

Section 3.10 Uses Permitted in B Business Zones

Purpose: B Business zone is a commercial district within or adjacent to residential neighborhoods. Its purpose is to provide stores and service establishments for the convenience shopping and service needs of persons residing in the neighborhood and incidentally to others peripheral to the neighborhood.

In B Business Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

3.10.1 Permitted Uses

- A. Retail stores and **trades** including banks. – **trades should be defined. What has the TPZ traditionally considered to be the 'trade'?**
- B. Personal service shops or stores.
- C. **Business** or professional offices. – **business office should be defined. What has the TPZ traditionally considered to be business office under this provision?**
- D. Clubs or fraternal organizations.

3.10.2 Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single family residential use, in accordance with Section 6.10.5.

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) – some of these could be as of right. If you are concerned with big generators (i.e. Edge Fitness or such) we could limit by parking. For example, we could say, Places of assembly for recreation, such as health clubs and dance studios that require less than 10 (or 15 or 20) parking spaces – permitted as of right. The ones with more would need a special permit.
- 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) – **I propose we exclude sale, rental and storage from this zone, but add auto detailing.**
- 3.11.4 **Services which customarily use specialized equipment, such as printers, dry cleaners, and the like. Delete?**
- 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. Delete?**
- 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) – Consider allowing restaurants of a certain size as of right. We could tie this with either gross floor, or preferably, by parking. Consider allowing outdoor dining as of right accessory use and limit to 4 tables or 20 patrons. When larger it can require Special Permit. The other option would be seating percentage.**
- 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.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

3.11.8 Brewery (effective 07-14-2020)

3.11.9 Distillery (effective 07-14-2020)

3.11.10 Brew pub or brew pub restaurant (effective 07-14-2020).

3.11.11 Distillery pub or distillery restaurant (effective 07-14-2020).

3.11.12 Winery (effective 07-14-2020)

3.11.13 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, distillery restaurant, or winery (effective 07-14-2020). **Consider as of right accessory use.**