

ZONING ORDINANCE
WOODSIDE, DELAWARE

WHEREAS, Chapter 3, Title 22, of the Delaware Code empowers the Mayor and Council of Woodside, in accordance with the conditions and procedure specified in said chapter, to regulate the location, height, bulk and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil conservation, or other similar purposes, in any portion or portions of Woodside, notwithstanding any provisions of other Titles or Chapters of the Delaware Code to the contrary, and for any or all such purposes to divide the territory of Woodside into districts or zones of such number, shape, or area as it may determine, and within such districts, or any of them, to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; to provide for amendments to plans or regulations; to permit the appointment and prescribe the powers and duties of a board of adjustment and to provide methods for enforcement of such plans or regulations and penalties for the violation thereof.

THEREFORE, BE IT ORDAINED, by the Mayor and Council of Woodside Delaware, for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Woodside and the State of Delaware, that the following be adopted as the Zoning Ordinance of Woodside Delaware, together with the accompanying maps adopted herewith as an integral part of the Ordinance and to be known as the Zoning District Maps of Woodside, Delaware.

ARTICLE 1. TITLE, APPLICATION, PURPOSE, INTERPRETATION

Section 1. Title

This ordinance shall be known as the Zoning Ordinance for Woodside, Delaware.

Section 2. Application

This Ordinance shall apply to the incorporated territory of Woodside, Delaware. It is the intent of this Ordinance that the extent of its applicability to be automatically changed in accordance with the provisions hereof or provision of State Law which may affect the applicability of this Ordinance.

Section 3. Purpose

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan, to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Woodside, Delaware, and to provide for, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the State's agricultural and other industries, and the protection of both urban and non-urban development, to prevent destruction of or encroachment upon historic areas, to encourage a good civic design and arrangement to facilitate the creation of a convenient, attractive and harmonious community, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of Woodside, Delaware.

ARTICLE 2. DISTRICTS AND DISTRICT MAPS

Section 1. Establishment of Districts

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

R-S Single-Family Residential District

Section 2. Reference to District Names

For the purpose of reference hereafter in this Ordinance unless specifically provided to the contrary, the term "Residential District" shall refer to the R-S District.

Section 3. Establishment of District Map

Such land and the district classification thereof, shall be as shown on the map or maps designated as the "Zoning District Map of Woodside, Delaware", dated and signed by the Mayor of the Woodside and attested by the Town Solicitor upon adoption. This Zoning District Map or maps, and all notations, dimensions, references and symbols shown thereon, pertaining to such districts shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Recorder of Deeds of Kent County. Said Map shall be available for public inspection in the office of the Recorder of Deeds of Kent County. Such map shall be marked "Original Copy not to be altered or removed from the office of the Recorder of Deeds except on Court Subpoena".

This map together with subsequent applicable amendments shall be conclusive as to the current zoning status of land.

Section 4. Annual Revision of District Map

No later than March 31 of the year following adoption of this Ordinance, prints of the several sheets of the Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of Woodside, shall be made available to the public. In each calendar year thereafter, if there have been any changes in the permitted uses, zoning district boundaries, zoning regulations, and classifications in the preceding year, such map or affected sheet thereof shall be revised no later than March 31, reflecting all such changes as of December 31 of the preceding year.

Any person desiring a copy of any sheet of said Zoning District Map shall pay a reasonable fee as established by the Commission for each copy thereof, to the appropriate Town official. Such fees shall be applied to defray the cost of revising and printing of the District Map.

Section 5. Information Copies of District Map

Information copies of the Zoning District Map shall be made available for inspection at the Town Office, and such other location as may be necessary or convenient. These maps shall be revised as described above, to show changes in zoning district boundaries as officially approved.

Drafting errors or omissions may be corrected, but no changes in zoning district boundaries may be made except to show amendments properly adopted by the Mayor and Council of Woodside.

Section 6. Periodic Review

At least once every five years, the Planning Commission and the Board of Adjustment shall review the zoning regulations and the Zoning District Map to determine whether it is advisable to amend the regulations or the map, or both, to bring them in accord with the objectives of the Comprehensive Plan, to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Woodside, to correct deficiencies or difficulties which may have developed in administration, or for such other reasons as the Commission or the Board may determine. The Commission and the Board may submit reports on their findings to the Mayor and Council. In the preparation of these reports the Commission and the Board shall consult with officials in the County responsible for development of the Comprehensive Plan and the administration of this Ordinance and such other persons as they believe may contribute to the review.

Section 7. Interpretation of District Boundaries

1. A district name or letter-number combination shown on the district maps indicates that the regulations pertaining to the district designated by that name or letter-number combination extended throughout the whole area in the county bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.
2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules apply:
 - (a) In cases where a boundary line is given a position within a street or alley, right-of-way easement, canal, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, right-of-way easement, canal or stream, and if the actual location of such street, slightly from the location as shown on the district map, then the actual location shall control.
 - (b) In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - (c) Where the district boundaries as shown on the Zoning District Maps approximately coincide with lot lines, municipal boundaries the lot lines, or municipal boundaries, shall be construed to be the district boundary line unless otherwise indicated.
 - (d) In cases where district boundaries as shown on the Zoning District Maps do not coincide or approximately coincide with street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

Section 8. Regulation of Areas Under Water

All areas within the limits of the incorporated area of Woodside which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the Town line, or by a straight line projection of the district boundaries as indicated on the district maps. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the Town limit line.

ARTICLE 3. GENERAL PROVISIONS

Section 1. Conformance With Regulations Required

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with the regulations as set forth in this Ordinance.

Section 2. Location on a Lot Required

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

Section 3. Street Frontage Required

Except for camp cabins and summer cottages for seasonal occupancy, no lot, parcel or tract of land shall be used in whole or in part for dwelling purposes unless such lot abuts on a street in accordance with the minimum street frontage requirements of this Ordinance or unless provisions contained elsewhere in this Ordinance specifically exempt the lot from such requirements.

Section 4. Encroachment; Reduction of Lot Area

The minimum yards, height limits, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

Section 5. Accessory Buildings; Use for Dwelling

No accessory building shall be used for dwelling except in accord with the specific provisions of this Ordinance.

Section 6. Uses Not Permitted Are Prohibited

For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

Section 4. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, order, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other regulations, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified R-S Single Family Residential until changed by amendment.

ARTICLE 4. DISTRICT REGULATIONS

R-S

Section 1. R-S Single-Family Residential District

3.1 Purpose of the District

The purpose of this district is to provide for low-density single-family residential development on smaller lots where water and sewer facilities generally are provided, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. Agricultural and open uses are permitted, but in general the district is located where urbanization and full utilities and public services exist or are planned for the reasonably near future.

3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, including detached relocatable or modular homes but not mobile homes.
2. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs including temporary stands for seasonal sales of products grown on the premises, provided no retail or wholesale business office or store is permanently maintained on the premises.
3. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, provided that churches, temples, and synagogues erected after the date of passage of this Ordinance shall have their principal means of access from a major street or county road.
4. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than 100 feet to adjoining property lines.

5. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service, but not including buildings, treatment plants, pumping or regulator stations, sub-stations and power transmission lines which are permitted as conditional uses.
6. Military bases and appurtenances and parks operated by the United States Government or agencies of the State of Delaware, or Kent County.
7. Public and private forests, wildlife reservations, similar conservation projects.
8. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.
9. School bus shelter.

3.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm of ten acres or more:
 - (a) Accessory structures for sale or processing of farm products raised on the premises.
 - (b) Accessory, open or enclosed storage of farm materials, products, or equipment.
 - (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks, and silos.
 - (d) Dwellings for persons permanently employed on the premises.
 - (e) Keeping or raising for sale of large animals or small animals, insects, reptiles, fish or birds.
2. Boat docks and boat houses.
3. Domestic storage in main building or in an accessory building.

15. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
16. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

3.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. A name plate or directional sign limited in area to eight square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
2. No trespassing or no hunting signs, without limitations on number or placement, limited in area to two square feet.
3. A sign, limited in area to 32 square feet advertising products raised or made on the premises.
4. A sign, limited in area to 32 square feet for identification of a farm or estate or subdivision or its occupants.
5. A sign, limited in area to 32 square feet for a church bulletin board or identification of permitted public and semi-public uses, recreational uses, or clubs.
6. A temporary, non-illuminating sign, limited in area to 32 square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
7. A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

5. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service, but not including buildings, treatment plants, pumping or regulator stations, sub-stations and power transmission lines which are permitted as conditional uses.
6. Military bases and appurtenances and parks operated by the United States Government or agencies of the State of Delaware, or Kent County.
7. Public and private forests, wildlife reservations, similar conservation projects.
8. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.
9. School bus shelter.

3.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm of ten acres or more:
 - (a) Accessory structures for sale or processing of farm products raised on the premises.
 - (b) Accessory, open or enclosed storage of farm materials, products, or equipment.
 - (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks, and silos.
 - (d) Dwellings for persons permanently employed on the premises.
 - (e) Keeping or raising for sale of large animals or small animals, insects, reptiles, fish or birds.
2. Boat docks and boat houses.
3. Domestic storage in main building or in an accessory building.

4. Garage, private.
5. Garden house, tool house, playhouse or greenhouse incidental to residential use.
6. Guest houses.
7. Home occupations in a main building.
8. Keeping of small animals, nonvenomous insects or reptiles, fish or birds but only for personal enjoyment or household use and not as a business, provided that in subdivisions of five (5) or more contiguous lots having an average lot area of 18,000 square feet or less:
 - (a) No birds shall be kept on any lot outside of a dwelling.
 - (b) No more than six (6) small animals over six months old of the type that would customarily be kept or let out of doors shall be permitted on any lot. Animals of this type shall include but shall not be limited to dogs, cats, rabbits, raccoons and ferrets.
9. Radio or television transmission or receiving tower not more than 50 feet in height..
10. Servants' quarters.
11. Storage of a boat trailer, self-propelled camper, camp trailer or a boat not exceeding 25 feet in length but not in a front yard.
12. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests in accord with the conditions stated in Section 4.9, Article 6.
13. Signs as regulated in Section 3.4 hereunder.
14. Storage of equipment and building materials in construction trailers or buildings which are incidental to construction operations of permitted uses on the site or adjoining land. Said storage shall be discontinued including the removal of any trailers or temporary buildings upon completion or abandonment of such construction or the expiration of a period of two (2) years from the commencement of said construction, whichever is sooner.

15. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
16. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

3.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. A name plate or directional sign limited in area to eight square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
2. No trespassing or no hunting signs, without limitations on number or placement, limited in area to two square feet.
3. A sign, limited in area to 32 square feet advertising products raised or made on the premises.
4. A sign, limited in area to 32 square feet for identification of a farm or estate or subdivision or its occupants.
5. A sign, limited in area to 32 square feet for a church bulletin board or identification of permitted public and semi-public uses, recreational uses, or clubs.
6. A temporary, non-illuminating sign, limited in area to 32 square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
7. A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

8. Temporary signs at appropriate locations, on or off the premises, for direction of the traveling public, truck deliveries and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreation facility in an isolated area of the county, limited in area to 32 square feet and subject to approval of location, design, and wording, by the Administrator. This permitted sign is not intended as an ordinary advertising device.
9. Temporary non-illuminated paper signs.

3.5 Conditional Uses

The following uses may be permitted as conditional uses if approved by Woodside in accordance with the procedures, guides and standards of Articles 6 and 9:

1. Camps, day or boarding, private or commercial.
2. Cemetery, including a crematorium.
3. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.
4. Heliport or helistop.
5. Hospitals and sanitariums, but not animal hospitals.
6. Institutions, educational or philanthropic, including museums, art galleries and libraries.
7. Reserved
8. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, playgrounds and public boat landings except those which have been approved as a part of a subdivision plan.
9. Public utilities or public service uses, buildings, generating, purification or treatment plants, pumping or regulator stations, sub-stations, and transmission lines.

10. Recreation facility, such as fishing or boating lakes, camping areas, picnic grounds, swimming or tennis clubs, game fields or similar activities, and accessory facilities, including sale of food, beverages, bait supplies and equipment.

3.6 Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 7:

1. Temporary and conditional permits for a period of two years or less for the following uses:
 - (a) Archery ranges.
 - (b) Non-accessory tents for special purposes.
 - (c) Outdoor displays or promotional activities.
 - (d) Sawmill for cutting timber grown on the premises.
2. Other special use exceptions as follows:
 - (a) Clinic or medical office buildings.
 - (b) Commercial greenhouses, wholesale or retail.
 - (c) Convalescent homes, nursing homes, or homes for the aged.
 - (d) Day nurseries or child care centers.
 - (e) Dog kennels, commercial.
 - (f) Nurseries for growing of plants, trees and shrubs; including a building for sale of products produced on the premises.
 - (g) Radio or television transmission or receiving station or tower more than 50 feet in height, provided construction and safety features are approved by the administrator in accord with applicable regulations and provided no hazard is created in an Airport Approach Zone.
 - (h) Raising for sale of small animals, insects, reptiles or birds on less than ten (10) acres of land.

- (i) Stables, provided they are located at least 100 feet from any dwelling not located on the premises.
- (j) One mobile home on a farm of ten acres or more provided such mobile home is occupied by either the immediate members of the family owning or operating the farm or by a family or person principally employed on the farm.

3.7 Lot Size Requirements (See also Appendices A and B)

	<u>Minimum Lot Area</u> (Sq. Ft.)	<u>Minimum Feet Lot Width</u>	<u>Minimum Feet Lot Depth</u>
1. Single-Family dwelling with individual water and individual sewerage	21,780* (1/2 acre)	100	125
With central water and individual sewerage	18,000	100	115
With central sewerage and individual water	18,000	100	115
With central water and central sewerage	12,000*	65	100
2. Church, temple or synagogue	2 acres	200	200

*Lot area of less than 12,000 square feet and 21,780 square feet is permitted for single-family dwellings only in approved subdivisions of five or more lots. The minimum lot area of each lot may be reduced to 10,000 square feet and 18,000 square feet respectively provided the density does not exceed that normally permitted.

Lot width is measured at the building line.

Minimum lot frontage for the above uses shall be equal to minimum lot width except in County approved subdivisions, in which cases lot frontage shall be sufficient to provide the minimum lot width at the required building setback line.

3.8 Yard Requirements (See also Appendices B and C)

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. Single-Family dwelling, street right-of-way width 50 feet or more	25	10	25

If street right-of-way is less than 50 feet, front yard shall be at least 50 feet measured from center line.

2. Other structures same or as otherwise provided herein.

3.9 Height Requirements (See also Appendices B and E)

	<u>Maximum Height</u>
Single-Family dwellings and all other structures not specifically exempted in Article 6.	2-1/2 stories but not to exceed 35 feet

3.10 Off-Street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

ARTICLE 5. NONCONFORMING USES

Section 1. Nonconforming Use May Be Continued

Except as otherwise provided herein, the lawful use of a building or structure, or the lawful use of any land as existing and lawful at the effective date of this Ordinance, or in the case of a change of regulations, then at the time of such change, may be continued although such use does not conform to the provisions hereof. Except as provided in this Article, such nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this Ordinance.

Section 2. Change of Nonconforming Use

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 3. Extension of Use Within Existing Building

The nonconforming use of a building may be hereafter extended throughout the same building, provided no structural alteration of such building is made for the purpose of such extension.

Section 4. Buildings Nonconforming in Height, Area, or Bulk

A building nonconforming only as to height, lot area or yard requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

Section 5. Discontinuance of Nonconforming Use in a Residential District

No building or portion thereof used in whole or in part for a nonconforming use in a residential district which remains idle or unused for a continuous period of two years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Section 6. Town Acquisition of Tax Delinquent Property

If the Town acquires title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning regulations of the Town or with any change of such regulations, equally applicable to other like properties within the district in which the property acquired by the Town is located.

Section 7. Destruction of a Nonconforming Use

Except for residential uses which are continued under Section 14 of this Article, no building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building, immediately prior to damage, shall be restored except in conformity with the regulations of this Ordinance and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve months of the date of such damage.

Section 8. Existence of a Nonconforming Use

When evidence available to the Administrator is deemed by him to be inconclusive as to whether a nonconforming use exists, this question shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 9. Nonconforming Lots

9.1 The owner of a lot, parcel or tract of land may erect a single-family dwelling where permitted by district regulations, or make other accessory improvements on the lot even though the lot does not conform to the lot size requirements of this Ordinance provided the lot, parcel or tract of land was lawfully established and recorded prior to the effective date of this Ordinance and provided the improvements conform in all other respects to all other applicable regulations and restrictions.

9.2 In the event of an amendment to the lot size requirements of this Ordinance, a lot, parcel or tract of land, established in conformance with previous lot size requirements of this Ordinance and lawfully recorded prior to the effective date of such amendment, may be improved as stated in Section 9.1 above, even though the lot does not conform to the requirements of the amendment.

Section 10. Nonconforming Signs in a Residential District

In a residential district where any sign does not comply with the provisions of this Ordinance, such sign and any supporting structures may be maintained but shall not be replaced, reconstructed, moved, structurally altered, or relighted except in compliance with the provisions of this Ordinance and may continue in use unless subject to removal under other provisions

of this Ordinance. Removal, replacement, reconstruction, moving or structural alteration for any cause whatsoever shall be considered as loss of nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if said support structures comply in all respects to the applicable requirements of these regulations and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

Section 11. Reserved

Section 12. Replacement of Nonconforming Mobile Home (house trailer)

In a residential District, a nonconforming mobile home may be removed and replaced with another mobile home. such replacement must occur within 30 calendar days from the date of removal of the nonconforming mible home. Failure to do so within 30 calendar days shall terminate all rights as a nonconforming use.

Section 13. Nonconforming Uses not Validated

A nonconforming use in violation of a provision of the ordinance which this ordinance amends or replaces shall not be validated by adoption of this ordinance unless such use complies with the terms of this ordinance.

Section 14. Nonconforming Residential Use May Be Continued

A nonconforming dwelling may be replaced or rebuilt in any zoning district.

Section 15. Nonconforming Subdivision or Land Development Plats or Plans

A parcel or tract of land may be improved in accordance with a plat or plan which has been approved by the Town of Woodside in accordance with the appropriate Subdivision Regulations and duly recorded under the provisions of those regulations in the office of the Recorder of Deeds even though the recorded plat depicts a use or uses not otherwise permitted by the zoning district. However, any changes or modifications to such a plat or plan after the effective date of this ordinance shall be in accordance with the provisions contained herein.

Section 16. Expansion of Existing Nonconforming Dwellings and Accessory Uses

The owner of a dwelling for which a building permit was issued or which was constructed prior to the effective date of this ordinance shall not be denied a permit to use his property or construct upon it any of the accessory uses permitted in the R-S. district. This exception shall not extend to unimproved or vacant parcels. The records of the Board of Assessment and the Building Inspector's Office shall be used to determine eligibility under this section. When permitted such accessory uses shall comply with all of the requirements governing the placement of accessory uses in the R-S zoning district.

ARTICLE 6. SUPPLEMENTARY REGULATIONS

Section 1. Off-Street Parking Requirements

1.1 Specific Requirements by Use

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, accessory off-street parking spaces shall be provided as follows:

<u>Use or Use Category</u>	<u>Off-Street Parking Spaces Required</u>
One-, two-, or three family dwelling	1 per dwelling unit
Town House	2 per dwelling unit
Multiple-family dwellings, more than 3 dwelling units	1.5 parking spaces per efficiency 1.75 parking spaces per 1 bedroom 2 parking spaces per 2 bedrooms 3 parking spaces per 3 bedrooms or more
Church, temple, synagogue, auditorium or place of assembly	1 per 4 seats or bench seating spaces (seats in main auditorium only)
College or high school	1 per 4 seats or bench seating spaces (seats in main auditorium only)
Elementary, junior high, or nursery school	1 per 10 seats in main assembly room or 2 per classroom whichever is greater
Country club or golf club	1 per 5 members or 1 for each 400 square feet of floor area, whichever is greater

<u>Use or Use Category</u>	<u>Off-Street Parking Spaces Required</u>
Public library, museum, art gallery, or community center	10 per use plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet.
Private clubs, fraternities, sororities, and lodges, with sleeping rooms	2 per 3 sleeping rooms or suites or 1 per 5 active members whichever is greater
Private clubs, fraternities, sororities, and lodges, with no sleeping rooms	1 per 10 active members or 1 for each 600 square feet of floor area, whichever is greater
Sanitarium, convalescent home, home for the aged, or similar institution	1 per 3 patient beds
Tourist court, motel, motor hotel, motor lodge, or hotel	5 spaces plus 1 per sleeping room or suite
Rooming, boarding, or lodging house	1 per 2 sleeping rooms
Hospital	2 per patient bed
Office or office building (other than medical) post office, studio	1 per 400 square feet of floor area, 3 spaces minimum
Medical offices or clinic	1 per 200 square feet of floor area; 10 spaces minimum for a clinic
Funeral home	1 per 50 square feet of floor area excluding storage and work area, 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Restaurant, drive-in	1 per 100 square feet of floor area, 25 spaces minimum

<u>Use or Use Category</u>	<u>Off-Street Parking Spaces Required</u>
Retail store or personal service establishment and banks	1 per 200 square feet of floor area; retail food stores over 4,000 square feet: 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment, and automobile and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service; 10 minimum
Auditorium, theatre, gymnasium, stadium, arena, or convention hall	1 per 4 seats or seating spaces
Bowling alley	5 per lane
Food storage locker	1 per 200 square feet of customer service area
Trailer sales	1 per 200 square feet of sales office area, 10 spaces minimum
Amusement place, dance hall, skating rink, swimming pool, or exhibition hall, without fixed seats	1 per 100 square feet of floor area. Does not apply to accessory uses
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 3 employees on premises. Auditorium for broadcasting station requires space as above
Animal hospital	1 per 400 square feet of floor area; 4 spaces minimum
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse, or similar establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

1.2 Interpretation of Specific Requirements

1. The parking requirements above are in addition to space for storage of trucks or other vehicles used in connection with any use.
2. The parking requirements in this article do not limit other parking requirements contained in the district regulations.
3. The parking requirements in this article do not limit special requirements which may be imposed with planned unit developments, conditional uses, or special exceptions.
4. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
5. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
6. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
7. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge containing 50 or more dwelling units, may be reduced by the following percentages:

(a) Retail sales, offices, service establishments	30%
(b) Restaurants, cocktail lounges, night clubs and dining rooms	50%
(c) Ballrooms, banquet halls, meeting rooms, auditoriums	70%
8. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a

need under the requirements of this Article for an increase in parking spaces of 10 percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than 10 percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of 10 percent or more.

1.3 Joint Use and Off-Site Facilities

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from an institutional building or other non-residential building served.
2. Up to 50 percent of the parking spaces required for (a) theatres, public auditoriums, bowling alleys, dance halls, and night clubs, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those uses listed in (a), and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.
3. In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be valid for the total period the use or uses for which the parking is needed are in existence.

1.4 Design Standards

1. Minimum Size. An off-street parking space shall have a minimum width of 9 feet and a minimum depth of 18 feet measured at right angles to each other.
2. Drainage, Maintenance and Surface Treatment. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and shall be surfaced with dust-free, erosion resistant material approved by the Administrator. Off-street parking areas shall be maintained in a clean, orderly, dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.
4. Entrances and Exits. Location and design of entrances and exits shall be in accord with the requirements of applicable regulations and standards. In general, there shall not be more than one entrance and one exit, or one combined entrance and exit along any one street. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.
5. Interior Drives. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.
6. Marking. Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
7. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.
8. Screening. When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an

intervening building or structure, a continuous, visual screen with a minimum height of six feet shall be provided between the parking area and the said lot in a residential district or upon which there is a dwelling. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.

Section 2. Off-Street Loading Requirements

2.1 Specific Requirements by Use

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter converted, for the uses listed below, when such buildings contain the floor areas specified, accessory off-street loading spaces shall be provided as required below or as required in subsequent sections of this article.

<u>Use or Use Category</u>	<u>Floor Area In Square Feet</u>	<u>Loading Spaces Required</u>
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000-10,000 10,000-20,000 20,000-40,000 40,000-60,000 Each 50,000 over 60,000	One Two Three Four One Additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly	5,000-10,000 10,000-100,000 100,000-200,000 Each 100,000 over 200,000	One Two Three One Additional
Funeral home or mortuary	2,500-4,000 4,000-6,000 Each 10,000 over 6,000	One Two One Additional

2.2 Interpretation of Specific Requirements

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
2. The loading space requirements in this article do not limit special requirements which may be imposed in connection with Conditional Uses or Special Exceptions.

3. Under the provisions of Article 8, the Board of Adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities, or where provisions of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

2.3 Mixed Uses in One Building

Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading spaces.

2.4 Design Standards

1. Minimum Size. For the purpose of these regulations a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.
2. Loading Space for Funeral Homes. Loading spaces for a funeral home may be reduced in size to 10 by 25 feet and vertical clearance reduced to eight feet.
3. Drainage and Maintenance. Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion resistant material in accordance with applicable specifications. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
4. Entrances and Exits. Location and design of entrances and exits shall be in accord with applicable requirements of traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such

entrance or exit shall be designed to provide at least one off-street loading space. Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot.

Section 3. General Sign Regulations

3.1 Sign Definitions

For the purpose of this section, certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in Article 10 are applicable to these definitions.

1. Sign. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.
2. Sign Area. That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one face, each side shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
3. Accessory Sign. A sign relating only to uses on the premises on which the sign is located, or products sold on the premises on which the sign is located, or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.
4. Detached Sign or Ground Sign. A sign not attached to or painted on building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall not a part of a building, shall be considered a detached sign.
5. Double-Faced Sign. A sign with two parallel, or nearly parallel, faces, back to back and located not more than 24 inches from each other.

6. Flashing Sign. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.
7. Flat Sign or Wall Sign. Any sign attached to, and erected parallel to the face of, or erected or painted on the outside wall of, a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.
8. General Advertising Sign. Any sign which is not an accessory sign or which is not specifically limited to a special purpose by these regulations. A billboard is a large general advertising sign.
9. Illuminated Sign. Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.
10. Indirectly Illuminated Sign. A sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself, or a sign of translucent non-transparent material illuminated from within but with no exposed or exterior bulbs, tubes, or other light source.
11. Marquee Sign. Any sign attached to or hung from a marquee. For the purpose of this article, a marquee is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather. Any sign located on that portion of a mansard roof which projects beyond the outside face of a building shall be considered a marquee sign.
12. Projecting Sign. A sign which is attached to and projects more than 18 inches from the face of a wall of a building. The term projecting sign includes a marquee sign.
13. Roof Sign. Any sign located and structurally supported on the roof of a building or structure.

14. Sign, Height. The vertical distance from the street grade or the average lot grade at the front setback line, whichever is greater, to the highest point of the sign.

3.2 General Requirements, All Signs

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Ordinance:

1. No sign unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and in these regulations, until a permit has been issued by the Building Inspector. Before any permit is issued, an application especially provided by the Building Inspector shall be filed, together with a sketch or drawing and/or specification as may be necessary to fully advise and acquaint the Building Inspector with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for.
2. Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances.
3. The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the Building Code:
 - (a) Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
 - (b) Changing of the copy on a bulletin board, poster board, billboard, display encasement, or marquee.
 - (c) Temporary non-illuminated signs, not more than 32 square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate, and located on the premises, one such sign for each street frontage.

- (d) Temporary non-illuminated signs not more than 32 square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
 - (e) Non-illuminated signs, not exceeding ten square feet in area with letters not exceeding one foot in height, painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain, or umbrella.
 - (f) Non-illuminated signs warning trespassers or announcing property as posted.
 - (g) Temporary non-illuminated portable signs, not exceeding 32 square feet in area.
 - (h) Sign on a truck, bus or other vehicle.
 - (i) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
 - (j) Special decorative displays used for holidays, public demonstrations, or promotion for non-partisan civic purposes.
 - (k) Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
 - (l) Signs displayed on school bus shelters with a limit of 2 signs per shelter and a maximum of 32 square feet per sign. Provided, however, that the shelter location is approved by the State Department of Public Instruction.
 - (m) Temporary, non-illuminated, political signs, not more than 32 square feet in area, to be removed within 15 days following the election. Removal shall be the responsibility of the candidate and/or the erector of the sign.
4. Pennants, banners, streamers and all other fluttering, spinning or similar type signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States, and except for flags of bona fide

civic, charitable, fraternal, and welfare organizations, and flags bearing the seal, logotype or device of a private business, except that during nationally recognized holiday periods, or during a special civic event, pennants, banners, streamers and other fluttering, spinning or similar type advertising devices pertaining to said periods or events may be displayed.

5. No flashing signs or exposed gas filled or illuminated tubing such as neon shall be permitted in any district.
6. Except for roof signs located on flat roofs, no roof sign shall project above the highest elevation of the roof upon which it is located.
7. No roof sign shall be closer than five feet to the outside wall of the building or structure to which it is attached.
8. No projecting sign shall extend over or above the roof line or parapet wall of a building.
9. Except as otherwise provided, detached signs, where permitted by district regulations, may occupy required front yards provided they are not located closer than 25 feet from the front lot line.
10. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Board of Adjustment for the purpose of interpretation by the Board and recommendation for action on the application by the Administrator. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this ordinance.
11. No sign shall be constructed, erected, used, operated or maintained which:
 - (a) Displays intermittent lights resembling or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
 - (b) Is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.

12. Permitted signs for a nonconforming business, commercial or industrial use in a residential district shall consist of those signs permitted in R-S Single family Residential District.
13. Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of Article 5 governing nonconforming uses.
14. Except as otherwise provided, these regulations shall be interpreted to permit one sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign "types" are flat (or wall), detached (or ground), projecting, marquee and roof signs, or special purpose signs specifically listed in the district regulations.
15. Except as otherwise provided, any sign may be a flat, detached, or projecting sign, and, except as otherwise provided, no detached sign shall exceed a height of 30 feet.
16. Signs of permitted types and sign area may be placed on walls of buildings other than the front except on side or rear walls facing, and within 100 feet of, a residential district.
17. Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located, provided that one accessory sign may occupy required yards in a district where such sign is permitted by these regulations, if such sign is not more than 32 square feet in area, and other requirements of these regulations are complied with.
18. No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
19. No signs shall be attached to trees, utility poles or any other unapproved supporting structure.
20. The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations.

21. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Building Inspector may cause to be removed any sign which shows gross neglect or becomes dilapidated.
22. The Zoning administrator shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Zoning Administration. Removal of a sign by the Zoning Administration shall not affect any proceedings instituted prior to removal of such sign.

Section 4. Supplementary Height, Area and Bulk Regulations

4.1 Mixed Uses, Height, Area and Bulk Requirements

Where more than 25 percent of the total floor area of any building in a commercial district is used for dwelling purposes in a building which may also contain nonresidential uses, the minimum height, area and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this Article. Where 25 percent or less of the total floor area of such building is used for dwelling, the building shall be subject to the height, area and bulk requirements applicable to nonresidential buildings in the district.

4.2 Modification of Height Regulations

1. Except within an Airport Approach Zone as shown on the Zoning District Map, the height limitations of this Ordinance shall not apply to:

Belfries	Flag Poles
Chimneys	Public Monuments
Church spires	Ornamental towers and spires
Conveyors	Commercial radio and television towers less than 125 feet in height
Cooling towers	Silos and grain driers or elevators
Elevator bulkheads	Smoke stacks

Fire towers	Stage towers or scenery lofts
Water towers and stand pipes	Tanks

2. Except within an Airport Approach Zone as shown on the zoning district map, public and semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.
3. Notwithstanding other provisions of these regulations, the height of all structures and natural growth shall be limited by the requirements of the Federal Aviation Administration and any airport zoning regulations applicable to such structures and natural growth.
4. RESERVED

4.3 Lot Area

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or tourist home or rooms in a rooming, boarding or lodging house.

4.4 Yards and Open Space Generally

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

2. Every part of a required yard shall be open to the sky, except as authorized by this Article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
3. RESERVED
4. In the event that a lot is occupied by a group of two or more related buildings to be used for residential purposes, there may be more than one main building on the lot when such buildings are arranged around a court; provided, that said court between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings and 50 feet for buildings of three stories or more, and in no case, may such buildings be closer to each other than 15 feet.
5. Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings.

4.5 Front Yards

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building. Where no official line is established, the right-of-way of any major thoroughfare, so designated on the Major Thoroughfare Plan shall be assumed to extend at least 30 feet on each side of the center line of the existing right-of-way for the purpose of measuring front yards required by this Ordinance.

2. On through lots, the required front yard shall be provided on each street.
3. There shall be a front yard on each street side of a corner lot in any district; provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance shall not be reduced to less than 30 feet.
4. Telephone booths and bus shelters, when permitted by district regulations, may be located in a required front yard.
5. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six feet.
6. Where the street frontage in a block, or within 400 feet of the lot in question, is partially built up, the minimum front yard for a new building shall be the average of the existing front yards on either side thereof in the same block with a variation of five feet permitted; provided however that no front yard in a residential district shall be less than 20 feet or need be more than 75 feet. Where 40 percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

4.6 Side Yards

1. Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the side yard not more than six feet.
2. Where a building in a commercial district is subject to the height, area, and bulk requirements applicable to residential development under Sub-section 4.1 of this Article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25 percent of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.
3. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

4. The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of that yard shall be as required in the district regulations for the district in which the building is located.

4.7 Rear Yards

Open fire escapes, outside stairways and balconies, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

4.8 Corner Visibility (See also Appendix D)

No sign, telephone booth, bus shelter, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is adjacent to the lines of the intersecting street lines whose tangent lengths measure 20 feet from the point of intersection.

4.9 Accessory Buildings and Structures (See also Appendix B)

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
2. Filling station pumps, with accessory canopy, may occupy the required yards, provided, that the pumps are no less than 20 feet from any street right-of-way line with accessory canopy overhang no closer than 10 feet to any street right-of-way line.
3. An ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.
4. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided they are not located closer than five feet to a rear or side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier and shall

have provisions for adequate discharge of water when a pool is drained or damaged. All fences, barriers and water discharge systems must be approved by the Administrator.

5. Permitted accessory storage of a boat, boat trailer or camp trailer shall not be conducted in a front yard.
6. Accessory buildings, including above ground swimming pools, which are not part of a main building, although they may be connected to an open breezeway, may be constructed in a rear yard, provided such accessory building or above ground swimming pool does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than five feet to any lot line.

4.10

RESERVED

4.11 Special Regulations for Two-Family Dwellings and Town Houses

1. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the district regulations of Article 4.
2. The dwelling units and individual lots of a two-family dwelling or town house may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Regulations.

3. The following regulations shall apply to town houses in any district where town houses are permitted:
- (a) Minimum lot frontage may be waived in accordance with an approved site plan, but minimum lot width, for individual dwelling units of a townhouse group shall not be reduced to less than 16 feet. Minimum lot width for end units shall be adequate to provide for required front and side yards.
 - (b) For the purpose of the side yard regulations, a townhouse building shall be considered as one building on one lot with side yards required for end units only, in accordance with the district regulations of Article 4. Any side yard adjacent to the line of a lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than 25 feet.
 - (c) No detached garage or carport or other detached accessory building shall be permitted on a lot occupied by a townhouse.
 - (d) Unless otherwise restricted by district regulations, not more than eight dwelling units shall be included in any one town house building group.
 - (e) The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three feet and variation in materials or design so that no more than three abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.
 - (f) Provision satisfactory to the Planning Commission and approved by the County Attorney shall be made to assure that non-public areas for the common use and enjoyment of occupants of town houses, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayer.
 - (g) Required off-street parking space of two spaces per dwelling unit may be provided on the lot in the rear yard or within 150 feet of the lot.
 - (h) A site plan complying with the requirements of this Article shall accompany an application for approval of a townhouse development.

Section 5. Site Plan Review Required for Certain Uses (See also Appendices F & G)

5.1 For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the following major uses shall be submitted and reviewed in accordance with the requirements of this article and the requirements and procedures of Article 9:

1. Conditional uses, excluding Adult Entertainment Establishments and other conditional uses specifically exempted in the district regulations.
2. Planned unit developments.
3. Mobile home parks.
4. Multiple-family dwellings containing more than 10 dwelling units or forming a part of a multiple-family development of two or more buildings.
5. Town houses.
6. Churches, temples, and synagogues.
7. Hotels, motels, or motor lodges.
8. Business buildings, commercial buildings, or industrial buildings, if such buildings are to contain more than 5,000 square feet of floor area.

Section 6. Conditional Uses, General Guides and Standards

The purpose of the conditional use procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics or are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of relationship to the Comprehensive Plan, and possible impact, not only on neighboring properties, but on a large section of the County, require the exercise of planning judgment on location and site plan. A conditional use should be approved only if it is found that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article are complied with. Unless otherwise specified in this Article or specified as a condition of approval,

the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

Section 7. Conditional Uses, Specific Guides and Standards

Conditional uses listed below shall comply with the following specific standards unless there is a specific finding by the Planning Commission that compliance with these standards is clearly unnecessary to the purposes of this Ordinance:

7.1 Cemetery

1. May include a crematorium provided such building is located at least 200 feet from the boundaries of the cemetery.
2. The minimum area of the cemetery shall be 10 acres. No minimum area is required for cemeteries associated with a church or limited to use by a family.

7.2 Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development, provided:

1. No material may be brought from off the site for processing, mixing or similar purposes.
2. The excavating, extraction, or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards use of any residential streets for access to the site.
3. The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling, and relation to the water table or flood criteria, and the slope of the sides of the excavation shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.
4. That a plan be approved to insure the restoration of the land or water area to a safe and useable condition upon termination of the excavation work by regrading, draining, refilling or other treatment suitable to the particular situation.

7.3 RESERVED

7.4 RESERVED

7.5 Recreation facility, privately or commercially operated;
provided:

1. The land area is of sufficient size, shape and topography to accommodate the facilities proposed without serious detrimental effect on the natural landscape or on the existing or future use of adjacent properties.
2. That external and internal access patterns and circulation and parking areas are adequate for the uses proposed.
3. That structures, access points, drives, parking and use areas, signs or lights, are designed and located to minimize adverse effect on surrounding residential development, existing or future and that any accessory sales uses are clearly incidental to operation of the recreation facility.

7.6 RESERVED

7.7 RESERVED

7.8 RESERVED

Section 8. Emergency Provisions

8.1 Temporary Shelter

It is the purpose of this section to provide emergency relief to residents of the County whose homes have been damaged or destroyed by temporarily waiving the uses, setback, yard, area and dimension requirements of this Ordinance until said damage can be repaired or the dwelling replaced.

1. When a legal conforming or legal nonconforming dwelling has been damaged or destroyed by fire, wind, flood or other catastrophe to the extent that it is no longer habitable, the occupant of said dwelling may apply to the Zoning Administrator for permission to place a temporary shelter for residential occupancy on the same lot occupied by the damaged or destroyed dwelling.
2. Said application shall be made in writing on forms provided by the Zoning Administrator and, among other things, shall include the nature and extent of the damages sustained, the type and size of temporary shelter and its location on the property, the location, size and area of the property, and the source and nature of support utilities.
3. Upon receipt of a complete written application, the Building Inspector shall:
 - A. Inspect the site within 24 hours.
 - B. Determine whether provision can be made for domestic water supply and waste water discharge in accordance with existing county and state regulations.
 - C. Determine whether the property is large enough to accommodate the proposed temporary shelter.
4. Within 72 hours of receipt of a complete written application, the Building Inspector shall make a determination whether or not to approve the application. The Zoning Administrator shall have the authority to establish reasonable conditions to assure the health, safety and welfare of the applicant as well as adjacent property owners. These conditions shall be stated in writing to the applicant. Failure by the applicant to comply with these conditions shall void approval of the application.

5. Approval shall be for a period of time specified by the Building Inspector, but in no case shall it exceed a period of six months. An extension of time not to exceed three months may be granted by the Building Inspector upon request of the applicant and only for justifiable cause.
6. If the Zoning Administrator determines that the applicant is not entitled to the relief provisions contained in this section, he shall deny the application and state the reasons for said denial in writing; a copy of which shall be given to the applicant, the Mayor and Council of Woodside.
7. The applicant shall have the right to appeal the denial of an application made under this section to the Mayor and Council. If the Mayor and Council feels the reasons for denial of an application are unreasonable or arbitrary, it shall have the authority to reverse the decision and grant approval in accordance with the applicable provisions of paragraph 5 above.

Section 4. Special Exceptions

In order to provide for adjustments in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these regulations, as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special use exceptions and, limited as to location and especially in locations described in this article, special yard and height exceptions are permitted by the terms of these regulations. The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property by this Ordinance.

4.1 Special Use Exceptions

1. Temporary and conditional permits for a period of two years or less for the various uses as they are so listed in the district regulations.
2. Other special use exceptions as they are listed in the district regulations.
3. Exceptions for nonconforming uses as follows:
 - (a) A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
 - (b) A nonconforming commercial use on a lot, between two lots which are now used for commerce.
 - (c) A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a nonconforming commercial or industrial use, an additional use of the same classification in the remainder of the building.
 - (d) The extension of an existing nonconforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of these regulations or erection of an additional building upon a lot occupied, at the time of the passage of these regulations, by a nonconforming commercial or industrial establishment and which additional building is a part of such establishment.
 - (e) To determine the existence of a nonconforming use as required under Article 5.

4. Exceptions to parking and loading requirements as follows:
 - (a) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article 6 where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.
 - (b) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
 - (c) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
 - (d) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access, or size of lot make impractical the provision of required loading space.
5. RESERVED
6. A determination, in cases of uncertainty, of the district classification of any use not specifically named in these regulations; provided, however such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified.

4.2 Special Yard Exceptions

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, but not to encroach upon an existing or proposed right-of-way.
2. An exception in the depth of a rear yard on a lot, in a block where there are nonconforming rear yards.

3. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended be the required minimum front yard depth.
4. A fence more than 3-1/2 feet high in a required front yard in an I-G General Industrial District where such fence is necessary for the protection of the property of a permitted use.

4.3 RESERVED

Section 5. Variances

Subject to the provisions of Section 3 of this Article, the Board shall have the power to grant the following variances:

A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, size, or shape of a specific piece of property, at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or the use or development of property, immediately adjacent thereto, the strict application of each regulation or restriction, would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of the zoning plan; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

No variances shall be authorized by the Board unless it finds:

1. That the strict application of the Ordinance would produce undue hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to the public good or to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Section 6. Conditions Attached to Approvals

Where, in these regulations, special exceptions are permitted, provided they are approved by the Board where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including the imposition of any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.
2. Limitation of signs as to size, type, color, location, or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Cleaning or painting.
6. Gable roof or other type.
7. Construction and materials.
8. Connected or disconnected with other buildings.
9. Exits or entrances, doors, and windows.
10. Paving, shrubbery, landscaping, or ornamental or screening fences, walls, or hedges.
11. Time of day or night for operating.
12. No store fronts.
13. No structural changes.
14. Control or elimination of smoke, dust, gas, noise, or vibration caused by operations.
15. Requirements for termination of a use based on lapse of time or such other conditions as the Board may specify.
16. Such other conditions as are necessary.

Section 7. Lapse of Special Exception or Variance

After the board of Adjustment has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, or if the Board does not specify some longer period than one year for good cause shown, and the provisions of these regulations shall thereafter govern.

Section 8. Amendment of Special Exception or Variance

The procedure for amendment of a special exception or variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application except that where the Secretary of the Board determines the change to be minor relative to the original approval he may transmit the same to the Board with the original record without requiring that a new application be filed.

Section 9. Appeals to Courts

Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

ARTICLE 8. CHANGES AND AMENDMENTS

Section 1. Initiation of Change

The Mayor and Town Council may, from time to time, amend, supplement, change or modify, by ordinance, the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Mayor or Town Council or by motion of the Planning Commission, or by petition of any property owner addressed to the Mayor or Town Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

Section 2. Report from Planning Commission

Before taking any action on any proposed amendment, supplement, or change, the Mayor and Town Council shall submit the same to the Planning Commission for its recommendations and report. Unless the Commission shall have transmitted its report upon the proposed changes within 30 days after submission thereof to it, the Mayor and Town Council shall be free to proceed to act on said changes without further awaiting the receipt of the report of the Commission.

Section 3. Notice and Hearings

The Planning Commission shall hold a public hearing thereon, before submitting its report to the Mayor and Town Council. Notice of public hearings before the Commission shall be given by publishing the date, time, place and nature of the hearing at least 15 days before the date of the hearing in a newspaper of general circulation in the Town. In addition, the Commission shall cause the date, time, place, and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Commission. The published and posted notices shall contain reference to the place or places and times within the Town where the text, maps, plans, ordinances, amendments, or changes may be examined.

Before approving any proposed change or amendment, Mayor and Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

Section 4. Revision After Hearing

Following its public hearing the Mayor and Council may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in Section 3. above.

Section 5. Reconsideration, One Year Limitation

Whenever a petition requesting an amendment, supplement, or change has been denied by the Mayor and Council such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

Section 6. Notice to Adjacent Jurisdictions

When any proposed change of a zoning district boundary lies within 500 feet of a municipal boundary, notice of the proposal, together with the date, time, and place of the public hearing thereon, if such hearing has been scheduled, shall be forwarded to the Planning Commission, of Kent County, in order to give such jurisdiction an opportunity to appear at the hearing or express its opinion on the effect of said boundary change.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement

It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance and to refuse to issue any permit for any buildings, or for the use of any premises which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers of the town of Woodside to assist the Building Inspector by reporting to him any seeming violation in new construction, reconstruction, or land uses.

Section 2. Certificate of Occupancy

- 2.1 No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the Building Inspector.
- 2.2 No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
- 2.3 Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector.
- 2.4 No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.

Section 3. Permits

- 3.1 No building shall be erected, constructed, altered, moved, converted, extended, or enlarged, without the owner or owners first having obtained a building permit therefor from the Building Inspector. Such permit shall require conformity with the provisions of this Ordinance. When issued, such permit shall be valid for the period of time specified thereon.
- 3.2 No mobile home shall be placed for occupancy at any location outside a mobile home park without the owner or owners first having obtained a placement permit therefor from the Building Inspector. Separate permits shall not be required for each mobile home as authorized in an

approved mobile home park or as authorized within the limits of a mobile home park as established prior to the enactment of applicable zoning regulations.

- 3.3 No building permit by the Building Inspector, lawfully issued prior to the effective date of this Ordinance, or of any amendment hereto, and which permit, by its own terms and provisions, is in full force and effect at said date, shall be invalidated by the passage of this Ordinance, or any such amendment, but shall remain a valid and subsisting permit, subject only to its own terms and provisions and ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit; provided, that all such permits shall expire not later than 60 days from the effective date of this Ordinance, unless actual construction shall have theretofore begun and continued pursuant to the terms of said permit.

Section 4. Plot Plans

All applications for building permits shall be accompanied by a drawing or plot plan in duplicate or as required by the Building Inspector showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the Building Inspector and a duplicate copy shall be kept at the building at all times during construction. In a particular case, the Building Inspector may waive the requirement for plot plans when such plan is clearly unnecessary to a decision or the record on the case.

Section 5. Approval of Conditional Uses, General

5.1 Procedures

The procedures for approval of a conditional use are the same as those prescribed for changes and amendments in Article 8 and, in addition, the procedures and requirements for approval of site plans as set forth in this Article below together with applicable laws, regulations, and ordinances governing the subdivision of land. The site plan review procedures shall run concurrently with the review of a proposed conditional use. The final site plan may be approved by the Administrator in accordance with the requirements of the Mayor and Council.

5.2 Approval Valid One Year

Approval of a conditional use under this Article shall be valid for a period of one year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said one-year period, or unless an extension of time, not exceeding one year, is approved by the Mayor and Council and for good cause shown, before the expiration of said one-year period.

5.3 Existing Conditional Uses

Any conditional use listed in these regulations which use is legally existing at the effective date of the regulations of this Article shall be considered a nonconforming use unless it has qualified as provided above and has been approved as a conditional use by the Mayor and Council.

5.4 Revocation of Permits

Permits issued under a conditional use approval may be revoked by the Administrator for failure to comply with conditions of approval or applicable regulations.

Section 6. Procedure for Approval of Site Plans for Conditional Uses, and Planned Unit Developments (See also Appendix F)

6.1 Five copies of a preliminary site plan or plans shall be filed with the Mayor and Council through the Planning Commission. The preliminary site plan shall comply with Section 8. below and the applicable written requirements of Article 6 and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Mayor and Council and Planning Commission.

6.2 The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance. Before recommending approval of a site plan, the Planning Commission may make reasonable additional requirements including, but not limited to, those which may be imposed by the Board of Adjustment under Article 7, and especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, access ways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining residentially zoned lots or residential uses. The site plan shall be amended in accord with the requirements of the Planning Commission before being submitted to the Mayor and Council with a recommendation approval.

- 6.3 Approval by the Mayor and Council of a preliminary site plan for a conditional use, or an initial development section of a planned unit development shall be valid for a period of one year. Approval for an overall project design for a planned unit development shall be valid for the period determined by the Mayor and Council under Article 4. Following preliminary approval by the Levy Court, a final site plat in the form of a final plat shall be prepared, filed and recorded. This final plat may be approved by the Administrator and shall comply with the specifications of the Mayor and Council and the requirements of this Article and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved, filed, and recorded plat.
- 6.4 If required by the Mayor and Council, a surety bond shall be filed for, or deposited in escrow with the county in a sum sufficient to insure completion of requirements as may be imposed by the Mayor and Council.
- 6.5 Permits issued under an approved site plan may be revoked by the Building Inspector for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

NOT APPLICABLE

Section 7. Procedure for Approval of Site Plans for Multi-Family Dwellings Containing 10 or More Units or Comprising Two or More Buildings, Town Houses, Churches, Hotels, Motels, and Business, Commercial or Industrial Buildings With Over 5,000 Square Feet of Floor Area (See also Appendix G)

- 7.1 Five copies of a preliminary site plan for any of the above listed major uses, shall be submitted to the Administrator who shall review the plans for compliance with these regulations and the requirements for preliminary site plans and shall transmit said plans to the Planning Commission with his comments for review at the next regular meeting of the Planning Commission if the plans are submitted 10 days prior to said meeting. The applicant is advised to review his plans in general or sketch form with the staff of the Planning Commission prior to drafting for submittal to the Administrator.
- 7.2 The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns, internal and external, relation to major thoroughfares, utilities, drainage, and community facilities, existing or proposed, surrounding development, existing or future, consideration of topography and the

of the Comprehensive Plan. No public hearing shall be required and the plans shall be returned to the applicant within 10 days following the meeting as approved, approved subject to conditions, or disapproved. If specified conditions are met in revised plans, the Administrator may approve issuance of building permits accordingly, if, in his opinion, such changes do not substantially affect the original approval or conditions attached thereto.

7.3 Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this Ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

7.4 Permits issued under an approved site plan may be revoked by the Building Inspector for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

Section 8. Requirements for Site Plans (See Also Appendices F and G)

8.1 Preliminary Site Plans

The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

1. The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the developer.
2. The northpoint, scale, and date.
3. Existing zoning and zoning district boundaries.
4. The boundaries of the property involved, county or municipal boundaries, the general location of all existing easements, and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.
5. Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review of the project or proposal.
6. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the projects.
7. Proposed changes in zoning, if any.

8. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
9. The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
10. Location with respect to each other and to lot lines and approximate height of all proposed buildings and structures, accessory and main, or major excavations. The locations should be drawn to scale but full dimensioning is not required on the preliminary plan.
11. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
12. General location, height, and material of all fences, walls, screen planting, and landscaping.
13. Proposed location and character of non-residential uses, commercial or industrial uses, accessory or main.
14. General location, character, size and height and orientation of proposed signs.
15. A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, and other reservations.
16. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

The Planning Commission or its staff may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

8.2 Final Site Plans

The final site plan or final plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions and in addition shall show the following:

The final site plan or final plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions and in addition shall show the following:

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

Section 9. Amendments and Additions to Site Plans

The procedure for amendment of the boundaries of an approved mobile homes park or planned unit development or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved mobile homes park, planned unit development, conditional use, or site plan, may be approved by the Planning Commission at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this Ordinance,
3. Does not change the general character or content of an approved development plan or use,
4. Applies to an approved condition originating with the Planning Commission and not the Mayor and Council.
5. Has no appreciable effect on adjoining or surrounding property,
6. Does not result in any substantial change of major external access points,
7. Does not increase the approved number of dwelling units or height of buildings, and,
8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

Section 10. Filing Fees

- 10.1 All persons, firms, or corporations making application to the Board of Adjustment, shall be required to pay, in advance, a fee for expenses relative thereto in accordance with the fee schedule contained in the appendix of this ordinance.

- 10.2 All persons, firms, or corporations applying for Conditional Use permits under the provisions of this Ordinance or applying for an amendment to the Zoning Ordinance or a change in the classification of the district or a portion thereof, necessitating the publication of notices in the newspaper shall be required to pay, in advance, a fee in accordance with the fee schedule contained in the appendix of this ordinance. No fee shall be required for actions initiated by the Mayor and Council or the Planning Commission.
- 10.3 The payment of such money in advance shall be deemed a condition precedent to the consideration of such appeal, conditional use permit, or amendment. Fees shall be refunded on request if an application is withdrawn before publication.

Section 11. Violation and Penalties

- 11.1 In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this Ordinance, the Building Inspector is authorized and directed to institute any appropriate action to put an end to such violation.
- 11.2 Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100.00, or be imprisoned not more than ten days, or both, and each and every day such violation shall continue shall be deemed a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance, shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

ARTICLE 10. DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. Any building that is customarily incidental to agricultural use shall be deemed to be an accessory building, whether situated on the same lot with a principal building or not (for illustration see Appendix B).

Accessory Use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) is located on the same lot as the principal use of the premises. When the term "accessory" is used in this Ordinance, it shall have the same meaning as "Accessory Use".

Administrator. The Chairman of the Woodside Planning Commission.

Adult Entertainment Establishment. Any establishment or portion thereof which offers sexually oriented material, devices, paraphernalia, services, performances, or any combination thereof, or in any other form, whether printed, filmed, recorded, or live; and which excludes admission or participation in any manner by persons under the age of 18.

Furthermore, the term "sexually oriented" shall be interpreted in the context of the following specified sexual activities and anatomical areas:

1. Genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, sadism, masochism, or bestiality;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
4. Less than completely or opaquely covered: a) human genitals, pubic region; b) buttock; and c) female breast below a point immediately above the top of the areola; and,
5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Alley. A public or private way affording secondary means of access to abutting property.

Alteration. (See Structural Alteration).

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or single family.

Apartment House. Same as "Dwelling, Multiple-Family".

Automobile Graveyard. (See Junkyard).

Automobile Service Station (or Filling Station). Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting.

Basement. A story partly underground and having at least one half of its height above ground (see Appendix E)

Block. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a live stream, or unsubdivided tract, or other physical barrier of such nature as to interrupt the continuity of development.

Billboard (or Poster Panel). (See Sign, General Advertising).

Board. The Board of Adjustment of Woodside.

Boardinghouse (Rooming or Lodging House). A dwelling, other than a hotel, where, for compensation, meals or lodging and meals, are provided for three or more persons.

Buildable Area. The area of that part of the lot not included within the yards or open spaces herein required (see Appendix C).

Buildable Width. The width of that part of a lot not included within the open spaces herein required.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

Building, Completely Enclosed. Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building, Height of. The vertical distance from the average finished grade at the front building line to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured to the highest point of coping or parapet (see Appendix E).

Building Line. A line generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this ordinance. A building line delineates the buildable area.

Building, Main. The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot (see Appendix B).

Building Inspector. The Building Inspector of Kent

Bulk. A term used in this Ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

Canopy. A detachable, rooflike cover, supported from the ground, or deck floor, or walls of a building, for protection from sun and weather.

Cellar. A story entirely underground or partly underground, with at least one half of its height below grade (see Appendix E).

Clinic. An establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

Club, Private. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Commission. The Woodside Planning Commission.

Conditional Use. A use listed as such in this Ordinance and which may be permitted in a specified district under certain conditions, such conditions to be determined in each case by the terms of this Ordinance and by the Mayor and Council after public hearing and report by the Planning Commission in accordance with the procedures specified by this Ordinance and applicable state law.

Convalescent Home. (See nursing home).

Court. An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

District. Any section of Woodside in which the zoning regulations are uniform.

Dog Kennel, Commercial. A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Drive-In. A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space or service lane.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges,

boarding and lodging houses, tourist courts, or tourist homes.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family.

Dwelling, Two-Family. A building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling Unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.

Family. An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, costsharing basis. Domestic servants, employed and residing on the premises shall be considered as part of the family.

Filling Station. (See Automobile Service Station).

Floor Area.

- a) Commercial, business, and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic space providing headroom of less than seven feet; (2) basement or cellar space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
- b) Residential buildings: The sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, cellars, attics and open porches, measured from the exterior faces of the exterior walls.

Frontage.

- a) Street frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- b) Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

Garage, Private. An accessory building or an accessory portion of the main building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats, trailers or other personal property of the occupant or occupants of the premises, and in which no commercial or industrial activities are conducted unless otherwise permitted by district regulations. If completely enclosed, the space therein may be used for the storage of not more than one commercial vehicle of not more than two ton capacity, and/or may be rented for storage of not more than two vehicles to persons other than the occupants of the building to which the garage is accessory.

Grade. Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

Guest House. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

Home Occupation. Any occupation, profession, enterprise or activity conducted solely by one or more members of a family on the premises, which is incidental and secondary to the use of the premises for dwelling, provided that, (a) no commodity is stored or sold, except such as is made on the premises, and (b) there shall be no group instruction, assembly, or activity and no outside storage or display of an commodity made on the premises. When within the above requirements, a home occupation includes, but is not limited to, the following: (1) art or crafts studio; (2) the practice of cosmetology or barbering in the A-C and A-R district only; (3) dressmaking, custom baking, day care or babysitting of no more than two (2) children; (4) professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or similar occupation; (5)

private instruction limited to one or two pupils at a time. A home occupation, however, shall not be interpreted to include nursing homes, convalescent homes, rest homes, restaurants, tea rooms, tourist homes, massage parlors or similar establishments.

Hospital. A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

Hotel. A building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding, rooming or lodging house, or an apartment house which are herein separately defined. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms and meeting rooms.

Junkyard or Automobile Graveyard. The use of any land more than two hundred square feet in area in any location for the storage, keeping, reduction, or abandonment of junk, including scrap metals or other scrap materials, and any lot or place which is exposed to the weather upon which more than two motor vehicles of any kind, incapable of being operated, are placed.

Landscape Screen. A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than five feet and planted at intervals of not more than ten feet on center. The low level screen shall consist of evergreen shrubs planted at an initial height of not less than two feet and spaced at intervals of not more than five feet on center.

Laundromat. A building or part thereof where clothes or other household articles are washed in self-service machines with a capacity for washing not exceeding twenty pounds dry weight and where such washed clothes and articles may also be dried or ironed and no delivery service is provided in connection therewith.

Laundry. A building, or part thereof, other than a laundromat, where clothes and other articles are washed, dried and ironed.

Levy Court. The governing body of Kent County, Delaware.

Livestock Market. A commercial establishment wherein livestock is collected for sale and auctioned off.

Loading Space. A space within a building or on the premises providing for the standing, loading or unloading of vehicles.

Lot. A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds (see Appendix B).

Lot, Corner. A lot bordering on two streets which intersect at an angle not greater than 135 degrees (see Appendix A).

Lot, Depth of. The average horizontal distance between the front and rear lot lines (see Appendix A).

Lot, Double Frontage. A lot, other than a corner lot, which has a frontage on two streets (see Appendix A).

Lot, Interior. Any lot other than a corner lot (see Appendix A).

Lot Line, Front. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front (see Appendix B).

Lot Line, Rear. The lot line opposite and most distant from the front lot line (see Appendix B).

Lot Line, Side. Any lot line other than a front or rear lot line (see Appendix B).

Lot of Record. A lot shown upon a plan of subdivision or upon a plat attached or referred to in a deed described by metes and bounds in a deed recorded in the Office of the Recorder of Deeds of the County.

Lot Width. The shortest horizontal distance between the points where the front yard line intersects the side lot lines measured along the building line (see Appendix B).

Major Thoroughfare. A street or highway so designated on

the Major Thoroughfare Plan of Kent County.

Marina. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto, is incidental to other activities shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat-related services are rendered.

Mobile Home (House Trailer). A movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit.

Mobile Home Park (Trailer Park). A lot on which are located or which is arranged or equipped for the accommodation of two or more mobile homes occupied for living purposes and not accessory to a farm.

Modular Home. Same as Relocatable Home.

Motel, Motor Court, Tourist Court or Motor Lodge. A building in which lodging, or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling; same as a hotel, except that the buildings are usually designed to serve tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the dwelling unit.

Nonconforming Use. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Nonconforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Nursing Home, Convalescent Home and Rest Home. An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

Parking Space, Off-Street. A surfaced area permanently reserved for the temporary storage of one vehicle which affords vehicular ingress and egress to and from an adjacent street, alley or driveway without requiring another vehicle to be moved.

Place. An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Premises. A lot, together with all buildings and structures thereon.

Public Building. A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the United States of America, the State, the County or a town or city.

Public Water and Sewer Systems. A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special regulations as herein set forth.

Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

Relocatable Home. A movable or portable dwelling over 32 feet in length and over 8 feet wide, designed and constructed without a carriage or hitch, as a stationary house constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of

one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be joined into one integral unit.

Rental Unit. A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as a permanent dwelling and not including culinary facilities.

Rooming House. A building other than a hotel, motel, or motor lodge where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five sleeping rooms.

Servants' Quarters. Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building, used for servants employed on the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

Setback Line. (See Building Line).

Sign. For definitions pertaining to signs, see Article 6.

Site Plan. A drawing illustrating a proposed development and prepared in accordance with the specifications of Article 6 (see Appendix F).

Special Exception. A use listed as such in this Ordinance and which may be permitted in a specified district, or in any district if so specified, under certain conditions, such conditions to be determined in each case by the terms of this Ordinance and by the Board of Adjustment after public hearing in accordance with the procedures specified by this Ordinance and applicable state law.

Stable. A building for the housing of horses, cattle and other domestic livestock traditionally associated with agriculture.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if its ceiling is over five feet above the level from which the height of the building is measured or if it is used for business purposes other than storage, or if it is used as a separate dwelling unit by other than a janitor or other employee and his family (see Appendix E).

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story, provided, however, that any such story used as a separate dwelling unit, by other than a janitor or other employee and his family, shall be counted as a full story.

Street (Road). A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle, or however otherwise designated (see Appendices A and B).

Street, Centerline. The center line of a street shall mean the center line thereof as shown in any of the official records of the County, or any municipality therein, or as established by the city engineer of any adjoining city, or by the State Department of Highways, If no such center line has been established, the center line of a street shall be a line lying midway between the side lines of the right-of-way thereof (see Appendix A).

Street Line. The line between a lot, tract or parcel of land and a contiguous street (see Appendices A and B).

Structural Alteration. Any change in the supporting members of a building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, mobile homes, signs, swimming pools, backstops for tennis courts, and pergolas.

Swimming Pool. Any portable pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.

Town House. A single-family dwelling designed to be sold as a unit but forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

Variance. (See regulations of Article 7.)

Waterway. Any body of water, including any creek, canal, river, or lake or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Waterway Line. A line marking the normal division between land and a waterway as established by the Administrator or county ordinances.

Yard. The open space unoccupied and unobstructed from the ground upward (except as otherwise provided in this ordinance) lying between a lot line and building line.

Yard, Front. A yard extending the full length of the front of a lot between the front (street) right-of-way line and the front building line.

Yard Measurement. In measuring a yard, the building line shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the building line to the nearest lot line (see Appendix B).

Yard, Rear. A yard extending the full width of a lot between the rear lot line and the rear building line.

Yard, Side. A yard extending from the front yard line to the rear yard line between a side lot line and a side building line.

ARTICLE 11. SEVERABILITY, CONFLICT, EFFECTIVE DATE

Section 1. Severability

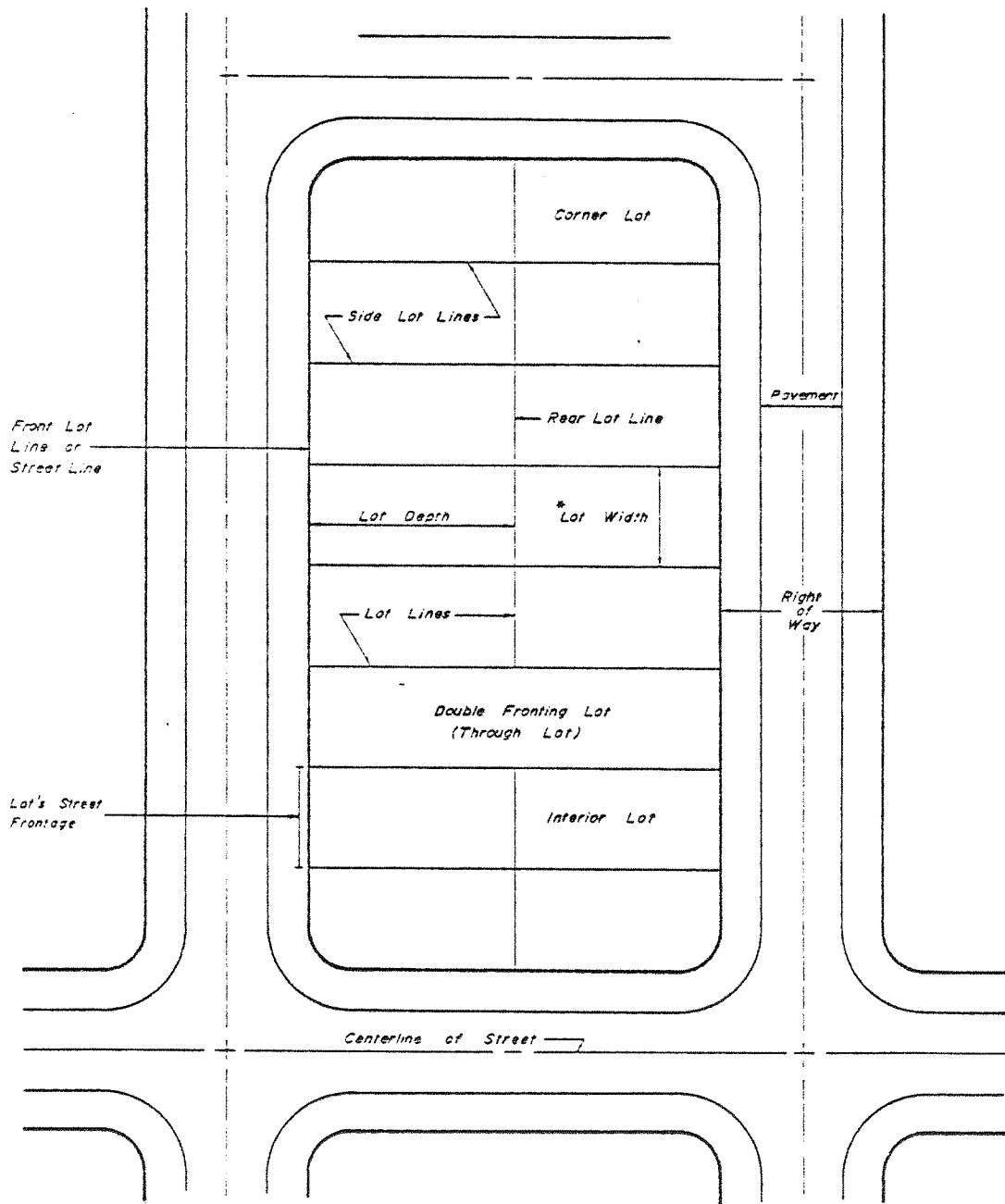
If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

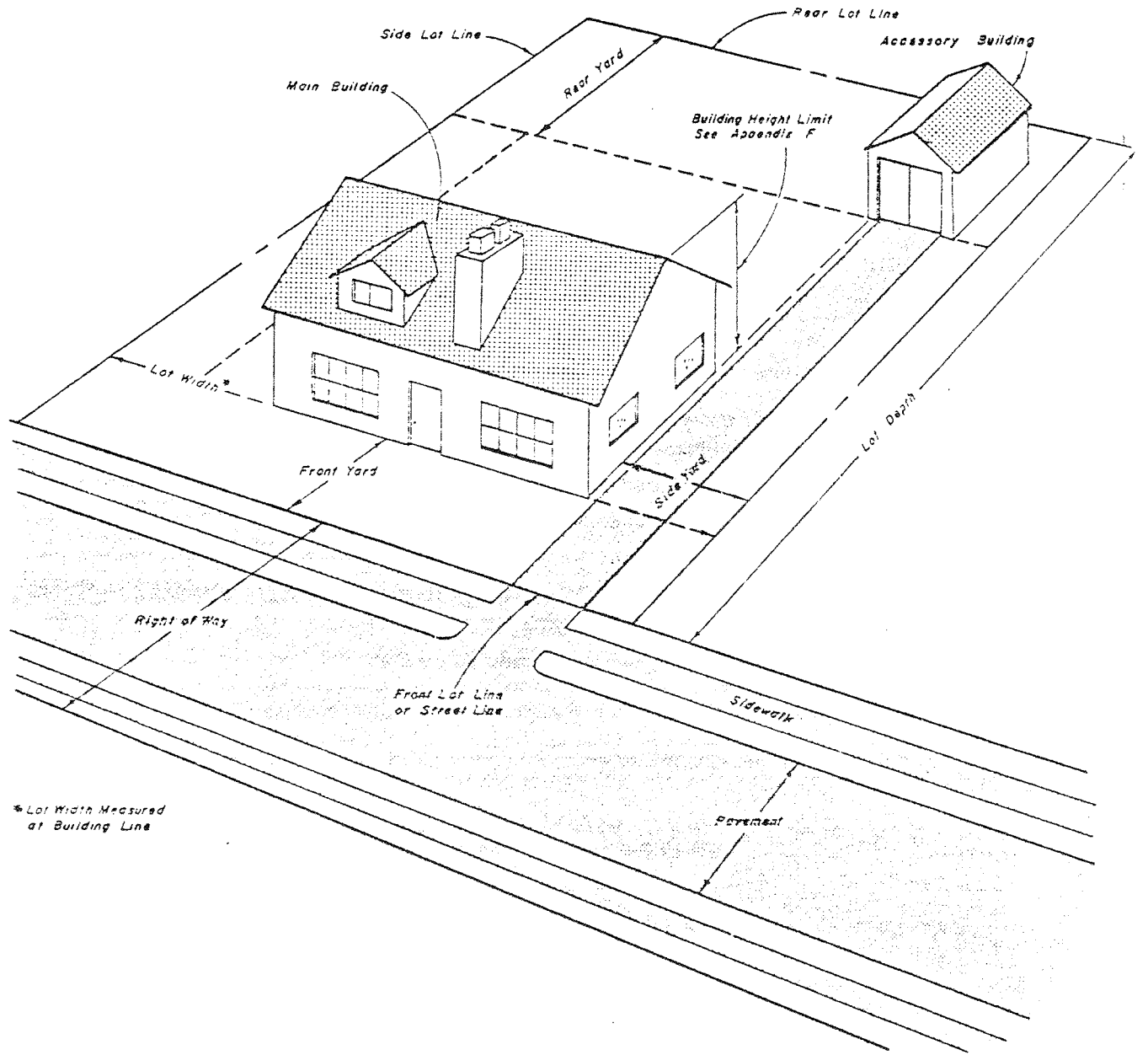
Section 3. Effective Date

By action taken at its regular business meeting, the Mayor and Council of Woodside adopted this Ordinance and the Zoning District Maps of Woodside and established the effective date.

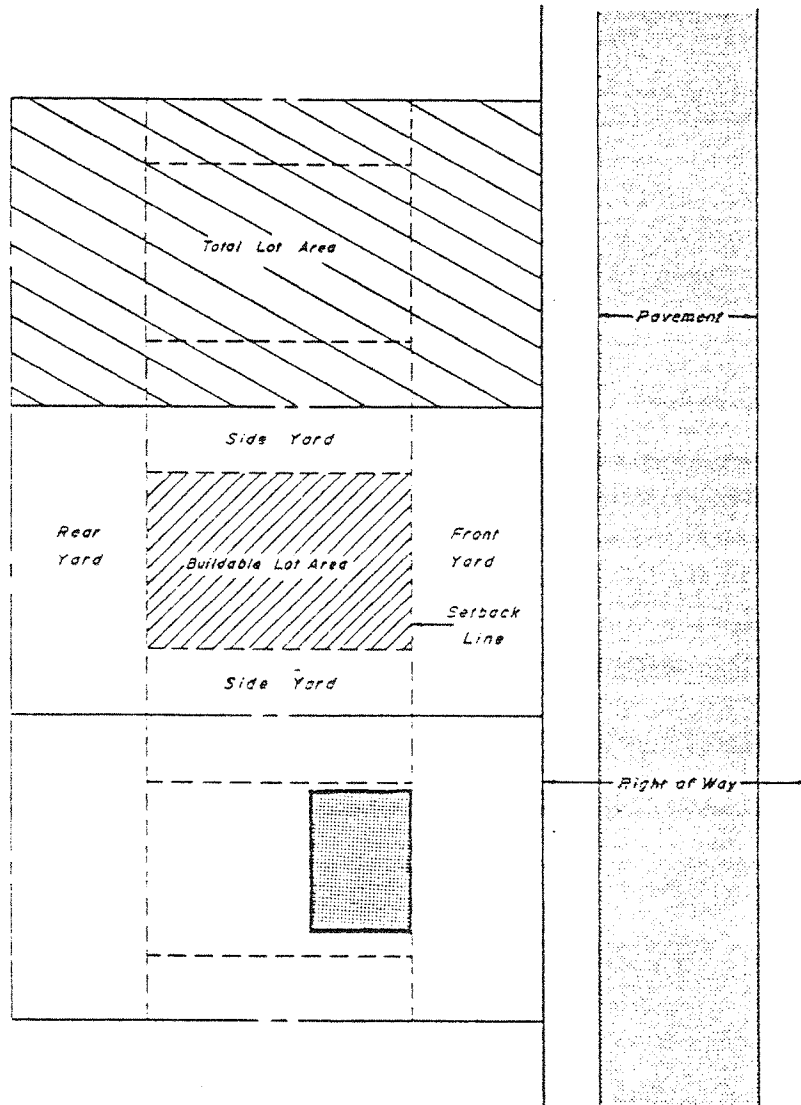


* Lot Width is measured at building line.

LOT DEFINITIONS



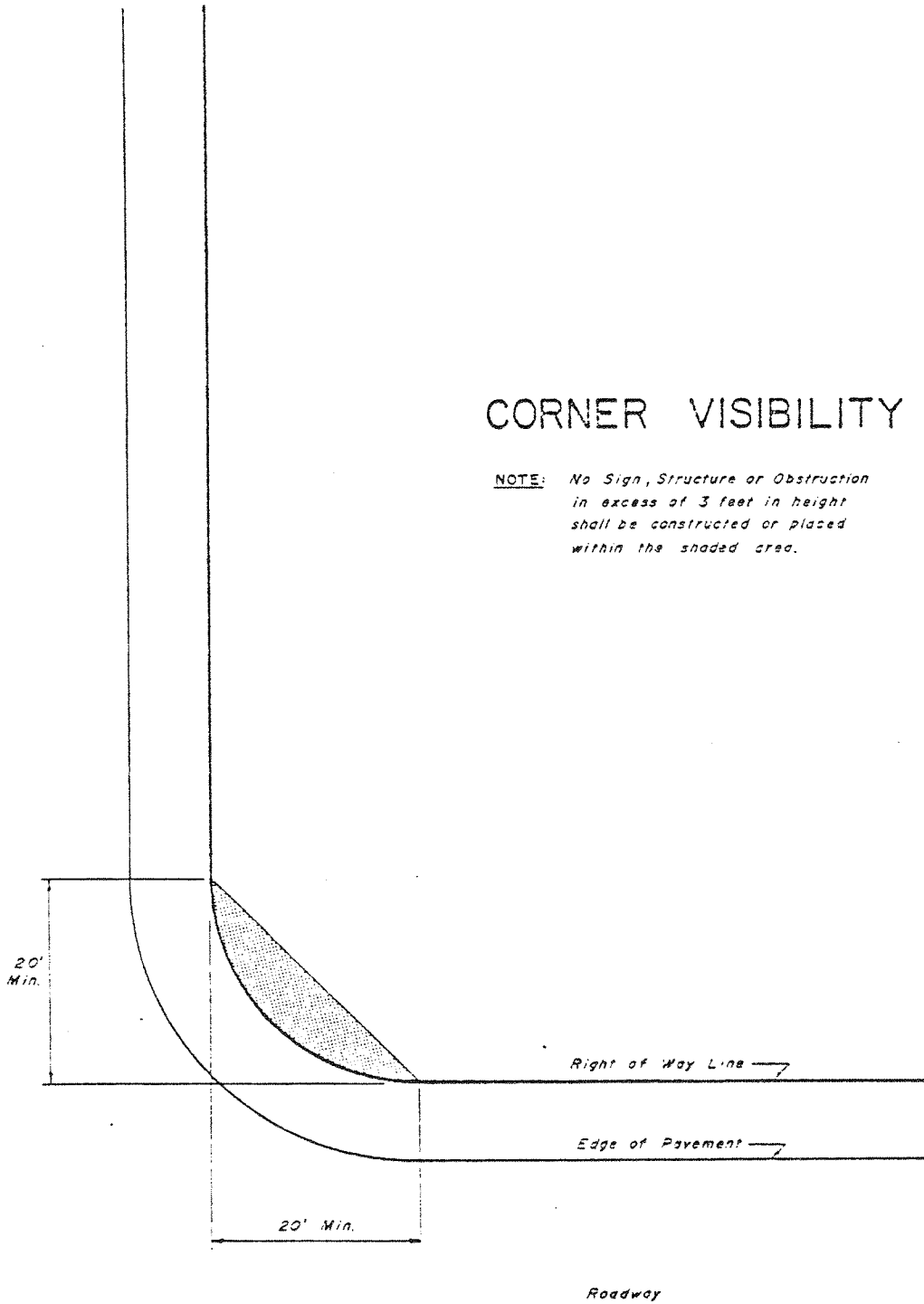
TYPICAL RESIDENTIAL LOT

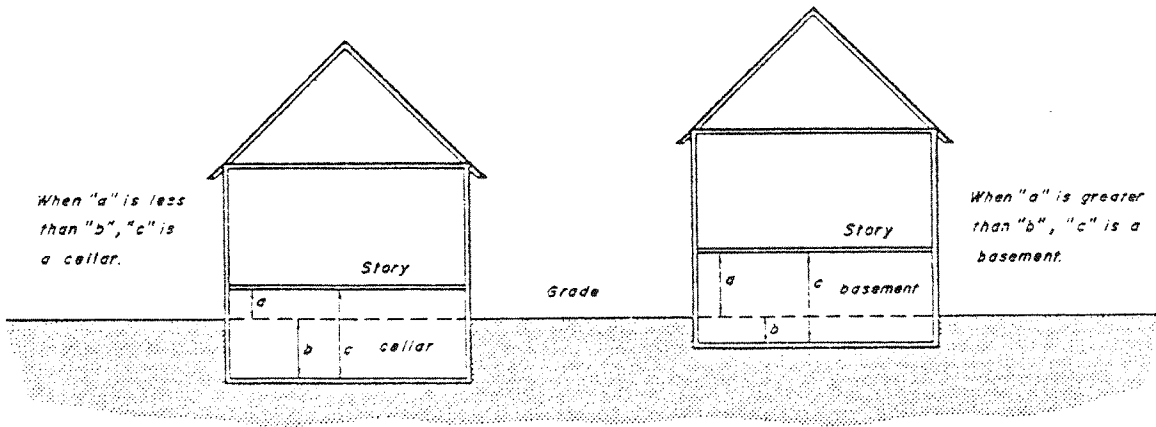


YARD DEFINITIONS

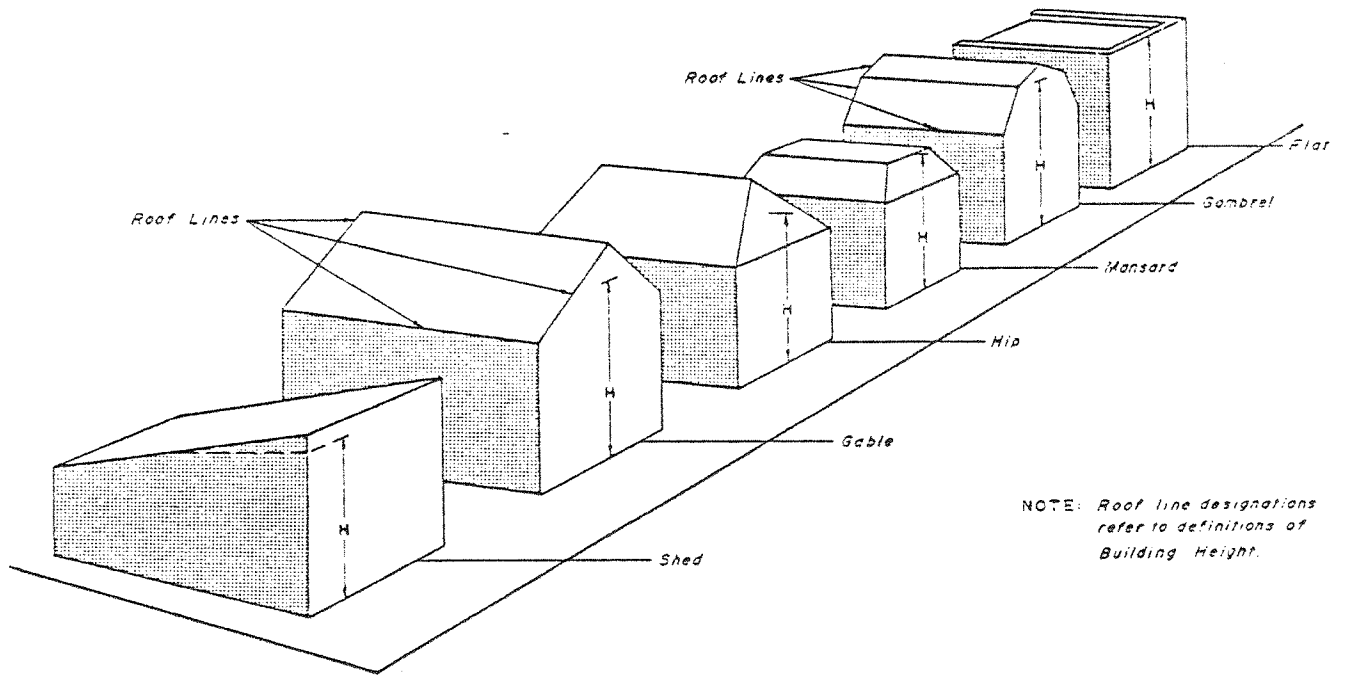
CORNER VISIBILITY

NOTE: *No Sign, Structure or Obstruction in excess of 3 feet in height shall be constructed or placed within the shaded area.*

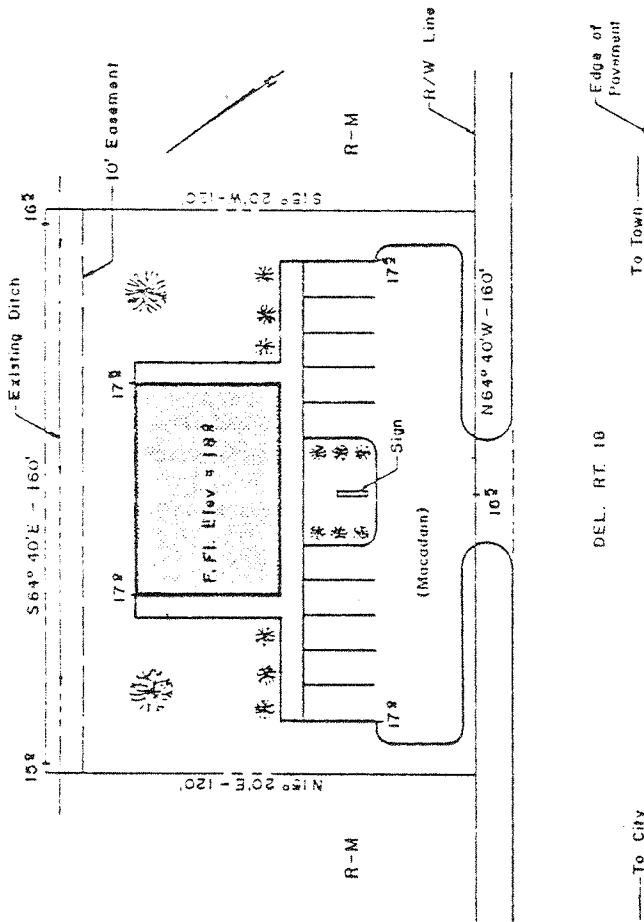




DEFINITION OF CELLAR & BASEMENT

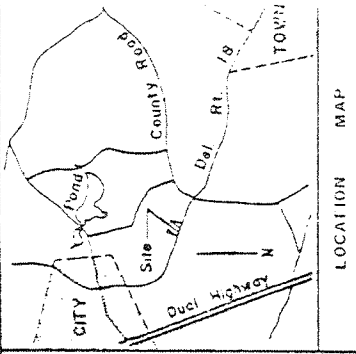


BUILDING HEIGHT & ROOF STYLES



DATA COLUMN

Zoning = R-M
 Area of Site = .229 ac.±
 Number of Stories = 2
 Number of Parking Spaces = 10
 Area in Building = 4800 sq. ft.
 Building Height = 28 ft.
 (Other data as required)



CERTIFICATE OF OWNER:

We, III-WAY, INC., hereby certify that we are the owners of the property described and shown on this plan, that the plan was made at our direction, and that we acknowledge the same to be our act and desire the plan to be recorded according to law

DATE _____

SIGNATURE _____

CERTIFICATE OF ENGINEER: (SURVEYOR OR ARCHITECT)

I, A THOMPSON, hereby certify that I am a registered engineer (land surveyor, or architect) in the State of Delaware, that the information shown hereon has been prepared under my supervision and to my best knowledge and belief represents good engineering, surveying and/or architectural practices as required by the applicable laws of the State of Delaware.



SIGNATURE _____

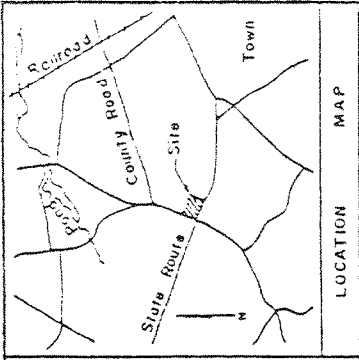
DATE _____

SITE PLAN FOR CONDITIONAL USE

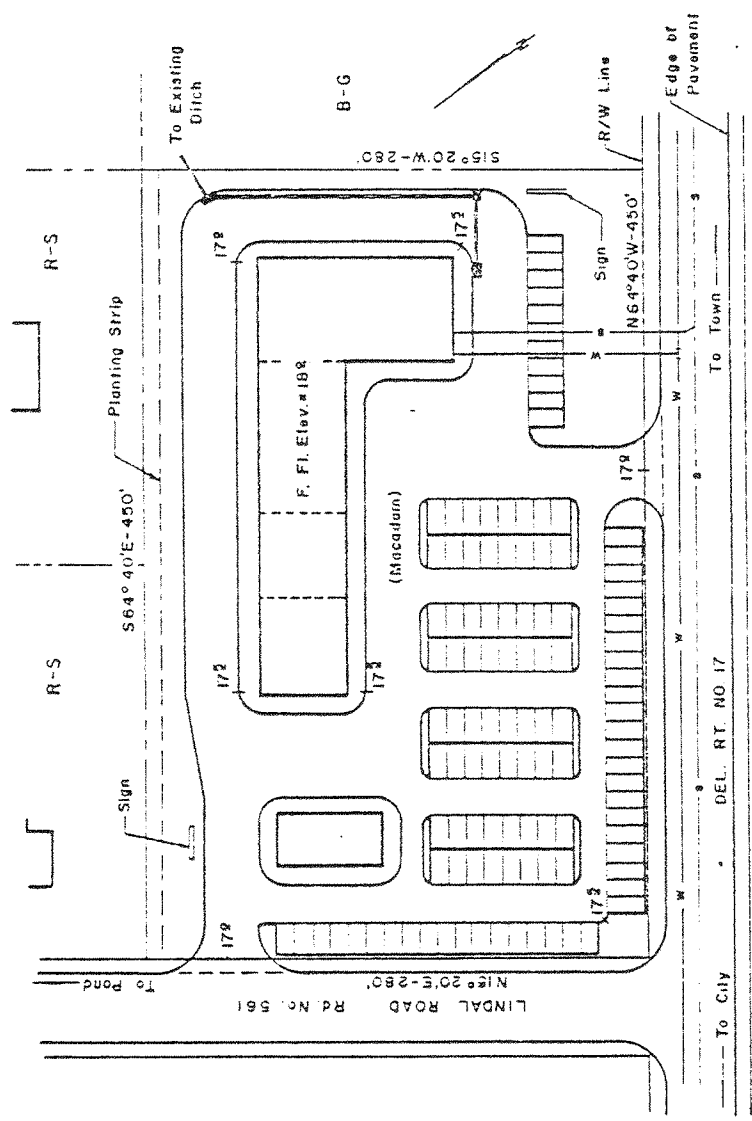
OFFICE BUILDING
 Kenton Hundred
 Kent County, Delaware

DATE: February, 1972
 PREPARED BY:
 A Thompson, Engineer
 Dover, Delaware

SCALE: 1" = 50'
 OWNED BY:
 III-WAY, INC., P.O. Box 33
 Dover, Delaware



DATA COLUMN
 Zoning = B-G
 Area of site = 3 acres
 Number of stores = 3
 Number of parking spaces = 115
 Area in buildings = 14,900 sq. ft.
 Building height = 24 ft.
 (Other data as required)



CERTIFICATE OF OWNER:
 We, HI-WAY, INC., hereby certify that we are the owners of property described and shown on this plan, that the plan was made of our direction, and that we acknowledge this to be our act and desire the plan to be recorded according to law.
 DATE _____ SIGNATURE _____

CERTIFICATE OF ENGINEER: (SURVEYOR, OR ARCHITECT)
 I, A. Thompson, hereby certify I am a registered engineer (land surveyor, or architect) in the State of Delaware, that the information shown hereon has been prepared under my supervision and to my best knowledge and belief represent good engineering and/or surveying practices as required by the applicable laws of the State of Delaware.
 SIGNATURE _____ DATE _____



APPENDIX G

SITE PLAN	
Highway Commercial Center North Murderskill Hundred Kent County, Delaware	
DATE: February, 1972	SCALE: 1" = 100'
PREPARED BY: A. Thompson, Engineer Dover, Delaware	OWNED BY: HI-WAY, INC., P.O. Box 39 Dover, Delaware

FEE SCHEDULE

1. Application for amendment to Zoning District Map

FROM	TO	MINIMUM	PER ACRE (OR PART)	MAXIMUM
Any Zoning District	A-C	50.00	5.00	-
"	A-R	50.00	5.00	-
"	R-S	50.00	5.00	-
"	RM (RMR)	50.00	15.00	-
"	RMH	50.00	10.00	-
"	B-N	50.00	20.00	500.00
"	B-G	50.00	20.00	500.00
"	I-L	50.00	30.00	1,000.00
"	I-G	50.00	30.00	1,000.00
"	PUD	50.00	10.00	1,000.00

2. Application for amendment to Zoning Ordinance - \$100.00

3. Application for Conditional Use - \$50.00 plus \$10.00 per acre

4. Application for approval of Site Plans - Other than Conditional Uses

Filing Fee - \$50.00

Plus

Review Fee - Planned Unit Developments
 \$100.00 with overall preliminary site plan
 \$ 5.00 per dwelling unit at time of record plan submission

Review Fee - Mobile Home Parks - \$2.00 per unit

Review Fee - Multiple Family Dwellings and Townhouses - \$2.00 per unit

Review Fee - Private Institutional Buildings including Churches
 \$5.00 per 1,000 sq. ft./\$250.00 maximum

Review Fee - Business, Commercial and Industrial Buildings -
 \$10.00 per 1,000 sq. ft. of floor area/\$500.00 maximum

Review Fee - Hotels and Motels, etc. - \$5.00 per unit

5. Application for Special Exception - \$50.00

6. Application for Variance - \$50.00

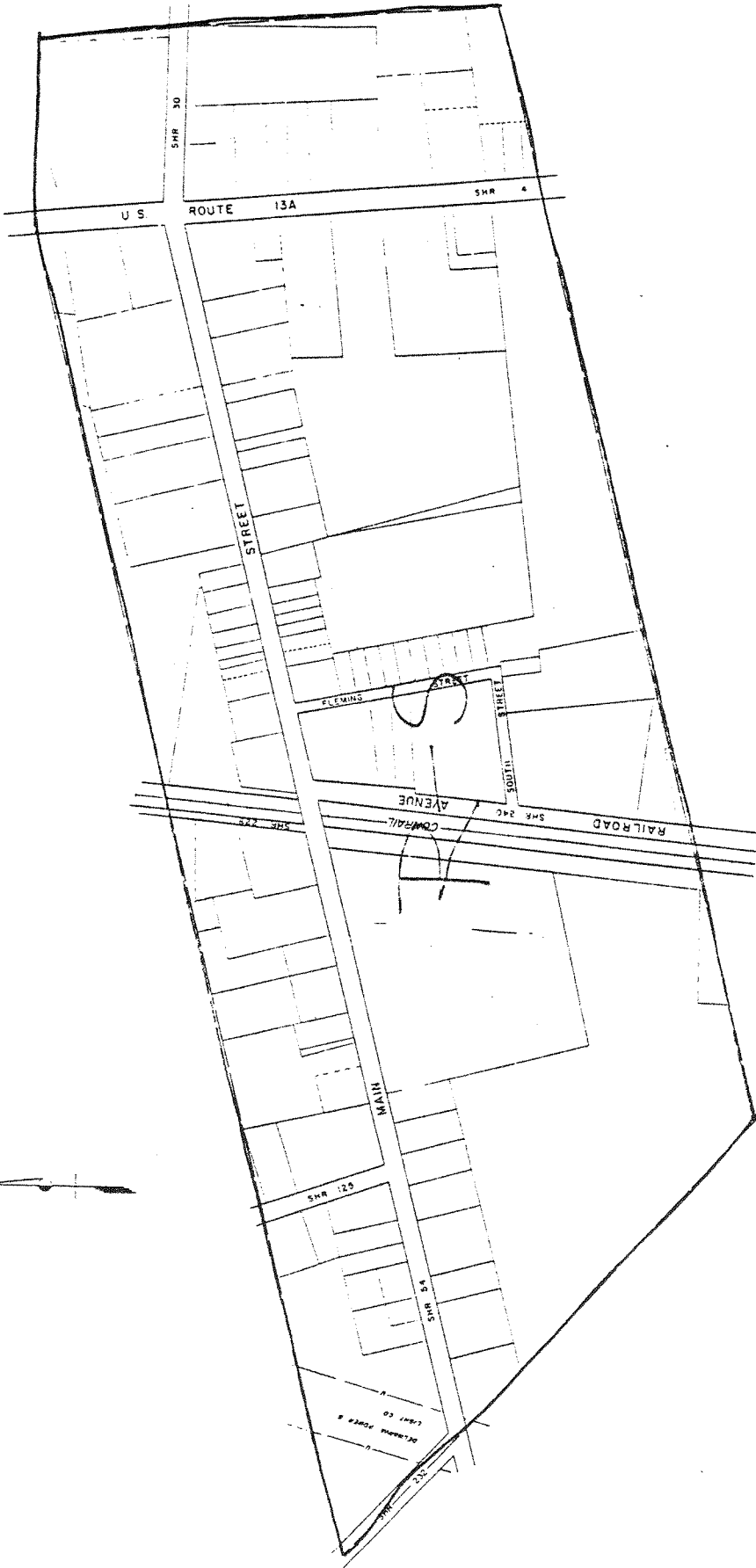
7. Application for Hazardous Use - \$100.00

8. Application for Historic Preservation District Review - \$50.00

9. Appeals - \$100.00 (returnable if Board finds in favor of applicant)

10. Interpretations - No Charge
 3/1/82

APPENDIX H



TOWN OF WOODSIDE
 NORTH HUNTERDON TOWNSHIP, HUNTERDON COUNTY, NEW JERSEY
 ZONING MAP