

## Table of Contents

### ARTICLE I GENERAL PROVISIONS

Section 1	Short Title/Purpose	1-1
Section 2	Authority	1-1
Section 3	Jurisdiction	1-1
Section 4	Effective Date	1-1
Section 5	Relationship to Existing Zoning, Subdivision, and Flood Control Ordinance	1-1
Section 6	Relationship to Land Use Plan	1-2
Section 7	No Use or Sale of Land or Buildings Except in Conformity with Chapter Provisions	1-2
Section 8	Fees	1-2
Section 9	Severability	1-3
Section 10	Computation of Time	1-2
Section 11	Miscellaneous	1-3
Section 12-14	Reserved	1-3

### ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

Section 15	Definitions of Basic Terms	2-1
Section 16	Lots Divided by District Lines	2-14
Section 17-20	Reserved	2-15

### ARTICLE III ADMINISTRATIVE MECHANISMS

#### Part I. Planning Board

Section 21	Appointment and Terms of Planning Board Members	3-1
Section 22	Meetings of the Planning Board	3-1
Section 23	Quorum and Voting	3-2
Section 24	Planning Board Officers	3-2
Section 25	Powers and Duties of the Planning Board	3-2
Section 26	Advisory Committees	3-3
Section 27-28	Reserved	3-3

#### Part II. Board of Adjustment

Section 29	Appointments and Terms of Board of Adjustment	3-3
Section 30	Meetings of the Board of Adjustment	3-4
Section 31	Quorum	3-5
Section 32	Voting	3-5
Section 33	Board of Adjustment Officers	3-5
Section 34	Powers and Duties of the Board of Adjustment	3-6
Section 35	Fees for Permits and Appeals	3-6
Section 36	Reserved	3-6

### Part III. Land Use Administrator

Section 37	Land Use Administrator	3-6
Section 38-39	Reserved	3-6

### Part IV. Town Council

Section 40	Town Council	3-7
------------	--------------	-----

### Part V. Historic Preservation Commission

Section 41	Appointment and Terms of Historic Preservation Commission	3-7
Section 42	Meetings of the Historic Preservation Commission	3-8
Section 43	Quorum and Voting	3-8
Section 44	Historic Preservation Commission Officers	3-8
Section 45	Powers and Duties of the Historic Preservation Commission	3-8
Section 45.1	Designation of Historic District	3-9

## ARTICLE IV PERMITS AND FINAL PLAT APPROVAL

### Part I. Zoning, Special Use, and Conditional Use Permits

Section 46	Permits Required	4-1
Section 47	No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled	4-2
Section 48	Who May Submit Permit Applications	4-2
Section 49	Applications To Be Complete	4-2
Section 50	Staff Consultation before Formal Application	4-3
Section 51	Staff Consultation after Application Submitted	4-4
Section 52	Zoning Permits	4-5
Section 53	Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit	4-5
Section 54	Special Use Permits and Conditional Use Permits	4-6
Section 55	Burden of Presenting Evidence, Burden of Persuasion	4-7
Section 56	Recommendations on Special Use Permit Applications	4-8
Section 57	Recommendations on Conditional Use Permits	4-8
Section 58	Council Action on Conditional Use Permits	4-9
Section 59	Board of Adjustment Action on Special Use Permits	4-9
Section 60	Additional Requirements on Special use and Conditional Use Permits	4-10
Section 61	Authorizing Use, Occupancy, or Sale before Completion of Development Under Special Use or Conditional Use Permits	4-11
Section 62	Completing Development in Phases	4-11
Section 63	Expiration of Permits	4-12
Section 64	Effect of Permit on Successors and Assigns	4-13
Section 65	Amendments to and Modifications of Permits	4-13
Section 66	Reconsideration of Board Action	4-14
Section 67	Applications to be Processed Exeditiously	4-15
Section 68	Maintenance of Common Areas, Improvements, and Facilities	4-15
Section 69-75	Reserved	4-15

## Part II. Major and Minor Subdivisions

Section 76	Regulation of Subdivisions	4-15
Section 77	No Subdivision Without Plat Approval	4-15
Section 78	Minor Subdivision Approval	4-16
Section 79	Major Subdivision Approval Process	4-17
Section 80	Endorsements on Major Subdivision Plats	4-18
Section 81	Plat Approval Not Acceptance of Dedication Offers	4-20
Section 82	Protection Against Defects	4-20
Section 83	Maintenance of Dedicated Areas Until Acceptance	4-21
Section 84	Commercial Subdivisions	4-21
Section 85	Subdivisions in the Historic District	4-21
Section 86 through 90	Reserved	4-21

### ARTICLE V APPEALS, VARIANCES, INTERPRETATIONS

Section 91	Appeals	5-1
Section 92	Variances	5-1
Section 93	Variances From Floodplain or Floodway Requirements	5-2
Section 94	Interpretations	5-2
Section 95	Requests to be Heard Expeditiously	5-3
Section 96	Burden of Proof in Appeals and Variances	5-3
Section 97	Board Action on Appeals and Variances	5-3
Sections 98 through 100	Reserved	5-4

### ARTICLE VI HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 101	Hearing Required on Appeals and Applications	6-1
Section 102	Notice of Hearing	6-1
Section 103	Evidence	6-2
Section 104	Modification of Application at Hearing	6-2
Section 105	Record	6-2
Section 106	Written Decision	6-2
Section 107 through 110	Reserved	6-3

### ARTICLE VII ENFORCEMENT AND REVIEW

Section 111	Complaints Regarding Violations	7-1
Section 112	Persons Liable	7-1
Section 113	Procedures Upon Discovery of Violations	7-1
Section 114	Penalties and Remedies for Violations	7-1
Section 115	Permit Revocation	7-2
Section 116	Judicial Review	7-2
Sections 117 through 120	Reserved	7-3

### ARTICLE VIII NONCONFORMING SITUATIONS

Section 121	Definitions	8-1
-------------	-------------	-----

Section 122	Continuation of Nonconforming Situations and Completion of Nonconforming Projects	8-2
Section 123	Nonconforming Lots	8-2
Section 124	Extension or Enlargement of Nonconforming Situations	8-3
Section 125	Repair, Maintenance and Replacement	8-4
Section 126	Change in Use of Property Where a Nonconforming Situation Exists	8-5
Section 127	Abandonment and Discontinuance of Nonconforming Situations	8-6
Section 128	Completion of Nonconforming Projects	8-6
Section 129	Nonconforming Signs	8-9
Section 130	Termination of Miscellaneous Nonconforming Situations	8-10
Section 131	Nonconforming Manufactured Homes (Class C) and Manufactured Home Parks	8-10
Section 132 through 134	Reserved	8-10

**ARTICLE IX  
ZONING DISTRICTS AND ZONING MAP**

**Part 1. Zoning District**

Section 135	Residential Districts Established	9-1
Section 136	Commercial Districts Established	9-1
Section 137	Industrial Districts Established	9-3
Section 138	Overlay Districts Established	9-3
Section 139	Conditional Use Zoning District	9-4
Section 140 through 141	Reserved	9-4

**Part II. Zoning Map**

Section 142	Official Zoning Map	9-4
Section 143	Amendments to Official Zoning Map	9-4
Section 144 and 145	Reserved	9-5

**ARTICLE X  
PERMISSIBLE USES**

Section 146	Table of Permissible Uses	10-1
Section 147	Use of the Designations Z, S, C in Table of Permissible Uses	10-1
Section 148	Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit	10-1
Section 149	Permissible Uses and Specific Exclusions	10-1
Section 150	Accessory Uses	10-2
Section 151	Permissible Uses Not Requiring Permits	10-3
Section 152	Change in Use	10-4
Section 153	Reserved	10-5
Section 154	Combination Uses	10-5
Section 155	More Specific Use Controls	10-5
Section 156 and 157	Reserved	10-5

**ARTICLE XI  
SUPPLEMENTARY USE REGULATIONS**

Section 158	Planned Residential Developments	11-1
Section 159	Manufactured Home Parks	11-1
Section 160	Service Stations/Gas Sales Operations	11-2
Section 161	Special Temporary Events	11-2
Section 162	Bed and Breakfast Establishments	11-3
Section 163	Special Services Homes	11-3
Section 164	Day Care Centers, Adult and Child	11-4
Section 165	Cemeteries	11-4
Section 166	Reserved	11-4
Section 167	Airport Hazard Overlay District Requirements	11-4
Section 168	Historic Overlay District Requirements	11-5
Section 168A	South Broad Street Residential Overlay District Requirements	11-9
Section 169	Multi-Family Dwellings	11-10
Section 170	Institutional Care Facilities	11-10
Section 171	Golf Courses	11-10
Section 172	Solid Waste Disposal	11-10
Section 173	Reserved	11-10
Section 174	Fuel Oil/Propane Sales	11-11
Section 175	Marina	11-11
Section 176	Waterfront Subdivisions	11-11
Section 177	Public Water Access	11-12
Section 178	Compliance with State Guidelines for Areas of Environmental Concern	11-12
Section 179	Walls and Fences	11-12
Section 180	Satellite Dish Antenna	11-12
Section 180.1	Manufactured Home Sales	11-12
Section 180.2	Sexually-Oriented Business	11-13
Section 180.3	Bars, Night Clubs, and Taverns	11-14
Section 180.4	Shopping Centers	11-14
Section 180.5	Department, Variety or General Merchandise Stores 25,000 square Feet or Larger	11-14 11-16
Section 180.6	Resort/Conference Facility	11-17
Section 180.7	Wireless Communications	11-18
Section 180.8	Fairgrounds	11-28
Section 180.9	Roadway Corridor Overlay District Requirements	11-29
Section 180.10	Solar Farms	11-30

**ARTICLE XII  
DENSITY AND DIMENSIONAL REGULATIONS**

Section 181	Minimum Lot Size	12-1
Section 182	Residential Density	12-1
Section 183	Minimum Lot Widths	12-2
Section 184	Building Setback Requirements	12-3
Section 185	Accessory Building Setback Requirements/ Maximum Lot Coverage	12-5
Section 186	Building Height Limitations	12-5
Section 187	Cluster Subdivisions	12-6
Section 188	Architecturally Integrated Subdivisions	12-7
Section 189	Density on Lots Where Portion Dedicated to Town	12-8
Section 190 through 195	Reserved	12-8

**ARTICLE XIII  
RECREATIONAL FACILITIES AND OPEN SPACE**

Section 196	Mini-Parks Required	13-1
Section 197	Mini-Parks: Purpose and Standards	13-1
Section 198	Usable Open Space	13-2
Section 199	Ownership and Maintenance of Recreational Areas and Required Open Space	13-3
Section 200	Dedication of Open Space	13-3
Section 201	Payments in Lieu of Dedication	13-3
Section 202	Procedure for Requesting Payment in Lieu of Dedication of Land	13-4
Section 203	Homeowners Associations	13-4
Section 204	Flexibility in Administration Authorized	13-5
Section 205	Authority to Sell	13-5
Section 206	Land Acceptance	13-5
Section 207 through 209	Reserved	13-5

**ARTICLE XIV  
STREETS AND SIDEWALKS**

Section 210	Street Classification	14-1
Section 211	Access to Lots	14-2
Section 212	Access to Arterial Streets	14-2
Section 213	Entrances to Streets	14-2
Section 214	Coordination with Surrounding Streets	14-3
Section 215	Relationship of Streets to Topography	14-3
Section 216	Street Width, Sidewalk, and Drainage Requirements in Subdivisions	14-3
Section 217	General Layout of Streets	14-5
Section 218	Street Intersections	14-6
Section 219	Construction Standards and Specifications	14-6
Section 220	Private Streets and Private Roads in Subdivisions	14-6
Section 221	Road and Sidewalk Requirements in Unsubdivided Developments	14-8
Section 222	Attention to Handicapped in Street and Sidewalk Construction	14-9
Section 223	Street Names and House Numbers	14-9
Section 224	Bridges	14-10
Section 225	Utilities	14-10
Section 226	Cost of Street and Sidewalk Improvements	14-10
Section 227	Street Name and Traffic Signs	14-10
Sections 228 through 235	Reserved	14-10

**ARTICLE XV  
UTILITIES**

Section 236	Utility Ownership and Easement Rights	15-1
Section 237	Lots Served by Governmentally Owned Water or Sewer Lines	15-1
Section 238	Sewage Disposal Facilities Required	15-1
Section 239	Determining Compliance With Section 238	15-2
Section 240	Water Supply System Required	15-4
Section 241	Determining Compliance with Section 240	15-4
Section 242	Lighting Requirements	15-6

Section 243	Excessive Illumination	15-6
Section 244	Electric Power	15-6
Section 245	Telephone Service	15-7
Section 246	Underground Utilities	15-7
Section 247	Utilities To Be Consistent With Internal and External Development	15-8
Section 248	As-Built Drawings Required	15-8
Section 249	Fire Hydrants	15-8
Section 250	Sites for and Screening of Dumpsters	15-9
Section 250.1	Sites for and Screening of Recycling Collection Boxes	15-9

**ARTICLE XVI  
FLOOD HAZARD AREAS, DRAINAGE, STORM WATER MANAGEMENT**

**Part 1. Flood Hazard Areas**

Section 251	Definitions	16-1
Section 252	Artificial Obstructions Within Floodways Prohibited	16-6
Section 253	Permissible Uses Within Floodways	16-6
Section 254	Construction Within Areas of Special Flood Hazard Restricted	16-7
Section 255	Special Provisions for Subdivisions	16-12
Section 256	Water Supply and Sanitary Sewer Systems in Areas of Special Flood Hazard	16-13
Section 257	Permit Requirements, Certifications, and Duties and of the Administrator	16-14
Section 258	Reserved	16-16
Section 259	Location of Boundaries of Areas of Special Flood Hazard	16-16
Section 260	Amendments to the Official Flood Hazard Zoning and Flood Hazard Boundary Map; Variance Procedures	16-17
Section 261	Regulations Do Not Guarantee Flood Protection	16-19
Section 262	Setbacks from Streams Outside Designated Areas of Special Flood Hazard	16-19

**Part II. Drainage, Erosion Control, Storm Water Management**

Section 263	Natural Drainage System Utilized to Extent Feasible	16-19
Section 264	Developments Must Drain Properly	16-19
Section 265	Storm Water Management	16-20
Section 266	Sedimentation and Erosion Control	16-20
Section 267 through 269	Reserved	16-21

**ARTICLE XVII  
SIGNS**

Section 270	Purpose/Definitions	17-1
Section 271	Permit Required for Signs	17-2
Section 272	Signs Excluded from Regulation	17-3
Section 273	Certain Temporary Signs: Permit Exemptions and Additional Regulations	17-3
Section 274	Determining the Number of Signs	17-5
Section 275	Computation of Sign Area	17-5
Section 276	Signs in Residential Districts	17-5
Section 277	Signs in MA and OS Districts	17-5

Section 278	Signs in CD Districts	17-6
Section 279	Signs in CN Districts	17-6
Section 280	Signs in CH Districts Within 1,000 Feet of U.S. Highway 17	17-6
Section 281	Signs in CH Districts Not Within 1,000 Feet of U.S. Highway 17	17-7
Section 282	Shopping Center Signs	17-7
Section 283	Signs in IW Districts	17-8
Section 284	Subdivision and Multi-Family Development Entrance Signs	17-8
Section 285	Location Requirements	17-8
Section 286	Sign Illumination and Signs Containing Lights	17-8
Section 287	Miscellaneous Restrictions and Prohibitions	17-9
Section 288	Nonconforming Signs	17-10
Section 289	Discontinued Signs	17-10

**ARTICLE XVIII  
PARKING**

Section 290	Definitions	18-1
Section 291	Number of Parking Spaces Required	18-1
Section 292	Flexibility in Administration Required	18-7
Section 293	Parking Space Dimensions	18-7
Section 294	Required Width of Parking Area Aisles and Driveways	18-8
Section 295	General Design Requirements	18-8
Section 296	Vehicle Accommodation Area Surfaces	18-9
Section 297	Joint Use of Required Parking Spaces	18-9
Section 298	Satellite Parking	18-10
Section 299	Special Provisions For Lots With Existing Buildings	18-10
Section 300	Loading and Unloading Areas	18-10
Section 301	Parking Area Landscaping	18-11
Section 302	Landscaping of Preexisting Vehicle Parking Areas	18-13
Section 303	Flexibility in Administration Required	18-14

**ARTICLE XIX  
SCREENING AND TREES**

Section 304	Purpose	19-1
Section 305	Parking and Loading Area Landscaping	19-1
Section 306	Screening of Dumpsters	19-2
Section 307	Screening of Adjoining Incompatible Land Uses	19-2
Section 308	Alternative Screening Methods	19-3
Section 309	Maintenance	19-4
Section 310	Use of Existing Screening	19-4
Section 310.1	Obstruction Prohibited Use of Existing Screening	19-5
Section 310.2	Guarantee in Lieu of Immediated Installation of Landscaping and Screening Materials	19-5
Sections 311-313	Reserved	19-5

**Part II. Shading**

Section 314	Council Findings and Declaration of Policy on Shade Trees	19-5
-------------	---	------

Section 315	Required Trees Along Dedicated Streets	19-6
Section 316	Retention and Protection of Large Trees	19-6
Section 317	Shade Trees in Parking Areas	19-7
Section 318	Compliance with Landscaping and Screening Standards	19-7

**Part III. Supplemental Standards Applicable to All Landscaped Areas**

Section 319	Irrigation	19-7
Section 319.01	Revegetation	19-7
Section 319.02	Preservation of Existing Vegetation	19-8
Section 319.03	Specificity of Plans	19-8

**ARTICLE XX  
AMENDMENTS**

Section 320	Amendments in General	20-1
Section 321	Initiation of Amendments	20-1
Section 322	Planning Board Consideration of Proposed Amendments	20-2
Section 323	Hearing Required; Notice	20-2
Section 324	Council Action on Amendments	20-4
Section 325	Ultimate Issue Before Council on Amendments	20-4
Section 326	Protests to Zoning District Changes	20-5
Section 327	Conditional Use District Rezoning	20-5
Section 328	Vested Right	20-7

**APPENDICES**

**Appendix A- Information Required With Applications**

**Appendix B- Specifications On Driveway Entrances**

**Appendix C- Specifications For Street Design and Construction**

**Appendix D- Vehicle Accommodation Area Surfaces**

**Appendix E- Screening And Trees**

**Appendix F- Planting, Pruning And Annual Maintenance Practices For Street And Park Trees**

**Appendix G- Plants For Buffer And Parking Lot Landscaping**

**Appendix H- Street Trees Approved For Use**

**Appendix I – Graphics Illustrating Major Buffering And Landscaping Requirements**

**Appendix J – Guidelines For The Preparation Of A Traffic Impact Assessment**

**Appendix K- Guidelines For the Preparation Of An Environmental Review**

**Appendix L- Guidelines For The Preparation Of A Fiscal Impact Statement**

**Appendix M- Design Standards**