

SECTION 31- COMMERCIAL DISTRICT CA-40

31.1 **Permitted Uses**

- 31.1.1 Store where goods are sold or services are rendered primarily at retail (including package stores) within a building containing less than 14,000 square feet of floor area. Buildings containing more than 14,000 square feet of floor area are subject to securing a Special Exception from the Planning and Zoning Commission in accordance with Section 52.
- 31.1.2 Business and professional offices, banks and other financial institutions; medical and dental clinics.
- 31.1.3 Restaurants where customers are served foods and beverage only when seated at tables or counters within an enclosed building. Such use may include a foot take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take out counters.
- 31.1.4 Planned Residential Development, subject to the securing of a Special Exception from the Planning and Zoning Commission in accordance with Section 52, containing multi-family dwelling units (a) designed exclusively to be occupied by and to meet the specific requirements and design standards suitable for occupancy by one or more elderly, disabled and handicapped persons, (b) which conform to the requirements of State or Federal programs providing for housing for the elderly as evidenced by a signed and sealed certified statement from the owner, his architect, and engineers that such housing conforms to the State or Federal agencies' program requirements for elderly housing whether or not such housing is constructed under such program, and (c) which meet the special criteria and standards set forth in Section 23. Site Plan approval is also required in accordance with Section 51 as set forth below except that the fifty (50) foot buffer strip, as required below, may be located wholly or partially in a residence zone.
- 31.1.5 Motor vehicle service station, subject to the securing of a Special Exception from the Planning and Zoning Commission, in accordance with Section 52.
- 31.1.6 The following accessory uses, when clearly subordinate and subsidiary to the uses permitted in Subsection 31.1.1, 31.1.2, 31.1.3, 31.1.4 and 31.1.5 of this Section and in accordance with the provisions of Section 8:

- A. Off street parking and loading, as provided in Section 62;
- B. Storage within a permanent structure;
- C. Outdoor storage enclosed by buildings, fences or walls so as to effectively screen the storage area from any other lot or from any street; and shall not extend into the area required for set back from a property line, street line or residence district boundary line, outdoor sales areas may be permitted by Special Exception in accordance with Section 52; and shall not exceed 5% (five percent) of the lot area nor 4,000 (four thousand) square feet, whichever is greater.
- D. Vehicular access;
- E. Electric, telephone, gas, water, sanitary sewer, sewer treatment facilities, storm drains, other utilities and outdoor lighting;
- F. Landscape material and features permanently maintained; and any area not covered by a building or structure, or paved, shall be landscaped with trees, shrubs, lawns or left in a natural state if already wooded. Site development shall preserve major trees and existing landscape features wherever possible. Along and adjacent to any Residential District boundary line, a strip of land not less than fifty (50) feet in width in a Commercial District shall be landscaped with trees and shrubs to effectively screen the commercial or industrial development from the residential district;
- G. Signs, as provided in Section 63.

31.2 Site Plan

Prior to approval of any application for a CERTIFICATE OF ZONING COMPLIANCE for a use permitted under this section, a site plan shall be submitted and approved in accordance with the provisions of Section 51.

31.3 Prohibited Uses:

Any use not specified above as permitted is prohibited. To assist in the interpretation of permitted uses in Commercial District CA-40, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

- 31.3.1 The prohibited uses specified in Section 6.

- 31.3.2 The sale of heavy equipment.
- 31.3.3 Motor Vehicle Dealerships, except in that limited area of the northeast corner of the Town described under “Special Exception Uses” below and then only if a Special Exception is granted.
- 31.3.4 Stores or arcades selling or displaying films, photos, books, videotapes or other items which are classified as pornographic under current valid statutory and judicial standards.
- 31.3.5 Electronic games for use and enjoyment on the premises.
- 31.3.6 Automobile junkyards and second hand or salvaged building materials yards.

31.4 Special Exception Uses:

- 31.4.1 Day Nurseries, subject to the Special Standards of Section 52 and Site Plan approval as required above.
- 31.4.2 An outdoor dining area as an accessory use to a full-service restaurant described above as a permitted use under this Section and which, as to said outdoor area, meets the following special criteria:
- A. The area shall not have a permanent roof covering but may be shaded by a fabric awning or tables may be shaded by umbrellas.
 - B. Outdoor dining shall be in an area adjacent to an existing building and surrounded on three sides by such building or a wall no less than 30" in height.
 - C. The outdoor dining area shall not be located in any required front, rear or side yard setback areas.
 - D. The outdoor dining area shall not be located in any parking area.
 - E. The outdoor dining area shall not extend closer than eight (8) feet to any parking area traveled way.
 - F. The outdoor dining area shall not interfere with any required means of egress or ingress to the adjacent building.

- G. The outdoor dining area shall have a floor surface of impervious material such as concrete or brick pavers, that may be washed and swept easily and such floor shall be maintained daily; asphalt may not be utilized.
- H. Food and beverages shall be served by waiters and/or waitresses and the area shall not be utilized for takeout food.
- I. Alcoholic beverages may be served only with meals.
- J. All waste materials emanating from usage of the outdoor dining area shall be picked up and disposed of by the waiters and/or waitresses at the end of each seating and disposed of with the interior dining service. In no event shall waste material be deposited or stored at any time in outdoor receptacles.
- K. Disposable dishes, cups, glasses and tableware shall not be used. All such items shall be of materials designed for repeated re-use indefinitely.
- L. The seating capacity for any outdoor dining area shall not exceed 50% of the seating capacity for the indoor customer of the restaurant.
- M. Adequate parking for the outdoor dining area determined in accordance with the standard for restaurants under Section 62 of these regulations shall be available during those hours of the day when the outdoor dining area is to be in operation; and the Commission may, in its discretion, designate limited hours of operation as part of the granting of a special exception.

31.4.3 Motor Vehicle Dealerships if located in the area set forth on the Special Criteria below and then only in accordance with such Special Exception and in accordance with Section 52.

31.4.4 Accessory uses customary with and incidental to any aforesaid Special Exception Use. Special Criteria:

- A. A motor vehicle dealership may be located on a lot which has not less than 200 feet frontage on Straits Turnpike (Rt. 63) and has a southerly boundary no more than 830 feet from the Watertown (CT) town line. For the purpose hereof, the term lot shall mean one or more line and further than parcels of property which are contiguous, under unified ownership or control and designed and developed as a coherent group. That portion of the lot to be used for motor vehicle dealership purposes may not extend further than 830 feet south of the Watertown town 400 feet east or west of Straits Turnpike, said delineation to be perpendicular to said Straits Turnpike.

- B. A motor vehicle dealership may have outside storage of motor vehicles in

excess of the area set forth in Section 8 of these Regulations; provided, however, that such outside storage area for motor vehicles for sale by the motor vehicle dealership shall not exceed sixty percent (60%) of the area of the lot and provided that the outside storage area shall be effectively screened from adjoining property by fencing, landscaping or other ornamental screening.

- C. For purposes hereof, the setback requirements shall not apply to fencing, landscaping or other ornamental screening necessary to screen effectively any motor vehicle outside storage area from adjoining property.

31.4.5 A residential facility when located within a building used primarily for commercial purposes, subject to the Special Exception Standards of Section 52, Site Plan approval and the following special criteria:

- A. Residential facility to be used only by the owner(s) of the subject business and his or her spouse and children;
- B. Residential facility not to be located in a basement area;
- C. Residential facility to contain a minimum of 750 square feet;
- D. Residential facility to occupy no more than thirty percent (30%) of the entire building.

31.4.6 Canine Day Car and Grooming subject to the following criteria

- A. Shall provide a monitored indoor and fenced outdoor landscaped environment for dogs to socialize and participate in play activities and exercise.
- B. Open exercise area must be enclosed with fencing at least five (5) feet in height. Fencing shall provide privacy for the open exercise area and its contents to discourage visibility from the street. In addition, such area shall be maintained in a sanitary and odor free condition at all times.
- C. Parking shall be provided in accordance with Section 62.3.10 of these regulations.
- D. Dog waste shall be removed immediately and the area sanitized. Waste shall be contained in a closed container and disposed of weekly off-site

- E. Dog owners must provide proof of up-dated vaccinations (Rabies, DHFF, Bordetella) prior to the dog's acceptance and enrollment.
- F. Dogs enrolling must be spayed/neutered as applicable and shall be four (4) months of age or older.
- G. Individual dog barking that exceeds five (5) minutes is not allowed in an outdoor play area. A dog barking excessively will be relocated indoors.
- H. Hours of operation shall not be prior to 6:30 AM nor later than 8:00 PM.
- I. Shall not be located less than one hundred (100) feet from any other establishment.