

ZONING

300 Attachment 1

Town of Oakland

Table of Use Regulations

[Amended 1-3-2006 by Ord. No. O2005-07; 2-6-2006 by Ord. No. O2005-08;
 5-22-2006 by Ord. No. O2006-06; 7-24-2006 by Ord. No. O2006-07;
 3-3-2008 by Ord. No. O2008-01; 3-2-2009 by Ord. No. O2009-01;
 10-4-2010 by Ord. No. O2010-06; 3-3-2014 by Ord. No. O2014-01;
 2-2-2015 by Ord. No. O2015-01; 4-6-2015 by Ord. No. O2015-03;
 12-7-2015 by Ord. No. O2015-08; 12-2-2019 by Ord. No. O2019-04; 7-5-2022 by Ord. No. O2022-07]

	CBA	TC	TR	SR	C	EC	PD	RIP
Agricultural uses								
(1) Agricultural – Products of the soil. Small personal vegetable or ornamental gardens are excluded from this section	N	N	P	P	P	P	SE	P
(2) Agricultural – Raising and keeping of animals or livestock. Household pets kept for noncommercial purposes are excluded from this section	N	N	N	SE	N	SE	N	SE
(2.1) Commercial greenhouse	N	SE	N	N	N	SE	N	N
(2.2) Tree farm	N	N	N	N	N	N	N	N
(2.3) Retail nursery sales	P	P	N	N	P	P	N	N
Residential uses								
(3) Single-family detached dwelling	P	P	P	P	N	N	P	P
(4) Modular dwelling	P	P	P	P	N	N	N	P
(5) Sectional (“double wide”) dwelling	SE	SE	SE	SE	N	N	N	SE
(6) Two-family detached dwelling	P	P	P	P	N	N	N	P
(7) Single-family attached dwelling (townhouse)	P	P	SE	SE	P	N	SE	SE
(8) Mobile home	N	N	N	N	N	N	N	N
(9) Mobile home park	N	N	N	N	N	N	N	N
(10) Conversions:								
Conversions of existing dwellings for occupancy by not more than one, two or three families, as provided for herein, is subject to the following conditions:								
(i) The lot area per family shall not be reduced thereby to less than that required for the district in which lot is situated								
(ii) The yard, building, area and other applicable requirements for the district shall not be reduced thereby								

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(iii) No structural alteration of the building exterior shall be made except as may be necessary for the purposes of safety								
(a) One-family dwellings converted for occupancy by not more than two families	P	N	N	N	N	N	N	N
(b) One-family dwellings converted for occupancy of not more than three families where the dwelling is owner-occupied	P	N	N	N	N	N	N	N
(c) One-family dwellings converted for occupancy of not more than three families where the dwelling is not owner-occupied	P	N	N	N	N	N	N	N
(10A) Transient vacation rental	N	N	N	N	N	N	N	N
(a) A zoning permit is required before the use may occur								
(a) The owner of the property must pay the annual Commercial District fee to the Town of Oakland, as provided in Article 1, Chapter 8, of the Town Code.								
(11) Group homes	P	P	SE	SE	N	SE	N	SE
(a) A group home meeting the requirements of this section shall house a maximum of 8 unrelated persons, in addition to any staff-persons necessary to assist and supervise such persons.								
(b) A minimum of 1 off-street parking space shall be provided for each employee onsite during peak periods.								
(c) A copy of any relevant federal, state or county license or certification shall be provided to the Zoning Administrator. The Zoning Administrator shall be notified in writing within 7 days by the operator if the use of such license or certification is suspended, expired or withdrawn, or if there is a significant change in the type of residents housed.								

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(d) The group home shall apply for and obtain a zoning permit. The permit application shall state the maximum number of residents, general type of treatment/care, level of staffing, any sponsoring agency and a phone number and address of a responsible supervisor of the use.								
(e) Any medical or counseling services on-site within a residential district shall be limited to a maximum of 3 persons who do not live on-site.								
(f) If a group home is within a residential district:								
(i) It shall be maintained and/or constructed with a clearly residential appearance; and								
(ii) No exterior signs shall identify the use.								
(12) Multifamily dwelling subject to the following additional provisions:	P	P	SE	SE	P	N	N	SE
(a) Building orientation: minimum horizontal distance between facing walls of any two buildings on one lot shall be 50 feet.								
(b) Development access: multiple dwellings shall be located on and have direct access to a major collector or minor collector street as designated in the Town Comprehensive Development Plan.								
(c) Off-street parking design requirements:								
(i) All off-street parking lots and their access drives shall be at least 10 feet from any principal building.								
(ii) No one area for off-street parking of motor vehicles shall exceed 20 automobiles in capacity. Separate parking areas on a lot shall be physically separated from one another except for access drives or streets by eight-foot planting strips.								
(13) Dwelling unit in addition to existing commercial use	P	P	SE	SE	P	P	N	P

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(13A) Two dwelling units over existing commercial use	P	P	SE	SE	P	P	N	SE
(14) Rooming house	P	P	N	N	P	N	N	N
(15) Cluster residential development in accordance with the provision of § 300-31	N	P	P	P	N	N	N	P
(15A) Planned residential development (PRD) in accordance with the provisions and requirements of § 300-32 of this chapter	N	N	P	P	N	N	N	P
Institutional, recreational and educational uses								
(16) Churches and other places of worship	P	P	P	P	P	N	SE	P
(17) Cemetery	P	P	P	P	P	N	SE	P
(18) Schools, including religious and nonsectarian, denominational, private or public schools, or other similar uses subject to the following additional provisions:	P	P	SE	SE	N	N	N	P
(a) A lot area of not less than one acre shall be required.								
(b) No part of any building shall be located less than 50 feet from any adjoining lot line in separate ownership.								
(19) Day nursery, nursery school or other agency giving day care to children subject to the following additional conditions:	P	P	SE	SE	P	N	N	P
(a) In a residential district the use shall be conducted in a building designed for residential occupancy.								
(b) Any outdoor play area should be sufficiently screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.								
(20) Trade or professional school, music or dancing school, art or driving school	P	P	N	N	P	N	N	SE
(21) Library or museum	P	P	N	N	P	SE	SE	SE
(22) Community center, adult	P	P	SE	SE	P	N	N	P
(a) Any outdoor play area should be sufficiently screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.								

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(b) The neighborhood in which the facility is located shall be considered when determining the hours of operation.								
(23) Recreation facility, subject to the following additional provisions:	P	P	SE	SE	P	P	N	SE
(a) If the facility includes a swimming pool, the pool, including the apron, filtering and pumping equipment and any related buildings, shall be at least 50 feet from any lot line.								
(b) Outdoor recreation areas, including pools, shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbances.								
(c) The neighborhood in which the facility is located shall be considered when determining the hours of operation.								
(24) Private club or lodge	P	P	SE	SE	P	N	N	N
(a) Outdoor recreation areas shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbances.								
(b) The neighborhood in which the facility is located shall be considered when determining the hours of operation.								
(25) Golf course, provided all buildings, golf greens and tees shall be located not less than 75 feet from any lot line	N	N	N	P	N	N	N	P
(26) Golf driving range subject to the following additional provisions:	N	N	N	N	P	N	N	N
(a) A lot area of not less than 15 acres shall be required.								
(b) All buildings and tees shall be located not less than 75 feet from any lot line.								
(c) All lighting and activity areas shall be sufficiently screened so as to protect the neighborhood from glare, noise and other disturbance.								
(d) The neighborhood in which the facility is located shall be considered when determining the hours of operation.								

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(27) Orphanage, licensed hospital, nursing home or other licensed establishment for the care of sick, aged, crippled or convalescent persons; eleemosynary or philanthropic institutions subject to the following additional provisions:	P	P	SE	SE	P	N	N	SE
(a) Hospital								
(i) A lot area of not less than two acres shall be required.								
(ii) All buildings shall be located not less than 50 feet from any lot line.								
(b) Nursing home where not more than 10 persons are cared for								
(i) A lot area of not less than 1/2 acre shall be required.								
(ii) All buildings shall be located not less than 25 feet from any lot line.								
(c) Nursing home where 11 or more persons are cared for								
(i) A lot area of not less than one acre.								
(ii) All buildings shall be located not less than 25 feet from any lot line.								
Government, Commercial and Service Business Uses								
(28) Public building owned or operated by the Town	P	P	P	P	P	P	N	P
(29) Detention center	SE	SE	N	N	SE	SE	N	N
(30) Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto	P	P	N	N	P	N	N	P
(30A) Urgent care center (persons)	P	P	N	N	P	N	N	N
(30B) Veterinarian office/clinic for medical exam or treatment of animals as out-patients including labs incidental thereto	P	P	N	N	P	N	N	P
(30C) Veterinary hospital and animal boarding facility	SE	SE	N	N	SE	P	N	N
(30D) Animal breeding facility or kennel	N	N	N	N	SE	N	N	N
(31) Business, professional or governmental office and professional services	P	P	SE	N	P	P	N	P
(32) Government-owned garage with related storage yards	N	P	N	N	P	SE	N	N
(33) Public utilities building with related storage yards	SE	SE	N	N	P	SE	N	N

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(34) Retail shop and store	P	P	N	N	P	P	N	N
(34A) Temporary, outdoor retail sales, including sales from a truck, trailer, temporary stand or similar use, subject to approval of a zoning permit demonstrating compliance with the following standards:	P	SE	N	N	P	P	N	N
a. The use shall not be permitted within a street right-of-way;								
b. The use shall not occupy parking spaces needed for compliance with the minimum parking standards;								
c. The location of the use shall provide safe access for motorists and pedestrians; and								
d. The use shall comply with required rules and setbacks for retail uses established in other Oakland ordinances.								
(35) Furniture store	P	P	N	N	P	N	N	N
(36) Personal service business	P	P	N	N	P	N	N	SE
(36A) Self-service storage facility	N	SE	N	N	P	P	N	N
(37) Bank, savings and loan association	P	P	N	N	P	P	N	SE
(38) Eating place for food and beverages	P	P	N	N	P	P	N	N
(a) Restaurant or catering of foods								
(38B) Banquet or catering hall	P	SE	N	N	P	P	N	N
(38C) Pub/tavern/bar	P	SE	N	N	P	P	N	N
(38D) Brewery and bottling facility	P	SE	N	N	P	P	N	N
(39) Newspaper, printing establishment	P	P	N	N	P	P	N	N
(40) Motel, hotel, tourist home	P	P	N	N	P	P	N	N
(41) Bed-and-breakfast home	P	P	SE	SE	P	P	SE	P
(42) Entertainment and recreation facilities operated as a gainful business within a building	P	P	N	N	P	P	N	N
(42A) Health and fitness clubs	P	P	N	N	P	P	N	N
(42B) Cinema	P	P	N	N	P	P	N	N
(42C) Live theater	P	P	N	N	P	P	N	N
(43) Funeral home or mortuary	P	P	N	N	P	P	N	SE
(44) Residential or commercial parking garage or parking area subject to the following additional provisions:	P	P	N	N	P	P	N	N
(a) Such use shall be solely for the storage of cars of residents or employees in nearby buildings.								
(b) Such uses shall be permitted only when necessary to provide off-street parking for such vehicles.								

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(c) Such uses shall meet all the design standards of Article VI.								
(45) Automotive service station subject to the following additional provisions:	P	P	N	N	P	N	N	N
(a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.								
(b) Fuel pumps shall be at least 20 feet from any street right-of-way.								
(c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.								
(d) Full body paint spraying or body and fender work shall not be permitted.								
(e) Submission to and approval by the Board of Zoning Appeals, after a public hearing of a detailed lighting, screening and noise abatement plan for the property designed to minimize the adverse effect on surrounding property.								
(45A) Automotive towing and storage (14-day storage limit)	P	P	N	N	P	N	N	N
(46) Sale or rental of automobiles	P	P	N	N	P	N	N	N
(47) Sale of automobile accessories, parts, tires, batteries and other supplies	P	P	N	N	P	N	N	N
(48) Repair garage, including paint spraying and body and fender work, or car washing facilities, provided that all repair and paint work is performed within an enclosed building	P	P	N	N	P	P	N	N
(49) Car washing facilities	P	P	N	N	P	N	N	N
(49A) Auto detailing	P	P	N	N	P	N	N	N
(50) Adult uses	N	N	N	N	N	N	N	N
Utilities, communications and transportation uses								
(51) Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line rights-of-way, towers, radio and/or television transmitter towers or stations, excluding commercial studios subject to the following additional provisions:	SE	SE	N	N	SE	SE	N	N

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(a) In residential districts, the proposed use at the location selected is necessary for public convenience and service, that no public business office nor any storage yard or storage building is operated in connection with it, and, whenever practicable, buildings and structures shall have the exterior appearance of residential buildings.								
(b) In the case of radio and/or television transmitter towers, any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.								
(52) Fire station, emergency rescue squad or ambulance service facilities	P	SE	N	N	P	P	N	N
(52A) Nonemergency commercial ambulance service	P	P	N	N	P	P	N	SE
(53) Bus station	P	P	N	N	P	P	N	N
Industrial uses								
(54) Wholesale business and storage subject to the following additional provisions:	SE	SE	N	N	SE	P	N	N
(a) Storage of all new or used items, including dismantled vehicles, parts, equipment and what is generally referred to as “junk” must be maintained in a roofed structure or screened from view from the street and adjoining property.								
(55) Contractor offices and shops, such as building, cement, electrical, heating, masonry, painting and roofing	P	P	N	N	P	P	N	N
(56) Uses of a light industrial nature, including, but not limited to, the following, provided such uses shall be conducted in enclosed buildings and that outdoor storage areas shall be effectively screened by a solid wall, fence or dense evergreen planting:	SE	SE	N	N	SE	P	N	N
(a) Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and photographic or optical products								

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(b) Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, fur, cork, fiber, canvas, leather, paper, cellophane, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metals, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts								
(c) Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils								
(d) Manufacture of musical instruments, novelties and molded rubber products, including tire manufacture, recapping and treading								
(e) Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas								
(f) Laboratories, chemical, physical and biological								
(g) Clothing and shoe manufacturing								
(h) Truck terminals and/or truck service centers								
(i) Research and development facilities								
(j) Carpet and rug cleaning plants								
(k) Petroleum products storage underground								
(l) Blacksmith, welding, machine and similar shops								
(57) Industrial uses, including, but not limited to, the following types, provided that such use is approved by the Board of Appeals as a special exception:	N	N	N	N	N	P	N	N
(a) Concrete and ceramic products manufacture, including ready-mixed concrete plants								
(b) Contractor's equipment and storage yards								

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(c) Petroleum products' storage tanks above ground, provided all state and federal laws, as well as National Fire Underwriters' Codes, are complied with								
(d) Sawmill								
Accessory uses								
(58) Home occupation subject to the following additional provisions:	P	P	SE	SE	P	P	SE	P
(a) There shall be no use of show windows or display or advertising visible outside the building other than announcement signs as permitted.								
(b) There shall be no exterior storage of materials unless completely screened from view from the street and adjoining property.								
(c) The home occupation shall be carried on only by members of the immediate family residing on the premises, plus not more than two additional employees.								
(d) The floor area devoted to a home occupation shall be less than 50% of the floor area of the principal residential structure.								
(58A) Home professional subject to the following additional provisions:	P	P	P	P	P	P	P	P
(a) There shall be no use of show windows or display or advertising visible outside the building other than announcement signs as permitted.								
(b) There shall be no exterior storage of materials unless completely screened from view from the street and adjoining property.								
(c) The home profession shall be carried on only by members of the immediate family residing on the premises.								
(d) The floor area devoted to a home profession shall be less than 50% of the floor area of the principal residential structure.								
(e) The home profession may not regularly receive customers or clients to the premises.								

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(59)	Noncommercial greenhouse, toolshed, private garage, swimming pool or other accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.	P	P	P	P	P	P	SE	P
(60)	Travel trailer and boat storage as accessory uses, subject to the following additional provisions:	P	P	P	P	P	P	SE	P
	(a) The trailer or boat shall not be occupied or used for dwelling purposes.								
	(b) In a residential district, the use shall not be located in the required front or side yard.								
(61)	Fences, walls, landscaping materials subject to the traffic visibility requirements and provisions of § 300-26	P	P	P	P	P	P	P	P
(62)	Off-street parking subject to the provisions of Article VI	P	P	P	P	P	P	P	P
(63)	Signs subject to the provisions and requirements of Article VII, except as noted below	P	P	P	P	P	P	P	P
(64)	LED, LCD, and scrolling message signs	P	P	N	N	P	SE	N	N
(65)	Solar energy system attached to a principal or accessory building subject to the following conditions:	P	P	P	P	P	P	P	P
	(a) The energy produced by the system shall be for the benefit and use of the principal or accessory building on the property.								
	(b) All solar panels shall utilize glare-free technology.								
	(c) Any solar energy system which the Town determines to be a source of noise, vibration, glare, fumes, odors, or electrical interference will be required to have and follow a plan demonstrating mitigation of said problems.								

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(d) The solar energy system will be permitted only if attached to an existing building. The system must comply with applicable building setbacks and building and electrical code requirements.								