

SECTION 4.4 COMMERCIAL CB DISTRICTS

4.4.1 Uses Permitted in Commercial CB Districts

No use shall be permitted in any Commercial CB District except one which is indicated by a check mark in the column below applicable to the district in which such use is located.

4.4.1.1 Residential uses permitted by Section 2.1.1.2.

4.4.1.2 Restaurants and taverns.

4.4.1.3 Professional and business offices and financial institutions.

4.4.1.4 Hotels, apartment hotels and motels, providing that the lot area is equivalent to 2,000 square feet for each individual guest unit, when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such codes as said Board may establish, giving consideration to the effect of the proposed use on present and future uses, in the vicinity, to the proposed site planning and landscaping, except that the site must be serviced by sanitary sewers and a highway or street having a curb to curb paved width of 40 feet minimum. The width of the parcel shall not be less than 150 feet, measured at the building line, nor contain less than two (2) acres. Further, subject to the codes affecting traffic safety and to other standards provided in these Regulations.

4.4.1.4.1 Floor Area:

1 Room = 400 sq. ft. minimum

2 Rooms = 600 sq. ft. minimum

4.4.1.4.2 Maximum number of rooms =2

4.4.1.5 Vocational and technical schools, undertaker's establishments.

4.4.1.6 Clubs, lodges and community houses, radio and television studios.

4.4.1.7 Police stations, firehouses, municipal service buildings.

4.4.1.8 Telephone exchange, electric transformer station, gas, water or sewer pumping station or gatehouse, without service yard.

4.4.1.9 Basic neighborhood stores: book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware.

4.4.1.10 Retail package liquor stores.

4.4.1.11 Basic neighborhood services: barber, beauty parlor, custom tailoring and dressmaking, cleaning and laundry agency, self-service washing machine establishments, jewelry and watch repair, shoe repair, radio and television repair, locksmith.

4.4.1.12 Commercial kennels and veterinary hospitals provided they are located on lots of not less than 1 acre and provided that no dogs are kept in any building or enclosure located less than 50 feet from any lot line.

4.4.1.13 Retail stores for art, artist supplies, antiques, gifts, jewelry, optical goods, and luggage, photographic supplies and studios, clothing, shoes, appliance stores, furniture, furnishings, electrical supplies, radio and television equipment, musical instruments, records, sporting goods, toys, bicycles, business equipment and typewriters and metal working machinery.

4.4.1.14 Department stores, feed stores, garden supplies, seeds, paint and wallpaper stores, furniture repair and upholstery shops.

4.4.1.15 Studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments.

4.4.1.16 Studios for ceramic and pottery instruction including the manufacturing or processing of ceramic products such as porcelain and pottery, provided such activities are necessary and accessory to the instructions, are carried on the premises, and do not create any objectionable noise or smell. Any kilns used in these processes shall be fired by gas or electricity only.

4.4.1.17 Studios for enhanced educational and development opportunities for children and adults. Instruction sessions shall be limited to three hours per session. No outdoor instruction or recreation shall be permitted. The maximum useable floor area for such a facility shall be no greater than 2,000 sq. ft. No use which requires a child day care license pursuant to Connecticut General Statutes Section 19a-77 thru 19a-80 shall be considered under this section 4.4.1.17. This use shall be permitted in the CA, CB and IL zones. (effective May 1, 2006)

4.4.1.18 Newspaper establishments and printing, photo-engraving and book-binding.

4.4.1.19 Blueprinting and similar reproduction service.

4.4.1.20 Wholesale offices and showrooms with storage limited to samples only.

4.4.1.21 Automobile service stations.

4.4.1.22 Mechanical, or automatic car wash.

4.4.1.23 Automotive testing facilities.

4.4.1.24 Farm equipment and boat salesrooms and outdoor sales areas.

4.4.1.25 Public garages including repairs, except body work.

4.4.1.26 Automobile salesrooms and outdoor sales areas subject to the provisions of Section 8.11.

4.4.1.27 Public parking areas.

4.4.1.28 Theaters, indoor.

4.4.1.29 Theaters, outdoor when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such conditions as the Commission may establish, giving consideration to the effect of the proposed use on present and future uses in the vicinity, to the proposed site planning and landscaping, to the conditions affecting traffic and safety, and to other standards provided in these Regulations.

4.4.1.30 Bowling alleys, commercial skating rinks, tennis courts, golf driving ranges, indoor and outdoor miniature golf courses, commercial swimming pools, dance halls, eating and drinking places with entertainment.

4.4.1.31 Indoor tennis courts with locker and lounge facilities and indoor baseball training facility with locker and lounge facilities.

4.4.1.32 Slot car racing.

4.4.1.33 Research laboratories.

4.4.1.34 Assembly only, not manufacturing of electronic and electro-mechanical systems and devices including circuit boards, wiring harness, cable assemblies and small sub-assemblies of electrical and electro-mechanical systems with Planning & Zoning Commission approval, (a Special Permit/Public Hearing is required in the CB-Zoning District only), subject to such conditions as the Commission may establish. In addition, no exterior emissions of waste products associated with the assembly process are allowed.

4.4.1.35 Pet Grooming Establishments

4.4.1.36 Signs pertaining to a business or Industrial operation located on the premises.

4.4.1.37 Accessory uses customarily incidental to a permitted use on the same premises.

4.4.2 Required Lot Area, Width, Yards, Coverage, Height

| <u>District</u> | <u>CB-20</u> | <u>CB-40</u> |
|-----------------------------|--------------|--------------|
| Minimum Lot Area, in sq.ft. | 20,000 | 40,000 |

| | | |
|-------------------------------|-----|-----|
| Minimum Lot Width, Ft. | 100 | 150 |
| Minimum Front Yard, ft. | 50 | 50 |
| Minimum Rear Yard, ft. | 25 | 40 |
| Minimum Side Yard, Each, feet | 12 | 20 |
| Maximum Building Coverage, % | 25 | 20 |
| Maximum Height, ft. | 35 | 55 |

4.4.3 Additional Regulations

4.4.3.1 Approval of Layout: All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

4.4.3.2 In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

4.4.3.3 Before a permit is issued pursuant to Section 4.4.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

4.4.3.4 Omission of Yard Requirements: In the CB-20 District, the Commission may, after a public hearing, taking into account the health, safety, and general welfare of the public; the conditions affecting traffic safety and other standards set forth in the Connecticut General Statutes; issue a Special Permit that shall allow for the omission of one side yard on each adjacent lot provided the requirements set forth below are also met.

4.4.3.4.1 Owners of adjoining property must have recorded their agreement to this side yard omission in the land records of the Town Clerk.

4.4.3.4.2 The remaining side yards shall be at least 15 feet wide.

4.4.3.4.3 Except in the case of buildings built on the lot line as herein provided, no side yard shall be less in width than otherwise prescribed by these regulations.

4.4.3.5 The lot frontage requirement may be omitted provided that:

SECTION 8.3 NON-CONFORMING BUILDINGS AND USES

8.3.1 Continuance of Nonconforming Uses

Any nonconforming use of buildings or premises lawfully existing at the effective date of these regulations or of any pertinent amendment thereto, may be continued, all subject to the following regulations.

8.3.1.1 A nonconforming use may be changed to a conforming use, but no nonconforming use shall be changed to another nonconforming use unless with the approval of the Zoning Board of Appeals, provided said Board, acting in accordance with the standards set forth in Section 12.1.6.3 hereof, shall have found that the proposed nonconforming use is no more objectionable than the existing nonconforming use.

8.3.1.2 No nonconforming use shall, if once changed into conforming use, be changed back again into a nonconforming use.

8.3.1.3 No nonconforming use shall be extended or expanded except with the approval of the Zoning Board of Appeals, which Board shall act in accordance with the standards set forth in Section 12.1.6.3.

8.3.1.4 No nonconforming use which has been abandoned for a period of one year shall be thereafter resumed.

8.3.2 Change of Plans

Nothing in this section shall require any change in the plans, construction or designated use of a building, the construction of which shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereto.

8.3.3 Enlargement of Nonconforming Buildings

8.3.3.1 No building in a commercial or industrial zone which does not conform to the requirements of these regulations regarding building height limit, area and-width of lot, percentage of lot coverage, and required yards and parking facilities shall be enlarged except with the approval of the Zoning Board of Appeals, which Board shall act in accordance with the standards set forth in Section 12.1.6.3.

8.3.3.2 A building in a residential zone may be added to or enlarged if located on an existing nonconforming lot regarding lot area and lot width without Zoning Board of Appeals approval if the change does not violate any required front, side or rear yard dimensions or lot coverage requirement. If the enlargement or addition of a building would violate these regulations

with respect to yard dimensions, height limit, lot coverage or increase the nonconformity, approval of the Zoning Board of Appeals is required.

8.3.4 Reconstruction after Damage

Nothing in these regulations shall prevent the reconstruction and structural alteration of a nonconforming building which is destroyed or damaged by fire or casualty, provided the cost of such reconstruction or structural alteration is less than 50 percent of the fair market value of such property and such reconstruction, or alteration, is commenced within six months of the date of such damage or destruction and completed within two years from such date.

8.3.5 Reconstruction of Building with Nonconforming Use

No building which contains a nonconforming use may be reconstructed or structurally altered, but the provisions of this section shall not prohibit ordinary repairs or maintenance which do not substantially prolong the life of the building.

8.3.6 Coastal Site Plan Application

Whenever an application for a variance is submitted to the Zoning Board of Appeals for a use, structure, or activity which lies either wholly or partially within the Coastal Boundary, the Zoning Board of Appeals shall, in making its decision, apply the criteria in this section of these regulations and the procedures, standards and criteria of Section 11-15 of P.A. 79535. Prior to making a final decision, the Zoning Board of Appeals shall transmit the Coastal Site Plan application to the Planning and Zoning Commission for its review and recommendation as to compliance with Section 10.2 of these regulations.

8.3.7 Prohibition Against Transfers of Property

No transfers of a piece or portion of property by sale, lease, gift or otherwise shall be permitted when such transfer shall leave the remaining piece or parcel of land of such size, area or dimension so as to be in noncompliance with any of the provisions of these Zoning Regulations or so as to increase or make more nonconforming any existing variation or nonconformity.

SECTION 8.5 PARKING, LOADING AND DRIVEWAYS

8.5.1 Off-Street Parking

8.5.1.1 Off-Street parking facilities, with adequate driveways for entrance and egress connected to a street, shall be provided and suitably maintained on all premises sufficient to accommodate the motor vehicles of all occupants, employees, customers and persons normally visiting the premises at any one time.

8.5.1.2 Required parking facilities shall be located on the same lot as the building they are intended to serve, provided that, not more than 50% of the area of the required parking facilities may be located on a separate lot located on the same side of the street and not more than 200 feet from such building, as measured in a straight line from such building to the nearest vehicle space.

8.5.1.3 No required parking facility shall be reduced in area to less than that set forth herein, and no building or use of a building or premises shall be enlarged or extended unless the parking facilities therefore shall comply with the requirements of this section.

8.5.1.4 Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access and egress. Rooftop or indoor parking, exclusive of ramps, may be included in the required area.

8.5.1.5 The layout of proposed parking facilities shall be indicated on the plot plan submitted with the application for a permit as provided in Section 10.1; Sections 4.1.3.1, 4.2.3.1, 4.3.3.1, 4.4.3.1, 5.1.3.1 through 5.1.3.2, and 5.2.3.1 through 5.2.3.2; and Section 13.1.3, and such plan shall show clearly the number of vehicles which can be accommodated.

8.5.1.6 Unless otherwise specifically approved by the Planning & Zoning Commission parking facilities shall contain space for vehicles in accordance with the following table. One car space shall contain not less than 270 square feet which may include aisles between rows of parked vehicles but shall not infringe on driveways needed for access except in the case of a one family dwelling. Car spaces shall be not less than 9 feet wide. For an office complex where all day parking is normal, spaces shall be made to contain not less than 208 sq. ft. which may include aisles between rows of parked vehicles but shall not infringe on driveways needed for access. Car spaces shall be not less than eight (8) feet wide. That visitors parking remain 9' wide and that the area be at the discretion of the Planning & Zoning Commission. "Floor area" as used below shall mean the total floor area of each floor inclusive of all exterior walls.

| <u>Type of Use</u> | <u>Number of Car Spaces</u> |
|--|---|
| Dwellings | 2 spaces for each dwelling unit |
| Multiple dwellings | 2 spaces for each dwelling unit and 1 visitor space for every 3 dwelling units |
| Office, financial institutions | 1 space for each 250 sq.ft. of gross floor area |
| Medical, Dental offices, Clinics and Laboratories | 1 space for each 150 sq.ft. of gross floor area |
| Permitted home occupations | 4 spaces for each unit |
| Retail stores, personal services shops, pet grooming establishments | 1 space for each 200 sq.ft. of gross floor area |
| Restaurants (no provisions for dance floor) | 1 space for each 75 sq.ft. of gross floor area |
| Nightclubs (restaurants having provisions for a dance floor and/or live entertainment) | 1 space for each 50 sq.ft. of gross floor area |
| Taverns | 1 space for each 50 sq.ft. of gross floor area |
| Hotels, Motels | 1 space for each unit 1, space for each 75 sq.ft. of gross floor area of restaurant or banquet area, 1 space for each 50 sq.ft. of floor area of nightclub or lounge area |
| Private, social and recreational clubs, together with appurtenant facilities | on site parking facilities for at least seventy-five (75) vehicles. |
| Assisted Living Units | one space per two units. |
| Apartment Hotels | 5 spaces for each 3 units |
| Theaters and assembly halls having fixed seating | 1 space for each 3 seats |
| Bowling Alleys | 5 spaces for each alley |

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| Assembly halls and other places of assembly not having fixed seats | 1 space for each 50 sq.ft. of floor area |
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| <u>Type of Use</u> | <u>Number of Car Spaces</u> |
|---|---|
| Churches | 1 space for every 4 seats of capacity, as defined by the State Fire Marshall or as otherwise approved by the Planning & Zoning Commission |
| Hospitals, sanitariums, nursing homes | 1 space for every 4 beds plus 1 space for every 3 persons employed at one time |
| Manufacturing plants | 1 space for every 2 persons employed at any one time but not less than 1 space for each 500 sq.ft. of floor space |
| Wholesale distributing plants, trucking terminals | 1 space for every 2 persons employed at any one time but not less than 1 space for each 1,000 sq.ft. of floor space |

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|--|---|
| Storage warehouses | 1 space for every 2 persons employed at any one time but not less than 1 space for each 1,500 sq.ft. of floor space |
| Outdoor amusement area, Outdoor sales area, Outdoor storage areas, or Outdoor industrial operations | Parking facilities as determined by the Planning & Zoning Commission |
| Other uses not listed above | Parking facilities as determined by the Planning & Zoning Commission |
| Elderly Housing | 1 space per unit |
| Shopping Centers having at least 125,000 sq.ft. of gross floor area for retail use and a minimum lot area of at least 15 acres | 1 space for every 250 sq.ft. of gross floor area |

8.5.1.7 The Planning & Zoning Commission may, at its discretion, require that bicycle racks be required as a condition of site plan approval. If required, the standard shall be as follows: for every 10 parking spaces, one conspicuous and secure bicycle rack parking space will be provided.

8.5.1.8 Truck Loading Space

In the case of hospitals, institutions, hotels, apartment hotels, retail, wholesale and industrial buildings, space shall be provided for loading and unloading of trucks at the rate of one space not less than 400 sq. ft. in area for each 15,000 sq. ft. of floor area or fraction thereof less than 30,000 sq. ft., and 400 sq. ft. for each 30,000 sq. ft. of floor area or fraction thereof in excess of 30,000 sq. ft.

8.5.1.9 Surfacing, Protection at Streets

(1) Required minimum parking and truck loading facilities shall have adequate all weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facility. Where any parking space is adjacent to the street, there shall be a strip not less than 15 feet wide except at driveways needed for access, which strip shall be suitably landscaped and shall be provided with a masonry curbing not less than 8 inches high located on the edge of such strip which is farthest from the street.

(2) All new pavement within areas of non-residential development shall consist of a minimum cross section of 8 inches of gravel (or approved equal) over suitable subbase, covered by 3 inches (2 courses recommended) of bituminous concrete pavement.

8.5.2 Additional Parking Requirements

8.5.2.1 Use of Land for Access for Parking

The use of land for access to or for parking in connection with a use shall be considered to be accessory to and part of such use, except that this provision shall not prohibit access across a Commercial District to a use lying within an industrial District.

8.5.2.2 Residence R Districts

(1) Accessory uses customarily incidental to a permitted use on the same lot.

(a) Space for one motor vehicle may be rented to others than occupants of the premises.

SECTION 8.10 SALE OF ALCOHOLIC LIQUOR AND BEER

8.10.1 A Certificate of Location, Special Permit, must be approved by the Planning and Zoning Commission, after a public hearing, for any permits required by the State of Connecticut Liquor Control Board, in accordance with Section 30-52 of the Connecticut General State Statutes.

8.10.2 A certificate of Location, Special Permit, may be denied by the planning and Zoning Commission if it has reasonable cause to believe:

8.10.2.1 That the proximity of the location will have a detrimental effect upon any church, school (public, private or parochial), convent, charitable institution (Supported by public or private funds), hospital, veterans' home, home for the aged or workmen's camp.

8.10.2.2 That issuing a new permit will be detrimental to the public interest. In reaching a conclusion, in this respect, the Planning and Zoning Commission may consider: the character of; the population of; the number of like permits; and, all permits existent in the immediate neighborhood and North Haven.

8.10.2.3 That the place has been conducted as a lewd or disorderly establishment.

8.10.3 The following provisions must be satisfied in order for the planning and Zoning Commission to issue a Certificate of Location

8.10.3.1 The proposed building, where the liquor permit is to be granted, may not be within 500' from any premises used or reserved to be used; for a college, school, church, synagogue, hospital or library.

8.10.3.2 A Certificate of Location may not be issued to a bar or tavern that is within 1500' of another bar or tavern.

8.10.3.3 A Certificate of Location may not be issued to a wholesale or-retail package store that is within 1500' of another wholesale or retail package store.

8.10.3.4 In order for a retail business to obtain a Certificate of Location, for a Grocery Store beer permit, it must be 30,000 square feet or larger.

8.10.3.5 The 500' and 1500' distance shall be measured from the outer perimeter of the lot of the proposed location in a straight line to any other premise to which the rule applies.

ARTICLE XII – ZONING BOARD OF APPEALS

SECTION 12.1 ZONING BOARD OF APPEALS

12.1.1 In accordance with the provisions of Chapter 124 of the General Statutes, Revision of 1958, the Zoning Board of Appeals shall consist of five electors, who shall not be members of the Zoning Commission.

12.1.2 The Zoning Board of Appeals shall elect a chairman from among its members and all meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and shall be open to the public.

12.1.3 The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

12.1.4 The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions.

12.1.5 Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Office of the Town Clerk and shall be a public record.

12.1.6 The Zoning Board of Appeals shall have the following powers and duties:

12.1.6.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission or any other official charged with the enforcement of these Regulations.

12.1.6.2 To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of these Regulations.

12.1.6.3 To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent 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 parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

12.1.6.4 Whenever the Board of Appeals grants a variance of these Regulations or a special exception hereunder, it may impose whatever conditions and safeguards it deems necessary to carry out the purpose and intent of these Regulations, to secure the public interest and welfare or to secure the interest and welfare of the general neighborhood.

12.1.7 Appeals to the Board shall be taken in accordance with the provisions of Chapter 124 of the General Statutes, Revision of 1958, and within the time prescribed by rule adopted by the Board.