

## **Chapter 2 – Interpretation**

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### **201      GENERAL PROVISIONS REGARDING THE APPLICATION OF THESE REGULATIONS**

#### **201.1   Prohibited if not permitted**

Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular zoning district, or allowable as an accessory use to such a principal use, is prohibited in that district.

#### **201.2   Application of Other Laws**

Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals. By way of example only, the Commission might issue a permit for a use that is, nonetheless, not allowable due to private land restrictions or because state or federal law may restrict such use. The Commission has no legal authority to determine whether legal restrictions other than those established by these Regulations, or by the North Stonington Subdivision Regulations, apply to any particular parcel of land. Likewise, the Commission has no responsibility to alert an applicant or landowner about the possible application of any other laws, regulations, or similar restrictions that may affect any parcel of land.

#### **201.3   Conflicting Standards**

When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.

#### **210.4   References to Statutes and Regulations**

Whenever any reference is made in these Regulations to a federal or state statute or regulation, the reference shall be interpreted to mean the statute or regulation as it may have been most recently amended, revised or renumbered (i.e., the most current form of the statute or regulation), unless the context of the reference to the statute or regulation requires a different interpretation.

### **202      SPECIFICALLY PROHIBITED USES**

Without limiting the generality of the foregoing provisions, the following uses are expressly prohibited in the Town of North Stonington:

- A.** landfills, resource recovery facilities, and non-municipal transfer stations, recycling facilities, junk yards, private dumps, and the dumping or incineration of toxic substances, effluent, garbage or rubbish;
- B.** uses that involve any activity, or the use of any material, defined as “obscene” or “obscene as to minors” pursuant to § 53a-193 of the Connecticut General Statutes, as amended;
- C.** the mining of trap-rock and/or other quarry-type stone;
- D.** circuses and amusement parks as principal uses;

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- E.** the distillation of bones, and tanneries;
- F.** coal or petroleum distillation or derivation of byproducts; blast furnaces or smelting of ores or metal, manufacture of explosives; manufacture of cement, asphalt, bituminous, lime, gypsum, or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric or sulphuric acid; fat rendering in the manufacture of tallow, grease or oil; refining and recovery of products from fish or animal refuse; composting in excess of one hundred cubic yards per year (unless associated with a permitted waste to energy facility or other approved biotech facility); fuel manufacture and storage by other than a public utility company except for on-site use; and
- G.** the use, for permanent storage outside of a building, of trailers and all other cargo containers customarily used for road or sea transportation. (See § 306 for regulations governing temporary storage containers).

### **203   ENFORCEMENT**

#### **203.1   Authority**

- A.** These Regulations may be enforced by the Planning & Zoning Commission or by any person authorized by vote of the Commission to act as a zoning enforcement officer (ZEO).
- B.** Except as these Regulations may otherwise provide, a ZEO shall have all of the enforcement powers set forth in CGS § 8-12, including the authority to inspect and examine any building, structure, place, or premises and to order the remedying of any condition found to exist there in violation of any provision of these Regulations.

#### **203.2   Violations**

If a ZEO shall find that any provision of these Regulations is being violated, he or she shall promptly notify the Commission of such violation(s). The Commission reserves the right to specify the manner in which it wishes the ZEO to enforce these Regulations and may adopt specific policies for enforcement. However, the ZEO shall have the discretion to initiate an enforcement response without awaiting instruction or comment from the Commission. Such responses may include, without limitation:

- A.** An order to discontinue any illegal use of land, buildings, structures, additions, alterations, or structural changes thereto;
- B.** An order to discontinue any illegal work being done; and
- C.** An order to take specific actions to remedy any violations.

#### **203.3   Penalties and Other Remedies**

The Commission or a ZEO may seek any penalties or other remedies allowable under state or federal law for violations of these Regulations.

### **204   INTERPRETATION OF TERMS**

#### **204.1   Interpretation of Specific Terms**

For the purposes of these Regulations, certain words and terms shall be interpreted as follows:

- A.** When not inconsistent with the context:

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1. words in the present tense include the future and vice versa;
  2. words in the singular include the plural and vice versa; and
  3. words used in the masculine include the feminine and neuter and vice versa.
- B.** The word “**shall**” is mandatory and not discretionary.
- C.** The word “**may**” is permissive.
- D.** The words “**zone**”, “**zoning district**”, and “**district**” have the same meaning.
- E.** The phrase “**used for**” shall include the phrases “arranged for”, “intended for”, “maintained for”, and “occupied for”.
- F.** The word “**person**” also includes a partnership, association, trust, corporation or other legal entity.
- G.** The phrase “**these Regulations**” shall refer to the entire Zoning Regulations.
- H.** The words “**building**,” “**structure**,” “**lot**,” “**land**,” or “**premises**” shall be construed as though followed by the words “**or any portion thereof**.”

### **204.2 Words and Terms Defined**

Words defined in Chapter 16 of these Regulations shall be interpreted as set forth in that Chapter.

### **204.3 Words and Terms Not Defined**

Words and terms not defined in Chapter 16 of these Regulations shall be interpreted in accordance with the following hierarchy.

- A.** If the word or phrase is defined or used in the North Stonington Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.
- B.** If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.
- C.** A comprehensive general dictionary; e.g., Webster’s Dictionary.

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