

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 Effective: January 30, 2009*)
 - 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 1 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 following standards:
 - i. Said lot must contain a minimum of 40,000 square feet.
 - ii. A maximum of three (3) residential dwelling units area permitted per property.
 - iii. The residential dwelling unit(s) must be located within the same building as the business use(s).
 - iv. The floor area of the residential uses may not exceed 50% of the total building floor area.
 - v. In multistory buildings the residential dwelling unit(s) shall only be permitted on the second and/or third floors above the business use(s). In single story buildings residential dwelling unit(s) shall only be permitted on the main/first floor. Under no circumstances shall residential dwelling units be located below grade.
 - vi. Each residential dwelling unit shall contain a minimum of 500 square feet of floor area.

(Section 040-020(4)e amended effective April 23, 2014)
- f. Microbrewery, Microdistillery, and Microwinery *(Added, Effective May 8, 2017)*
- g. Restaurant-Brewery *(Added, Effective May 8, 2017)*
- h. Buildings 10,000 square feet or less for the storage of equipment, vehicles, and materials associated with small tradesman businesses such as electricians, plumbers, well drillers, and painters, provided all equipment, vehicles, and materials associated with the business are stored inside. *(Added, Effective May 25, 2018)*

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 Amended May 25, 2018)