

## 5.2. Business B-1 Zone

### A. PURPOSE

The Business B-1 Zone is established to provide opportunities for retail stores, restaurants, and other businesses that will provide goods and services.

### B. ARCHITECTURAL REVIEW REQUIRED

Any new construction or remodeling of the exterior of a building in the Business B-1 Zone shall be reviewed by the Architectural Advisory Committee in accordance with the provisions of Subsection 9.3.G of these Regulations.

### C. PERMITTED USES <sup>6</sup>

- Within an existing building, the following uses are permitted by issuance of a Zoning Permit by the ZEO in accordance with Section 9.1.A for any Change of Use, whether or not new floor area is added to the tenant space, and whether or not additional parking is required.
- If new floor area is constructed or if there is any physical expansion of the existing building, the following uses shall be permitted by Special Permit (or Revision to an existing Special Permit) approval granted by the Commission in accordance with 9.2.A (as is the case with those uses listed in Sec.5.2.D.1.) unless administrative approval is authorized pursuant to Sec. 9.2.A.7.e.

1. Retail store.
2. Shopping center on a minimum of two (2) acres.
3. Service establishment or personal service establishment.
4. Business, professional, or medical office.
5. Real estate office.
6. Bank.
7. Sit-down restaurant.
8. Food retail / serving establishment (such as a bakery, delicatessen, ice cream parlor, or coffee shop) with seating for fewer than fifteen (15) customers.
9. A single family detached dwelling provided that<sup>7</sup>:
  - a. The dwelling was in existence as of 9/19/08; and
  - b. The dwelling conforms to the area and bulk requirements of the R-20 Zone.
10. Uses accessory to uses listed in Subsection 5.2.C when located on the same lot.

<sup>6</sup> 2019-041-A Amendment effective 06/07/19: Modified box contents for Change of Use via Zoning Permit, and Special Permit language. Deleted Site Plan application requirement.

<sup>7</sup> 2008-079-A: Amended effective 09/19/08

11. Seasonal Farmers' Market.<sup>8</sup>

12. Fitness center / exercise facility / dance studio / facility for education in the arts.<sup>9</sup>

**D. USES REQUIRING SPECIAL PERMIT**

The following uses require approval of a Special Permit application in accordance with Subsection 9.2.A.

1. Construction which results in new floor area.
2. Municipal or other governmental uses, including public parking and recreational facilities.
3. Drive through facility, but not permitting use for food service.
4. Food retail / serving establishment (such as a bakery, delicatessen, ice cream parlor, or coffee shop) with seating for fifteen (15) or more customers.
5. Gasoline station provided that:
  - a. the lot contains at least thirty thousand (30,000) square feet.
  - b. lot coverage (building) shall not exceed forty (40) percent, and
  - c. yard setbacks shall be at least 25 feet.
6. Sale of new or used motor vehicles provided that:
  - a. the lot contains at least two (2) acres,
  - b. display of motor vehicles for sale shall only occur within a yard setback with the specific approval of the Commission,
  - c. lot coverage (building) shall not exceed forty (40) percent, and
  - d. yard setbacks shall be at least 25 feet.
7. Motor vehicle repair and/or servicing provided that:
  - a. the lot contains at least thirty thousand (30,000) square feet,
  - b. lot coverage (building) shall not exceed forty (40) percent, and
  - c. yard setbacks shall be at least 25 feet.
8. Residential dwelling units that are a part of a commercial structure and are located over street level businesses, provided that<sup>10,11</sup>:
  - a. the development is served by public water or private well(s), and municipal sewer(s) or private septic systems(s) in compliance with the Public Health Code;
  - b. adequate off-street parking, as determined by the Commission, shall be provided on the premises for the use of residents and businesses;
  - c. except as allowed under 8.d, below, the number of dwelling units shall not exceed a density of 2.2 units per acre, except as provided in d. and e., below;
  - d. the number of dwelling units may be increased to a maximum density of eight (8) units per acre on properties of a maximum of one and three-quarters (1.75) acres in the B-1 zone located in the following areas: (i) between the intersection of North Salem Road and Danbury Road/Main Street on the west and Mountain View Avenue and South Street on the east; and (ii) in Branchville, provided that a. and b., above, can be achieved;
  - e. the Commission may grant a density bonus of up to twenty percent (20%) in the permitted number of units provided that the bonus units are deed-restricted as affordable housing according to the criteria for affordability set up in CGS 8-30g (6) for tenants with incomes less than 80% of the State Median Income (SMI);

<sup>8</sup> 2007-138-A: Amended effective 01/11/08

<sup>9</sup> 2013-113-A: Changed from SP to as-of-right, effective 11/28/13

<sup>10</sup> 2013-110-A: Amended effective 02/28/14

<sup>11</sup> 2016-050-A: Amended effective 07/21/16

- f. calculation of permitted density may be rounded down to the nearest whole number when fractions are less than 0.5 and shall be rounded up when fractions are 0.5 or greater.
- 9. Bowling alleys and other similar indoor recreational activities.
- 10. Golf driving range and other similar outdoor recreational activities.
- 11. Group day care homes, as per Subsection 3.3.D.3 of these regulations.
- 12. Day care centers, as per Subsection 3.2.C.7 of these regulations.
- 13. Educational, philanthropic, or religious uses.
- 14. Nonprofit club or other organization providing social, cultural and recreational activities serving a community need or convenience and not including any activity carried on primarily for profit.
- 15. Funeral homes or funeral director's establishments, but not including any crematory.
- 16. Commercial kennels.
- 17. Veterinary hospitals conducted under the personal administration of a licensed veterinarian.
- 18. Indoor theater.
- 19. Hotel, motel, or inn.
- 20. Public utility substations.
- 21. Principal uses similar to the uses listed in Subsection 5.2.C.
- 22. Uses accessory to uses listed in Subsection 5.2.D when located on the same lot.