Amended 08/28/99)*

Sign, Menu Board - A permanently mounted sign associated with restaurants, which gives a detailed lists of foods served. *(Amended 08/28/99)*

Sign, Moving or Animated - A sign which rotates, moves, or in any way simulates motion as to give a viewer the illusion of moving parts or messages. *(Amended 08/28/99)*

Sign, Off Premise/Outdoor Advertising Billboard - A sign including without limitations, a billboard or outdoor advertising sign whose message content advertises or directs attention to a business, profession, commodity, entertainment service, or activity, conducted, sold, or offered elsewhere than on the same property or within the same building upon which such sign is located. *(Amended 08/28/99)*

Sign, political - A temporary sign intended to advance a political statement, cause, issue, or candidate for office. *(Amended 08/28/99)*

Sign, portable - Any sign not permanently attached to the ground or to a building or building surface such as an "A' frame sign. *(Amended 08/28/99)*

Sign, Public - Signs of a non-commercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his/her public duty, such as traffic safety signs, directional signs, and regulatory notices. *(Amended 08/28/99)*

Sign, real estate - Any temporary sign erected to advertise the sale, rental or lease of a building or property. *(Amended 08/28/99)*

Sign, real estate development - A permanent sign erected to identify the name and address of an approved multi-unit apartment or condominium complex or the name of an approved subdivision or cluster development. *(Amended 08/28/99)*

Sign, Roof - Any sign erected and maintained upon the main roof of a building, or projecting above the roof line of a structure. The roof line shall be considered the top of the cornice of a flat roof, the eave line of a pitched roof and the bottom edge of any sloping section. *(Amended 08/28/99)*

Sign, Structure - any supports, uprights, braces, or framework of a sign. *(Amended 08/28/99)*

Sign, Temporary - A sign which is designed to advertise or announce a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item which will be available for a limited period. *(Amended 08/28/99)*

Sign Vehicular-Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle. *(Amended 08/28/99)*

Sign, Wall - A sign which is attached to or painted on the wall of a building. *(Amended 8/28/99)*

Sign ,Window - A sign placed inside or on a window and intended to be viewed from the exterior of the building. *(Amended 08/28/99)*

Special Exception Use or Special Permit Use - A use of property that is basically appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore is not permitted by right everywhere within such district. A special exception use, therefore, is one which is allowable only when facts and conditions specified in the regulation as those upon which the use is permitted are found to exist.

Story – That portion of a building included between the surface of any floor and the surface of the floor area next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. *(Amended 08/01/10)*

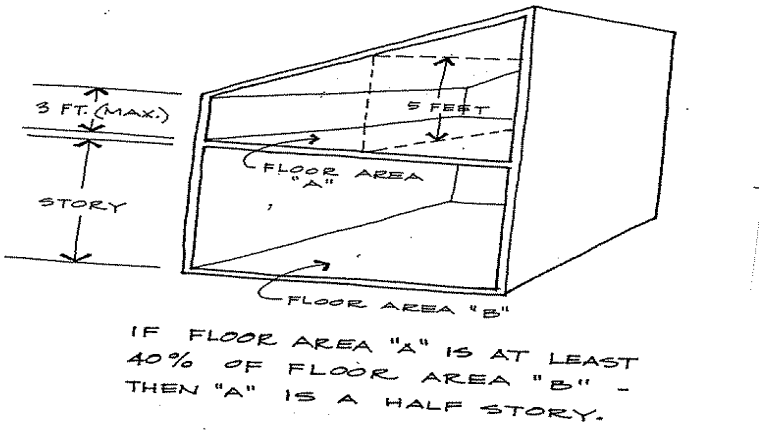
Story, Half – A space under a sloping roof that has the line of intersection of the roof and wall face not more that three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath. *(Amended 08/01/10)*

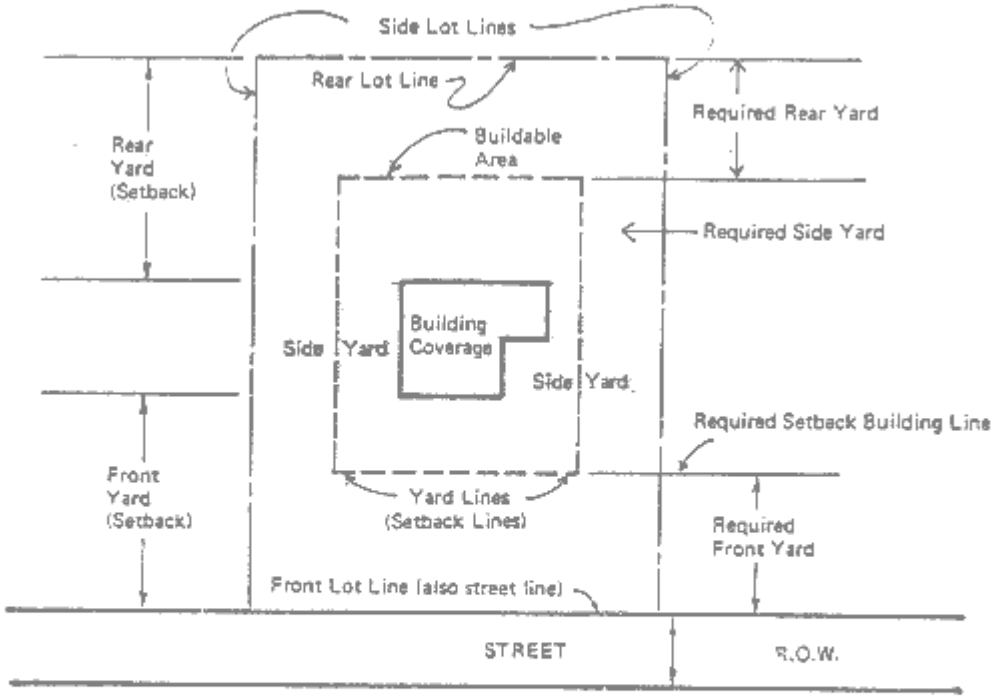
Street - A public way, or private thoroughfare constructed to City specifications which affords legal access to an abutting property.

Street Level Floor(s) – The floor or floors of a building having the ability to access any part of the surrounding finished grade via less than a full flight (one story) of stairs. A building may have more than one street level depending on the surrounding terrain. *(Amended 8/23/05)*

Street Line - The dividing line between the street and the lot.

Figure Y: *(Amended 08/01/10)*





VARIOUS LOT AND BULK DEFINITIONS

Structure - Anything constructed, formed or erected for use, occupancy, ornamentation or visual communication whether installed on, above, or below the surface of land or water. Except as otherwise indicated, structure shall be deemed to include buildings, swimming pools, tennis courts, signs, and fences or walls more than three feet in height other than retaining walls.

Tattoo Parlors/Tattoo Facilities – "Tattooing" means marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars. Body piercing is permitted as an accessory uses to tattoo parlor. Body piercing is defined as the piercing or creating a channel through any part of the body other than the ear lobe for the purpose of inserting a decorative object, and "ear lobe" means the lower portion of the auricle having no cartilage. Tattoo Parlors/Tattoo facilities shall be permitted in the following zones only: CBD-1, CBD-2, & C-1**.** (A*mended 03/31/09*)

Tavern - An establishment which allows the retail sale of beer, cider and wine to be consumed on the premises with or without the sale of food. *(Amended 10/15/93)*

Temporary Building or Structure - A building or structure which is constructed or located on a site and remains on said site for a period not more than one year.

Terrace - An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace shall not be deemed a structure.

Townhouse- A residential building consisting of two or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides. *(Amended 12/15/10)*

Use - The purpose for which land, premises or a building thereon is designed, arranged, intended for or which it is or may be occupied or maintained.

Vending Machine - A coin or key-card operated device that dispenses some product or packaged article.

Water Dependent Use - Those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat facilities, navigation aids, basins and channels,

industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters.

Water Related Use - Uses which derive significant benefit from a waterfront location but which are not functionally dependent on such location. *(Amended 10/20/94)*

Yard - A space on the same lot with a main or principal building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Regulation.

Yard, Front - An open, unoccupied space on the same lot with a main building situated between any part of the building and the street line of the lot, extending the full width of the lot, and in the case of a corner lot, said space extending along all streets.

Yard, Rear - An open, unoccupied space on the same lot with a main building situated between any part of the building and the rear lot line, and said space extending the full width of the lot.

Yard, Side - An open, unoccupied space on the same lot with a main building situated between any part of the building and the side line of the lot and said space extending through from the front yard to the rear yard.

Yards, Measurement of - The depth or width of all yards shall be considered as the minimum distance measured along a straight line, between any part of the main building and respective lot line.

ZBA - Zoning Board of Appeals of the City of New London.

ZO - Zoning Officer or Official of the City of New London.

Section 220 <u>Interpretation of Other Terms</u> *(Amended 8/23/05)*

Doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to:

220.1 The Connecticut General Statutes
220.2 The Illustrated Book of Development Definitions
220.3 Black's Law Dictionary
220.4 Webster's Third New International Dictionary