

Chapter 170. Land Use

Article III. Zoning Districts

§ 170-27. Schedule of uses.

- A. Activity categories. Land uses permitted in the town's zoning districts, in conformance with the performance standards contained in Article IV, are shown in a matrix in § 170-27E. The various land uses contained in the matrix are organized into the following activity classifications:
 - (1) Open Space.
 - (2) Residential.
 - (3) Commercial.
 - (4) Industrial.
 - (5) Institutional.
 - (6) Miscellaneous.
- B. Symbols used in Schedule of Uses. The following symbols contained in the Schedule of Uses have the following meanings:
 - (1) District symbols:
 [Amended 5-1-2006 by ATM Art. 83]

GR	General Residential District
SR	Special Residential District
DB	Downtown Business District
MW	Maritime/Water Dependent District
GB	General Business District
RP	Resource Protection District
 - (2) Permit-required symbols:
 [Amended 5-3-2008 by ATM Art. 80]

Y	Uses allowed without a permit
C	Uses requiring a building permit or other type of permit from the Code Enforcement Officer
P	Conditional uses and requiring site plan review approval from the Planning Board in accordance with the requirements of Article V of this Land Use Code
^{1,2} , etc.	Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
Blank	Not permitted
- C. Uses which are not listed in the Schedule of Uses.
 - (1) Proposed uses which are not listed in the Schedule of Uses shall be subject to the following:
 - (a) If such proposed uses are similar to uses requiring a Code Enforcement Officer permit, as determined by the Code Enforcement Officer, they may be permitted by the Code Enforcement Officer.
 - (b) If such proposed uses are similar to uses requiring site plan review and approval of the Planning Board, as determined by the Planning Board, they may be permitted by the Planning Board under the site plan review provisions of this Land Use Code.
 - (c) If such proposed uses are similar to prohibited uses, as determined by the Code Enforcement Officer, such uses shall be prohibited.
 - (2) In determining similarity of uses, the Code Enforcement Officer or Planning Board, as applicable, shall consider the following factors: size and appearance, impact on abutting properties, scale of operations, traffic, environmental impacts, the purposes of the district and compliance with the provisions of all Town codes and ordinances. In no case shall this provision be used to permit a prohibited use or to permit a use which does not comply with all dimensional requirements and performance standards of this Land Use Code.
- D. Compliance with performance standards. All uses which are permitted must occur and be maintained in compliance with the applicable requirements of the performance standards listed in Article IV.
- E. Schedule of Uses.
 [Amended 5-1-2000 by ATM Art. 41; 5-5-2003 by ATM Art. 20; 5-3-2004 by ATM Art. 73; 5-8-2010 by ATM Art. 68; 5-6-2011 by ATM Art. 26; 5-6-2011 by ATM Art. 27]

	GR	SR	DB ¹⁰	MW	GB	RP
Open Space Uses						
Accessory use or structure	C	C	C	C	C	C
Agriculture	P				P	P
Animal husbandry ¹³	P				P	
Individual private campsites	Y	C			Y	P
Earthmoving activities of less than 100 cubic yards but greater than 10 cubic yards	C	P	P	P	Y	P

	GR	SR	DB	MW	GB	RP
Open Space Uses						
Earthmoving activities of more than 100 cubic yards	P	P	P	P	P	P
Farm uses and structures	C				P	
Outdoor conservation and recreational uses not operated for profit	P	P	P	P	P	P
Forest management, except timber harvesting	Y	Y	Y	Y	Y	Y
Roads, driveways and parking areas	Y	Y	Y	Y	Y	P
Nonresidential	P	P	C	P	P	P
Timber harvesting	Y	C			C	P
Fire prevention activities	Y	C	Y	Y	Y	P
Wildlife management practices	P	P				P
	GR	SR	DB¹⁰	MW	GB	RP
Water-Oriented Uses						
Accessory uses or structures	C	P	C	C		
Aquaculture uses. No processing or storage	P		P	C	P	
Aquaculture products, processing, warehousing, sales (retail and wholesale)				P		
Boat building and repair, commercial operations-	P		P	C		
Boathouses	C	C	C	C	C	
Breakwaters and causeways	P	P	P	P		P
Marinas			P	P		
Marina expansion		p ¹²	P	P		
Piers, docks and wharves	C ¹⁶	C	C ¹⁶	C		C
Seafood products, processing, warehousing, sales (retail and wholesale)				P		
Tour or charter boat operations			C	C	C	
	GR	SR	DB¹⁰	MW	GB	RP
Residential Uses						
Accessory structure	C	C	C	C	C	C
Residential association uses or structures	C	P	C		C	
Boardinghouses	C		C		C	
Duplexes	C		C	P	C	
Home occupations	P		C	P	C	
Manufactured housing exclusive of mobile homes (modular)	C	C	C	P	C	
Mobile homes	C				C	
Mobile home parks	p ²				P	
Multifamily dwellings	p ¹				P	
Planned unit/cluster developments	P				P	
Single-family dwellings	C	C	C	P	C	P
	GR	SR	DB¹⁰	MW	GB	RP
Commercial Uses						
Accessory uses or structures	P		C	P	C	
Adult business establishment and adult entertainment					P	
Auction barns			C		C	
Automotive body shops	P				P	
Automobile repair service shops	P		P		P	
Automobile sales			P		P	
Banks and financial institutions			C		C	
Bed-and-breakfasts	P		P		C	
Camping and tenting areas					P	
Child-care facilities	P				C	
Commercial farms, gardens, nurseries and greenhouses	P		P		C	
Commercial gymnasiums, fitness centers			P		P	
Funeral homes	P		C		C	
Gasoline service stations			P		P	
Commercial kennels					P	
Laundromats, dry cleaning			C		C	
Lumber yards					C	
Micro-breweries			P	P	P	
Motels, hotels, inns		p ⁴			C	
Neighborhood grocery stores	P		C		C	
Outdoor recreational uses operated for profit				P	p ⁸	
Parking areas/lots	P	P	C	P	P	P
Parking facilities	P		C		C	
Printing facilities ¹¹					p ¹¹	
Professional uses	P		C	C	C	

	GR	SR	DB	MW	GB	RP
Commercial Uses						
Recreation facilities (indoor)			P		P	
Resort areas	P				P	
Restaurants			P	P	C	
Retail establishments			C ⁵		C ⁵	
Service establishments			C ⁵		C ⁵	
Shopping centers					P	
Theaters			p ⁷		p ⁷	
Veterinary clinics	p ¹³		p ¹³		P	
Wholesale establishments			C ⁵		C ⁵	
Wireless communications facilities			C		C	
Wireless communications towers					P	

	GR	SR	DB ¹⁰	MW	GB	RP
Industrial Uses						
Accessory uses and structures			C		C	
Automobile graveyards and junkyards					P	
Firewood processing					P	
Fuel storage					P	
Light industry			p ⁶		p ⁸	
Recycling facilities					p ¹⁴	
Redemption facilities	P				C	
Warehousing					P	

	GR	SR	DB ¹⁰	MW	GB	RP
Institutional and Public Uses						
Accessory uses and structures	C	C	C	P	C	
Cemeteries	P				P	
Churches	C		C	C	C	
Community service organizations	C		C		C	
Health clinics (do not include marijuana or methadone clinics or dispensaries)	P		P		P	
Hospice	P		P		P	
Hospital	P		P		P	
Marijuana or methadone clinics or dispensaries						P
Municipal, county, state and federal uses and structures not otherwise listed		p ³	C	C	C	
Nursing homes	P		P		P	
Private schools	P				C	
Public recreation	P		P	C	P	p ⁹
Public school	P				C	
Social and fraternal organizations	C		C		C	
Yacht clubs (private and nonprofit)	P		C	P		

	GR	SR	DB ¹⁰	MW	GB	RP
Other Uses						
Public utilities, uses and buildings	P		P	P	P	
Public utility lines and substations	C	P	C	C	C	P

Notes to Schedule of Uses:

- ¹ Except within 500 feet of the high-water mark and in areas zoned Resource Protection.
- ² Only in areas set forth in Article IV.
- ³ In the McKown and Juniper Points Subdistrict only.
- ⁴ The construction, operation or use of land and structures known as the "Spruce Point Inn" Map No. 1, Lot No. 17, and the multifamily development project known as "Spruce Point Ocean Houses," Map No. 1, Lot No. 17A, of the 1990 Tax Maps, only.
- ⁵ Except those listed as requiring site plan review.
- ⁶ Only industrial uses which are functionally water-dependent, except sea products processing.
- ⁷ Except drive-in theaters.
- ⁸ North of Routes 27-96 intersection.
- ⁹ Provided that such facilities are nonstructural.
- ¹⁰ In the Downtown Business District, the following uses shall not be permitted:
 - A. Within 75 feet of the normal high-water mark, the conversion of an existing building to a hotel of any size or the expansion of a nonconforming use.
 - B. The projection of second-floor overhangs into required setbacks.
 - C. The expansion or construction of structures constructed out over the water that are not marine-related.
- ¹¹ Does not include businesses offering photocopy/computer services, which are covered under service establishments.
- ¹² Provision restricted to Blake's Marina.
- ¹³ No outside facilities.^[1]
- ¹⁴ Meeting the definition of light industry.
- ¹⁵ (Reserved)
- ¹⁶ See § 170-101B(7), Shoreline zoning, for size and height standards.
[Added 5-1-2000 by ATM Art. 40]

[1] Editor's Note: See also § 170-32, Animal husbandry.