

Adopted 01-13-09, effective 01-30-09: Proposed amendment to the New Milford Zoning Regulations to Chapter 40, Restricted Business Zone, Section 040-020, Permitted Uses to add "Specialty Food Retailer" as a permitted use in the B-1 zone, as proposed by the New Milford Zoning Commission.

CHAPTER 40 RESTRICTED BUSINESS ZONE (B-1)

Section 040-010 Purpose

The purpose of the B-1 Restricted Business Zone is to allow service businesses in locations convenient to the general population on highways which are able to accommodate the traffic associated with such uses.

Section 040-020 Permitted Uses

No building or other structure shall be constructed, reconstructed, expanded or altered, and no use of land, buildings or other structures shall be established, altered or expanded except in conformity with these regulations.

1. A use permitted as a matter of right in a single-family residential district is permitted as a matter of right subject to issuance of a zoning permit by the Zoning Enforcement Officer. When a property zoned B-1 is to be used for a single family residence, one dwelling unit shall be permitted for each lot and the minimum lot area, yard setbacks, frontage and access requirements of the R-40 zone shall apply.
2. A use permitted in a single family residential district subject to acquisition of a special permit is permitted in a B-1 zone subject to acquisition of a special permit in accordance with the provisions of Chapter 180 and the applicable sections of Chapter 25.
3. The following uses are allowed as a matter of right in a B-1 zone subject to site plan approval in accordance with the provisions of Chapter 175, and issuance of a zoning permit by the Zoning Enforcement Officer.
 - a. Banks
 - b. Businesses offices
 - c. Professional offices
 - d. Hotels and motels
 - e. Extended stay motels and hotels
 - f. Indoor theaters
 - g. Retail sales of goods and services from a building.
 - h. Bakeries

- i. Delicatessens
- j. Grocery stores
- k. Butcher shops
- l. Specialty Food Retailer (*added 1/13/09, effective. 1/30/09*)
- m. Fabrication and installation of glass
- n. Restaurants, Class I and II
- o. Assembly hall
- p. Public recreation building
- q. Veterinary hospital or clinic
- r. Funeral home
- s. Outside storage and display of inventory as an accessory use to any B-1 use which is permitted as a matter of right
- t. Outside dining tables as an accessory use to a Class I or Class II Restaurant

4. Special Permit Uses:

- a. Any building to be constructed in a B-1 business zone which exceeds 25,000 square feet of gross floor area shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
- b. Any proposed use which is projected to generate in excess of 500 motor vehicle trips per day as determined by *Trip Generation, 7th edition, and later additions, and as amended, published by the Institute of Traffic Engineers* shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
- c. Any restaurant proposing to provide live entertainment, defined as a class III restaurant shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
- d. Shop for making articles to be sold at retail on the premises may be permitted subject to acquisition of a special permit in accordance with the provisions of Chapter 180.
- e. A combination of residential and B-1 uses is permitted subject to acquisition of a special permit in accordance with the provisions of Chapter 180, and subject to compliance with the following standards:
 - i. Said lot must contain lot area of 40,000 square feet or greater.
 - ii. One residential dwelling unit is permitted per property.
 - iii. The residential dwelling unit must be located within the same building as the business use.

5. Administrative Sign Off:

If a use change is proposed from one as a matter of right B-1 business use to another matter of right use, as outlined in this section, and the parking requirements of the proposed use are no greater than the approved use in accordance with the standards of Chapter 135, in that event the zoning enforcement officer is permitted to allow that use change, subject to the granting of a zoning permit.

Section 040-030 Standards

1. Lot Area: In a Business zone, except as otherwise noted in this Chapter, there is no minimum lot area requirement.
2. Minimum Yard Setbacks and Minimum Lot Frontage, except as otherwise noted in this Chapter can be found in Section 020-010.
3. Maximum Building Height: Except as otherwise permitted in these regulations, no building to be constructed in a business zone may exceed 35' in height, as building height is defined in Chapter 15.
4. Maximum Lot Coverage: The maximum lot coverage of any lot located in the B-1 zone shall be determined by the standards noted in Section 020-010.
5. Rear Lots: No building to be used in whole or part for any use outlined in this chapter shall be erected on a rear lot, unless it has an unobstructed deeded accessway of a minimum of 30' in width connecting to a street adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right of access leads shall be considered the front lot line of the rear lot. Such rear lot shall conform to all the requirements prescribed in the zone in which it is located. If such rear lot is to be accessed using a common driveway as defined and outlined in Chapter 165, then in such event the guidelines regarding common driveways shall apply, and the access requirements regarding rear lots found in this section shall be waived.

(Chapter Revisions Effective September 1, 2006)