

SECTION 35 GENERAL COMMERCIAL DISTRICT C-2 (entire section revised 10/25/12)

35.1 PURPOSE AND INTENT: The purpose and intent of this District is to encourage and permit general commercial development, at a lower density than other districts, oriented to vehicular transportation.

35.2 PERMITTED USES: Land, buildings and other structures shall be used for one or more of the following purposes subject to the approval process in Section 61 of these Regulations:

- 35.2.1 Businesses selling goods at retail and the indoor storage of a reasonable quantity of merchandise inventory; the maximum footprint is 20,000 sq.ft. per retail business.
- 35.2.2 Businesses providing personal and professional services including, but not limited to, banking and other financial services, insurance, hair care, dry cleaning, laundromat, legal, medical or dental office, out-patient services, and day care.
- 35.2.3 Veterinary hospital, dog grooming, animal day care and boarding, animal training facility, and kennel.
- 35.2.4 Mobile food cart.
- 35.2.5 Indoor and outdoor recreational areas, bowling alley, billiard and pool halls, other commercial recreation halls.
- 35.2.6 Club, civic, lodge or non-profit organization.
- 35.2.7 Contractor office; contractor garage, workshop and equipment storage shall be screened from any public street or residential area.
- 35.2.8 Churches and other places of worship.
- 35.2.9 Customary accessory structures and uses subject to the following:
 - a) outdoor storage shall be identified as such on an approved site plan, shall not be located within any setbacks and shall be screened so as not to be visible from any street or residential property.
 - b) outdoor merchandise display area shall be identified as such on an approved site plan, shall not be located within any setbacks and is limited in total square feet to 3 times the lineal feet of principal road frontage for that business.
- 35.2.10 Dwellings legally in existence on the date of the adoption of these regulations.
- 35.2.11 Municipal and other governmental uses.

35.3 OTHER PERMITTED USES: Land, buildings and other structures shall be used for one or more of the following purposes, subject to Site Plan Approval by the Commission.

- 35.3.1 Restaurants, and other food service establishments, where customers are served only when seated at tables or counters; including the sale of alcoholic beverages for consumption on the premises subject to Section 73 of these regulations.
- 35.3.2 Drive-thru areas for food service, banking and other services.
- 35.3.3 Restaurants primarily serving food for take-out.
- 35.3.4 Restaurant outdoor seating.

35.4 SPECIAL USES: The Commission will permit the following uses by Special Permit in accordance with Section 62 of these Regulations.

35.4.1 Businesses selling goods at retail and the indoor storage of a reasonable quantity of merchandise inventory with a maximum footprint of 30,000 sq.ft. pr business.

35.4.2 Movie and live performance theaters; nightclubs.

35.4.3 Vehicular related businesses including fueling stations, service, repair, washing, painting and upholstering; sales, rental, leasing including an outdoor vehicular display area.

35.4.4 Warehouse; self-storage facilities and facilities with outdoor storage as the primary use screened so as not to be visible from any street or residential property.

35.4.5 Manufacture, processing or assembly of products; printing and publishing.

35.4.6 Automotive recycling facility, subject to the following:

- a) automobiles and automotive parts in any impoundment area, or outdoor storage area shall be screened so as not to be visible from any street or abutting property,
- b) any crushing operations and related activity shall be done in such a way as to minimize noise, shall only occur between the hours of 8am and 5pm, and shall be in an area setback a minimum of 200' from all property lines,
- c) and may have additional conditions imposed per Section 62.

35.4.7 Public utility substations.

35.4.8 Railroad rights-of-way.

35.5 PROHIBITED USES: The above permitted uses shall not be construed to include the following uses, and no land, building or other structure shall be used for any of the following purposes:

35.5.1 Adult Uses as defined in Section 4 of the Windham Zoning Regulations are prohibited in this District.

35.6 LOT AREA, SHAPE AND FRONTAGE: Each lot served by public water and sewer shall have a minimum area of 10,000 sq.ft. and shall have a frontage of 75 feet or more on a public street; each lot not served by public water and sewer shall have a minimum area of 40,000 sq. ft., and shall have a frontage of 100 feet or more on a public street. If the lot is sharing access with an adjacent lot, the required frontage may be reduced to no less than 50'. The frontage of two (2) or more lots which share a single joint entrance and a single joint exit to a public street may be computed as a single frontage.

35.7 SETBACKS: The following are the required setbacks:

35.7.1 Front setback: 30 feet. Double frontage lots shall have 30 feet setback on each frontage.

35.7.2 Side and rear setback:

- a) 20 feet where the property line does not abut a residential district.

- b) 75 feet where the property line abuts a residential district; no parking area is permitted within 35 feet of a residential district, screening and landscaping is required.

35.7.3 All setbacks abutting a State road shall be landscaped and include no structures and no parking areas; approved free-standing signage may be placed in the setback.

35.7.4 Reductions in dimensional requirements will be considered by the Commission only in special instances when it will improve overall compatibility of the site to surrounding and/or connecting property and with special attention to one or more of the following criteria: landscaping, building orientation, architecture, linkages to abutting properties and other site amenities.

- a) Side setbacks on a common side lot line may be omitted where two (2) or more lots containing no residential uses share a single joint entrance and single joint exit to a public street.

- b) The side setbacks for parking areas and driveways may be reduced depending on the nature of the adjacent land-uses and the proposed landscaping/screening plan; minimum separation between buildings shall be 20 feet, unless sharing a common wall.

35.7.5 The minimum distance from residential district may be reduced to no less than 50 feet due to existing or proposed evergreen buffer or other circumstances that would provide sufficient screening and landscaping of the setback area shall be required by the Commission.

35.7.6 The Zoning Board of Appeals is authorized to grant a reduction of up to twenty-five (25) percent of the setback requirements by Special Exception as specified under Section 92.

35.8 HEIGHT: No building or other structure shall exceed a height of 2 ½ stories or thirty-five (35) feet, whichever is less.

35.9 LOT COVERAGE: The lot coverage shall not exceed seventy (70) percent of the area of the lot.

35.9.1 Higher lot coverage will be considered under certain circumstances:

- a) The Commission may Permit lot coverage up to eighty (80) percent. This increased coverage shall be permitted only in special instances where special attention has been given to access management through linkages to abutting properties, special provisions for non-motorized transportation or site sensitivity; or
- b) The Commission may permit lot coverage up to eighty-five (85) percent, not including the area of public access management roadways. This increased coverage shall be permitted in unique circumstances where a public roadway will be provided to link abutting properties to promote public safety and that may limit lot development design.

35.10 STANDARDS: Development standards of Section 74 of these regulations shall be met.

SECTION 35A - GENERAL COMMERCIAL / AIRPORT C-2A (entire section added 10/25/12)

35A.1 PURPOSE AND INTENT: The purpose and intent of this District is to encourage and permit a variety of businesses, at a lower density and larger footprint than the C2.

35A.2 PERMITTED USES: Land, buildings and other structures shall be used for one or more of the following purposes subject to the approval process in Section 61 of these Regulations:

35A.2.1 Any use permitted in the General Commercial District C-2.

35A.2.2 Airport related uses including, but not limited to, maintenance, storage, airfreight transfer and forwarding, aircraft research and testing.

35A.3 OTHER PERMITTED USES: Land, buildings and other structures shall be used for one or more of the following purposes, subject to Site Plan Approval by the Commission.

35A.3.1 Any other permitted in the General Commercial District C-2.

35A.4 SPECIAL USES: The Commission will permit the following uses by Special Permit in accordance with Section 62 of these Regulations.

35A.4.1 Any special use permitted in the General Commercial District C-2.

35A.4.2 Businesses selling goods at retail and the indoor storage of a reasonable quantity of merchandise inventory, and a footprint greater than 30,000 sq.ft. per business.

35A.5 PROHIBITED USES: The above permitted uses shall not be construed to include the following uses, and no land, building or other structure shall be used for any of the following purposes:

35A.5.1 Adult Uses as defined in Section 4 of the Windham Zoning Regulations are prohibited in this District.

35A.6 LOT AREA, SHAPE, FRONTAGE, SETBACKS, HEIGHT, and LOT COVERAGE:

All dimensional requirements of the C-2 District shall apply to the C-2A.

35A.7 STANDARDS: Development standards of Section 74 of these regulations shall be met.