

SECTION II

INTERPRETATION OF REGULATIONS

A. GENERAL INTERPRETATION

The uses of land, buildings or structures not clearly permitted in the various zones are prohibited.

B. INTERPRETATION OF TERMS

Certain terms used herein shall be interpreted as follows:

Words used in the present tense include the future tense.

The singular includes the plural, and the plural the singular.

The word "person" includes a partnership, corporation, or other entity.

The word "building" includes the word "structure."

The word "zone" includes the word "district."

The word "Commission" means the Planning and Zoning Commission of the Town of Avon.

C. DEFINITIONS

The definitions contained in this Section shall be used for the purpose of interpreting the various provisions of these Regulations.

The Planning and Zoning Commission shall establish the appropriate definition for words not defined in this section or in case of an uncertainty.

ACCESSORY - (e.g., accessory building, structure, or use) Customarily incidental and subordinate to a principal building, structure, or use located on the same lot.

ACCESSORY APARTMENT - A second dwelling unit in an existing single-family detached dwelling for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

ASSISTED LIVING FACILITY - A residence facility for the elderly or disabled that contains independent living units with provisions for cooking, eating, sanitation, and sleeping; that provides for meals, personal care, and supervision of self-administered medication; and that provides a transition between independent living and skilled nursing care.

ATTIC - A space immediately below the roof of a building that is used solely for utilities, storage, or other accessory uses and that is not generally intended, designed or used for regular human occupancy. If the space immediately below a roof is greater than six (6) feet in height over an area equal to or greater than two hundred (200) square feet, the space shall be deemed to be a separate story or half story and shall not be deemed to be an attic.

BASEMENT - That portion of a building where the ceiling is less than three (3) feet above the average ground level.

BERM - A mound of earth typically used as a landform design element or buffer.

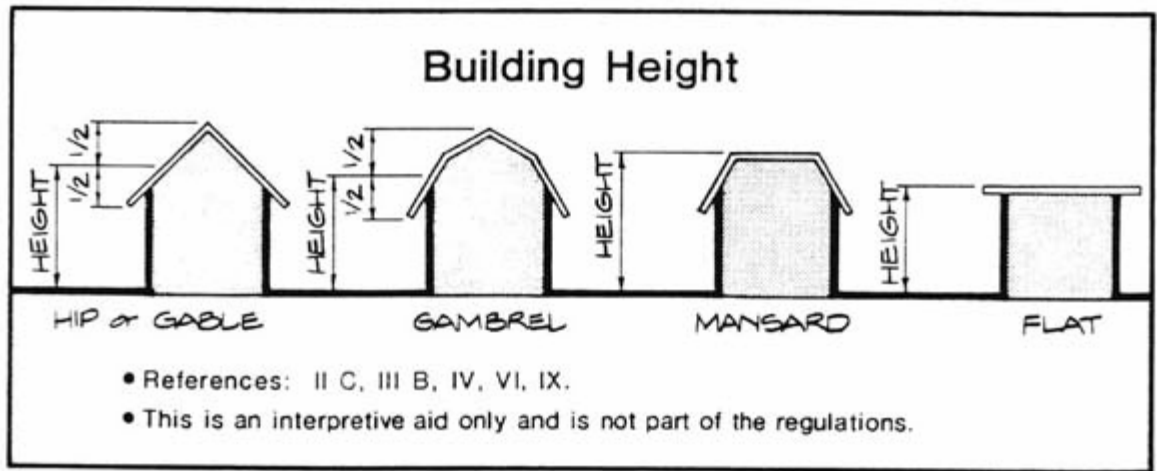
BUFFER - Land area used to visibly separate one use from another or to block noise, lights, or other nuisances, generally through the use of landscaping, structures, and/or vegetation.

BUILDING - A structure having a roof supported by walls on all sides and intended for shelter, housing or enclosure of any person, animal, or material of any kind. Buildings that are physically connected only by structures other than buildings, such as covered walkways, shall be deemed to be separate buildings.

BUILDING FLOOR AREA, MAXIMUM - The maximum cumulative area, as specified in and permitted by these Regulations, of all floors in any one building, except that the area of basement floors and attic floors shall not be included in the calculation of maximum building floor area.

BUILDING HEIGHT - The vertical distance from the average finished ground level at the building walls to the highest point of the roof or to the average height between the eaves and the ridge for a gable, hip, or gambrel roof. For buildings which have more than one roof line, height requirements shall be measured to the highest roof.

BUILDING HEIGHT, MAXIMUM - The maximum building height, as specified in and permitted by these Regulations. The maximum building height in any zoning district shall also be the maximum height of any structure in the same zoning district, except as provided in Section III.B.2. of these Regulations, and except that stand pipes, soil stacks, chimneys, and similar accessory utility structures, as well as television and radio antennas that are affixed to a building, may extend not more than an additional five (5) feet above the highest point of the roof of the building to which they are accessory, provided the roof complies with the maximum building height limitation.



BUILDING LINE - A line parallel to the property lines set back a distance equal to the yard requirements established for the zone in which the lot is located. (See Yards.)

CALIPER - The diameter of a tree trunk, measured 6" above the ground.

CERTIFICATE OF OCCUPANCY - A document issued by the Building Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable regulations and approvals.

CONGREGATE LIVING FACILITY - A residence facility for elderly or disabled residents that contains independent living units with provisions for cooking, eating, sanitation, and sleeping and that provides communal dining facilities and other appropriate support services such as housekeeping, organized social and recreational activities, and/or transportation.

CONVENIENCE GOODS - Goods such as food, dairy, bakery, or drug products which may regularly be required in the day-to-day functions of a residential home.

DAY CARE - The provision of a supplementary care program to people outside their homes on a regular basis.

DECIBEL - A unit of sound pressure level which is commonly used to express noise level.

DENSITY - The maximum number of families permitted per acre of developable land.

DWELLING - A building or portion thereof designed and used exclusively for residential occupancy.

EARTH - Earth, sand, gravel, clay, quarry stone, and other earthen materials.

ELDERLY - Age 62 or older or, in the case of elderly occupancy, where at least one member of the immediate family is age 62 or older.

EMERGENCY MEDICAL CARE FACILITY - A medical office staffed by a licensed medical professional, such as a physician or veterinarian, providing emergency treatment for humans or animals on a walk-in basis. The facility will provide equipment and pharmaceuticals necessary to diagnose and treat medical and surgical emergencies.

FAMILY - Any number of individuals related by blood, marriage, or adoption and not more than two additional unrelated individuals living and working together on the premises as a single housekeeping unit.

FARMING - Cultivation of soil for growing of crops; dairy farming; orchards; and/or the raising, breeding, and keeping of livestock and animals (excluding pigs) on a parcel of land containing at least 10 acres.

FARMING, LIMITED - Farming on a tract of less than 10 acres provided the use is accessory to the principal use of the premises. Animal size is defined as follows: Large Animals - domestic animals whose mature weight is generally 500 pounds or more, such as horses and ponies. Medium Animals - domestic animals whose mature weight falls within the range of 30-500 pounds, such as sheep and goats. Small Animals - domestic animals with a mature weight of less than 30 pounds, such as poultry, fowl, and rabbits.

FLOOR - The bottom surface of a room or of any other interior space within a building.

FRONT LOT - A lot which abuts and fronts on a street and which meets the lot width requirement of the zone.

HOME OCCUPATION – An occupation or business activity which results in a product or service for financial gain; is conducted in whole or in part in the dwelling unit; is clearly subordinate to the residential use of the dwelling unit; occupies less than 25% of the dwelling unit; doesn't affect the residential character of the property; and does not create a nuisance in the neighborhood.

HOME OCCUPATION, MINOR - A home occupation in which no persons other than residents residing on the premises are engaged in the occupation; has no visible exterior evidence of the conduct of the occupation; does not create need for off-street parking beyond normal dwelling needs; does not generate additional traffic from nonresidents; and for which no equipment is stored or used on-site other than that normally used in household, domestic, or general office work.

HOME OCCUPATION, MAJOR - A home occupation in which not more than one person other than residents residing on the premises is employed on the premises; may have more customer activity than a minor home occupation; and that accommodates both dwelling and home occupation parking needs. Major home

occupations are subject to approval by the Planning and Zoning Commission by Special Exception.

KENNEL - An establishment in which more than three dogs over the age of six months are housed, groomed, bred, boarded, trained, or sold.

LANDSCAPED AREA - An open area, landscaped area, or naturally vegetated area maintained in natural or artificial ground cover, lawn, trees, shrubs, or other plantings and including walks or drives to and from a street.

LIVING AREA - That portion of the total floor area of a residential dwelling which has ceilings, walls and floors finished in a manner which is clearly intended for human occupancy, and which conforms to the Building Code.

LOGO - For the purposes of these regulations, logo shall mean a simple graphic presentation which may include numbers or letters used to identify the business.

LOT - A parcel of land occupied or approved to be occupied by a building or buildings.

LOT AREA - The total area within the lot lines of a lot.

LOT COVERAGE - That percentage of the lot area that is covered by the roof area of all buildings and structures on the lot. Roof overhangs shall not be calculated as lot coverage unless they project more than 18 inches from the exterior of the foundation wall.

LOT LINE - A line of record bounding a lot.

LOT WIDTH - The distance between the side lot lines measured along the front yard setback requirement.

MAJOR GROCERY STORE - A self-service retail market larger than 20,000 square feet of gross building area, that sells food and household goods, provided that 50% or more of the area used for displaying goods is used for the display of food.

MOTOR VEHICLE - Any motor passenger vehicle (including taxis and livery vehicles, but excluding busses), any truck not exceeding a 3/4-ton capacity, and any other motor vehicle which is primarily used for agriculture or for maintenance on the premises.

MULTIPLE DWELLING UNIT - A dwelling unit located in a building which contains at least two or more dwelling units.

NONCONFORMING - (e.g., nonconforming use, building or structure) Not conforming to the applicable requirements or provisions of these regulations.

NURSERY - An agricultural operation where the primary use is the growing of flowers, plants, shrubs, or trees outdoors for commercial gain and which may include sale of such products and related garden merchandise as an accessory use. Garden supply stores and sales of equipment and implements are not included in this definition.

PERSONAL SERVICE - Shops such as barbershops, beauty salons, tailoring establishments, shoe repair shops and other similar operations which provide services of a personal, domestic nature. Day care is not included in this definition.

PREMISES - All land comprising a lot and including all buildings, structures and uses located on the lot.

REAR LOT - A residentially zoned lot which does not meet the lot width requirement of the zone and which is approved for building purposes under Section IV.A.4.p.

RECREATIONAL VEHICLE - A vehicle which can be towed, hauled or driven and is designed primarily for recreational use or as temporary living accommodations for recreational, camping or travel use.

RESTAURANT - An establishment used principally for the preparation and service of food and beverages for consumption either on or off the premises.

RESTAURANT, CLASS I - A restaurant that meets all of the following criteria: (i) gross floor area is 1,500 square feet or less; (ii) seating capacity is 20 or less; (iii) food and beverages served on the premises are actually or expected to be consumed primarily off the premises; and (iv) no drive-through windows are provided.

RESTAURANT, CLASS II - A restaurant that meets all of the following criteria: (i) gross floor area is 2,000 square feet or less; (ii) seating capacity is 50 or less; and (iii) food and beverages served on the premises are actually or expected to be consumed primarily on the premises.

RESTAURANT, CLASS III - A restaurant that does not meet all of the criteria of either a Class I Restaurant or a Class II Restaurant.

SHOPPING CENTERS - Commercial building(s) totaling more than 20,000 square feet of gross building area, managed as a single operating unit, which includes retail stores and which may include financial institutions, personal services, business and professional offices, and restaurants, but excluding major grocery stores. Adjacent properties subject to a Consolidated Parcel Agreement, as defined in Section V.C. of these Regulations, meeting the above definition shall be considered a Shopping Center.

SIGN - Any natural or artificial structure, object, device, light, or display which is used to advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to letter, number, banner, flag, insignia, device, designs, symbols, fixtures, colors,

illumination or logo, and which is situated so that it can be seen from a street. One flag or any one insignia of any governmental agency shall not be considered a sign within the purpose of this regulation.

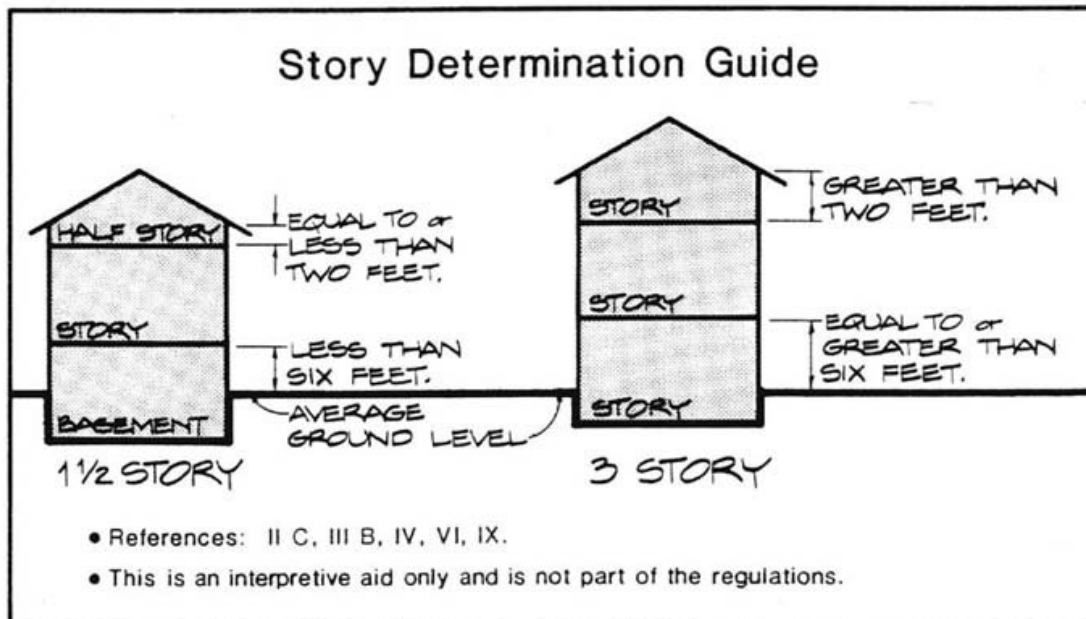
SIGN, DETACHED - A sign supported by one or more supports placed in or upon the ground.

SIGN, ROOF - Any sign erected and maintained upon or above the main roof of a building.

SIGN, WALL - A sign which is attached to any surface or plane of a building and which does not extend beyond the perimeter of the building or above the roof line.

STORY - That part of a building between any floor and the ceiling or roof above it. Basements shall be included in determining the number of stories in a building if the ceiling of the basement is three feet or more above the average ground level. Attics shall not be deemed to be separate stories.

STORY, HALF - That portion of a building between a gable, hip, or gambrel roof and the floor below provided that the floor below is not more than two feet below the intersection of the roof and the wall. (See Graphic)



STREET - Any right-of-way used for public travel or any proposed way shown on a recorded subdivision approved by the Commission.

STREET LINE - A boundary line of any public or private street.

STRUCTURE - Anything constructed or erected which requires location on the

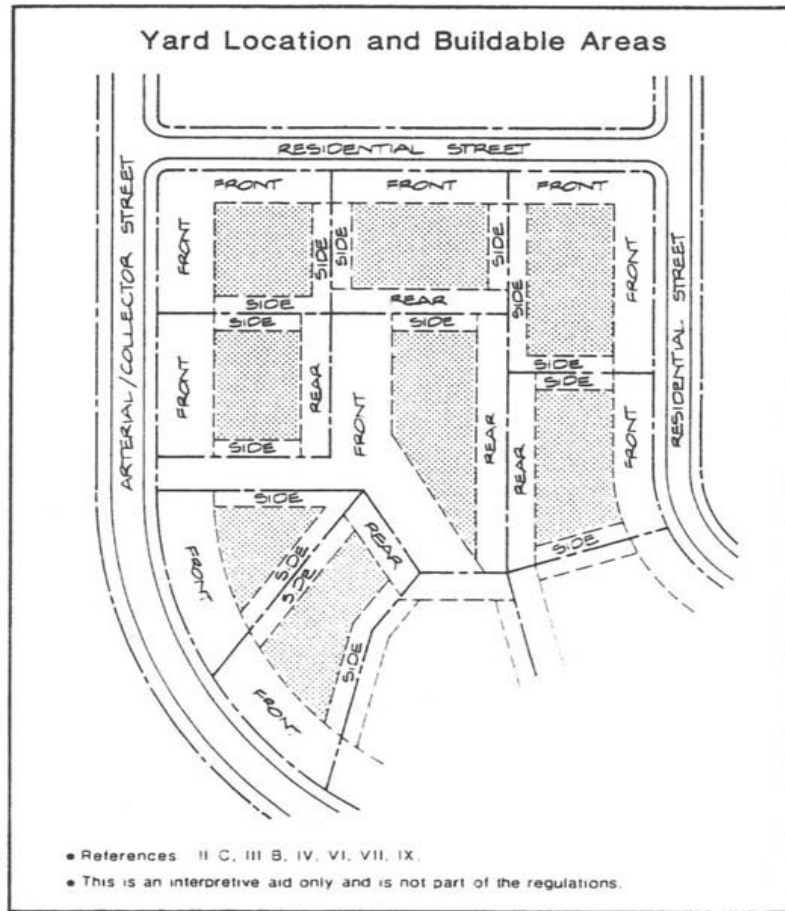
ground or attachment to something having location on the ground, but excluding pavement.

TEMPORARY SPECIAL EVENTS - A temporary accessory use of not more than 3 consecutive days' duration for any 1 occurrence held outdoors in an open area. Such event may include a fair, carnival, festival, flea market, automobile show, arts and crafts show, or sidewalk sale which is used as a promotional device to advertise an established commercial use and/or as a fund-raising event for a nonprofit organization and may be expected to attract more than 300 persons during the course of the event. Such event may include temporary retail food vendors; retail vendors from both within and outside the project; and exhibitors of arts, crafts, jewelry, farm produce, and other retail products. Special events shall not include those activities which are merely an extension of the principal use itself, such as a school graduation or athletic competition.

VARIANCE - A relaxation of the terms of the Zoning Regulations where such variance will be in harmony with the general purpose and intent of the regulations and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such a parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

WATERCOURSE - Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water (natural or artificial) which are contained within, flow through, or border upon the Town of Avon or any portion thereof.

WETLAND - Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or flood plain by the U.S. Department of Agriculture Soil Conservation Service.



YARD, FRONT - A space extending across the full width of the lot between the street line and a parallel line set back a distance equal to the front yard requirement. Lots with frontage on more than one street shall have a front yard provided on each street. Rear lots shall have the front yard requirement measured from that lot line which most closely parallels the street from which the rear lot gains access.

YARD, REAR - A space extending across the fullwidth of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement.. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

YARD, SIDE - A space extending from the front yard to the rear yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

ZONE - An area of land set aside on the Zoning Map having separate requirements as established by these Regulations.