

ARTICLE X PERMISSIBLE USES

Section 1. Use of the Designations P, PC, SE and SC in the Table of Permissible Uses

When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the administrator. When used in connection with a particular use in the Table of Permissible Uses, the letter "PC" means that the use is permissible in the indicated zone with a zoning permit issued by the administrator provided the conditions stipulated in Article XII are met. The letters "SC" mean the conditions of approval stipulated in Article XII for the proposed use must be met and a special exception permit must be obtained from the Board of Zoning Appeals. The letters "SE" mean a special exception permit must be obtained from the Board of Zoning Appeals.

Section 2. Board of Appeals Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit

Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of the applicable provisions contained in this article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special-exception permit shall nevertheless be required if the Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

Section 3. Permissible Uses and Specific Exclusions

1. The presumption established by this zoning ordinance is that all legitimate uses of land in the Town are provided for within at least one zoning district in the Town's planning jurisdiction. Because the list of permissible uses set forth in the Table of Permissible Uses cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
2. Notwithstanding Subsection 1., all uses that are not listed in the Table of Permissible Uses, even given the liberal interpretation mandated by Subsection 1., are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
3. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:
 - a. Uses lawfully existing on the effective date of this Ordinance.
 - b. Special exceptions, recommended by the Planning Commission and approved by the Board of Appeals, in accordance with the provisions of Article IV, Part II of this Ordinance.
 - c. Planned Unit Developments approved by the Town Commissioners, in accordance with the provisions of Article XI of this Ordinance.

4. Uses lawfully existing on the effective date of this Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article VIII of this Ordinance.
5. The following uses are specifically prohibited in all districts:
 - a. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials.
 - b. Stockyards, slaughterhouses, rendering plants.
 - c. Use of any vehicle or travel trailer as a temporary or permanent residence.
 - d. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

Section 4. Accessory Uses

1. The Table of Permissible Uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special-exception permit.
2. The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
 - a. “Non-commercial” offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.
 - b. Hobbies or recreational activities of a noncommercial nature.
 - c. The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.
 - d. Yard sales or garage sales. See Chapter 5.20 of the Town Charter and Code.
3. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.
 - a. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.

Section 5. Change in Use

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - a. The change involves a change from one principal use category to another.
 - b. If the original use is a combination use or planned unit development, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use, changes to such an extent that the parking requirements for the overall use are altered.
 - c. If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.
 - d. If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
 - e. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within the same principal use classification. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
2. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
3. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

Section 6. Combination Uses

1. When a combination use comprises two or more principal uses that require different types of permits (zoning or special-exception), then the permit authorizing the combination use shall be:
 - a. A special-exception permit if any of the principal uses combined requires a special-exception permit.
 - b. A zoning permit in all other cases.

2. When a combination use consists of a single-family detached residential subdivision that is not a two-family or multi-family use, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.
3. When a combination use consists of a single-family detached and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified in Article XIII, Section 9.

Section 7. Permissible Uses Tables

1. More specific use controls. Whenever a development could fall within a more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls.
2. Table of Permissible Uses (see following pages)

| Legend: P = Permitted, PC = Permitted with Conditions, SE = Special Exception, SC = Special Exception with Conditions | | | | | | | | | | | | | |
|--|-----|-----|-----|----|-----|-----|-----|-----|----|-----|-----|----|--|
| USES DESCRIPTION | R-1 | R-2 | R-3 | RP | R-O | C-1 | C-2 | C-3 | BI | PUD | B-P | TC | |
| 1.000 RESIDENTIAL | | | | | | | | | | | | | |
| 1.100 Single-Family Residences | | | | | | | | | | | | | |
| 1.110 Single-family detached | P | P | P | SE | P | | | | | P | | | |
| 1.111 Site-built and modular structures | P | P | P | SE | P | | | | | P | | | |
| 1.200 Two-Family Residence (See Article XII, Section 28) | | | | | | | | | | | | | |
| 1.210 Primary residence with accessory apartment (See Article XII, Section 1) | SC | SC | SC | | SC | | | | | SC | | | |
| 1.220 Duplex | | P | P | | P | | | | | P | | | |
| 1.300 Multi-Family Residences | | | | | | | | | | | | | |
| 1.310 Multi-family townhouses (See Article XII, Section 28) | | | PC | | PC | | | | | PC | | | |
| 1.320 Multi-family apartments (See Article XII, Section 28) | | | PC | | PC | | | | | PC | | | |
| 1.330 Commercial apartments (See Article XII, Section 28) | | | | | | PC | | | | PC | | PC | |
| 1.400 Homes emphasizing special services, treatment, or supervision | | | | | | | | | | | | | |
| 1.410 Group homes | | | | | | | | | | | | | |
| 1.411 not more than 8 people | P | P | P | | P | | | | | P | | P | |
| 1.412 with between 9 and 16 people (See Article XII, Section 15) | | | SC | | SC | SC | SC | | | SC | | | |
| 1.420 Child and elderly center (See Article XII, Section 8) | | | | | | | | | | | | | |
| 1.421 Day care home (having fewer than 7 children) | PC | PC | PC | | PC | PC | | | | PC | | PC | |
| 1.422 Day care center, day nursery (having between 7 and 30 children) | | | | | SC | SC | SC | | | SC | | PC | |
| 1.423 Day care center, day nursery (having more than 30 children) | | | | | | SC | SC | | | SC | | PC | |
| 1.430 Housing for the elderly or handicapped (See Article XII, Section 19) | SC | SC | SC | | SC | SC | SC | SC | | SC | | SC | |
| 1.440 Homeless Shelter | | | | | | SE | | | | | | SE | |
| 1.500 Miscellaneous rooms for rent situations | | | | | | | | | | | | | |
| 1.510 Boardinghouses, Bed and Breakfast, Country Inns and tourist homes (See Article XII, Section 6) | | SC | SC | | SC | SC | | | | SC | | SC | |
| 1.520 Hotels, motels, and similar businesses or institutions providing overnight accommodations (See Article XII, Section 18) | | | | | | | SC | SC | | | | PC | |
| 1.600 Home occupations (See Article XII, Section 16) (Amendment 8-2015, effective 1/26/16) | PC | PC | PC | | PC | PC | PC | PC | PC | PC | | PC | |
| 2.000 COMMERCIAL SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT | | | | | | | | | | | | | |
| 2.100 No storage or display of goods outside fully enclosed building | | | | | | | | | | | | | |
| 2.110 Retail sales | | | | | | | | | | | | | |

| Legend: P = Permitted, PC = Permitted with Conditions, SE = Special Exception, SC = Special Exception with Conditions | | | | | | | | | | | | |
|---|------------|------------|------------|-----------|------------|------------|------------|------------|-----------|------------|------------|-----------|
| USES DESCRIPTION | R-1 | R-2 | R-3 | RP | R-O | C-1 | C-2 | C-3 | BI | PUD | B-P | TC |
| 2.111 High-volume traffic generation (convenience stores, delicatessens, department stores) | | | | | | P | P | P | | SE | | P |
| 2.112 Low-volume traffic generation (appliance stores, book store, furniture store, gift shops, hardware stores, jewelry shops, wearing apparel, photographic art supply stores, and florists) | | | | | | P | P | P | | P | | P |
| 2.120 Wholesale sales | | | | | | | P | P | P | | P | |
| 2.200 Storage and display of goods outside fully enclosed building | | | | | | | | | | | | |
| 2.210 Building material and supply, boat sales, farm implements storage and sales, feed and grain storage and sales, heavy equipment sales and service, commercial greenhouses) | | | | | | | SE | P | P | | P | |
| 3.00 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO SALE OF GOODS OR MERCHANDISE | | | | | | | | | | | | |
| 3.100 All operations conducted entirely within fully enclosed building | | | | | | | | | | | | |
| 3.110 Operations designed to attract and serve a low volume of customers or clients on the premises (e.g., offices of attorneys, physicians, architects or other similar professions) | | | | | P | P | P | P | P | P | P | P |
| 3.111 Operations designed to attract and serve a high volume of customers or clients on the premises (e.g., banks, barbers, beauty salons or other similar professions) | | | | | | P | P | P | P | P | P | P |
| 3.112 Drive-in banks (See Article XII, Section 11) | | | | | | SE | PC | PC | PC | PC | PC | PC |
| 3.113 Massage, relaxation/conversation studios, spas, health clubs offering massage as the principle service (See Article XII, Section 20) | | | | | | | | SC | | | | |
| 3.120 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area (See Article XII, Section 9) | | | | | | SC | SC | SC | | | | |
| 3.200 Operations conducted within and/or outside fully enclosed building | | | | | | | | | | | | |
| 3.210 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use (furniture repair shops, sign painting, plumbing, mechanical contractors) | | | | | | P | P | P | P | | P | |
| 4.000 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT | | | | | | | | | | | | |
| 4.100 Light Manufacturing | | | | | | | | P | P | | P | |
| 4.200 Heavy Manufacturing | | | | | | | | | P | | | |
| 5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES | | | | | | | | | | | | |
| 5.110 Elementary and secondary schools (including pre-school, kindergarten, associated grounds and athletic and other facilities) (See Article XII, Section 14) | SC | SC | SC | | SC | SC | SC | SC | | SC | | SC |
| 5.120 Trade or vocational schools, colleges, universities (including associated facilities such as dormitories, office buildings, athletic fields, etc) | | | | | | SE | SE | SE | | | | SE |
| 5.200 Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings but not including elementary or secondary school building) | P | P | P | | P | P | P | P | | P | | P |
| 5.300 Libraries, museums, art galleries, cultural centers and similar uses (including associated educational and instructional activities) | | | | | P | P | P | P | | P | | P |
| 5.400 Social, fraternal clubs and lodges, union halls, and similar uses | | | | | | P | P | P | | | | P |
| 6.000 RECREATIONS, AMUSEMENT, ENTERTAINMENT | | | | | | | | | | | | |

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| USES DESCRIPTION | R-1 | R-2 | R-3 | RP | R-O | C-1 | C-2 | C-3 | BI | PUD | B-P | TC |
|---|------------|------------|------------|-----------|------------|------------|------------|------------|-----------|------------|------------|-----------|
| 6.100 Activity conducted entirely within building or substantial structures | | | | | | | | | | | | |
| 6.110 Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses | | | | | | P | P | | | P | P | P |
| 6.120 Movie theatres | | | | | | P | P | P | | | | P |
| 6.130 Off-Track Betting | | | | | | | SE | SE | | | | |
| 6.140 Convention Center/Venue (See Article XII, Section 10) | | | | | | | PC | PC | PC | | PC | |
| 6.150 Adult bookstores, adult entertainment centers (See Article XII, Section 2) | | | | | | | | SC | | | | |
| 6.200 Activity conducted inside or outside enclosed buildings or structures (Amendment 10-2015, eff. 1/26/2016) | | | | | | | | | | | | |
| 6.210 Privately owned outdoor recreational facilities, such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development (See Article XII, Section 27) | SC | SC | SC | | SC | SC | SC | | | SC | | SC |
| 6.220 Publicly owned and operated indoor or outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pool, parks, etc. not constructed pursuant to a permit authorizing the construction of another use such as a school (Amendment 10-2015, effective 1/26/2016) | P | P | P | P | P | P | P | P | | P | | P |
| 6.230 Golf Driving Range | | | | | | | P | P | | P | | |
| 7.000 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES | | | | | | | | | | | | |
| 7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area (See Article XII, Section 17) | | | | | | | | SC | SC | | | SC |
| 7.200 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions | | | | | SE | SE | SE | | | SE | | SE |
| 7.300 Institutions (other than halfway houses) | | | | | SE | SE | SE | | | | | |
| 7.310 Halfway houses | | | | | | SE | SE | | | | | |
| 8.000 RESTAURANTS, BARS, NIGHTCLUBS | | | | | | | | | | | | |
| 8.100 Restaurant, standard | | | | | | P | P | P | | P | | P |
| 8.200 Restaurant, fast food | | | | | | P | P | P | | | | P |
| 8.300 Restaurant, drive-in or drive-thru (See Article XII, Section 12) | | | | | | SC | PC | PC | | | | |
| 8.400 Bars, nightclubs | | | | | | P | P | P | | | | P |
| 9.000 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS | | | | | | | | | | | | |
| 9.100 Motor vehicle sales or rental (See Article XII, Section 25) | | | | | | | PC | PC | | | PC | |
| 9.300 Motor vehicle repair and maintenance, not including body work (See Article XII, Section 23) | | | | | | SC | PC | PC | PC | | PC | SC |
| 9.400 Motor vehicle painting and body work (See Article XII, Section 24) | | | | | | | SC | PC | PC | | PC | |
| 9.500 Motor vehicle fuel sales (See Article XII, Section 22) | | | | | | SC | PC | PC | | | | |
| 9.600 Emission Testing Facility (See Article XII, Section 22) | | | | | | SC | PC | PC | PC | | PC | |
| 9.700 Car wash | | | | | | SE | P | P | | | P | |
| 10.000 STORAGE AND PARKING | | | | | | | | | | | | |
| 10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related | | | | | | SE | SE | P | P | | P | SE |
| 10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored, warehousing | | | | | | | | | | | | |
| 10.210 All storage within completely enclosed structures | | | | | | P | P | P | P | | P | |

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|---|------------|------------|------------|-----------|------------|------------|------------|------------|-----------|------------|------------|-----------|--|
| USES DESCRIPTION | R-1 | R-2 | R-3 | RP | R-O | C-1 | C-2 | C-3 | BI | PUD | B-P | TC | |
| 10.220 Automobile and Light Truck Storage (See Article XII, Section 5) | | | | | | | | SC | SC | | SC | | |
| 10.230 Truck Terminals | | | | | | | | P | P | | | | |
| 10.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of lot | | | | | | | | P | P | | P | | |
| 10.400 Cargo trailers and closed body trucks (See Article XII, Section 7) | | | | | | | | | | | | | |
| 10.410 Temporary (no more than ten (10) days) | P | P | P | P | P | P | P | P | P | P | P | P | |
| 10.420 Temporary (between ten (10) days and six (6) months) | | | | | | SC | SC | SC | PC | | PC | | |
| 10.500 Mini-warehouse (See Article XII, Section 21) | | | | | | | PC | PC | PC | | PC | | |
| 10.600 Storage of flammable and combustible liquids (See Article XII, Section 29) | | | | | | PC | PC | PC | PC | | PC | | |
| 10.700 Storage of recreational vehicles, detached caps, boats and boat trailers (See Article XII, Section 30) | PC | PC | PC | PC | PC | | | | | | | | |
| 12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS | | | | | | | | | | | | | |
| 12.100 Veterinarian | | | | | | P | P | P | | | P | | |
| 12.300 Animal Boarding Places, Kennels (See Article XII, Section 3) | | | | | | | SE | PC | | | PC | | |
| 12.400 Dog and cat grooming salon | | | | | | P | P | | | | | | |
| 12.500 Pet Shops (See Article XII, Section 26) | | | | | | PC | PC | PC | | | | | |
| 13.000 EMERGENCY SERVICES | | | | | | | | | | | | | |
| 13.100 Police Stations, Fire Stations, Rescue Squad, Ambulance Service, Civil Defense Operation | | | | | | P | P | P | P | P | P | P | |
| 14.000 AGRICULTURAL, SILVICULTURAL | | | | | | | | | P | | P | | |
| 15.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES | | | | | | | | | | | | | |
| 15.100 Post office, local | | | | | | P | P | P | P | P | P | P | |
| 15.200 Recycling Centers | | | | | | | P | P | P | | P | | |
| 16.000 MARINA, INCLUDING BOAT SALES AND REPAIR AND BOAT RENTAL INCLUDING SAILBOARDS AND JET SKIS | | | | | | SE | SE | SE | SE | | SE | | |
| 17.000 UTILITY FACILITIES | | | | | | | | | | | | | |
| 17.100 Public Utilities | P | P | P | | P | P | P | P | P | P | P | P | |
| 17.200 Electric Power, Gas Transmission and Telecommunications Buildings and Structures (Article XII, Section 13) | PC | PC | PC | | PC | PC | PC | PC | PC | PC | PC | PC | |
| 17.300 Overhead Electric Power Transmission Lines | P | P | P | P | P | P | P | P | P | P | P | P | |
| 18.000 TOWERS AND RELATED STRUCTURES | | | | | | | | | | | | | |
| 18.100 Antennas 50 feet tall or less | P | P | P | | P | P | P | P | P | P | P | | |
| 18.200 Towers and antennas more than 50 ft. tall and associated sub-stations (See Article XII, Section 4) | SC | SC | SC | | SC | SC | SC | SC | SC | SC | SC | SC | |
| 18.300 Satellite dishes or receive-only earth stations | P | P | P | | P | P | P | P | P | P | P | P | |
| 19.000 OPEN-AIR MARKETS AND HORTICULTURAL SALES | | | | | | | | | | | | | |
| 19.100 Open-air markets (farm and craft markets, produce markets non-municipal) | | | | | | P | P | P | | | | P | |
| 20.000 FUNERAL PARLOR, CEMETERY AND CREMATORIUM | | | | | | | | | | | | | |
| 20.100 Funeral Parlors, Undertaking Establishments, and Mortuaries | | | | | SE | P | P | P | | | P | P | |
| 20.200 Cemetery | | SE | SE | | SE | SE | SE | | | | | | |
| 20.300 Crematorium | | | | | | | P | P | P | | | | |
| 21.000 TEMPORARY USES | | | | | | | | | | | | | |
| 21.200 Christmas tree sales | | | | | | P | P | P | | | | P | |

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| USES DESCRIPTION | R-1 | R-2 | R-3 | RP | R-O | C-1 | C-2 | C-3 | BI | PUD | B-P | TC |
|--|------------|------------|------------|-----------|------------|------------|------------|------------|-----------|------------|------------|-----------|
| 21.300 Real estate sales office in model homes | P | P | P | | SE | | | | | | | |
| 22.000 BUS STATION, TRAIN STATION, PARK & RIDE FACILITIES | | | | | | P | P | P | P | P | P | P |
| 23.000 HELIPORTS | | | | | | | SE | SE | SE | | | |
| 24.000 COMMERCIAL GREENHOUSE OPERATION | | | | | | | P | P | P | | P | |
| 25.000 OFF PREMISES SIGNS | | | | | | | SE | SE | SE | | SE | |