

**§ 85-424. J Business 2 District (General Business). [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016]**

**§ 85-425. Permitted uses. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016; 2-14-2019 by L.L. No. 4-2019, effective 2-25-2019; 5-23-2019 by L.L. No. 10-2019, effective 6-3-2019; 11-18-2021 by L.L. No. 21-2021, effective 11-30-2021; 2-22-2024 by L.L. No. 4-2024, effective 2-27-2024]**

In a J Business 2 District, no building or structure shall be used or occupied and no building or part thereof or other structures shall be so erected or altered, except for one or more of the following purposes:

- A. Art galleries.
- B. Assembly and social recreation hall.
- C. Automobile parking field.
- D. Bank with or without accessory drive-through facility.
- E. Bar, tavern or pub.
- F. Billiard hall.
- G. Bowling alley.
- H. Catering hall.
- I. College or university, excluding dormitories and other college, university, or school residential facilities.
- J. Commercial center.
- K. Day-care facility.
- L. Delicatessen.
- M. Dog/pet day care.
- N. Dry cleaners.
- O. Exhibit halls.
- P. Health club.
- Q. Indoor recreation.
- R. Laundromats.
- S. Live performance and community theater.
- T. Lodge.
- U. Movie theater, community.

- V. Museum.
- W. Non-degree-granting instruction/program, except those associated with manufacturing or driver training.
- X. Nursery/garden center.
- Y. Office.
- Z. Personal service shops.
- AA. Pharmacy with or without accessory drive-through facility.
- BB. Places of worship, parish house, or rectory.
- CC. Public, private school or parochial school with or without dormitory facilities.
- DD. Restaurant.
- EE. Retail sales establishment.
- FF. Shops and stores for the sale at retail of consumer merchandise and services.
- GG. Shops for custom work and for making articles to be sold at retail on the premises.
- HH. Take-out restaurant.
- II. Undertaking establishments.
- JJ. Veterinary hospital, provided that all activities take place within the building.
- KK. All uses identified as incentive uses within the Transitional Area Overlay District established in connection with the Montauk Highway Corridor Study Land Use Plan for Mastic and Shirley Phase II.

**§ 85-426. Town Board special permits. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016]**

The following special permit uses, when authorized by the Town Board, shall be subject to the criteria as set forth in Article VI, § 85-67, in addition to the criteria contained herein:

- A. Large commercial retailer use, or major renovation or expansion of existing structure where such renovation and/or expansion is greater than 50% of the reconstruction cost of the total structure and results in a large commercial retailer use.
- B. Two-family dwelling.

**§ 85-427. Planning Board special permits. [Amended 5-12-2016 by L.L. No. 12-2016, effective 5-25-2016; 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016; 12-17-2020 by L.L. No. 15-2020, effective 12-28-2020; 2-22-2024 by L.L. No. 4-2024, effective 2-27-2024]**

The following special permit uses, when authorized by the Planning Board, shall be subject to the criteria as set forth in Article VIII, § 85-107, in addition to the criteria contained herein:

- A. Nightclub or dance hall
- B. Convenience stores.
- C. Major restaurant without drive-through facility.
- D. Motor vehicle rental.
- E. Single-family dwelling.
- F. Indoor smoking establishments.

**§ 85-428. Accessory uses. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016; 1-17-2019 by L.L. No. 1-2019, effective 1-28-2019; 2-22-2024 by L.L. No. 4-2024, effective 2-27-2024]**

Customary accessory uses, structures and buildings shall be permitted when located on the same lot as the principal authorized use, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a business.

- A. Outdoor display area as an accessory use to a retail sales establishment.
- B. Fuel cell facility for on-site consumption.
- C. Mega-laundromat as an accessory use to a commercial center.

**§ 85-429. Town Board special permits for accessory uses. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016]**

The following special permit uses, when authorized by the Town Board, shall be subject to the criteria as set forth in Article VI, § 85-67, in addition to the criteria contained herein:

- A. Regional movie theater as an accessory use to a commercial center.
- B. Motor vehicle fueling as an accessory use to a major retailer.

**§ 85-430. Planning Board special permits for accessory uses. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016; 2-22-2024 by L.L. No. 4-2024, effective 2-27-2024]**

The following special permit uses, when authorized by the Planning Board, shall be subject to the criteria as set forth in Article VIII, § 85-107, in addition to the criteria contained herein:

- A. Major restaurant as part of a commercial center.
- B. Outdoor or overnight parking of registered vehicles.
- C. Outdoor display.
- D. Outside seating as an accessory use to a restaurant, take-out restaurant or major restaurant.

**§ 85-431. Prohibited uses. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016]**

All uses not expressly permitted are prohibited.

**§ 85-432. Dimensional criteria. [Amended 7-21-2016 by L.L. No. 20-2016, effective 8-5-2016]****A. Minimum lot area.**

- (1) Except as otherwise provided herein, the minimum required lot area shall be 15,000 square feet.
- (2) The minimum required lot area for a bank or pharmacy with a drive-through facility or major restaurant without a drive-through facility shall be 65,000 square feet.
- (3) The minimum required lot area for a commercial center shall be five acres.

**B. Minimum road frontage.**

- (1) Except as otherwise provided herein, the minimum required width of road frontage shall be 100 feet.
- (2) The minimum required width of road frontage for a bank or pharmacy with a drive-through facility or major restaurant without a drive-through facility shall be 150 feet.
- (3) The minimum required width of road frontage for a commercial center shall be 300 feet.
- (4) The minimum required width of road frontage for a regional movie theater shall be 300 feet.

**C. Minimum front yard setback.**

- (1) Except as otherwise provided herein, the minimum required front yard setback shall be 25 feet.
- (2) The minimum required front yard setback for a commercial center or regional movie theater shall be 100 feet.

**D. Minimum side yard setback.**

- (1) Except as otherwise provided herein, the minimum required side yard setback shall be 10 feet.
- (2) The minimum required side yard setback for a bank or pharmacy with a drive-through facility or major restaurant without a drive-through facility shall be 25 feet.
- (3) The minimum required side yard setback for a commercial center or regional movie theater shall be 50 feet.

**E. Minimum rear yard setback.**

- (1) Except as otherwise provided herein, the minimum required rear yard setback shall be 25 feet.
- (2) The minimum required rear yard setback for a bank or pharmacy with a drive-through facility or major restaurant without a drive-through facility shall be 40 feet.

- (3) The minimum required rear yard setback for a commercial center or regional movie theater shall be 75 feet.

F. Maximum permitted floor area ratio (FAR).

- (1) Except as otherwise provided herein, the maximum permitted FAR shall be 35%.
- (2) The maximum permitted FAR for a commercial center or regional movie theater shall be 20%.
- (3) The maximum permitted FAR for a commercial center with a large commercial retailer use shall be 16%.
  - (a) Green building incentive. In the event that a large commercial retailer is proposed pursuant to the Leadership in Energy Environmental Design for New Construction (LEED/NC) Green Building Standards, the floor area ratio (FAR) may be increased by 1% for each level of LEED standard achieved, to wit: basic certification (17% FAR), silver certification (18% FAR), gold certification (19% FAR) or platinum certification (greater than 20% FAR). Compliance with LEED certification/standards shall be determined by the Town of Brookhaven.

G. (Reserved)

H. Maximum permitted height.

- (1) The maximum permitted height for all structures shall be 35 feet or 2 1/2 stories.