

30-25 BUSINESS ZONES.

30-25.1 Purpose.

These districts are primarily intended for the conduct of commerce, general business and the sale of commodities, and all such uses shall be permitted subject to the restrictions, if any, relating to that business provided for herein. (Ord. No.77:1)

30-25.2 Prohibited Uses.

- a. In a Business Zone, no land, building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:
 1. Bottling works.
 2. Building material storage yard.
 3. Carousels, roller coasters, whirligigs, merry-go-rounds, Ferris wheels or similar amusement devices.
 4. Dance halls, dance pavilions or discotheques.
 5. Carpet, rug or bag cleaning establishment.
 6. Carting, express, hauling or storage yard.
 7. Constructor's plant or storage yard.
 8. Coal, cement, lime, plaster, coke, lumber, wood or brick storage.
 9. Dry-cleaning or dyeing establishment employing more than four (4) persons.
 10. Egg dehydrating plant.
 11. A gas filling station or motor vehicle service station.
 12. Ice plant or storage.
 13. Laundry employing more than four (4) persons.
 14. Livery or boarding stables.
 15. Metal or woodworking shop employing more than four (4) persons.
 16. Poolroom or billiard hall.
 17. Sand, clay or gravel pit.
 18. Milk distributing station.
 19. Public garage.
 20. Automobile and car wash or laundry.
 21. Stone yard or monument works.
 22. Storage, sorting or baling of scrap paper, metal, bottles, rags or junk.
 23. Used car lots.
 24. Any trade, industry or use prohibited in an industrial zone.
 25. Any kind of manufacture or treatment other than the manufacture of products clearly incidental to the conduct of a retail business conducted on the premises.
 26. Outdoor retail business. This shall include but not be limited to drive-in restaurants or refreshment stands, commonly called snack bars, dairy bars, hamburger stands or hot dog stands, where customers and patrons thereof are served food, soft drinks, ice cream and similar confections which are prepared and served as to be intended for immediate consumption either within a structure or over a counter or bar to customers and patrons while seated or standing outside the confines of the building or structure in which the business is conducted, or served in cars by waiters or waitresses. This shall also be construed to include and prohibit restaurants which are so designed and/or conducted by means of site

design or method of packaging for customers or patrons consuming any food or beverage in motor vehicles and outdoors on the premises, whether such food or beverage is dispensed inside or outside the confines of the building.

27. Warehousing, moving and storage.
28. Restaurants, except where such restaurant is part of a shopping center complex or group of stores in common ownership using a common off-street parking area or incidental to a use where it is necessary to feed employees of such building.
(Ord. No 77:1)

30-25.3 Inclusion of Certain Lands in District.

The following lands and premises known and designated as Block 501 Lot 8; Block 502 Lots 4, 5; Block 1104 Lots 5, 6, 7, 8; Block 1109 Lot 12; Block 1110 Lot 1 as shown on the current assessment map of the Borough of New Milford be and the same are located and included in the Business Zone and are subject to all the terms, conditions, regulations, restrictions and requirements which apply to the Business Zone. (Ord. No. 77:1; Ord. No. 79:11; Ord. No. 91:16 §XXXV; Ord. No. 92:10 §I)

30-25.4 Yards.

a. *Front Yards.*

1. No new building shall be erected and no existing building shall be altered to project beyond the front line of any building within a distance of two hundred (200') feet thereof in the Business Zone, and if there is no building within the aforementioned distance of two hundred (200') feet, then no new building or alteration of an old building shall extend beyond the front line of the nearest building thereto in the Business Zone.
2. Where there is no existing building in the block, all new buildings shall be erected within the foundation walls or foundation piers at least fifty-five (55') feet from the center line of the street.
3. A building located on a corner lot shall be set back not less than forty (40') feet from the center line of the side street.

b. *Rear Yards.* If a building in any Business Zone is used in whole or in part for dwelling purposes, except a janitor or caretaker without a family, the rear yard requirements shall be the same as for Residential A Zones. For other buildings, there shall be a rear yard of at least ten (10') feet in depth, except that no rear yard shall be required for a building that extends through from street to street. The center of a public alley may be taken as a point of measurement for the depth of a rear yard.

c. *Side Yards.* In the Business Zones, no side yards shall be required, except that:

1. When a lot in a Business Zone adjoins a lot in a residential district at the side, a side yard shall be provided on the residential side of the business lot, of a width not less than ten (10') feet.
2. If more than sixty (60%) percent of the total floor area of any building in the Business Zone that is either new construction or an alteration of the existing building, and is to be used for dwelling purposes, then the side yard requirements shall be the same as in the Residential A Zone.
(Ord. No. 77:1; Ord. No. 91:16 §XXXVI; Ord. No. 2009:02)

30-25.5 Area.

In Business Zones, no residents or combined residents and business building shall be erected, altered or used to accommodate or make provisions for more than one (1) family occupancy on a lot less than five thousand (5,000) square feet in area, and each building lot shall have a minimum area of not less than five thousand (5,000) square feet for each individual apartment, or dwelling unit. (Ord. No. 77:1; Ord. No. 91:16 §XXXVII)

30-25.6 Height.

In Business Zones, no building shall exceed two and one-half (2 1/2) stories nor thirty-five (35') feet in height, except that buildings in Business Zones on lots facing upon any county road may be three (3) stories, as long as they do not also exceed thirty-five (35') feet in height. (Ord. No. 77:1)

30-25.7 Courts.

The dimensions of courts designed to furnish light and air to rooms to be used for dwelling purposes shall be the same as those required in Residential C Zones. (Ord. No. 77:1)

30-25.8 Fire-Resistant Construction.

No building shall be constructed or erected in a Business Zone of other than fire-resistant construction as defined in the Building Code of the Borough of New Milford except in conformity with the Building Code, or when conforming to the side and rear yard requirements of Residential A Zones. (Ord. No. 77:1; Ord. No. 91:16 §XXXVIII)

30-25.9 Lot Coverage.

If more than sixty (60%) percent of the total floor area of any building in the Business Zone is either new construction or an alteration of the existing building, and is to be used for dwelling purposes, then the maximum building and impervious coverage requirements shall be the same as in the Residential A Zone (30-21.4). (Ord. No. 2009:02)