

**APPROVED AUTOMOTIVE USES
ZONE AMENDMENTS**

effective August 11, 2012

**Section 3.15 Special Exceptions Permitted in B-BT Business Berlin
Turnpike Zone**

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.1 Veterinary Hospitals and kennels but only when the kennel is operated as accessory to the veterinary hospital. (Effective 12-01-01)
- 3.15.2 Theaters (Effective 12-01-01)
- 3.15.3 Restaurants for consumption of food prepared and served within the building at tables or counters and at outside seating areas when approved by the commission; and restaurants where food is prepared within the building and sold to customers for take out and consumption off site. (Effective 7-8-98)
- 3.15.4 Drive Through Restaurants (Effective 4-6-2011)
Restaurants where food and/or beverages, excluding alcohol, are offered to customers from drive through service, walk up window service or service to customers while seated in their vehicles provided the following requirements are complied with. These requirements are in addition to the provision set forth in Section 5.2 and Section 5.3.
 - A. Traffic impact analysis describing peak hours of operations, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - B. Driveway locations shall be spaced at least 150 feet from a Corner intersection. The Commission may limit the number of driveways with adjacent properties and/or inter property driveway connections when the reduction of curb cuts is deemed to improve safety.

- C. Drive through windows shall be located only on one side of the proposed restaurant building and shall be positioned to minimize conflicts with doorways and pedestrians.
 - D. The restaurant structure and drive through service menu board (order intercom) shall be located not less than 300 feet from any adjacent residential structures.
- 3.15.5 Night Clubs (including discotheques, cabarets, bistros and similar places of entertainment)
- 3.15.6 Places of recreation such as health clubs, bowling alleys, and amusement enterprises but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12-01-01)
- 3.15.7 In addition to the provisions of Section 5.2 and 5.3, applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:
- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.
- 3.15.8 Motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)

Section 3.17 Special Exceptions Permitted in I Industrial Zones

- 3.17.8 Auto-related and motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)

Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles
(effective 8/11/2012)

The Commission may grant a special exception for the sale, rental, service or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Exceptions), Section 3.15 (Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone), and Section 3.17 (Special Exceptions Permitted in I Industrial Zones).

For the purpose of this section, "motor vehicle service uses" include but are not limited to those of a limited repairer as defined in Sec. 14-51(a)(4) of the Connecticut General Statutes; the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts as described in Sec. 14-51(b) of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes.

Motor vehicle service uses are allowed, by special exception, in the I zone, B-BT zone, and PD zones only.

For the purpose of this section, "auto-related uses" include but are not limited to dealers and repairers as defined in Sec. 14-51 (a) (1), (2), and (3) of the Connecticut General Statutes, car washes, car and truck rental businesses and other uses as may be determined by the Commission.

Auto-related uses area allowed, by special exception, in the I zone only.

- 6.11.1 Auto-related uses, motor vehicle service uses, and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.
- 6.11.2 Auto-related uses and motor vehicle service uses which include repairs shall be entirely within a building and at least 30 feet from any street right of way line.
- 6.11.3 Entrances and exits for auto-related uses and motor vehicle service uses shall be at least 100 feet from a church, school, playground, hospital or any residence. The Commission reserves the right to alter this requirement when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.

- 6.11.4 No display, sale, rental, or storage of any motor vehicle is permitted in the required front yard or in the street right-of-way.
- 6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone. The Commission reserves the right to alter this requirement when, in its opinion, the density of the residential zone and the natural, topographical, or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.
- 6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.
- 6.11.7 Overhead service doors shall not be permitted on the public street side of an auto-related use or a motor vehicle service use. The Commission reserves the right to alter this requirement for a corner lot or when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate. Such action shall require a two-thirds vote of the Commission.
- 6.11.8 The minimum lot area for a parcel containing an auto-related use or a motor vehicle service use shall not be less than one (1) acre. Such uses may be combined with other commercial uses when the total parcel size is not less than three (3) acres.
- 6.11.9 Pursuant to Sec. 14-321 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.10 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).