

## Section 3.11 Special Permits Allowed in B Business Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.11.1 Places of assembly for recreation, such as health clubs and dance studios. All such uses shall be completely enclosed in a building or structure or accessory to the permitted principal use. (Effective 12-01-01)
- 3.11.2 Funeral parlors or mortuaries.
- 3.11.3 Service, sale, repair, rental or storage of motor vehicles in accordance with Section 6.11 and Section 5.2 and 5.3 of the Zoning Regulations (effective 07/31/2019)
- 3.11.4 Services which customarily use specialized equipment, such as printers, dry cleaners, and the like.
- 3.11.5 Coin-operated games and devices may be allowed, not to exceed 10 in number in any single place of recreation, amusement, or the like, as an accessory use to the principal activity.
- 3.11.6 Restaurants (excluding drive-in or curb services restaurants.) Restaurants may offer outside temporary seasonal seating areas when approved by the Commission. (Effective 12-01-01) **except that, effective 04-20-2021 and for the period ending on 12-31-2021, the requirement for the Commission approval of outside temporary seasonal seating for existing restaurants is temporarily suspended and delegated to the Town Planner.**
- 3.11.7 A Fueling Station located within a Shopping Center and subject to the following requirements:
  - A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
  - B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
  - C. Principal Tenant must be the beneficiary of the Special Permit
  - D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
  - E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
  - F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
  - G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
  - H. There shall be no repairs or vehicle maintenance performed on the premises.
  - I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
  - J. No outside storage of any motor vehicles shall be permitted.

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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; **except that, effective 04-20-2021 and for the period ending on 12-31-2021, the requirement for the Commission approval of outside temporary seasonal seating for existing restaurants is temporarily suspended and delegated to the Town Planner,** and restaurants where food is prepared within the building and sold to customers for takeout 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 physical activity or recreation such as gyms, training facilities, health clubs, and bowling alleys.
- 3.15.7 Places of passive amusement enterprises, but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12-01-01)
- 3.15.8 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: