

Town of Woodland Zoning Ordinance

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Article 1

General Provisions

Section 1-1 Short Title

This ordinance shall be known as the "Town of Woodland Zoning Ordinance."

Section 1-2 Authority

In accordance with Article 19, Part 3, Chapter 160A of the General Statutes of North Carolina, the Town of Woodland is given the authority to adopt and enforce this zoning ordinance.

Section 1-3 Purpose

The purpose of this ordinance shall be to promote the public health, safety, morals and general welfare; provide for the orderly development of the Town of Woodland and its extraterritorial planning area; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Section 1-4 Jurisdiction

This ordinance shall apply to all lands within the Town of Woodland and its extraterritorial planning area.

Section 1-5 Adoption and Effective Date

The provisions of this ordinance, including all revisions, were adopted and became effective on **July 12, 2001**.

Section 1-6 Relationship to Land-Use Policies

This ordinance is designed to assist the citizens, elected and appointed boards, and the Administrator in guiding land development within the planning jurisdiction. It has been development with a spirit of concern for both the individual rights of the land owners and the public responsibility to promote the orderly development of the community. These development guidelines were specifically designed to implement land use policies formulated by the Town of Woodland.

Section 1-7 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for various permits. The amount of the fees charged shall be established by the Town Board. Fees shall be paid upon submission of a signed application or notice of appeal. The fees shall be established in a separate fee schedule.

Section 1-8 Zoning Impacts on Existing Regulations, etc.

This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this ordinance are less restrictive than regulations imposed by any governmental authority through regulations, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provisions, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

Section 1-9 Zoning affects all Land and Buildings

No land, building, or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity to these regulations.

Section 1-10 One Principal Building on a Lot

In any district, no more than one principal use may be erected on a single lot, except where it is specifically provided in this ordinance.

Section 1-11 Visibility at Intersections

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2 and ½ feet and 10 feet in a triangular area formed by the intersection of the right-of-way lines of 2 streets or a street and a railroad, and a diagonal line which intersects the right-of-way lines at two points 25 feet from where the right of way intersects.

Section 1-12 Street Access

No dwelling shall be erected on a lot which does not abut a public or private street or an easement at least 20 ft wide, if approved by the Town.

Article 2

Administrative Structure

Planning Board

Section 2-1 Appointment and Terms of the Planning Board

- (A) There shall be a Planning Board consisting of 5 members.
The Town Board of Commissioners shall appoint 3 members from the town and the Northampton County Board of Commissioners shall appoint 2 members from the extraterritorial planning jurisdiction.
- (B) Extraterritorial Jurisdiction (ETJ) Membership Requirements
- (1) An additional ETJ member shall be appointed to the Planning Board by the Board of County Commissioners to achieve proportional representation. Each member of the Planning Board, whether inside the corporate limits or in the ETJ, shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ.
 - (2) Before the Northampton County Board of Commissioners makes any appointments, it shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board shall select appointees only from those who apply at or before the public hearing. The County Board of Commissioners shall make the appointments within 45 days following the public hearing.
 - (3) Once the Town of Woodland provides proportional representation, no power available to a town under G.S. 160-360 shall be in effective in its extraterritorial areas solely because the county appointments have not yet been made.
 - (4) If there are an insufficient number of qualified residents of the area to meet membership requirements, the Board of Commissioners may appoint as many other residents of Northampton County as necessary to make the requisite number. If the Northampton County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution, the Town Board of Commissioners may make them.
- (C) The original planning board members shall be appointed for staggered terms:
- (1) Two original members shall be appointed for 3 years (One resident of Woodland and one resident of the ETJ); and

- (2) Three members shall be appointed for 2 years (two residents of Woodland and one resident of the ETJ).

Each member appointed afterward shall be appointed for a 3 year terms.

- (D) Members may be appointed to successive terms without limitation.
- (E) Planning Board members may be removed by the Town Board of Commissioners any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Board of Commissioners shall hold a hearing on the removal before it becomes effective.
- (F) If a member of the planning board moves outside the planning jurisdiction of Woodland, the Town Board of Commissioners shall remove that member. However, members may continue to serve until their successors have been appointed

Section 2-2 Meetings of the Planning Board

- (A) The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 4-4 (Request to be Heard Expeditiously).
- (B) Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles 4 and 5. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- (C) Minutes shall be kept of all Planning Board proceedings by an appointed member of the board or a town employee assigned by the Town Board of Commissioners.
- (D) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.
- (E) Whenever the Planning Board is called upon to make recommendations concerning a zoning map amendment, the Administrator shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least 7 days prior to the meeting at which the matter is to be considered.

- (F) In addition all meetings of the Planning Board shall be open to the public and a single notice of the meeting shall be published in a local newspaper no later than the same week the meeting is to be held. (The Planning Board does not have to follow the exact notification process mandated by the North Carolina General Statutes for amendments by the Town Board of Commissioners which require two newspaper notices with the first being published no more than 25 days, nor less than 10 days prior to the hearing date. (See Article 8).

Section 2-3 Quorum and Voting

- (A) A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (B) All actions of the Planning Board shall be taken by majority vote provided a quorum is present.
- (C) A roll call vote shall be taken upon the request of any member.

Section 2-4 Planning Board Officers

- (A) At the first meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice chairman. A secretary shall be selected among the membership or assigned by the Town Board. The people so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats). If the secretary is assigned by the Town Board of Commissioners he or she shall serve at the pleasure of this body.
- (B) The chairman and vice-chairman may take part in all deliberations and vote on issues.

Section 2-5 Powers and Duties of Planning Board

- (A) The Planning Board may:
- (1) Make studies and recommend to the Town Board of Commissioners plans, goals, and objectives relating to the growth, development, and redevelopment of Woodland and its extraterritorial planning area;
 - (2) Develop and recommend to the Town Board of Commissioners policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - (3) make recommendations to the Town Board of Commissioners on proposed zoning map or text changes; and

- (4) Perform any other duties assigned by the Town Board of Commissioners.
- (B) The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the ordinance.

Board of Adjustment

Section 2-6 Appointment and Terms of Board of Adjustment

- (A) The 5 members of the Town of Woodland Planning Board shall also serve as the Board of Adjustment. As with the Planning Board two members shall be appointed from the extraterritorial planning area by the Northampton County Board of Commissioners to maintain proportional representation as specified in (B) below. Two alternatives members shall be appointed to the board of adjustment. One from inside the town and one from the extraterritorial planning area. When any member of the Board of Adjustment is absent, an alternate may step in and replace him. However, only an alternate who is a resident of the town can replace a resident of the Town and only an alternate from the ETJ can replace another ETJ resident.
- (B) ETJ Membership Requirements.
 - (1) Each member of the Board of Adjustment, whether inside the corporate limits or in the ETJ, shall represent approximately the same number of people. For example, if each inside member represents 100 residents, there shall be an appointee for each 100 residents in the ETJ. If the ETJ is underrepresented, an additional member shall be appointed to the Board of Adjustment by the Northampton County Board of Commissioners to achieve proportional representation.
 - (2) Before any appointments are made, the Northampton County Board of Commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The Northampton County Board of Commissioners shall select appointees only from those who apply at or before the public hearing. These appointments shall be made within 45 days following the public hearing.
 - (3) Once the Town of Woodland provides proportional representation, no power available to it under G.S. 160-360 shall be ineffective in its extraterritorial areas solely because county appointments have not yet been made.
 - (4) If there are an insufficient number of qualified residents of the area to meet membership requirements, the Northampton County Board of Commissioners may appoint as many other residents of the county as necessary to make the requisite number. If the Northampton County

Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the town requesting that they be made, the Town Board of Commissioners may make them.

- (C) Since members of the planning board serve as members of the board of adjustment there terms shall be the same for each board. All members may be reappointed to successive terms without limitation.
- (D) ETJ members may be removed by the Town Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Board of Commissioners shall hold a hearing on the removal before it becomes effective.
- (E) If a member of the Board of Adjustment moves outside the planning jurisdiction of Woodland, the Town Board of Commissioners shall replace that member immediately.

Section 2-7 Meetings of the Board of Adjustment

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 4-4 (Request to be Heard Expeditiously).
- (B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles 4 and 5.
- (C) All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

Section 2-8 Quorum

- (A) A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats). A quorum is necessary for the Board of Adjustment to take official action.
- (B) A member who has withdrawn from the meeting without being excused as provided in Section 2-9 below, voting shall be counted as present for purposes of determining whether a quorum is present.

Section 2-9 Voting

- (A) The concurring vote of four-fifths of the regular Board of Adjustment membership (excluding vacant seats) shall be necessary to reverse any order,

requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. All other actions of the Board of Adjustment shall be taken by majority vote.

- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9 (C) or has been allowed to withdraw from the meeting in accordance with Subsection 2-9 (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (D) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (E) All members seated for a meeting may participate in and vote on all issues before the Board of Adjustment regardless of whether the property involved is located within the Town or within the extraterritorial area.

Section 2-10 Board of Adjustment Officers

- (A) At its first regular meeting of each calendar year the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. A secretary shall be elected from the members of the Board of Adjustment or be appointed by the Town Board of Commissioners. Any elected person shall serve in these capacities for terms of one year. Any appointed secretary shall serve at the pleasure of the Town

Board. Vacancies among the elected officials may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses and decide all points of order or procedure coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 2-11 Powers and Duties of Board of Adjustment

- (A) The Board of Adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement, or interpretation made by the Administrator, as provided in Article 4;
 - (2) Applications for variances as provided in Article 4;
 - (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article 4;
 - (4) Applications for conditional-use permits as provided in Article 3; and,
 - (5) Any other matter the board is required to act upon by any other ordinance.
- (B) The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

Land-Use Administrator

Section 2-12 Duties of the Land-Use Administrator

- (A) Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned by the Woodland Town Board of Commissioners to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Land-Use Administrator" or "Administrator."
- (B) The Administrator is authorized by the Town Board of Commissioners to administer and enforce the provisions of this ordinance. Duties shall include: processing applications; inspecting premises; issuing compliance permits; and reviewing site plans before submitting to the permit issuing body.

- (C) The Administrator does not have the authority to take final action on variances, conditional use permits, zoning amendments (text or map) or any other final actions reserved to the Town Board of Commissioners, Board of Adjustment, or the Planning Board.

Town Board

Section 2-13 Powers and Duties of the Town Board

- (A) As a legislative body the Town Board of Commissioners shall adopt the original zoning ordinance and act on any proposed amendment to either the text or zoning map. In its legislative capacity the Board shall operate in accordance with the requirements of Article 8.
- (B) Any appeals from the decision of the Board of Adjustment shall be directed to Superior Court in Northampton County.

Article 3

Permits

Section 3-1 Permits Required

No person shall undertake any development activity or use of land that is subject to this ordinance without all applicable permits.

- (1) zoning permit;
- (2) conditional use permit; and,
- (3) certificate of occupancy permit

Section 3-2 General Requirements

- (A) All applications for permits shall be submitted by the owner of the property or his authorized agent. The Administrator may require reasonable proof of ownership from any person submitting an application.
- (B) The Administrator may wave submission of required elements of information when in his opinion such information is otherwise available or is not necessary. He may return any application that is not complete.
- (C) All applications for permits shall be submitted, reviewed and processed in accordance with the requirements specified in this ordinance.
- (D) A copy of required permits, along with any plans submitted, shall be returned to the applicant after the review process marked approved or disapproved. A similarly marked copy shall be retained in the town hall.
- (E) Any permit issued shall expire unless the work as approved on the application begins within one year from the date of issue. Written notice shall be given by the Administrator.

Section 3-3 Zoning Permit

- (A) No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued by the Administrator.
- (B) A fee shall be charged for each application. (see separate fee schedule)
- (C) A zoning permit form, specifying the required information, shall be obtained from the town hall and submitted to the Administrator for action.
- (D) Each application for a zoning permit shall be accompanied by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate

dimensions of the building or sign to be erected, its location on the lot and such other information as may be necessary to provide for the enforcement of this ordinance.

- (E) An accurate record of such applications and plats, together with a record of the action taken, shall be kept in the Office of the Administrator.
- (F) If the use is listed in the table of permitted uses and complies with all the development standards in this ordinance, the Administrator shall issue a zoning permit. However, if the Administrator determines the use:
 - (1) Is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a zoning amendment from the Town Board; or
 - (2) Cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a variance; or
 - (3) Is indicated in the table of uses by districts as a conditional use it shall be submitted to the Board of Adjustment for action.
- (G) Any permit shall be revoked if the applicant fails to comply with the 3-3 (D) above or if the applicant fails to meet the requirements of the zoning permit.

Section 3-4 Conditional-Use Permit

- (A) The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.
- (B) Those uses listed in Article 10 as permitted uses, subject to a conditional use permit may be established in that district only after the issuance of an approved conditional use permit.
- (C) Applications for a permit approval shall be addressed to the Board of Adjustment and presented to the Administrator. Each application shall contain or be accompanied by a site plan, if required by Article 12. It shall be submitted at least 10 working days prior to the next scheduled meeting of the Board of Adjustment.
- (D) When the Administrator receives a completed application he shall seek comments from town officials or other appropriate agencies or officials to

determine if it conforms to requirements of this ordinance as well as other municipal requirements.

- (E) Their written comments along with the application shall be submitted to the Board of Adjustment by the Administrator.
- (F) The Administrator shall set a date for a public hearing. At the hearing the Board of Adjustment shall review the application and comments from the Administrator or other appropriate agencies, hear testimony and examine exhibits pertaining to the application.
- (G) No conditional use permit shall be approved unless each of the following findings is made concerning the proposed conditional use:
 - (1) Is listed among the conditional uses in the district for which application is made;
 - (2) Is essential or desirable to the public convenience or welfare;
 - (3) Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
 - (4) Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
 - (5) Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
 - (6) Will have ingress and egress designed to minimize traffic congestion in the public streets.
- (H) At the conclusion of the public hearing, the Board of Adjustment shall approve, approve with conditions, or disapprove the application.
- (I) In approving a conditional use permit the Board of Adjustment may impose such reasonable and appropriate conditions as it may deem necessary in order that the purpose and intent of this ordinance is served.
- (J) When the application has been denied, or withdrawn after the public notice has been published, the Administrator shall not accept the same application for at least 12 months. The Administrator may accept an application if the (1) the circumstances affecting the property have substantially changed; (2) the application has changed in some substantial way; and (3) new information is available which could not with reasonable diligence have been presented at the previous public hearing.

- (K) The Administrator shall notify the applicant of the Board's decision in writing and shall file a copy in the town hall. If the permit is approved with conditions, the Administrator shall issue a permit in accordance with the action of the board. The conditional use permit shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
- (L) An approved conditional use permit shall be null and void if the applicant has not begun work as specified in the permit within 12 months or within such further time stipulated in the approval. The applicant may seek an extension if he applies within the original time specified.
- (M) Granting a conditional-use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Board of Adjustment.

Section 3-5 Certification of Occupancy Permit

- (A) After the applicant has completed the changes stated in the zoning permit, the Administrator shall verify them. Once the Administrator is satisfied the applicant has completed the project in accordance with the original zoning permit, he shall issue a certification of Occupancy Permit (CO) This certificate shall state that the building and/or site complies with the provisions of this ordinance. Until this certification is issued, no property may be sold, leased or occupied.
- (B) In cases when because of weather conditions or other factors beyond the control of the permit recipient (exclusive of financial hardship), it shall be unreasonable to require him to comply with all of the requirements of this ordinance, or any conditions imposed by a conditional use permit, prior to commencing the intended use of the property or occupying any buildings, the Town Board of Commissioners may authorize the commencement of the intended use or the occupancy of buildings. However, the permit recipient shall provide a certified check, irrevocable letter of credit, performance bond, certificate of deposit, or other security satisfactory to the Town Board of Commissioners for 125 percent of the cost of the required improvements to ensure that all of the requirements will be fulfilled within a reasonable period. In no case, however, such period shall not exceed 12 months. All securities shall be the same as cash and shall be redeemable within the corporate limits of the town.

Section 3-6 Temporary Use Permit

- (A) The Board of Adjustment shall issue temporary use permits on a case-by-case basis.
- (B) Conditions that may be imposed on each use shall include, but not limited to the following:

- (1) Specific time limits for each use.
 - (2) Only permitted activities as specified in Article 10 Table of Uses by District.
 - (3) After removal the area occupied by the temporary use shall be restored to its original conditions.
- (C) Temporary permits may be renewed by the Board of Adjustment.

Article 4

Appeals, Variances and Interpretations

Section 4-1 Appeals

- (A) An appeal from any final order or decision of the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Administrator.
- (B) An appeal must be taken within 30 days after the date of the decision or order is made.
- (C) Whenever an appeal is filed, the Administrator shall transmit to the Board of Adjustment all the materials of the case.
- (D) An appeal stays all actions by the Administrator enforcing the requirements of this ordinance.
- (E) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinions ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

Section 4-2 Variances

- (A) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator.
- (B) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;
 - (2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (3) The hardship relates to the applicant's land, rather than personal circumstances;

- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
 - (5) The hardship is not the result of the applicant's own actions; and,
 - (6) The variance will neither result in the extension of a nonconforming situation in violation of Article 7 nor authorize the initiation of a nonconforming use of land.
- (C) A variance may be issued for an indefinite duration or for a specified duration only.

Section 4-3 Interpretations

- (A) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in Section 4-1.
- (B) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the board to make the necessary interpretation.
- (C) Where uncertainty exists as to the boundaries as shown on the Town of Woodland Official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (2) Boundaries indicated as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;
 - (3) Boundaries indicated as following streams shall be construed to follow such bodies, and in the event of change in the streams shall be construed as following such streams; and
 - (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Official Town of Woodland Zoning Map.

Section 4-4 Requests to be Heard Expeditiously

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need

to follow regularly established agenda procedures, and obtain the necessary information to make sound decisions.

Section 4-5 Burden of Proof in Appeals and Variances

- (A) When an appeal is taken to the Board of Adjustment in accordance with Section 4-1, the Administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting sworn testimony and exhibits to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- (B) The burden of presenting sword testimony sufficient to allow the Board of Adjustment to reach the conclusions on those issues remains with the applicant seeking the variance.

Section 4-6 Board Action on Appeals and Variances

- (A) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the Board of Adjustment's membership (excluding vacant seats).
- (B) Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the required findings stated. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 4-2 (B) above shall include a statement of the specific reasons or findings of fact supporting such motion.

Article 5

Hearing Procedures

Section 5-1 Hearing Required on Appeals and Applications

- (A) Before making a decision on an appeal or an application for a variance, conditional-use permit, or petition from the Administrator to revoke a conditional-use permit, the Board of Adjustment shall hold a hearing on the appeal or application.
- (B) The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (C) The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (D) The hearing board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

Section 5-2 Notice of Hearing on Appeals and Applications

- (A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than 10 days before the hearing.
- (B) Notice shall be given to abutting property owners by mailing a written notice not later than 10 days before the hearing to those persons who have listed for taxation real property.
- (C) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.
- (D) The Administrator shall publish a notice of the public hearing once a week for two successive weeks in a newspaper having general circulation in the area. *The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.* In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

Section 5-3 Evidence

- (A) The provisions of this section apply to all hearings for which a notice is required by Section 5-1.
- (B) All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.
- (C) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.

Section 5-4 Modification of Application at Hearing

- (A) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.

Section 5-5 Record

- (A) A tape recording should be made of all hearings required by Section 5-1 and such recordings shall be kept for at least 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (B) Whenever practical, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept for at least two years.

Section 5-6 Written Decision

- (A) Any decision made by the Board of Adjustment regarding an appeal or variance or issuance or revocation of a conditional-use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

- (B) In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions, as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

Article 6

Enforcement and Review

Section 6-1 Complaints Regarding Violators

Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the violator in writing what actions have been or will be taken.

Section 6-2 Liability

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 6-3 Procedures Upon Discovery of Violation

- (A) If the Administrator finds that a provision of this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
- (B) The final written notice shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 4-1.
- (C) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 6-5.

Section 6-4 Penalties and Remedies for Violation of the Ordinance

- (A) Violations of the provisions of ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, or conditional-use permits shall constitute a misdemeanor, which may be prosecuted in accordance with General Statute 14-4

- (B) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 6-4 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 6-5 Permit Revocation

- (A) A zoning or conditional-use permit may be revoked by the permit issuing body if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the Board of Adjustment.
- (B) Before a conditional-use permit may be revoked, all of the notice and hearing and other requirements of Article 5 shall be met. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - (1) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
 - (2) Before a permit may be revoked, the Administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

- (3) No persons may continue to make use of land or buildings in the manner authorized by any zoning conditional-use permit after such permit has been revoked in accordance with this section.

Section 6-6 Judicial Review

- (A) Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Northampton County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Northampton County Clerk of Court within 30 days after the latter of the following occurrences:
 - (1) A written copy of the board's decision has been filed in the town hall; and
 - (2) A written copy of the board's decision has been sent to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

Article 7

Nonconforming Uses and Buildings

Section 7-1 General

Any parcel of land, use of land, building or structure existing at the time of the adoption of the original ordinance, or any subsequent amendment, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following categories of nonconforming uses.

Section 7-2 Nonconforming Vacant Lots

Nonconforming vacant lots are ones that have been platted and recorded in the Office of the Register of Deeds of Northampton County, which at the time of adoption of this ordinance fail to comply with the minimum area and/or width requirements of the districts where they are located. Any such nonconforming lot may be used for any of the uses permitted in the district where it is located provided that:

- (1) Where the lot area is below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (2) Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district where such lots are located.

Section 7-3 Nonconforming Occupied Lots

Nonconforming occupied lots are ones occupied by buildings or structures at the time of the adoption of this ordinance that fail to comply with the minimum requirements for area, width, yard and setbacks for the district where they are located. These lots may continue to be used without complying with the specific requirements for use or dimensional requirements.

Section 7-4 Nonconforming Open Uses of Land

Nonconforming open uses of land are lots used for storage yards, used car sales, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land

is not permitted to be established hereafter, under this ordinance, in the district in which it is located. A legally established nonconforming open use of land may be continued except as follows:

- (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use;
- (2) Nonconforming open use of land shall be changed only to a conforming use;
- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming; and,
- (4) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (5) No use which is currently in violation of the existing zoning ordinance shall be considered a nonconforming use.

Section 7-5 Nonconforming Uses of Structures

Nonconforming uses of structures are ones used at the time of enactment of this ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- (1) An existing nonconforming use may be changed to another nonconforming use of the same or higher classification, provided that the other conditions in this Article are met. For the purpose of this ordinance, the rank order of uses from higher to lower shall be: 1) residential, 2) public, 3) commercial, and 4) industrial (for example, a nonconforming barber shop may be changed to another barber shop or a nonconforming residential dwelling, but not a manufacturing facility);
- (2) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
- (3) A nonconforming use may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except:
 - (1) Structural alterations as required by law or ordinance to secure the safety of the structure; or
 - (2) maintenance and repair necessary to keep a structure in sound condition; or

(3) expansion of a nonconforming use of a building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.

(4) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it located.

(5) No use which is currently in violation of the existing zoning ordinance shall be considered a nonconforming use.

Section 7-6 Reconstruction of Damaged Buildings or Structures

Any nonconforming use, except manufactured dwelling units (see Section 7-7 below) which has been damaged by fire, wind, flood or other causes, may be repaired and used as before provided:

- (1) The damage to the building does not exceed 75% of its assessed value;
- (2) Repairs are initiated within 12 months and completed within two years of such damage;
- (3) The total amount of space devoted to a nonconforming use may not be increased; and
- (4) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

Section 7-7 Nonconforming Manufactured Homes

Any nonconforming manufactured home may be used indefinitely. Existing manufactured units may be replaced if the present unit is damaged or destroyed, or if the owner wants to replace his unit with a Class A or Class B manufactured dwelling unit. These newer replacement units may be larger and cover more of the lot than the original manufactured home. However, if a lot where a nonconforming manufactured home is located is subsequently abandoned for more than 180 days, the reestablishment of a manufactured home on the lot shall be permitted.

Article 8

Amendments

Section 8-1 Amendments In General

Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this article.

Section 8-2 Initiation of Amendments

- (A) A request to amend the text of this ordinance including the official zoning map may be initiated by: the Town Board of Commissioners, Planning Board, Board of Adjustment, or any property owner or citizen.
- (B) The petition shall be filed with the Administrator and shall include the following information, along with the information deemed relevant by the Administrator:
 - (1) The name, address, and phone number of the applicant;
 - (2) A description of the land affected by the amendment if a change in zoning district classification is proposed; and
 - (3) A description of the proposed map change (the proposed map change shall be shown on a county tax map) or a summary of the specific objective of any proposed change in the text of this ordinance.
- (C) Upon receipt of a proposed amendment the Town Board of Commissioners shall establish a date for a public hearing on it.

Section 8-3 Planning Board Consideration of Proposed Amendments

- (A) All amendments shall be referred to the Planning Board for its consideration.
- (B) The Planning Board shall submit its recommendation to the Town Board of Commissioners at or before the public hearing on the amendment. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the governing body to delay final action on the amendment until such time as the Planning Board can present its recommendations.

- (C) The Town Board of Commissioners may not wait for the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Town Board of Commissioners bound by any recommendations of the Planning Board.

Section 8-4 Public Hearing

- (A) No ordinance that amends any of the provisions of this ordinance may be adopted until a public hearing has been held on such ordinance.
- (B) The Administrator shall publish a notice of the public hearing on any amendments to this ordinance once a week for two successive weeks in a newspaper having general circulation in the area. *The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.* In computing this period, the date of publication shall not be counted but the date of the hearing shall be.
- (C) With respect to map amendments, the Administrator shall mail written notice of the public hearing by first class mail to the recorded owners for tax purposes of all properties whose zoning classification are changed by the proposed amendment as well as the owners of all properties abutting those parcels of land as shown on the county tax listing. This mail notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.
- (D) The Administrator shall also post notices of the public hearing in the vicinity of the property rezoned by the proposed amendment and take any other action deemed by the Administrator to be useful or appropriate to give notice of the public hearing on any proposed amendment.
- (E) The notice required or authorized by this section shall:
- (1) State the date, time, and place of the public hearing;
 - (2) Summarize the nature and character of the proposed change;
 - (3) Reasonably identify the property whose classification would be affected by the amendment, if the proposed amendment involves a change in zoning district classification;
 - (4) State the full text of the amendment can be obtained from the town clerk; and
 - (5) State that substantial changes in the proposed amendment may be made following the public hearing.

Section 8-5 Board Action on Amendments

- (A) At the conclusion of the public hearing on a proposed amendment, the Town Board of Commissioners may proceed to vote on the proposed ordinance, refer it for further study, or take any other action consistent with its usual rules of procedure.
- (B) The Town Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) Voting on amendments to this ordinance shall proceed in the same manner as other ordinances. A simple majority of the Town Board of Commissioners shall be required to amend this ordinance when recommendation by the planning board is favorable. A three-fourths majority vote shall be required to amend this ordinance when the planning board recommends against such amendments.

Section 8-6 Ultimate Issue Before Town Board of Commissioners on Amendments

- (A) The Town Board of Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (B) The Town Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 8-7 Protest to Zoning District Changes

- (A) If a petition opposing a change in the zoning classification of any property is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the membership of the Town Board of Commissioners.
- (B) To trigger the three-fourths vote requirement, the petition must:
 - (1) be signed by the owners of 20 percent or more either of (i) the lots included in proposed change, or (ii) the lots within 100 feet of either side or the rear of the tract to be rezoned, or (iii) the lots directly opposite the tract to be rezoned and extending 100 feet from the street frontage of such opposite lots;

- (2) be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment;
- (3) be received by the town clerk in sufficient time to allow the governing body at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition; and
- (4) be on a form provided by the town clerk and contain all the information requested on this form.

Section 8-8 Denial of Petition

When a petition for amendment is denied by the Town Board of Commissioners, a period of 12 months must elapse before another petition for the same change may be submitted.

Article 9

Zoning Districts and Zoning Map

Zoning Districts

Section 9-1 Residential Districts Established

(A) The Town of Woodland's planning jurisdiction is hereby divided into the following zoning districts.

(B) The following procedure shall be followed:

The petitioner may refer, either in his petition or at any hearings related to the petition, to the use intended for his property. The Town Board of Commissioners, however, shall consider the full range of uses within that particular zoning district when approving or disapproving the petition. If approved, the rezoned property may be used for any of the uses permitted in the applicable use district.

(C) The following residential districts are hereby established:

**RA
R15
R7
R7M**

(D) **RA Residential District**

This district is intended for rural areas in an around the corporate limits (but not to exceed the one mile extraterritorial planning area) where the predominate land use is scattered single-family dwellings and agriculture production. Because of the rural character of these areas residents accept a wider variety of single-family residential units on large lots that usually do not have complete public services (water and sewer). *Site-built (including modular) as well as Class A and B Manufactured homes units are permitted. Existing manufactured units may continue to be used indefinitely, but units constructed prior to 1976 (Class C Manufactured Homes as defined in Article 17) are specifically not permitted to be moved into the planning area.* High Density residential uses such as manufactured home parks and multi-family structures maybe permitted provided each project is evaluated and "tailored" to fit specific sites through the conditional use permit process. In addition to residential uses, other compatible uses such as churches and bed and breakfast homes may be allowed provided the residential character of the community is not harmed. This district is appropriate for areas away from the residential development on small lots that characterize most of the developed areas inside town. New areas within the RA District may be rezoned to a category more consistent with the

development occurring inside the Town of Woodland provided it is consistent with Woodland's growth policies

(E) **R-15 Residential District**

This district is intended for developed areas, as well as areas planned for residential development within Woodland and its extraterritorial planning jurisdiction, where single family dwellings on individual lots are the primary land use. Compatible uses such as churches and bed and breakfast homes may be allowed provided the residential character of the community is not harmed. High density development such as apartments or manufactured home parks, as well as Class A, B and C manufactured homes on individual lots, are excluded because they are inconsistent with development patterns promoted by the community. Public water and sewer is generally expected for all developed lots in this district.

(G) **R-7 Residential District**

This purpose of this district shall be to provide compatible mixture of single-family, two-family, and multi-family dwellings through the use of adequate controls to insure that the higher density residential developments will not be detrimental to the surrounding land use and meets specific development requirements in Article 13. Public water and sewer is generally expected for all developed lots in this district.

(H) **R-7M Manufactured Housing District**

This district is identical to the R-7 district **except** Class A manufactured homes (*doublewide units only*) shall also be permitted. In order that such homes, when placed on the lot, are compatible with single-family residences, the R7M District does provide certain size, construction and aesthetic standards for Class A manufactured homes as defined in this ordinance. In determining such zoning districts, the Town of Woodland will give close consideration to whether manufactured homes would be compatible with surrounding land uses.

Section 9-2 Commercial Districts Established

(A) The following commercial districts are hereby established:

CD
CH

(B) **CD Downtown Commercial District:**

This district is intended for areas within the Town designated to accommodate the type of commercial and governmental development that has characterized the central downtown area of Woodland. Older structures are located on the property line except for a setback for sidewalks. Parking is provided directly on the street or to the rear. Many businesses share a common side wall with the adjoining business neighbor. Future development here shall be consistent with the pattern that has already occurred in order to enhance the small town, pedestrian scale that characterizes the core area of Woodland. Only low impact uses that are compatible with the goal of preserving the small town character of Woodland shall be allowed. Low impact activities are characterized as uses that: (1) are located in small structures, usually under 5,000 square feet on lots containing less than one acre; (2) operate with less than 10 employees; (3) do not generate a large number of customers at any one time; (4) normally operate between the hours of 9 AM to 5 PM, except restaurants; and, (5) are primarily conducted inside an enclosed structure with few negative external impacts such as outdoor storage of equipment or products, high noise levels, or offensive odors. *(These are not precise development criteria, but more illustrations of low impact uses.)*

(C) **CH Highway Commercial District**

This district is intended for areas within the Town as well as in the extraterritorial planning area established for high impact commercial activities that cater to the traveling public in motor vehicles. Because these areas are generally not in the core or downtown area of the community, high impact commercial activities can be permitted. High impact is defined as activities that: (1) are located in large structures, often over 5,000 square feet in area on lots larger than one acre; (2) employ more than 10 employees; (3) can generate a large number of customers at any one time; (4) operate during the daytime and evening hours; and (5) conduct business inside and outside an enclosed structure with some negative external impacts such as outdoor storage of materials (equipment, products, or raw materials) that can generate high noise levels, or offensive odors. Uses in this area will be discouraged that undermine the integrity of businesses in the downtown area. *(These are not precise development criteria, but more illustrations of high impact uses.)*

Section 9-3 Manufacturing Districts Established

(A) The following manufacturing districts are hereby established

M-1
M-2

(B) **M-1 Light Manufacturing District**

This district is intended for areas established for limited manufacturing, wholesale, warehouse and related commercial uses/services, which in their normal operation, have little or no adverse effect upon adjoining properties. Low

impact is defined here to include activities that are: (1) in structures with less than 50,000 square feet. on small lots less than 5 acres; (2) employ less than 100 people on any single shift; and (3) conduct most of their operation inside the principle structures on the property with few negative external impacts such as outdoor storage of equipment or products, high noise levels, or offensive odors. Conversely, uses that have a detrimental impact on adjoining uses shall be prohibited. These activities need to be located in areas better suited to accommodate heavy industrial uses in other parts of the planning area. *(These are not precise development criteria, but more illustrations of light manufacturing uses.)*

(C) M-2 General Manufacturing District

This district is intended for areas established for a wider range of manufacturing, wholesale and related business uses/services than permitted in the M-1 District. Uses here may in their normal operations, have a high impact on the community and particularly adjoining properties. High impact is defined generally to include activities that: (1) are in structures with more than 50,000 square feet on large lots over 5 acres; (2) employ more than 100 people on any single shift; and (3) conduct some of their operation outside the principal structures on the property with negative external impacts such as outdoor storage of equipment or products, high volume of truck or rail traffic, high noise levels, or offensive odors or smoke. Because of the potential negative impacts, these types of uses generally need to be located near major highways or railroad lines on relatively large tracts of land, away from downtown commercial or residential areas. *(These are not precise development criteria, but more illustrations of heavy manufacturing uses.)*

Zoning Map

Section 9-4 Official Zoning Map

- (A) There shall be a map known and designated as the Official Town of Woodland Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on acetate or other durable materials from which prints can be made, shall be dated, and shall be kept in Woodland's Town Hall.
- (B) Should the Official Town of Woodland Zoning Map be lost, destroyed, or damaged, the Administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action by the Town Board of Commissioners is required so long as no district boundaries are changed in this process.

Section 9-5 Amendments to Official Zoning Map

- (A) Amendments to the Official Town of Woodland Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, *(See Article 8)*.
- (B) The Administrator shall update the Official Woodland Zoning Map as soon as possible after amendments to it are adopted by the Town Board of Commissioners. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- (C) No unauthorized person may alter or modify the Official Town of Woodland Zoning Map.
- (D) The Administrator shall keep copies of superseded prints of the zoning map for historical reference.

Article 10

Uses by Zoning Districts

Section 10-1 Permissible Uses and Specific Exclusions

- (A) Because the list of permissible uses set forth in the Table of Uses by Districts cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed ones.
- (B) Uses that are not listed in the Table of Uses by Districts even with the liberal interpretation mandated by subsection 10-1(A) are prohibited.
- (C) Without limiting the generality of the foregoing provisions, the following uses are prohibited as specified below:
 - (1) No additional Class C manufactured dwelling units may be located in the planning area. However, existing units may remain subject to provisions of this ordinance regarding nonconforming uses (*See Article 7*) and subject to other ordinances such as a Minimum Housing Code.
 - (2) Class A and B manufactured dwelling units are excluded from the R-15 Residential District.
 - (3) Game or video arcades are prohibited in all districts.
 - (4) Any principal use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, explosive or hazardous materials.
 - (5) Stockyards, slaughterhouses, or rendering plants.

Section 10-2 Accessory Uses

- (A) The Table of Uses by Districts 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 (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) 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 is an accessory to a dwelling which is a principle use in a residential district.
- (B) The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

- (1) 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 of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
- (2) hobbies or recreational activities of a noncommercial nature; and
- (3) the renting out of one or two rooms within a single-family residence to not more than two persons who are not part of the family that resides in the single-family dwelling.

Section 10-3 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this ordinance, no zoning, conditional-use permit is necessary for the following uses:

- (1) roads;
- (2) electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

Table of Uses by Districts

Permitted Uses	R A	R 1 5	R 7	R 7 M	C D	C H	M 1	M 2
P = Permitted By Right; C = Conditional Use Permit approved by Board of Adjustment) as specified in Article 3; Conditions = The number listed indicated the subsection in Article 13 where specific development requirements are listed.								

Accessory Uses and Structures								
Accessory Uses and Structures (customary), provided they comply with the development criteria in Article 13, Section 13-1	P	P	P	P	P	P	P	P
Home Occupations, provided they comply with specific development standards in Article 13, Section 13-4	P	P	P	P	P	P		
Yard Sales (See Temporary Uses)	P	P	P	P	P	P	P	P
Agriculture Uses								
Agriculture Production-Crops (Crops as specified in Standard Industrial Code SIC 01)	P					P	P	P
Agriculture Production-Livestock (Livestock as specified in SIC 02), provided they comply with the development criteria in Article 13, Section 13-5. However, Intense Livestock Operations such as commercial chicken, turkey, and hog operations are specifically excluded (see Definition in Article 17)	P					P	P	P
Agricultural Supply Sales							P	P
Horticulture (including limited nursery operations) and Forestry	P							
Educational/Institutional								
Cemeteries	P	C	C	C				
Churches	P	P	P	P		P		
Clubs (non-profit organizations such as Moose lodges, VFW, or Ruritan)	P	P	P	P		P		

Day Care Homes, Adult (5 or less),	P	P	P	P				
Day Care Centers, Adult (6 or more)	C	C	C	C		C		
Day Care Homes, Children (5 or less)	P	P	P	P				
Day Care Centers, Children (6 or more)	C	C	C	C		C		
Game and Wildlife Farms	P							
Government Offices (Town Hall)					P			
Libraries					P	P		
Multi-purpose Center, provided they comply with the development criteria specified In Article 13, Section 13-10 (See definition of multi-purpose center In Article 17)			C	C				
National Guard Armory		P					P	
Nursing Homes/Convalescent Centers/Retirement Facilities	C							
Post Office					P			
Public Safety Facilities, including fire, police	C	C	C	C	P	P	C	C
Manufacturing								
Apparel and Other Finished Products from fabrics, leather, and similar materials							P	P
Bakery products							P	P
Beverages							P	P
Boat manufacturing							P	P
Bottling and Canning Soft Drinks and Carbonated Water							P	P
Casket Manufacturing							P	P
Chemicals and Allied Products (plastics, drugs, detergents, acids, paints and varnishes, wood chemicals, and agricultural chemicals								P
Cotton Gins								P
Electrical Machinery, equipment and supplies							P	P
Fabricated Metal Products - machinery (engines, office machines, transportation equipment, metal working machinery and equipment, etc.)								P

Food and Kindred Products (meat products, dairy, seafood products, grain mill products)								P
Furniture							P	P
Instruments (electrical and mechanical)							P	P
Lumber and Wood Products (sawmills, planing mills, millworks, veneer and plywood, wooden containers)								P
Machine and Welding Shops							P	P
Oil and Gas Products and Storage, provided such uses are located no closer than 300 feet from a residential district.							C	C
Paperboard Containers and Boxes and other Converted Paper and Paperboard Products							P	P
Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks							P	P
Stone, Clay, and Glass Products (Flat Glass, Glass and Glassware's, Cement, structural Clay Products, Concrete Products, Gypsum Products, Pottery, and Cut Stone Products)								P
Tobacco Products								P
Warehouses							P	P
Recreation Uses								
Community Centers	P	P						
Country Clubs including golf course, swimming pools	P							
Public Parks	P	P	P	P	P	P		
Swimming Pools (Public or non-profits operations where they are the principal use of a lot, not accessory to a residential use (see accessory use above)		P						
Residential								
Bed and Breakfast Dwellings, provided they comply with the development standards in Article 13, Section 13-2	P	P	P	P				
Dwelling, Multi-family, provided they comply with the development standards in Article 13, Section 13-9	C		C	C				

Dwellings, Single Family, Detached (site-built and modular unit only)	P	P	P	P				
Dwellings, Single-Family, Manufactured Home, Class A, provided they comply with the development criteria in Article 13, Section 13-6	P			P				
Dwelling, Single-Family, Manufactured Home, Class A or B provided they comply with the development criteria in Article 13, Sections 13-6 and 13-7	P							
Dwellings, Two-family	C	C	C	C				
Home Occupations, provided they comply with the development criteria in Article 13, Section 13-4 (see accessory uses and structures)	P	P	P	P				
Family Care Homes, provided they comply with the development criteria in Article 13, Section 13-3	P	P	P	P				
Manufactured Home Parks, provided they comply with the development criteria in Article 13, Section 13-8	C		C					
Retail Sales/Services								
ABC Stores					P	P		
Accounting and Bookkeeping					P	P		
Agricultural sales						P	P	P
Appliance Store, sales and services					P	P		
Apparel and Accessory Stores					P	P		
Art Galleries and Studios					P	P		
Antique Stores					P	P		
Auto Parts, new only					P	P		
Auto Repair Shops (garage)					C	P		
Auto Sales					C	P		
Auto Service Stations					P	P	C	
Auto Towing Shops						P		
Auto Washing Facilities					P	P		
Bakeries, retail					P	P		
Banks or other Financial Institutions					P	P		
Beauty shops/Barber Shops/Stylists					P	P		
Boat and Boat Trailer, Sales and Service						P	P	
Bookstores					P	P		
Building Supply Store						P	P	
Cabinet, Woodworking, and Upholstery Shops						P		
Craft /Curio Shops					P	P		

Convenience Stores with gas pumps					P		
Drug Stores				P	P		
Electrical Appliance, sales and service				P	P		
Electrical Equipment, repair shops				P	P		
Farm Equipment, sales and repair					P		
Feed and Grain, sales and storage					P	P	
Florists, including gift shops without commercial greenhouses)				P	P		
Florist, Including gift shops with commercial greenhouses					P		
Food and Grocery Stores				P	P		
Funeral Homes			C		P		
Furniture Stores				P	P		
General Merchandise Stores, including the sale of fishing equipment and supplies				P	P		
Gift Shops				P	P		
Greenhouse and Plant Nurseries	P				P	P	
Hardware Stores				P	P		
Hotels/Motels					P		
Insurance Agencies				P	P		
Jewelry Stores including watch repair				P	P		
Restaurants, including drive-through					P		
Restaurants, excluding drive-through				P	P		
Medical offices and clinics				P	P		
Planned Business Developments (shopping centers, business parks, etc.) provided they comply with the development criteria in Article 13, Section 13-11					C	C	C
Professional Offices (including, but not limited to lawyers, surveyors, architects, engineering, etc.)				P	P		
Real Estate Offices, sales and rental				P	P		
Temporary Uses/Events							
Auction Sales (flea markets)					P	P	

Temporary Manufactured Homes, Class A or B provided they comply with the development criteria In Article 13, Section 13-12	C	C	C	C			C	C
Temporary Construction, storage or offices	P	P	P	P	P	P	P	P
Transportation and Utilities								
Utility Lines and Related Structures	P	P	P	P	P	P	P	P
Radio, television, and microwave towers and relay stations, offices and studios in conjunction with these	C							

Article 11
Dimensional Requirements Summary Table

Districts	Minimum Lot Area (1) (sq. ft)	Minimum Zoning Lot Width and Depth (ft)		Minimum Setbacks (2) (ft)				Maximum Height of Structures (3) (ft)
		Width at front line	Depth	Front	Rear	Side Interior	Side Corner	
RA Single-family dwellings Multi-Family Dwelling Nonresidential Uses	20,000	80	150	30	30	15	30	35
	20,000 + 7,500 for each dwelling unit over one	100	200	35	30	20	35	35
	40,000	100	200	40	30	25	40	35
R-15 Single-family Dwellings Nonresidential	15,000	80	150	30	30	10	30	35
	20,000	100	150	30	30	20	30	35
R7 Single-family Dwellings Two-family Dwellings Multi-family Dwellings	7,000	50	100	25	15	10	25	35
	10,000	80	100	25	15	15	25	35
	10,000 first unit, 6,000 each additional unit (maximum of 6 units per building)	100 first unit + 10 ft for each additional unit	150	35	25	25 first 2 units + 3 ft for each additional unit	35	35
Nonresidential	20,000	100	150	30	25	20	30	35
CD		50	50					35
CH	10,000	50	100	40	25	20	40	35
M1	42,560 (1 acre)	100	200	40	25	20	40	35

M2	85,120 (2 acres)	100	200	50	25	20	50	35
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- (1) When public sewer is not available, the Northampton County Health Department may require larger lots.
- (2) Any yard setback (front, side, or rear) fronting on a public roadway shall be measured from the right-of-way line. All other setbacks shall be measured from the property line. Under no circumstances shall any building, fence, or other structure shall be erected or installed in any public right-of-way.
- (3) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the foot of the building to the highest point of the building. When measuring heights, the following features are exempt from the district height limitations: chimneys, water tanks, church spires, elevator shafts or similar structural appendages not intended as places of occupancy or storage; flagpoles; heating and air conditioning equipment, solar collectors, and similar equipment.

This section of the Zoning Ordinance is hereby amended on 1 June, 2006 by adding subsection (4):

- (4) The height regulations stipulated in Article 11 of this ordinance in the RA district may be exceeded only where a Conditional use is granted by the Board of Adjustment. The Board of Adjustment shall review as a Conditional Use structures such as church Spires, belfries, cupolas, and domes, not intended for human occupancy, monuments, Water towers, observation towers, transmission towers, chimneys, smokestacks, Conveyors, flagpoles, radio towers, masts, aerials, grain elevators, and similar structures which exceed the height limitations of the Ordinance. Provided, that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over thirty (30) feet.

Article 12

Site Plan

Section 12-1 Site Plan Required

A site plan clearly indicating the developer's intention to comply with the provisions of this ordinance shall be submitted to the Town of Woodland for approval for the following types of development:

- (1) Manufactured Home Parks
- (2) Multi-family Developments
- (3) Planned Business Developments
- (4) Planned Unit Developments

Section 12-2 Review Process

Six paper copies of all site plans shall initially be submitted to the Administrator who will determine whether or not the site plan contains the information required by this ordinance. The Administrator may allow the developer to modify the site plan if he determines the information is not necessary to evaluate the project. The Administrator shall submit the completed site plan along with all written information to the Board of Adjustment for review and approval.

Section 12-3 Graphic Materials Required For Plans

- (A) The plans shall include a location map that shows the project in relation to the overall planning area.
- (B) Site plans shall be drawn to scale. A scale shall be used where all features are readily discernible.
- (C) Site plans should show on the first page the following information:
 - (1) name of applicant;
 - (2) name of development;
 - (3) north arrow;
 - (4) legend; and
 - (5) scale.

Section 12-4 Existing Conditions on the Site

Site plans shall show existing natural, man-made, and legal features on the site including, but not limited to the following:

- (A) Existing natural features:
 - (1) natural cover (woods, pasture land, etc.)
 - (2) streams, ponds, or rivers;

- (3) historic sites;
- (4) fragile environmental areas.
- (3) contour lines (shown as dotted line) at appropriate intervals.

(B) Existing man-made features:

- (1) parking and loading areas, including handicap spaces;
- (2) streets;
- (3) drainage facilities;
- (4) utilities;
- (5) buildings and signs (including dimensions of each).

(C) Existing legal features:

- (1) the zoning of the property, including zoning district lines;
- (2) property lines;
- (3) street right-of-way lines; and,
- (4) utility or other easements.

Section 12-5 Proposed Changes in Existing Features or New Features

The site plans shall show changes in existing natural, man-made and legal features as well as show proposed new legal features, (especially new property lines, street right-of-way lines and utility and other easements) as well as proposed man-made features, including, but not limited to the following:

- (1) lot dimensions;
- (2) location and dimensions of all buildings and freestanding signs;
- (3) location and dimensions of all recreational areas;
- (4) areas intended to remain as usable open space. The plan shall clearly indicate such open space areas are intended to be offered for dedication to public use or remain privately owned;
- (5) streets;
- (6) drainage facilities;
- (7) utilities (including water, sewer, electric, power, and telephone)
- (8) dimensions and layout of parking areas;
- (9) proposed planting to comply with buffering requirements;
- (10) new contour lines (shown as solid lines) resulting from earth movement at appropriate intervals.

Section 12-6 Documents and Written Information in Addition to Plans

In addition to the written application and the plans, other relevant information or documents shall be provided, such as sedimentation and erosion control plans, evidence the North Carolina Department of Transportation has been made aware of the project and the developer will obtain proper permits.

Article 13

Development Standards for Specific Uses

The development standards listed herein are in addition to the requirements listed elsewhere in this ordinance. The development standards listed below are use specific and apply only to their uses designated in the Table of Uses by Districts. In addition, uses requiring a conditional-use permit shall meet these standards as minimum permit conditions.

Section 13-1 Accessory Buildings

- (A) Numbers: No more than 2 accessory buildings may be placed on any residential lot as an accessory use, except in the R-A District where the number of accessory buildings are not regulated.
- (B) Location: The accessory building or use shall be placed in the rear yard in corner lots and in the rear and side yard of all other lots.
- (C) Separation: No separate accessory building or use shall be erected within 10 feet of any other building, or within 5 feet from any property line; and
- (D) Area: The total square footage of all accessory building shall not exceed the area of the principal structure, except in the R-A District where the size of accessory structures are not regulated.

Section 13-2 Bed and Breakfast Dwellings

- (A) Resident Operators: The facility is operated by someone who resides full time in the house.
- (B) Dwelling Only: The use shall be located in a structure which was originally constructed as a dwelling.
- (C) Food: Meals served on the premise shall only be for guests.
- (D) Public Health Rules: All facilities shall comply with the rules governing the Sanitation of Bed and Breakfasts as specified in 15A NCAC 18A.2200; and
- (E) Signs: Signage shall be limited to one home occupation sign not to exceed two foot square in area, which shall be mounted on the building or freestanding.

Section 13-3 Family Care Homes

- (A) Use Separation: No such facility shall be located within one-half mile radius of another such use.
- (B) Licensing: All family care facilities shall be licensed by the State of North Carolina.

Section 13-4 Home Occupations

- (A) Maximum Area: Area set aside for home occupations can occupy no more than 25 percent of the gross floor area of the residence.
- (B) Outside Storage: No outside storage of items associated with the home occupation is permitted.
- (C) Inside Building: The home occupation must be conducted entirely within the residence and be a use which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence. Home occupations are not permitted in a detached garage or other accessory buildings.
- (D) Types: Examples of uses permitted include, but are not limited to: telephone sales, barber/beauty services, doctor/dentist office, accountants, family day care, and handcrafts.
- (E) Limited Sales Items: Only displays, stock-in-trade, or commodities made on the premise shall be permitted.
- (F) Employees: Only one person may be employed who is not an occupant of the residence.
- (G) Limited Activities: Any activity shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district where it is located.
- (H) Exterior Appearance: There shall be no change in the outside appearance of the building or premises.

Section 13-5 Livestock

- (A) Permit: It shall be unlawful for any person to keep within the Town of Woodland any livestock (cow, pony, mule, sheep, goat, pig, hog or other livestock) except in accordance with the requirements of the Woodland Livestock Ordinance as specified in Section 81.04 - Livestock. of the Woodland Municipal Codes.
- (B) Development Requirements:
 - (1) There shall be at least 20,000 square feet of land per animal;
 - (2) No fence, corral or similar enclosure shall be erected or maintained with 25 feet of any property line or street right-of-way line.
- (C) General Requirements:

The Administrator shall deny a permit if the applicant does not meet the development requirements in Section 13-5 (B) or if he finds that:

- (1) the applicant(s) for which the permit is requested poses a substantial danger of harm to any person, animal or property;
- (2) the animal(s) for which the permit is requested is likely to or does interfere seriously with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons; or,
- (3) the animal(s) for which the permit is requested otherwise constitutes a threat to the public health of safety.

Section 13-6 Manufactured Homes, Class A

- (A) **Construction Standards:** A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction.
- (B) **Appearance criteria:** Each unit shall satisfy each of the following criteria:
 - (1) **Width:** The home has a minimum width of 16 feet (*double wide units only*);
 - (2) **Pitch:** The pitch of the roof has a minimum vertical rise of 3 for each 12 feet of horizontal run. A different pitch may be acceptable if compatible with neighboring residential units;
 - (3) **Roof Material:** the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (4) **Projecting Eave:** The roof structure shall provide an eave projection of no less than 6 inches, which may include a gutter;
 - (5) **Exterior:** The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - (6) **Foundation:** A continuous, permanent masonry foundation, or corrosive-resistant, nonreflective curtain wall, unpierced except for required ventilation and access is installed under the home.
 - (7) **Set up:** The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
 - (8) **Entrances:** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and

- (9) **Materials Removed:** The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- (10) **Orientation:** The longest side shall face the front of the lot.

Section 13-7 Manufactured Homes, Class B

- (A) **Construction Standards.** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.
- (B) **Appearance Criteria:** Each unit satisfies each of the following criteria:
 - (1) **Width:** The home has a minimum width of 8 feet. (**single wide units**)
 - (2) **Pitch:** The pitch of the homes roof has a minimum vertical rise of 3 feet for each 12 feet of horizontal run.
 - (3) **Roof Material:** The roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (4) **Projecting Eaves:** The roof structure shall provide an eaves projection of no less than 6 inches, which may include a gutter;
 - (5) **Exterior:** The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - (6) **Foundation:** A continuous, permanent masonry foundation, or corrosive-resistant, nonreflective curtain wall, unpierced except for required ventilation and access is installed under the home
 - (7) **Set up:** The unit is set up in accordance with the standards set by the North Carolina Department of Insurance;
 - (8) **Entrances:** Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored to the ground; and
 - (9) **Materials Removed:** The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
 - (10) **Orientation:** The longest side shall face the front of the lot.

Section 13-8 Manufactured Home Parks

(A) General Requirements

- (1) The transfer of title of a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
 - (2) No living compartment or structure other than a "Florida Room" or other prefabricated structure specifically designed for manufactured home use or extension shall be added to any manufactured home parked within the jurisdiction of this ordinance.
 - (3) Manufactured home park identification signs shall not exceed 32 square feet in area. Only indirect, non-flashing lighting shall be used for illumination.
 - (4) The owner of each manufactured home park shall provide and maintain a ten-foot buffer strip along any and all boundaries of the manufactured home park planted with living evergreen trees or shrubbery of a type that will present a reasonably solid screen at least five (5) feet in height within three years. Any planting shall be done at the earliest planting season. Defected or dead plants shall be replaced immediately on a continuing basis. Such buffer shall be planted in such a manner as to be harmonious with the landscaping and uses of adjacent properties and in keeping with the general character of the surrounding neighborhood. Such buffer strip shall be subject to the approval of the Planning Board.
 - (5) Within a manufactured home park, one manufactured home may be used as an administrative office.
 - (6) Sale of manufactured homes:
 - a. The owner or operator of a manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale shall be placed individually and separately upon an existing manufactured home space where all design standards and utilities have been completed as specified by this ordinance.
 - b. An individual manufactured home owner shall be allowed to sell the manufactured home in which he resides.
-
- (7) All manufactured homes within a manufactured home park shall be occupied by the owner or his immediate family. No manufactured homes shall be used as rental property.
 - (8) No new manufactured home park plan or plan for expansion of an existing manufactured home park shall be approved and permitted within one mile measured by public road from an existing manufactured home park, church or school.

- (9) No manufactured home park plan shall be approved and permitted which contains more than 50 manufactured home park lots. Manufactured home park owners shall not be permitted to expand or enlarge existing manufactured home parks when such expansion or enlargement would result in a combined total of over 50 manufactured home park spaces for contiguous properties. No new manufactured home park under different ownership adjacent to an existing manufactured home park shall be permitted which would result in a combined total number of over 50 manufactured home park spaces in the existing park and the planned new park combined.

(B) Streets and Parking:

- (1) Convenient access to each manufactured home space shall be provided by the streets or drives within a minimum right-of-way of 50 feet, of which 20 feet shall be all-weather surfaced and drained for automobile circulation within the park. Maintenance of such streets shall be provided by the owner or operator of the park.
- (2) Each manufactured home space shall be provided with off street parking for two automobile. Each parking space shall be properly graded.
- (3) Permanent dead-end streets or cul-de-sacs shall not exceed one 1,000 feet in length and shall be provided with a turn-around of at least 80 feet in diameter.
- (4) Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where street intersects a public street or road, the design standards of the North Carolina Department of Transportation, Division of Highways, shall apply.
- (5) New street names shall not duplicate or be similar to existing street names in the County and shall be subject to approval by the Woodland Town Board of Adjustment as part of the conditional use permit.
- (6) Traffic control signs and markings in accordance with the manual on uniform traffic control devices shall be erected and maintained at the park owner's expense. Street name signs conforming to the standard of the Town of Woodland shall be installed and maintained by the park owner.

(C) Manufactured Home Space

- (1) All manufactured homes shall be located on individual manufactured home spaces. All manufactured home spaces shall meet the following minimum requirements:
 - a. Where public or community water and sewer systems serve the manufactured home space or spaces, the minimum size per space shall not be less than seven thousand five hundred (7,500) square feet, with a minimum width of sixty (60) feet.

- b. Where a public, community water, or noncommunity system serves the manufactured home space or spaces, the minimum size per space shall be 15,000 square feet of usable ground area, with a minimum lot width of sixty (60) feet.
 - c. Where a public or community sewer system serves the manufactured space or spaces, the minimum size space shall be 15,000 square feet, with a minimum lot width of sixty (60) feet.
 - d. Where neither public, community or noncommunity water nor public or community sewer system serves the manufactured space or spaces, the minimum size per space shall be 20,000 square feet of usable ground area, with a minimum lot width of sixty (60) feet.
- (2) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
 - (3) Each manufactured home space shall be identified by a permanent number which shall not be changed. The appropriate number of each manufactured home space must be permanent and visibly displayed on each space once the space is used for the siting of a manufactured home.
 - (4) Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
 - (5) Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any property line, and at least 15 feet from the edge of the right-of-way of any street.
 - (6) The manufactured home park developer shall develop one or more centrally located plots of land for recreational purposes based on a ratio of 2,000 square feet of recreational land per ten 10 manufactured home spaces. However, no recreation area shall be less than 2,500 square feet.
 - (7) The manufactured home space shall be provided with anchors and tie downs such as cast-in-place concrete "dead-men" eyelets imbedded in concrete foundations or runways screen augers, arrowhead anchors, or other devices securing the stability of the manufactured home. Each manufactured home unit shall comply with standards of the manufacturer or with standards specified by the State of North Carolina. Each manufactured home owner shall be responsible for securing his/her individual manufactured home.

(D) Utility Requirements

- (1) An accessible, adequate and safe supply of water shall be provided in the manufactured home park. Where a public water supply is available within 500 feet of the manufactured home park entrance, its supply shall be used exclusively. Where a public water system is not available, a community system shall be developed subject to the

regulations of this ordinance. Community and public water systems shall be subject to the approval of the appropriate local or state agency

- (2) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks
 - a. When a public sewer system is available within 500 feet of the manufactured home park, its sewer system shall be used exclusively. Plans for non-ground absorption sewage collection systems and treatment facilities shall be submitted to Division of Environmental Management, Department of Environment and Natural Resources. Individual septic tank systems can be considered, if soils, topography, and ground water conditions are favorable and space is available.
 - b. Where collection systems are provided, each manufactured home space shall be provided with at least three inch diameter sewer riser pipe which is supported by a 2' x 2" concrete apron. The sewer connection shall be located a distance of at least 100 feet from the water supply.
 - c. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-eighth (1/8) inch per foot. The sewer connection shall consist of one pipe line only without branch fittings. All joints shall be watertight including the connection from the trailer to sewer riser pipe.
 - d. All material used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.
 - e. Provisions shall be made for plugging the sewer pipe when a manufactured home does not occupy space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.
- (3) Each manufactured home park shall comply with the Northampton County Ordinance Regulating and Imposing the Assessment and Collection of Availability Fees for the Collection, Transportation, and Disposal of Solid Waste and Recyclable Materials for Northampton County.
- (4) Maintenance of the park grounds shall include:
 - a. Ground, buildings, structures, parks, storage areas, shall be maintained free of insects and rodent harborage and infestation. ~~Extermination methods and other~~ measures to control insects and rodents shall conform to the requirements of the County Health Director.
 - b. Where the potential for insects and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.