

ARTICLE 4 NONRESIDENTIAL DISTRICTS

§4.1 Business District 1 (B-1)

§4.1.1 Application of Provisions

The standards, regulations and requirements as set forth in §4.1 shall apply to the alteration and use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Business District 1 (“B-1 District”).

§4.1.2 Permitted Uses

See Article 10 – Schedules for “Schedule of Permitted Lands Uses by Zoning District.”

§4.1.3 Accessory Uses

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a B-1 District, including:

- A.** Mechanical and/or electronic amusement devices not to exceed two (2) per premises and located in a manner that their installation or use shall not constitute a hazard to public safety.
- B.** Seasonal or special sales events provided that they occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of nine consecutive calendar days. Such sales events are characterized as “sidewalk sales,” “Christmas Tree sales,” “holiday plant sales,” “grand opening sales,” “tent sales,” and similar. Such accessory uses may be conducted provided that the following provisions are met, subject to review of the Zoning Enforcement Officer:
 - (1) It is conducted by the owner(s) of the principal use(s) or business(s) on the premises.
 - (2) It is conducted on the premises on which the principal use(s) or business(s) are located.
 - (3) It is conducted during normal and reasonable business hours.
 - (4) The accessory use may use the front yard area but shall in no way encroach on any other yard requirement or on any road right-of-way.
 - (5) The accessory use and/or any temporary shelter or display fixtures shall be placed in such a manner as to not obstruct any vehicular line of sight or traffic control, any vehicular or pedestrian access or egress, or any parking or loading space required by these Regulations unless evaluated and accepted by the Commission.
 - (6) No sound systems shall be allowed.

- C. A bar/cocktail lounge is permitted only as an accessory use to a restaurant; shall occupy a space separated from the dining room area; must be located within the structure; shall have a capacity not to exceed forty percent (40%) of normal dining room seating capacity, and a standup bar with or without stools. Live entertainment, including customer dancing, is permitted.

- D. Outdoor storage of materials related to commercial uses:
 - (1) All materials to be stored outdoors shall be directly related to the principal use on the site.
 - (2) Outdoor storage shall comply with the bulk requirements of the underlying zoning district and related principal use.
 - (3) The outdoor storage area shall not exceed twenty percent (20%) of the gross floor area of the principal building.
 - (4) Outdoor storage shall not interfere with parking, site access or on-site circulation of vehicles and pedestrians.
 - (5) Materials shall be stored in an environmentally safe and orderly fashion, and shall be properly secured. The contents of outdoor storage shall be temporary in nature.
 - (6) Outdoor storage areas shall be screened from adjoining properties and shall conform to landscaping and screening requirements of these Regulations.
 - (7) The limit or area of approved outdoor storage shall be physically delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof to screen said area and the contents therein.

§4.1.4 Lot Area and Bulk Requirements for Business District 1

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

Schedule of Dimensional Requirements	
Lot Requirements	B-1
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum front yard	50 feet
Minimum yard	
At residential zone boundary	30 feet
Rear and side	20 feet
Maximum height	2 ½ stories/35 feet
Building coverage	25%
Minimum floor area (Effective 3-14-75]	1,400 square feet

*Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

§4.1.5 Landscaping and Screening

Site landscaping and screening must be provided in accordance with the landscape and screening provisions of Article 6 of these Regulations.

§4.1.6 Parking and Loading

- A. Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Article 6 of these Regulations.
- B. No parking areas or internal driveway shall be located less than twenty (20) feet from a street line, right-of-way line, or front property line, or within thirty (30) feet of a residence district.
- C. Parking lot driveway(s) or access aisle(s) may be located within required setbacks for the purpose of providing present or future vehicular access and circulation between adjacent parcels.

§4.2 Business District 2 (B-2)

§4.2.1 Application of Provisions

The standards, regulations and requirements as set forth in §4.2 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Business District 2 (“B-2 District”).

§4.2.2 Permitted Uses

See Article 10 – Schedules for “Schedule of Permitted Lands Uses by Zoning District.”

§4.2.3 Accessory Uses

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a B-2 District, including:

- A. Accessory uses as permitted in a B-1 District.
- B. The manufacturing, processing or assembling of goods and materials only when clearly incidental and accessory to a permitted principal retail use on the premises.

§4.2.4 Lot Area and Bulk Dimensional Requirements for Business District 2

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

Schedule of Dimensional Requirements	
Lot Requirements	B-2
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum front yard	50 feet
Minimum yard	
At residential zone boundary**	30 feet
Rear and side	20 feet
Maximum height	2 ½ stories/35 feet
Building coverage	25%
Minimum floor area	1,400 square feet

*Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

**Except if abutting land owned by the State of Connecticut, which is permanently preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supply, or permanently protected open space of a solely passive nature.

§4.2.5 Landscaping and Screening

Landscaping and screening requirements in the B-2 District shall be the same as those in the B-1 District, as described in §4.1.5, §6.2 and other sections of these Regulations as applicable.

§4.2.6 Parking and Loading

Parking and loading requirements in the B-2 District shall be the same as those in the B-1 District, as described in §4.1.6, §6.1 and other sections of these Regulations as applicable.

§4.2.7 Uses Permitted within Minimum Front Yard Setbacks

The following uses as may be approved by the Commission, shall be permitted within the minimum front yard setback established in §4.1.4 of these Regulations subject to all of the requirements set forth in these Regulations applicable to uses and structures in a B-2 district:

- A. Canopies over pump islands and adjacent areas utilized to fuel vehicles at gasoline service stations.
- B. Public access walks.

- C. Driveways and service roads for cross access only.
- D. Flagpoles.
- E. Lighting.
- F. Irrigation.
- G. Directional signage and pavement marking.

§4.3 Industrial Districts

§4.3.1 Application of Provisions

The standards, regulations and requirements as set forth in §4.3 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Industrial District 1 (“I-1 District”), Industrial District 2 (“I-2 District”), and Industrial District 3 (“I-3 District”).

An Industrial District shall be established only in an area where such district will:

- A. Have no significant detrimental impact on the environment.
- B. Have the capacity to provide for the onsite handling, disposal and/or storage in a safe, sanitary and harmless manner as prescribed by all applicable State, Federal or local laws, rules or regulations, of sewage, solid or liquid waste, toxic or hazardous substances, or any chemicals or by-products produced, kept, made, generated or used or to be used on the premises. In the event such sewage, solid or liquid waste, toxic or hazardous substances and materials or such chemicals and by-products as aforesaid are not to be handled, stored or disposed of on site, the manner of such handling, disposal and/or storage shall be reported including proof of compliance with all applicable State, Federal and local laws, rules and regulations.
- C. Must meet and continue to meet the performance standards of these Regulations.
- D. Be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.

§4.3.2 Performance Standards

The following standards shall be considered minimal and shall apply to all uses of land, buildings and accessory uses on any premises within an I-1 District, I-2 District and I-3 District, and shall apply continuously, and failure to conform to any standard herein listed shall be construed to be a violation of these Regulations and subject to the penalties provided by law:

A. Noise

- (1) The control of noise pollution is to protect residential areas surrounding Industrial Districts, as well as to protect adjoining industrial users within an industrial zone, and shall be so construed. During the hours between 7:00 am and 10:00 pm, at no point on a zone boundary between a Residential District and any Industrial District shall the radiating sound level, measured in decibels, from any operation exceed the decibel level in Column A below. During the hours between 7:00 am and 10:00 pm, at no point less than two-hundred-fifty (250) feet from any other zoning district boundary or less than two-hundred-fifty (250) feet from any property line within an Industrial District shall the radiating sound level from any operation exceed the decibel level in Column B below:

Octave Band (cycles per second)	Maximum Permitted Sound Level (decibels)	
	Column A	Column B
0 – 75	68	74
75 – 150	55	62
150 – 300	48	56
300 – 600	44	51
600 - 1,200	40	45
1,200 - 2,400	36	40
2,400 - 4,800	32	36
Over 4,800	30	33

- (2) In the event of any conflict during tests for noise level between Columns A and B, Column A shall have precedence.
- (3) The above sound levels in both columns shall be reduced by five decibels for night operation between the hours of 10:00 pm and 7:00 am and for noise of impulsive character, such as hammering, or periodic in character, such as hum, screech or continuous tones. Sound levels shall be measured with a sound-level or decibel meter and associated octave band analyzer than conforms to current American Standards Association specifications.

B. Vibration

At no point on the boundary of any bordering residential zone shall any vibration exceed two-ten-thousandths (0.0002) inches to a frequency of fifteen (15) cycles per second or less when measured by a seismograph of accepted standard manufacture.

C. Air Pollution

No dust, smoke or fumes shall be emitted from any operation so as to be noticeable or evident or be in violation of Federal, State and local pollution regulations.

D. Glare and Heat

Glare and heat from lighting or any process or operation shall not be seen or felt at the boundary of a bordering residential zone.

E. Hazardous Wastes / Materials

No hazardous wastes/materials shall be stored, used or generated except in accordance with all applicable State, Federal and local laws, rules and regulations. All applications for uses hereunder shall include a written statement detailing and identifying all hazardous wastes/materials to be used, stored or generated on the premises including the manner of onsite and/or offsite disposal, handling and/or storage and including proof of compliance with all applicable State, Federal and local laws, rules and regulations. Said statement shall additionally include an estimate of the quantity of each toxic or hazardous material/waste, and approximately where on the applicant's or operator's property the material/waste will be located. A copy of said statement shall be transmitted by the Commission to the Monroe Police Department, the Fire Marshal, and the Fire Department Chiefs. Such materials/wastes to be identified shall be those defined in the Environmental Protection Agency Hazardous Waste Regulations published in the May 19, 1980, Federal Register (Part 261) as amended from time to time. All storage containers for any toxic or hazardous materials/wastes shall conform to specifications of the Federal Department of Transportation and Environmental Protection Agency, and shall each contain a warning label naming the contents and those that are hazardous/ toxic.

F. Explosion, Fire or Radiation Hazards

At any point in the zone, any exposure to explosion, fire or radiation hazards shall be safeguarded by all means available, and such safeguards shall be subject to the approval of the State and local Fire Marshals or appropriate authority. No operation in this zone shall be the cause of radio or television interference.

§4.3.3 Permitted Uses

See Article 10 – Schedules for “Schedule of Permitted Lands Uses by Zoning District.”

§4.3.4 Prohibited Uses in Industrial District 3

A. Notwithstanding that any land use not specifically permitted is prohibited, the following uses are specifically prohibited in an I-3 District:

- (1) Gasoline service stations, service and repair garages, and automotive, boat, recreational vehicle, truck, and similar sales. Public display of any vehicle for sale is prohibited. "Boat" shall not include non-motorized boats up to sixteen (16) feet in length (e.g., canoes and kayaks).
- (2) Arcades (amusement centers with coin or token-operated games or any type of electronic payment for operation of games) as a principal use.

- (3) Adult-oriented businesses (including, but not limited to, adult bookstores, adult theaters, and massage parlors).
- (4) Mini-warehouses or self-storage facilities.
- (5) Nightclubs, taverns, social clubs, and similar uses where the primary purpose of the business is the serving of alcoholic beverages.
- (6) "Fast food" restaurants, where the majority of meals are not served by waitpersons to patrons at tables. Fast food restaurants are allowed only as part of a larger complex such as a food court in a shopping center.
- (7) Stand-alone "convenience" stores: quick-stop, high-turnover mini-markets.
- (8) Tattoo establishments.
- (9) Firearms sales, except as a minor accessory use, not to exceed five percent (5%) of the gross floor area.
- (10) On-site dry cleaning.

§4.3.5 Accessory Uses

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in all Industrial Districts, except as limited below, including:

- A. Recreational facilities for employees, which shall not be located in a front yard or any yard abutting a residential zone.
- B. Child Day Care Center in conjunction with a general or professional office use.
- C. Retail not exceeding 5% of the gross floor area of the principal business.
- D. Restaurants, including corporate cafeterias, serving the principal use occupants only and not open to the general public.
- E. Outdoor storage of materials related to industrial uses.
 - (1) All materials to be stored outdoors shall be directly related to the principal use on the site.
 - (2) Outdoor storage shall comply with the bulk requirements of the underlying zoning district and related principal use.
 - (3) The outdoor storage area shall not exceed twenty percent (20%) of the gross floor area of the principal building.

- (4) Outdoor storage shall not interfere with parking, site access or on-site circulation of vehicles and pedestrians.
- (5) Materials shall be stored in an environmentally safe and orderly fashion, and shall be properly secured. The contents of outdoor storage shall be temporary in nature.
- (6) Outdoor storage areas shall be screened from adjoining properties and shall conform to landscaping and screening requirements of these Regulations.
- (7) The limit or area of approved outdoor storage shall be physically delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof to screen said area and the contents therein.

F. Storage Silos in the I-3 District only, not to exceed sixty-five (65) feet in height, nor have a footprint exceeding ten (10) percent of the gross square footage of the principal building footprint that the silo is attached to. No signage, flags or lights shall be attached to the silo, except as may be required for safety purposes at the base of the silo. All such footprints shall include all enclosed overhangs.

§4.3.6 Lot Area and Bulk Requirements for All Industrial Districts

A. No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the minimum standards set forth below in the Schedule of Area and Bulk Requirements. Side yard setback requirements may be reduced at the discretion of the Commission in order to encourage clustering of industrial buildings where shared parking can be achieved for complimentary uses in accordance with provisions for shared parking provided in Article 6 of these Regulations. Site landscaping and screening shall be provided in accordance with the landscaping and screening provisions of Article 6 of these Regulations.

Schedule of Area and Bulk Requirements

Lot Requirements	I-1	I-2	I-3
Minimum lot area	1 acre	3 acres	10 acres
Minimum lot frontage	120 feet	200 feet	200 feet
Minimum square*	110 feet	150 feet	350 feet
Minimum front yard, public road	50 feet	50 feet	150 feet
Minimum front yard, private commercial street	25 feet	50 feet	50 feet**
Minimum yard			
For buildings at residential zone boundary	50 feet	100 feet	100 feet
Rear and side yards	25 feet	25 feet	50 feet**
Maximum height	3 stories/40 feet	3 stories/40 feet	3 stories/55 feet***
Building coverage	25%	25%	25%

*Note: Each lot shall be of such shape that the applicable square can be placed entirely within the lot lines, with one (1) side parallel to the street lot line.

**Note: The minimum yard for buildings and structures, or a portion thereof, exceeding a height of 40 feet shall be no less than the highest height of such buildings and structures, or portion thereof.

***Note: Maximum height of sixty-five (65) feet allowed for accessory storage silos in accordance with §4.3.8G of these Regulations.

- B. Frontages for individual lots along an internal road in an industrial park development in an I-2 District and an I-3 District may be reduced by the Planning and Zoning Commission, upon written request with documented justification by an applicant, by an amount not to exceed twenty percent (20%) when deemed to be in the interest of the town and overall design. When considering such a request, the Commission shall take into account limitations imposed by topographic or geologic conditions, size and shape of property, effect upon integrity of overall design and impact upon future maintenance requirements of the town.

§4.3.7 Parking and Loading

Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements set forth in Article 6 of these Regulations.

- A. No parking areas or internal driveways shall be located no less than fifty (50) feet from a public street, no less than twenty-five (25) feet from a property line, and no less than fifty (50) feet from any Residential District boundary in an I-1 District, nor less than one-hundred (100) feet from a Residential District boundary in an I-2 District and an I-3 District, except for the purpose of providing a driveway(s) or access aisle(s) to an adjacent property to allow for vehicular access and circulation between adjacent parcels. Internal driveways giving access to the street may cross required buffers only in the case where residential zone lines follow the centerline of the street or parallel the centerline of the street at the streetline.
- B. Upon written request with documented justification by an applicant, including submission of an alternate landscape buffer plan, the Commission may allow surface parking areas or internal driveways to extend up to, but not more than fifty (50) feet into the required I-3 District buffer area. If the Commission determines that the alternate landscape buffer plan, above, exceeds the landscape buffer requirements provided in Article 6 of these Regulations and provides adequate protection to an adjoining residential zone, the requirements provided in Article 6 may be waived.
- C. Adequate loading docks and loading space shall be provided to serve the uses of a building and shall be so separated from parking areas to the extent that maneuvering trucks will not cause hazards or inhibit the free and safe movement of passenger vehicles. In no case shall a loading area or access to a dumpster enclosure obstruct access to and from designated parking spaces.

§4.3.8 Utilities and Improvements

All site and public improvements, including water supply, sewage disposal, roads and drainage, shall conform to local and State regulations as applicable.

- A. Complete plans, profiles, engineering drawings and data on improvements, including parking areas on private property, shall conform to recognized standards and the best modern practice and shall be subject to the acceptance by the Town Planner and Town Engineer.
- B. Foundation and roof drains shall be connected to retention and/or detention facilities and/or appropriate storm water quality facilities, where appropriate.

§4.3.9 Signs

Signs in all Industrial Districts shall conform to and be limited by the provisions of Article 6 of these Regulations.