

ZONING

246 Attachment 17

Town of Oyster Bay

§ 246-5.2 Schedule of Use Regulations - Nonresidence Districts
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[Amended 7-22-2003 by L.L. No. 7-2003; 1-20-2004 by L.L. No. 2-2004; 9-21-2004 by L.L. No. 11-2004; 4-5-2005 by L.L. No. 4-2005; 4-25-2006 by L.L. No. 5-2006; 4-8-2008 by L.L. No. 5-2008; 3-31-2009 by L.L. No. 3-2009; 10-16-2012 by L.L. No. 3-2012; 9-12-2017 by L.L. No. 6-2017; 7-14-2020 by L.L. No. 4-2020; 3-30-2021 by L.L. No. 3-2021; 6-14-2022 by L.L. No. 6-2022; 1-24-2023 by L.L. No. 1-2023]

Uses Uses Permitted Only Where Specifically Indicated	Nonresidence District Designation									
	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
Residential										
<i>One-family dwellings</i>		PP								
<i>Two-family dwellings</i> (§ 246-5.5.28)										
<i>Multifamily dwellings</i>										
<i>Townhouses</i>										
<i>Rooming or boarding houses</i> (§ 246-5.5.23)				SP (TB)		SP (TB)				
<i>Congregate-care assisted living facilities</i>				SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Parent-child residences</i> (§ 246-5.5.18)										
<i>Accessory apartments</i>		PA								
<i>Domestic employees' residences</i> (§ 246-5.5.12)										
<i>Conversion of garage</i> (§ 246-5.5.20.3)		PA		PA	PA (ZBA)	PA				
<i>Keeping of domestic animals</i> (§ 246-5.5.15)		PA								
<i>Private garages and carports</i> (§ 246-5.5.20)		PA		PA	PA	PA				
<i>Home businesses</i> (§ 246-5.5.14)		PA (ZBA)		PA	PA	PA				

NOTE: Permitted uses may require site plan approval. (See § 246-6.2.)

Key: **PP**: Permitted Principal Use; **PA**: Permitted Accessory Use; **SP**: Special Permit Use; **(TB)**: Town Board Approval; **(ZBA)**: Zoning Board of Appeals

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Uses Uses Permitted Only Where Specifically Indicated	Nonresidence District Designation									
	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
Home offices (§ 246-5.5.14)		PA		PA	PA	PA				
Recreation										
<i>Country clubs</i> (§ 246-5.5.10)	SP (TB)		SP (TB)	PP	PP	PP	SP (TB)			PP
<i>Game rooms</i>						SP (TB)				
Active recreation uses, including bowling, tennis, golf driving ranges, miniature golf, batting ranges, skating and similar uses	PA			SP (TB)		SP (TB)			SP (TB)	SP (TB)
<i>Fitness centers</i> , 3,500 square feet				SP (TB)	SP (TB)	SP (TB)			SP (TB)	SP (TB)
<i>Fitness centers</i> under 3,500 square feet				PP	PP	PP			PP	PP
Marinas						SP (TB)	PP			SP (TB)
<i>Private membership clubs</i> (§ 246-5.5.21)	SP (TB)			SP (TB)	SP (TB)	SP (TB)	SP (TB)	SP (TB)	SP (TB)	SP (TB)
Public parks	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
<i>Swimming pools</i> (§ 246-5.5.26)	PA	PA	PA	PA	PA	PA			PA	PA
Tennis courts (§ 246-5.5.27)	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
<i>Theaters</i>				SP (TB)	PP	SP (TB)				SP (TB)
Public/Semi-Public										
Cemeteries		SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)			SP(ZBA)	SP (ZBA)
Colleges or universities or <i>private schools</i> (§ 246-5.5.8)				PP	PP	PP			PP	PP

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	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
<i>Day care, play care, nursery schools and similar facilities (§ 246-5.5.11)</i>			PP/PA	PP/PA	PP/PA	PP/PA			PP/PA	PP/PA
Eleemosynary institutions			PP	PP	PP	PP			PP	PP
Hospitals, convalescent or nursing homes				PP	PP	PP			PP	PP
<i>Marine educational institutions</i>							SP (TB)	SP (TB)		
Municipal uses of Town of Oyster Bay (§ 246-4.1.4.1)	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
<i>Museums</i>				PP	PP	PP	SP (TB)	SP (TB)		PP
Other governmental uses of federal, state or county agencies, or special purpose districts thereof (§ 246-4.1.4.2)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)	PP (TB)
Places of worship (§ 246-5.5.19)				PP	PP	PP			PP	PP
Public schools		PP	PP	PP	PP	PP			PP	PP
Technical or trade schools				PP	PP	PP			PP	PP
Business										
Accessory outdoor sales and display (§ 246-5.5.1)				PA	PA	PA				PA
<i>Agriculture</i> (§ 246-5.5.2)										
<i>Animal boarding facility</i>										SP (TB)

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	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
<i>Animal hospitals</i> (§ 246-5.5.3)					SP (TB)	SP (TB)			SP (TB)	PP
Banks			PP	PP	PP	PP		PP	PP	PP
<i>Bars</i> (§ 246-5.5.6)				SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Boatyards</i>							SP (TB)	SP (TB)		SP (TB)
Business services			PA	PP	PP	PP			PP	PP
<i>Catering services</i> (§ 246-5.5.7)			PA/SP (TB)	SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Collateral loan brokers</i> (§ 246-5.5.32)					PP	PP				
Commercial greenhouses				SP (TB)		SP (TB)			PP	PP
<i>Cabarets, discotheques, dance halls, night clubs</i> (§ 246-5.5.30)					SP (TB)	SP (TB)				PP
Drive-through services, fast food (§ 246-5.5.13)				PA (TB)	PA (TB)	PA (TB)				PA (TB)
Drive-through services, other (§ 246- 5.5.13)				PA	PA	PA			PA	PA
Landscape nursery, garden center						PP				PP
<i>Public markets</i> (§ 246-5.5.22)				PP		PP				PP
<i>Fast-food restaurants</i> (in multiple-use building)				PP	PP	PP				PP

NOTE: Permitted uses may require site plan approval. (See § 246-6.2.)

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	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
<i>Fast-food restaurants</i> (in freestanding building)				SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Fishing stations</i>				PP		PP	PP			PP
<i>Fish markets</i>				PP	PP	PP	PP	PP		PP
<i>Hookah lounges, vape lounges, smoke shops, vape shops, marijuana dispensaries and marijuana shops</i> (§ 246-5.5.34)										SP (ZBA)
Keeping of farm animals (§ 246-5.5.16)										
Lodging places				SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Mariculture</i>							PP		PP	PP
<i>Mariculture research and development facilities</i>							SP (TB)	SP (TB)		
<i>Marine-retail business complexes</i>							SP (TB)	SP (TB)		
<i>Office</i>			PP	PP	PP	PP			PP	PP
Personal services			PA	PP	PP	PP		SP (TB)		
<i>Professional, real estate and insurance offices</i>		PP	PP	PP	PP	PP		SP (TB)	PP	PP
<i>Restaurants</i> (maximum permitted occupancy of 75 persons)				PP	PP	PP	SP (TB)	SP (TB)		SP (TB)
Restaurants (maximum occupancy of 76 or more persons)				SP (TB)	SP (TB)	PP				SP (TB)
Retail stores			PA	PP	PP	PP		SP (TB)		SP (TB)

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<i>Self-service storage facility</i>					SP (TB)	SP (TB)			PP	PP
Undertaking establishments (§ 246-5.5.29)				PP	PP	PP			PP	PP
<i>Veterinary offices</i>		PP		PP	PP	PP			PP	PP
<i>Water-dependent uses</i> found to be beneficial and harmonious with the special permit requirements of the Waterfront-A District							SP (TB)			
Automotive										
Motor vehicle fuel sales and service, motor vehicle repair, auto body, tow car operations, car washing establishments and public garages (§ 246-5.5.17)					SP (TB)	SP (TB)				SP (TB)
Motor vehicle rental facilities				SP (TB)	SP (TB)	SP (TB)				SP (TB)
<i>Motor vehicle dealership</i>				PP	PP	PP				PP
Parking structures (§ 246-7.5.3)			PA	PA	PA	PA			PA	PA
<i>Outdoor motor vehicle sales</i>										SP (TB)
Storage of registered commercial vehicles				PA	PA	PA			PA	PP
Storage of unregistered vehicles (§ 246-5.5.24)										
Taxi or limousine service				SP (ZBA)	PP	PP				PP

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	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
Industrial										
<i>Helipads</i>										SP (TB)
<i>Light manufacturing uses</i>										PP
Lumber yards										PP
<i>Research and development uses</i>									PP	PP
Warehouse, distribution and storage uses										PP
Utility										
<i>Antennas</i> (§ 246-5.5.4)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)
Electric substations						PP			PP	PP
Public utility buildings or structures			SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)				SP (ZBA)
Radio and television broadcasting studios										SP (TB)
<i>Solid waste management facilities</i>										SP (TB)
Wireless telecommunications facilities	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)

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