

## ARTICLE 5 BUSINESS ZONES

### Section 5.1 Permitted Uses

In addition to Section 9.17, Mixed Use Development, and Section 7.3, Town Center Village District, permitted uses in Business Zones are listed in the table below, and all other uses are prohibited except as stated herein.

<b>Table 5.1 Permitted Uses Business Zones</b>			
P = permitted by right in the zone		SP = permitted only by special permit	
S = permitted subject to approval of a Site Plan		N = not permitted in the zone	
<b>Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6</b>			
Permitted Use	B-1	B-2	B-3
Accessory Buildings & Uses other than Special Events	S	S	S
Aircraft landing areas, heliports and hangars	SP	SP	N
Bed and Breakfast <sup>1</sup>	N	P	P
Bowling Alleys	N	S	N
Buildings, uses, and facilities of the State of Connecticut and Federal Government	SP	SP	SP
Buildings, uses, and facilities of the Town of Portland	SP	SP	SP
Cemeteries	N	SP	N
Churches, Places of Worship	SP	SP	SP
Clinics: Medical and Dental	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>
Commercial Self-Storage <sup>3</sup>	SP	SP	N
Communications Towers: minimum setback distance from any property line shall be equal to the height of tower	SP	SP	N
Convalescent homes, hospitals, and health care institutions	S	S	SP
Day Care Center	SP	SP	SP
Dog Grooming	SP <sup>2</sup>	SP <sup>2</sup>	S
Drive-thru window service for other than restaurants and other food service establishments	S	S	SP
Dwellings, containing up to 4 dwelling units in one building and not more than 1 such building per lot (See Section 5.4)	N	N	SP
Dwelling, one unit apartment occupied by the owner, manager, caretaker or janitor of the permitted business use <sup>7</sup>	SP	N	N
Earth Material Operations (See Section 9.5)	SP	SP	SP
Facilities and uses of philanthropic, charitable, agricultural, historical, and cultural organizations or societies not conducted as a business or for profit	N	S	S
Farms	P	P	N
Farm Winery	SP	SP	N
Farm Brewery	SP	SP	N

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Permitted Use	B-1	B-2	B-3
Financial Establishments	S	S	S
Fraternal, social or civic organization buildings and uses	N	SP	SP
Garages; including auto, truck, trailer, boat, and farm equipment repairing, painting or upholstering	SP	SP	N
Golf courses, 18 holes or larger with a restaurant or cocktail lounge (See Section 9.13- Seasonal Outdoor Dining Areas)	SP	SP	N
Golf Course, Miniature	SP	SP	N
Home Office	P	P	P
Hotels and Motels	SP <sup>2</sup>	S	S
Indoor theaters and places of public assembly	N	S	S
Laboratories, dental or optical <sup>4</sup>	SP <sup>2</sup>	SP <sup>2</sup>	S
Kennels <sup>5</sup>	SP <sup>2</sup>	SP	N
Laundering and clothes cleaning establishments, retail	SP <sup>2</sup>	SP <sup>2</sup>	S
Laundering and clothes cleaning establishments, self service	N	SP <sup>2</sup>	N
Marinas and Boat Yards <sup>6</sup>	SP	SP	N
Mixed Use Development	SP	SP	SP
Medical Marijuana Dispensary Facility	N	SP	N
Motor Vehicle Washing Establishments	SP	SP <sup>2</sup>	N
Offices: Business and Professional	S	S	S
Offices: Sale, Service & Delivery of Heating Fuel Products <sup>8</sup>	N	SP	N
Outdoor recreation facilities and uses other than facilities and uses of the Town of Portland	SP	SP	N
Package and Liquor Stores (Section 3.2 Alcoholic Liquors)	N	S	N
Personal Service Establishments	S	S	S
Post Offices	S	S	S
Printing and Publishing Establishments	SP <sup>2</sup>	SP <sup>2</sup>	S
Public Utility Buildings: no service yard or outside storage of supplies	SP	SP	SP
Recreation facilities, other than facilities of the Town of Portland, including gymnasiums and physical cultural establishments and studios for dance, musical and theatrical instruction	SP	SP	SP
Restaurants and other food service establishments (See Section 9.13 Seasonal Outdoor Dining Areas)	S	S	S
Restaurants and other food service establishments with drive-thru window service	S	S	N
Retail motor fuel filling stations	S	S	N
Retail sales, rental, and storage of new or used automobiles, trucks, trailers, boats or farm equipment	S	S	N

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Permitted Use	B-1	B-2	B-3
Retail stores other than package stores or liquor stores (Note Section 5.2.B)	S	S	S
Roadside stands for the sale of farm produce and products accessory to the farm on which the stand is located with a maximum floor area for the stand of 400 square feet	P	P	N
Schools, Colleges and Universities	SP	SP	SP
Shops for custom work: including the fabrication, assembly, repair, treatment and or finishing of articles incidental to such work to be sold at retail on the premises	S	S	N
Special Events (See Section 3.13.B)	SP	SP	SP
Tattoo Parlors	N	S	N
Taverns, pubs , brewpubs, and cafes (See Section 9.13 Seasonal Outdoor Dining Areas)	S	S	S
Undertaker Establishments and Funeral Homes	N	S	S
Veterinary Clinics or Hospitals	SP	SP	SP
<b>Notes to Table 5.1 Permitted Uses Business Zones</b>			
<sup>1</sup> In 6 or fewer rooms, where stays are limited to a maximum of 30 consecutive days <sup>2</sup> Use is permitted by special permit when the site is <u>not</u> serviced with Town sanitary sewers; use is permitted subject to a Site Plan approval when the site <u>is</u> serviced by Town sanitary sewers <sup>3</sup> Excluding the storage of any live animals, any explosive, toxic, radioactive, or hazardous substance; or any material which would require insurance at higher than standard commercial rates. All storage in a Commercial Self-Storage building shall be fully enclosed within the building. <sup>4</sup> Not allowed on first floor in B-3 Zone <sup>5</sup> Minimum lot area is 3 acres; no animals to be kept in any building or enclosure within 100 feet any property line; no use shall create offensive odors, noise or unsightly appearance off of the lot <sup>6</sup> Including accessory uses such as marine offices gasoline pumps for boating uses, boat and engine repair, marine store serving those people using and visiting the marina area <sup>7</sup> Provided that the dwelling unit is located within the same building as the permitted business use. The dwelling unit must have a minimum living space of 500 square feet and a maximum living space of 800 square feet and may contain no more than 2 bedrooms. <sup>8</sup> Storage of heating fuel products in tanks is specifically prohibited.			

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### Section 5.2 General Requirements

- A. Before a lot or parcel of land in a Business Zone may be used or a building erected or expanded, the owner of said lot or parcel or his authorized agent shall submit a site development plan to the Commission in accordance with the requirements outlined in Section 5.1 Permitted Uses and Section 10.5 Site Plan Standards and Procedures.
- B. At no time shall any retail establishment as defined in these Regulations exceed 40,000 gross square feet in size.

### Section 5.3 Special Requirements B-1 Designed Business Zone

#### 5.3.1 Purpose

The purpose of the Designed Business Zone is to encourage high quality design in business development and to allow appropriate and controlled expansion of business property in the Town of Portland.

#### 5.3.2 Site Plan Standards

In addition to the requirements of Section 10.5 Site Plan Standards and Procedures, the following standards shall be followed in planning the site:

1. **Front Landscaping:** Each lot shall be provided with a landscaped strip or earth berm 15 feet or more in width along the street line. The strip or berm shall be landscaped and maintained with lawn, shrubs, trees, or other suitable landscaping. The strip or berm shall also be separated or outside storage, sales, or display area by a curb 6 inches in height. Necessary driveways or sidewalks may be provided through or in the strip or berm.
2. **Screening:** All outside storage areas for supplies, merchandise equipment, or refuse shall be suitably screened on all sides by a building, fence, wall, embankment, or other suitable device not less than 6 feet in height and in conformance with Section 9.13 Walls and Fences. This provision shall not apply to outside sales and display areas, or to areas used for parking of registered motor vehicles in regular use.
3. **Site Condition and Safety:** Provisions shall be made for maintaining an uncluttered site such that supplies, merchandise, equipment, or refuse shall not be stored, located, or displayed on sidewalks, pedestrian ways, driveways, or paved areas reserved for off-street parking and loading. Where a commercial activity requires display of equipment outside of a building, such areas to be used shall be clearly shown on the Site Plan and approved by the Commission.

#### 5.3.3 Design

- A. The design of all buildings and other structures to be erected on any lot in the Designed Business Zone shall be subject to the approval of the Commission.
- B. The design of all buildings and other structures, including the building materials and exterior elevations, shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, and to preserve the appearance of the community.
- C. The Commission shall not design or assist in the design of any buildings or projects submitted for approval.

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- D. The Commission shall restrict its considerations to a reasonable review of the proposal and plans, leaving full responsibility for the design and development to the applicant. Individual initiative and experimentation is to be encouraged.

### 5.3.4 Architectural Presentation Requirements

For any proposed use in a Designed Business Zone, the Commission may request up to 2 copies of preliminary architectural drawings of all proposed buildings, structures, and signs. Said drawings shall consist of: exterior elevations; general floor plans; at least one perspective drawing showing structures, major landscaping, and adjoining structures where applicable; types of exterior materials; and proposed signs, including location and general design.

### Section 5.4 Residential Uses in Business Zones

Mixed residential and business uses in a building in the B-3 business zone are permitted subject to approval of a special permit by the Commission providing the following conditions are met:

1. There are no more than 4 dwelling units per building and not more than 1 building per lot.
2. A minimum of 25% of the gross floor area of the building shall be used for business purposes.
3. The parking standards for both the residential and the business uses shall be computed separately and applied in conformance with Section 8.2 Off-Street Parking and Loading. Joint use of parking spaces to meet the requirements is prohibited.
4. If the building is located within the Town Center Village District, the first floor of the building must contain only business uses.

### Section 5.5 Business Area & Dimensional Requirements

Zone	Min Area	Min Width	Min Depth	Max Height	Max % Lot Coverage	Min Front Yard	Min Side Yard	Min Rear Yard
B-1	1 Acre	150'	200'	Varies <sup>2</sup>	25%	25'	10 <sup>3</sup>	15 <sup>3</sup>
B-2 <sup>1</sup>	1 Acre	150'	200'	Varies <sup>2</sup>	25%	15'	10 <sup>3</sup>	15 <sup>3</sup>
B-3	20,000 sq. ft.	100'	100'	Varies <sup>4</sup>	N/A	See Section 3.9.C	N/A	N/A

<sup>1</sup>The minimum lot size for the B2 Zone is reduced to one half (1/2) acre and the lot coverage increased to 50% where public water and sewer is available and utilized.

<sup>2</sup>The maximum height shall not exceed the average width of the public right-of-way along the frontage of the property.

<sup>3</sup>The minimum side and rear yard setback shall be as stated unless required to be greater as per buffer requirements.

<sup>4</sup>The maximum height shall not exceed the greater of one half (1/2) the average width of the public right-of-way along the frontage of the property or 35 feet.