



TOWN CODE UPDATE

PUBLIC FORUM January 31, 2019



OVERVIEW

Part 1: Draft Town Code Presentation

- 5:30-6:00

Part 2: Questions and Answers

- 6:00-7:00

DRAFT TOWN CODE



WELCOME TO THE TOWN OF SOUTHERN SHORES

Stretching from the Atlantic Ocean to Currituck Sound and Ginguite Creek, Southern Shores is a premiere residential community on the Outer Banks. Located along US15B and NC 12, Southern Shores is known for its great weather, beautiful homes and tremendous community pride.

This Site provides information for residents and visitors who want to know more about Southern Shores town government, staff and services.

MEETING NOTICES NEWS RUMOR OR FACT? LEGISLATION UPDATE

Southern Shores Town Council Meeting February 5, 2019 (1/28/2019) - Notice is hereby given that the Southern Shores Town Council will hold a regular meeting on Tuesday, February 5, 2019, at 5:30 p.m. in the Pitts Center located at 5377 N. Virginia Dare Trail Agenda: 2/5/19

Public Notice-Two Public Hearings on February 5, 2019 (1/18/2019) - Notice is hereby given that the Southern Shores Town Council will hold two Public Hearings on February 5, 2019 at 5:30 p.m. in the Pitts Center located at 5377 N. Virginia Dare Trl. The purpose of the first Public Hearing is to consider ZTA-18-09, a Zoning Text Amendment application submitted by the Town of Southern [...]

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Special Planning Board Meeting Recessed until January 7, 2019 (1/3/2019) - Notice is hereby given that due to a power outage, the January 2, 2019 Special Southern Shores Planning Board meeting was recessed until January 7, 2019. The meeting will resume in the Pitts Center located at 5377 N. Virginia Dare Trl. at 5:00 p.m. The purpose of the meeting is for the Board to continue [...]

SEARCH OUR WEBSITE

SUBMIT

MOST REQUESTED

- [Storm Info and Preparedness](#)
- [Sign Up for Emergency Alerts - Hurricane Season](#)
- [Limb/Branch Removal Program](#)
- [Trash and Recycling](#)
- [Semi-Annual Bulk Waste Collection](#)
- [Public Works Project information](#)
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- [Town Code Compliance Complaint Form](#)
- [Planning Permit Applications and General Information](#)
- [Board Volunteer Application](#)
- [Flood Protection Information](#)

Trail Agenda: 2/5/19

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- [Beach Access Parking](#)
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- [Council Meeting Schedule 2019](#)
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ONLINE SERVICES

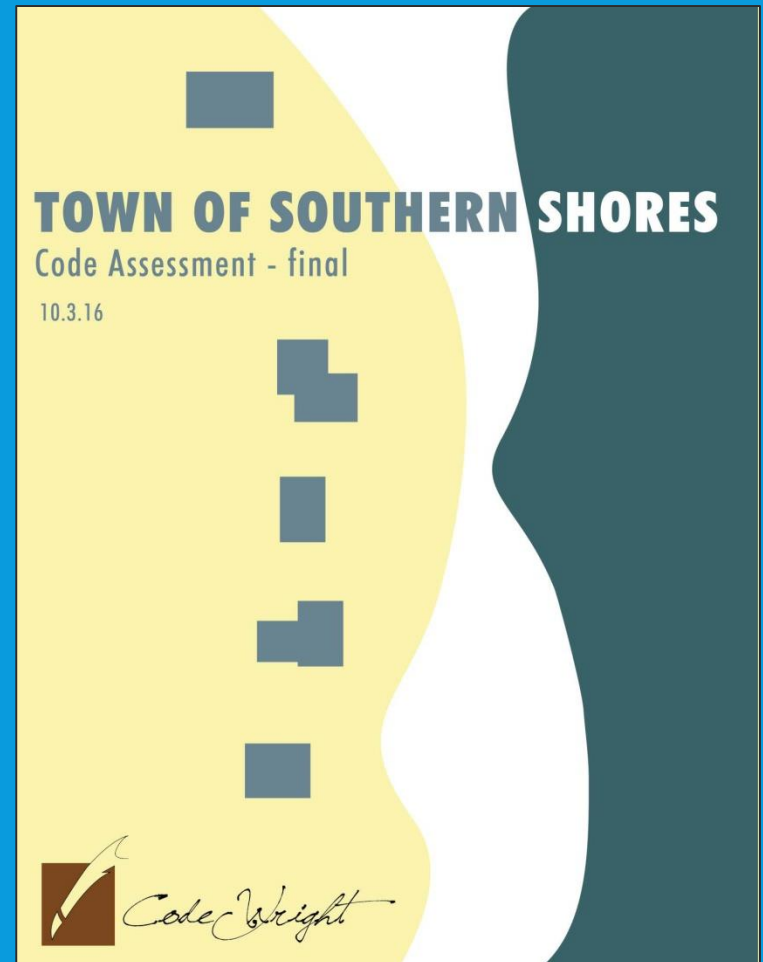
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- [Board Volunteer Application](#)
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- [Request for Public Records](#)
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WHAT'S IN THE TOWN CODE?

- Town Charter
- The Town's authority to provide public services:
police, fire, solid waste, etc.
- Rules related to streets and traffic
- Rules of conduct for residents and visitors
- Protection of beaches and waterways
- The zoning code and subdivision regulations

PROJECT GOALS

- Reformat the Code for easier use and more clarity
- Eliminate obsolete/redundant provisions
- Relocate policy language to outside the Code
- Address changing state law



KEY CHANGES

New Structure

TABLE 2.4.1: CURRENT AND PROPOSED TOWN CODE CHAPTER STRUCTURE

CURRENT Town Code Chapter Structure
1. General Provisions
2. Administration
4. Animals
6. Buildings and Building Regulations
8. Businesses and Business Regulations
10. Cemeteries
12. Emergency Management
14. Fire Prevention and Protection
16. Flood Damage Prevention
18. Law Enforcement
20. Motor Vehicles and Traffic
22. Offenses and Miscellaneous Provisions
24. Planning [deleted]
26. Solid Waste
28. Streets, Sidewalks, and Other Public Property
30. Subdivisions
32. Utilities
34. Waterways and Beaches
36. Zoning

PROPOSED Town Code Chapter Structure
1. General Provisions
2. Administration
4. Definitions [NEW]
6. Fire Prevention and Protection
8. Motor Vehicles and Traffic
10. Emergency Management
12. Solid Waste
14. Wastewater
16. Cable Television [NEW]
18. Streets, Sidewalks, and Other Public Property
20. Buildings and Building Regulations
22. Zoning
24. Businesses and Business Regulations
26. Subdivisions
28. Flood Damage Prevention
30. Waterways and Beaches
32. Cemeteries
34. Animals
36. Offenses and Enforcement

KEY CHANGES

New Layout

CHAPTER 24. BUSINESS AND BUSINESS REGULATIONS

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24.1.3. Procedure.....	24-2
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GUIDANCE FROM CODE ASSESSMENT:

Chapter 24 of the new Town Code is proposed to include the business and business regulations material, which consists of the solicitor's permit procedure and standards.

This permit process is currently administered by the Police Department, and is the only aspect of the Town Code other than the powers and duties material in Chapter 2 related to the police in the Town Code. The Town could consider shifting responsibility for this permit procedure to the Planning Department (while still retaining the background check responsibility with the Police Department). This would allow this proposed chapter to be removed from the updated Town Code.

Regardless of where located, the Solicitor's Permit procedure is proposed for minor reorganization as shown.

Another opportunity for consideration is the relocation to new Chapter 24 of other provisions related to specific business or other uses that must obtain a special permit. Some communities address massage therapy, adult business, body piercing, and garage or yard sales in the business regulations chapter. In many cases, this is done because the use requires a special license or the community administers the enforcement provisions through the police force.

Alternatively, standards for these uses can also remain in the zoning provisions (where they are currently located).

Staff comments on this chapter indicated that the information on solicitor's permits needs general updates for modernization and organization.

Article II of the current Chapter 8 has been relocated to new Chapter 16, Cable Television. As in other chapter, definitions have been relocated to the new consolidated Chapter 4, Definitions.

Chapter 24 Business and Business Regulations

24.1 Solicitor's Permit

24.1. SOLICITOR'S PERMIT

24.1.1. WHEN REQUIRED³⁶⁹

- A.** It is unlawful for any person to solicit charitable contributions by going from door-to-door within the Town without having first secured a solicitor's permit from the Town as provided in Section 24.1.3.A, PERMIT APPLICATIONS.
- B.** Additionally, it is unlawful to solicit for charitable contributions unless the following requirements are met:
1. Solicitation of charitable contributions shall be permitted only between the hours of 9:00 a.m. and 6:00 p.m. during Eastern Daylight Time and 9:00 a.m. and 5:00 p.m. during Eastern Standard Time.
 2. The solicitor permit issued for that person shall be carried and displayed at all times while conducting such solicitations in such a manner as to be clearly visible to a reasonable person of adequate vision.
 3. All other permits or licenses required by law shall have been obtained.

24.1.2. EXEMPTIONS³⁷⁰

This section shall not apply to:

- A.** The delivery of goods or services which have been ordered before delivery;
- B.** The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social, or religious matters;
- C.** The lawful promotion or expression of views concerning political, social, religious, and other like matters;
- D.** The sale or offering for sale of goods, wares, merchandise, food, periodicals, or services by bona fide members or representatives of charitable, religious, civic, or fraternal organizations,³⁷¹ and who receive no compensation of any kind for their services, and such sale or offering by children under the age of 18 years who are students in a public or private school for school activities; and
- E.** The sale or delivery of goods to business establishments.

24.1.3. PROCEDURE

A. PERMIT APPLICATIONS³⁷²

Applications for permits to solicit charitable contributions shall be submitted to the Police Department during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. Eastern Time) on a form provided by the Police Department, under oath, and shall include, but not be limited to, the following information:

1. The full name of the applicant;
2. The permanent residence address of the applicant;
3. The applicant's temporary address in or in the vicinity of the Town, if applicable;
4. The name and address of the applicant's employer or the organization with which the applicant is associated in connection with the solicitation of charitable contributions;
5. The period of time for which the application is sought, which shall not exceed 60 consecutive calendar days; provided that the permit may be renewed for 60-day periods without limit, upon proper application therefor;
6. A record of any and all crimes of which the applicant has been convicted or has pleaded no contest in the ten years preceding the submittal of the application;
7. The age, height, weight, and any other additional information which the Town may reasonably require for identification, including a copy of the document used by the applicant to verify personal identification (e.g. driver's license, passport, picture I.D.);
8. A complete listing of and information concerning all other permits or licenses,³⁷³ which were obtained by the applicant;

³⁶⁹ This section comes from Section 8-1(c) of the current Town code.

³⁷⁰ This section comes from Section 8-1(b) of the current Town code.

³⁷¹ "which are exempt from the payment of privilege licenses" has been removed to reflect current General Statutes.

³⁷² This section comes from Section 8-1(d) of the current Town code.

KEY CHANGES

More Graphics

Chapter 22 Zoning
22.3 Zoning Districts

22.3.3.3. NONRESIDENTIAL DISTRICTS

This section sets out the purpose statements and dimensional standards for the nonresidential zoning districts.

A. G&I GOVERNMENT AND INSTITUTIONAL DISTRICT

1. PURPOSE
The Government and Institutional (G&I) district is established to create a proper location and setting for government and institutional operations and structures necessary to provide services operated by government and institutional operations and structures necessary to provide public services operated by governmental entities and nonprofit entities.

2. DIMENSIONAL STANDARDS

REF #	STANDARD	REQUIREMENT	REF #	STANDARD	REQUIREMENT
NONRESIDENTIAL DEVELOPMENT					
1	Minimum Lot Size (square feet)	10,000	1	Minimum Lot Size (square feet)	20,000
2	Minimum Lot Width (feet)	50	2	Minimum Lot Width (feet)	100
3	Minimum Front Setback (feet)	25	3	Minimum Front Setback (feet)	25
4	Minimum Side Setback (feet)	10	4	Minimum Side Setback (feet)	15
5	Minimum Corner Side Setback (feet)	15	5	Minimum Corner Side Setback (feet)	20
6	Minimum Rear Setback (feet)	25	6	Minimum Rear Setback (feet)	25
7	Maximum Lot Coverage (percent)	30 [1]	7	Maximum Lot Coverage (percent)	30
8	Maximum Height, Top Plate (feet)	25	8	Maximum Height, Top Plate (feet)	25
9	Maximum Height (feet)	35	9	Maximum Height (feet)	35
RESIDENTIAL DEVELOPMENT					
1	Minimum Lot Size (square feet)	20,000	1	Minimum Lot Size (square feet)	20,000
2	Minimum Lot Width (feet)	100	2	Minimum Lot Width (feet)	100
3	Minimum Front Setback (feet)	25	3	Minimum Front Setback (feet)	25
4	Minimum Side Setback (feet)	15	4	Minimum Side Setback (feet)	20
5	Minimum Corner Side Setback (feet)	20	5	Minimum Corner Side Setback (feet)	25
6	Minimum Rear Setback (feet)	25	6	Minimum Rear Setback (feet)	25
7	Maximum Lot Coverage (percent)	30	7	Maximum Lot Coverage (percent)	30
8	Maximum Height, Top Plate (feet)	25	8	Maximum Height, Top Plate (feet)	25
9	Maximum Height (feet)	35	9	Maximum Height (feet)	35
10	Minimum Living Space (square feet)	1,000	10	Minimum Living Space (square feet)	1,000
11	Maximum Size of Single-Family Dwelling (square feet)	6,000	11	Maximum Size of Single-Family Dwelling (square feet)	6,000

NOTES:
 [1] Maximum lot coverage for Town-owned facilities and fire stations is 85 percent.
 [2] No side setback is required for a commercial building constructed with a common wall.
 [3] Commercial lots shall be allowed the use of permeable pavement as defined by the NCDENR Stormwater BMP Manual. Employment of this permeable solution shall be granted the Built Up Area (BUA) Credit as specified in the Manual.
 [4] Banks may have a single decorative cupola or ornamental watch tower that extends up to 15 feet above the roofline of the building, provided that it does not exceed 12 feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.
 [5] The 20,000 square feet standard applies to single-family detached dwellings, duplexes, and large homes.
 [6] For multifamily dwellings, the minimum lot size must be served by an approved public or community sewage system, and shall be at a minimum 7,500 square feet for the first dwelling unit and 5,151 square feet for each additional dwelling unit.
 [7] Group developments which incorporate the use of permeable pavement as defined by the NCDENR Stormwater BMP Manual in excess of five percent of the total lot coverage shall be defined a maximum allowable lot coverage by principal use and all accessory structures of no greater than 67 percent.
 [8] For multifamily dwellings, the maximum lot coverage is 40 percent.
 [9] For multifamily dwellings, the maximum top plate height is 28 feet.

3. ILLUSTRATION

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Chapter 22 Zoning
22.3 Zoning Districts

B. C GENERAL COMMERCIAL DISTRICT

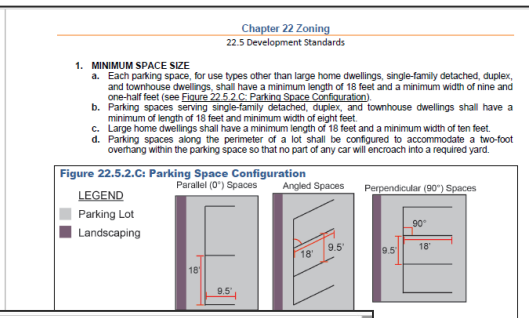
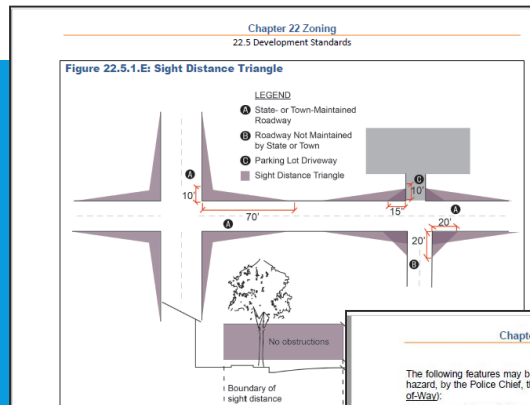
1. PURPOSE
The General Commercial (C) district is established to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.

2. DIMENSIONAL STANDARDS

REF #	STANDARD	REQUIREMENT	REF #	STANDARD	REQUIREMENT
NONRESIDENTIAL DEVELOPMENT					
1	Minimum Lot Size (square feet)	[1]	1	Minimum Lot Size (square feet)	20,000 [5]
2	Minimum Front Setback (feet)	25	2	Minimum Front Setback (feet)	25
3	Minimum Side Setback (feet)	10 [3]	3	Minimum Front Setback (feet)	25
4	Minimum Corner Side Setback (feet)	15	4	Minimum Side Setback (feet)	15
5	Minimum Rear Setback (feet)	20	5	Minimum Corner Side Setback (feet)	20
6	Maximum Lot Coverage (percent)	60 [3]	6	Minimum Rear Setback (feet)	20
7	Maximum Height, Top Plate (feet)	28	7	Maximum Lot Coverage (percent)	30 [7] [8]
8	Maximum Height (feet)	35 [4]	8	Maximum Height, Top Plate (feet)	20 [9]
			9	Maximum Height (feet)	35
			10	Minimum Living Space (square feet)	1,000
			11	Maximum Size of Single-Family Dwelling (square feet)	6,000

NOTES:
 [1] Lots shall be of sufficient size to meet requirements of the Dare County Environmental Health Department, provide adequate siting for structures, and to provide parking, loading, and maneuvering space for vehicles as required by Section 22.5.2, *On-Street Parking Standards*.
 [2] No side setback is required for a commercial building constructed with a common wall.
 [3] Commercial lots shall be allowed the use of permeable pavement as defined by the NCDENR Stormwater BMP Manual. Employment of this permeable solution shall be granted the Built Up Area (BUA) Credit as specified in the Manual.
 [4] Banks may have a single decorative cupola or ornamental watch tower that extends up to 15 feet above the roofline of the building, provided that it does not exceed 12 feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.
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 [7] Group developments which incorporate the use of permeable pavement as defined by the NCDENR Stormwater BMP Manual in excess of five percent of the total lot coverage shall be defined a maximum allowable lot coverage by principal use and all accessory structures of no greater than 67 percent.
 [8] For multifamily dwellings, the maximum lot coverage is 40 percent.
 [9] For multifamily dwellings, the maximum top plate height is 28 feet.

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Chapter 18 Streets, Sidewalks, and Other Public Property
18.8 Allowable Obstructions in the Right-of-Way

The following features may be allowed within the right-of-way, unless determined to be a nuisance or a safety hazard, by the Police Chief, the Fire Chief, or the Town Manager (see Figure 18.8.1: *Obstructions in the Right-of-Way*):

- Commercially available newspaper and mailboxes;
- Garbage/recycling containers, branches/brush, and other items temporarily placed on the right-of-way for scheduled pickup at times designated by the Town;
- Property numbers on posts, as allowed by Section 20.6.3, *Display of Address Numbers*;
- Driveway aprons and any minimum necessary accessory structures;
- Landscape beds at grade which may include grass, ground cover, sand, mulch, or dirt, but excluding trees and shrubs;
- Self-propelled motor vehicles displaying Town parking permits, and legally parked in right-of-way parking areas, established in accordance with Section 8.9, *Standing, Stopping, and On-Street Parking*; and
- Signage, in accordance with the standards in Section 22.5.4, *Signage Standards*.

Figure 18.8.1: Obstructions in the Right-of-Way

18.8.2. REMOVAL OF OBSTRUCTIONS AUTHORIZED²⁰⁸

A. ORDER REMOVAL

1. If, in the course of providing a public safety service, any employee or volunteer of a public safety service provider finds that an obstruction within the right-of-way hinders the ability, in any way, of the provision

²⁰⁸ This section comes from Section 28-5 of the current Town code.

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development parking lots for up to
feet and a minimum width of eight
feet.
and townhouse dwellings, drive
feet wide
ted with single-family detached,
wide, and be separate from any
or Town-approved private street,
feet shall be provided so that no
house dwellings, one required off-
in an under house parking area or
tated in the drive aisle.
plex dwellings, required parking
fe, 1-2 asphalt, or pavers, and
safe and convenient use in all

31(18/2) from the current code
number of two driveway
staff recommendations
idential parking requirements in
es

KEY CHANGES

Summary Chapters

CHAPTER 2. ADMINISTRATION

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GUIDANCE FROM CODE ASSESSMENT:

The current Town code includes definitions throughout the document. In some cases definitions are repetitive or inconsistent, or include standards within the definition. The new Chapter 4, Definitions, consolidates all the definitions in the Town Code into a single location, removes inconsistencies, and relocates standards to the appropriate chapter.

For the time being, the origin of each defined term is included in yellow highlight at the end of the term. This origin information could be deleted from the adopted code or used to color code the table rows by chapter origin.

In cases where the same term is defined differently in different chapters of this Code, all uses of the term are distinguished from one another.

The chapter also includes a glossary of abbreviations used in the Code.

Text shown in yellow highlight that includes a cross reference to another code section is to be filled in following adoption.

The text includes numerous footnotes that track the origin of proposed text.

CHAPTER 36. OFFENSES AND ENFORCEMENT

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SUPPORTING INFO

- Guidance from Code Assessment
- Footnotes
- Index

GUIDANCE FROM CODE ASSESSMENT:

Chapter 20 of the current Town Code includes the Motor Vehicles and Traffic standards, which are organized into six articles: General Provisions, Traffic Control Devices, Operation of Vehicles, Stopping, Standing, and Parking, Enforcement, and Bicycle Safety Rules. There are also extensive provisions embedded in the Stopping, Standing, and Parking standards related to abandoned and junked vehicles.

The current standards are a blend of provisions related to the operation of motorized and non-motorized vehicles as well as more infrastructure-related provisions.

As a first step, we suggest the traffic map, traffic control device, and street-related provisions in Section 20-2 and 20-69 through 20-72 be relocated to new Chapter 18, Streets, Sidewalks, and other Public Property.

As with other chapters, we also suggest the definitions be relocated to the consolidated chapter on definitions, enforcement-related provisions be relocated to new Chapter 36, Offenses and Enforcement, off-street parking provisions be relocated to the zoning chapter, and that the remaining standards be reorganized into a more intuitive grouping.

In addition we address the standards be revised to address staff comments to allow a variety of Town vehicles to operate on the beach and multi-use paths.

8.1. STATUTORY AUTHORITY⁶⁴

8.1.1. REFERENCES

The statutory authorization for this standards and procedures in this chapter are derived from the following:

- A.** Section 30-169 of the North Carolina General Statutes, regarding the traffic powers of local authorities;
- B.** Section 160A-300 of the North Carolina General Statutes, pertaining to regulation and control of pedestrian and vehicular traffic on public streets, sidewalks, alleys and bridges;
- C.** Section 160A-300.1 of the North Carolina General Statutes, regarding civil enforcement of traffic laws by means of traffic control photographic system;
- D.** Section 160A-301 of the North Carolina General Statutes, regarding regulation and prohibition of parking on public streets, alleys and bridges; and
- E.** Section 160A-303 of the North Carolina General Statutes, regarding removal of junked and abandoned motor vehicles.

8.2. AUTHORITY OF POLICE UNDER CERTAIN CONDITIONS⁶⁶

In the event of a fire or other emergency or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

8.3. PURPOSE AND INTENT⁶⁷

The purpose and intent of this chapter is to:

8.3.1. REDUCE HAZARDOUS CONDITIONS

Reduce hazardous traffic conditions resulting from the use of streets within areas zoned for residential, commercial, or recreational uses;

8.3.2. PROTECT AND PRESERVE DISTRICTS

- A.** Protect those districts from polluted air, excessive noise, trash, and refuse caused by the entry of vehicles;
- B.** Protect the residents of those districts from unreasonable burdens in gaining access to their residences;
- C.** Preserve the character of all districts;

8.3.3. PROMOTE EFFICIENCY

Promote efficiency in the maintenance of streets in a clean and safe condition;

8.3.4. PRESERVE PROPERTY VALUE

Preserve the value of the property in all districts; and

8.3.5. PRESERVE SAFETY

Preserve the safety of children and other pedestrians and traffic safety, and the peace, good order, comfort, convenience and welfare of the inhabitants of the Town.

⁶⁴ In accordance with the Code Assessment, the traffic map, traffic control device, and street-related portions of Section 20-2 and 20-69 through 20-72 (current code) have been relocated to the new Chapter 18, Streets, Sidewalks, and other Public Property. All definitions have been relocated to the consolidated Chapter 4, Definitions. Enforcement items have been relocated to the new Chapter 36, Offenses and Enforcement.

⁶⁵ This section comes from "Footnotes" section of Chapter 20 of the current code. It has been modified for clarity and consistency with other sections of this draft.

⁶⁶ This section comes from Section 20-3 of the current code.

⁶⁷ This section comes from Section 20-42 of the current code.

CHAPTER REVIEW

Chapter 1: General Provisions

- Language construction, Amendment, ETJ description

Chapter 2: Administration

- Powers & duties of boards and Town staff

Chapter 4: Definitions

Chapter 6: Fire Prevention & Protection

- Fire prevention, Fire alarms, Safety standards, Open burning

CHAPTER REVIEW

Chapter 8: Motor Vehicles & Traffic

- Motor & Non-motorized vehicles, Vehicles on beach, Nuisance vehicles

Chapter 10: Emergency Management

- Emergency plan, State of emergency, Reconstruction, Moratoria

Chapter 12: Solid Waste

- Receptacles, Recycling, Solid waste, Yard waste, Collectors

Chapter 14: Wastewater

- Wastewater management system, Standards, Monitoring

CHAPTER REVIEW

Chapter 16: Cable Television

- Applicable law, Installation, Town work, Vegetation removal

Chapter 18: Streets, Sidewalks, Public Property

- Street map, Traffic control devices, Obstructions, Encroachment, Tree removal

Chapter 20: Buildings & Building Regulations

- Building inspection, Temporary toilets, Property numbering

CHAPTER REVIEW

Chapter 22: Zoning

- **Introductory Provisions**
Purpose & intent, Conflict, Transitional rules, Measurement
- **Procedures**
Standard procedures, Specific procedures, Enforcement
- **Zoning Districts**
Residential, Nonresidential, Special, Encroachment
- **Use Standards**
Principal, Accessory, Temporary, Prohibited, Unlisted
- **Development Standards**
Access, Parking, Landscaping, Signage, Lighting, etc.
- **Nonconformities**
Uses, Structures, Lots, Maintenance

CHAPTER REVIEW

Chapter 24: Business Regulations

- Solicitor's permit, Alcohol sales

Chapter 26: Subdivisions

- Procedures, Improvements, Design Standards, Performance guarantees

Chapter 28: Flood Damage Prevention

- Purpose, Procedures, Administration, Flood hazard reduction standards

Chapter 30: Waterway & Beaches

- Boats, Waterways, Docks, Beach use, Beach/dune management

CHAPTER REVIEW

Chapter 32: Cemeteries

- Standards, Operations, Grave markers

Chapter 34: Animals

- Owner responsibility, Dogs on the beach, At large, Livestock, Bird sanctuary, Beekeeping

Chapter 36: Offences & Enforcement

- Responsible persons, Specific violations, Nuisances, Remedies, Civil/criminal procedure

NEXT STEPS

1. Public Forum Tonight
2. Town Attorney Review February
3. Planning Board Recommendation March/April
4. Town Council Public Hearing May?
5. Adoption

QUESTIONS & ANSWERS

QUESTION SESSION

- The document is still in draft form and may continue to evolve
- This is not a hearing or a Town Council meeting
- Topics yielding discussion for more than 5 minutes will be parked

