

# **ZONING ORDINANCE GOLDSBORO, MARYLAND**

**PREPARED BY:  
GOLDSBORO PLANNING COMMISSION  
GOLDSBORO TOWN COUNCIL**

Adopted MAY 10, 2004  
Revised January 10.2005

# ZONING ORDINANCE INDEX

<b>1.0</b>	<b>TITLE, AUTHORITY, AND JURISDICTION.....</b>	<b>1</b>
1.1	TITLE .....	1
1.2	LEGISLATIVE AUTHORITY .....	1
1.3	JURISDICTION.....	1
1.4	CONFLICT WITH OTHER REGULATIONS.....	1
1.5	COMPLIANCE WITH THIS ORDINANCE .....	1
1.6	PERMIT APPLICATION REQUIREMENTS .....	1
	SITE PLAN REVIEW AND APPROVAL .....	2
	SUBMISSION OF SITE PLAN.....	2
	PURPOSE OF SITE PLANS .....	2
	APPLICABILITY .....	2
	PRELIMINARY AND FINAL SITE PLANS .....	2
	REVIEW OF THE PRELIMINARY SITE PLAN .....	2
	ADDITIONAL INFORMATION .....	3
	SITE PLANS CERTIFIED .....	3
	REVIEW OF SITE PLAN .....	3
	CONSTRUCTION OF REQUIRED IMPROVEMENTS.....	3
	EXPIRATION AND EXTENSION.....	3
	ADDITIONAL REQUIREMENTS .....	4
	DEVELOPMENT MASTER PLAN .....	4
	SUBDIVISION PLAT .....	4
	STORMWATER MANAGEMENT PLAN.....	4
	FOREST CONSERVATION .....	4
<b>2.0</b>	<b>PURPOSE AND INTENT.....</b>	<b>4</b>
<b>3.0</b>	<b>DEFINITIONS.....</b>	<b>4</b>
<b>4.0</b>	<b>ZONING DISTRICTS AND ZONING DISTRICT MAPS .....</b>	<b>5</b>
4.1	ZONING DISTRICTS ESTABLISHED.....	15
4.2	SPECIAL DISTRICTS .....	15
	FLOATING ZONE DISTRICT .....	15
	"MRO" MINERAL RESOURCE OVERLAY ZONE .....	15
4.3	ZONING DISTRICT MAP ESTABLISHED .....	15
<b>5.0</b>	<b>PURPOSES AND INTENT OF ZONING DISTRICTS .....</b>	<b>16</b>
5.1	"NC" NEIGHBORHOOD CONSERVATION DISTRICT .....	16
5.2	"R-1" - SINGLE-FAMILY RESIDENTIAL DISTRICTS.....	16
5.3	"TC" TOWN CENTER MIXED-USE DISTRICT .....	16
5.4	"C-1" COMMERCIAL.....	16
5.5	"I-1" - LIGHT INDUSTRIAL DISTRICT .....	16
<b>6.0</b>	<b>USE REGULATIONS.....</b>	<b>17</b>
6.1	APPLICABILITY OF REGULATIONS .....	17
6.2	OFFICIAL LISTINGS OF USE REGULATIONS BY ZONING DISTRICTS.....	17
6.3	PERMISSIBLE USES AND SPECIFIC EXCLUSIONS .....	20
6.4	OUTDOORS STORAGE REGULATIONS .....	21
6.5	DEVELOPMENT DESIGN GUIDELINES - TC TOWN CENTER MIXED-USE DISTRICT .....	21
6.6	"PUD" - PLANNED UNIT DEVELOPMENT FLOATING ZONE .....	23
	PUD DEVELOPMENT STANDARDS.....	26
	RESIDENTIAL UNIT MIX.....	28
	PERMITTED USES.....	28
	DESIGN GUIDELINES - OVERALL FORM AND SPATIAL RELATIONSHIPS .....	28
	OVERALL FORM.....	29
	BLOCK DESIGN.....	29

	LOT DESIGN .....	29
	BUILDING DESIGN .....	30
	NEIGHBORHOOD CENTERS .....	30
	STREETS, SIDEWALKS, SHADE TREES, LANDSCAPING, AND	
	PARKING .....	31
	SHADE TREES FOR STREET PLANTING .....	31
	LANDSCAPING.....	32
	PARKING .....	32
6.7	ENVIRONMENTAL STANDARDS .....	33
6.8	MRO MINERAL RESOURCE OVERLAY ZONE .....	33
	DEFINITIONS.....	33
	EXEMPTIONS .....	34
	OVERLAY ZONE DISTRICTS .....	34
	GENERAL PROCEDURES .....	34
	PROCESS AND CRITERIA FOR DESIGNATING A DISTRICT A OR A	
	VRA .....	35
	DETERMINING THE SIGNIFICANCE OF THE RESOURCE .....	35
	CONDITIONS RELATED TO PUBLIC ROAD IMPACTS .....	35
	IDENTIFYING THE IMPACT AREA AND CONFLICTS.....	35
	DISTRICT A USE LIMITATIONS AND REVIEW CRITERIA.....	36
	DEVELOPMENT STANDARDS - DISTRICT A .....	36
	PERFORMANCE AGREEMENTS.....	38
	USES PERMITTED IN DISTRICT B.....	39
	CRITERIA AND DEVELOPMENT STANDARDS - DISTRICT B.....	39
	NOISE REDUCTION, AND WAIVER OF REMONSTRANCE AND INDEMNITY .....	39
	TERMINATION OF THE OVERLAY ZONE.....	39
	NONCONFORMING USES AND PRIOR SPECIAL EXCEPTION USES .....	39
6.9	HOME-BASED BUSINESS.....	40
	DESCRIPTION OF TYPE 1 AND TYPE 2 HOME-BASED BUSINESSES .....	40
	PERMITTED HOME-BASED BUSINESSES.....	40
	PROHIBITED HOME-BASED BUSINESSES.....	40
	OPERATIONAL STANDARDS .....	41
	SITE RELATED STANDARDS .....	41
6.10	ACCESSORY DWELLING UNITS.....	41
	PURPOSE .....	42
	APPLICABILITY .....	42
	DESIGN STANDARDS .....	42
	REQUIREMENTS FOR ALL ACCESSORY DWELLING UNITS .....	42
	ACCESSORY DWELLING UNITS CREATED THROUGH THE ADDITION OF FLOOR	
	AREA.....	43
	ADDITIONAL REQUIREMENTS FOR DETACHED ACCESSORY DWELLING UNITS .....	43
7.0	<b>DIMENSIONAL REQUIREMENTS</b> .....	43
7.1	TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES.....	43
7.2	LOT AREA OR YARDS REQUIRED .....	44
7.3	EXCEPTIONS OF MINIMUM LOT SIZE AND LOT WIDTHS .....	44
7.4	FRONT YARDS .....	44
7.5	REAR YARD REQUIREMENTS FOR TRIANGULAR LOTS.....	44
7.6	HEIGHT EXCEPTIONS OF MAXIMUM REGULATIONS .....	44
7.7	TRAFFIC VISIBILITY ACROSS CORNERS (CLEAR SIGHT TRIANGLE).....	44
7.8	ACCESSORY BUILDINGS IN SIDE AND REAR YARDS .....	45
7.9	WALLS NOT PARALLEL TO LOT LINES .....	45
7.10	FRONT AND SIDE YARDS OF CORNER LOTS.....	45
7.11	FRONT AND SIDE YARDS ON RIGHTS-OF-WAY .....	45
7.12	FENCES.....	45

7.13	SWIMMING POOLS.....	46
7.14	DRIVEWAYS.....	46
	TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES.....	47
8.0	<b>NONCONFORMITIES.....</b>	48
8.1	CONTINUATION .....	48
8.2	ALTERATION OR EXTENSION.....	48
8.3	RESTORATION.....	48
8.4	ABANDONMENT .....	48
8.5	CHANGES.....	48
8.6	DISPLACEMENT .....	49
8.7	DISTRICT CHANGES .....	49
8.8	NONCONFORMING USE PERMIT REQUIRED .....	49
9.0	<b>OFF-STREET PARKING .....</b>	49
9.1	GENERAL REQUIREMENTS .....	49
9.2	OFFICIAL TABLE OF PARKING REGULATIONS FOR SPECIFIC USES .....	50
9.3	FLEXIBILITY IN ADMINISTRATION REQUIRED .....	50
10.0	<b>SIGNS .....</b>	51
10.1	GENERAL REGULATIONS .....	51
10.2	POLITICAL SIGNS.....	51
10.3	APPLICATION.....	52
10.4	REMOVAL OF SIGNS .....	52
10.5	OFFICIAL TABLE OF SIGNS PERMITTED AND REGULATED .....	53
11.0	<b>ADMINISTRATION .....</b>	55
11.1	ZONING ADMINISTRATOR - DUTIES AND POWERS .....	55
11.2	DEVELOPER RIGHTS AND RESPONSIBILITIES AGREEMENT .....	55
	PURPOSE .....	55
	AUTHORITY .....	55
	APPLICABILITY .....	55
	CONTENTS OF DEVELOPER RIGHTS AND RESPONSIBILITIES AGREEMENT .....	55
	REFERRAL TO PLANNING COMMISSION .....	56
	PUBLIC HEARING BY THE TOWN COUNCIL.....	56
	AMENDMENT OF AGREEMENTS .....	56
	TERMINATION OF AGREEMENTS; SUSPENSION .....	56
	APPLICABLE LAWS, REGULATIONS AND POLICIES.....	57
12.0	<b>BOARD OF APPEALS .....</b>	57
12.1	ESTABLISHMENT OF BOARD .....	57
12.2	MEMBERSHIP, TERMS OF OFFICE.....	57
12.3	PROCEDURES.....	57
12.4	MEETINGS .....	57
12.5	RECORDS AND DECISIONS .....	57
12.6	NOTICE OF HEARINGS .....	58
12.7	POWERS AND DUTIES - INTERPRETATION .....	58
12.8	POWERS AND DUTIES - VARIANCES.....	58
12.9	POWERS AND DUTIES - SPECIAL EXCEPTIONS .....	59
12.10	ACTIONS OF THE BOARD IN EXERCISING POWERS CONCERNING APPEALS.....	59
12.11	TIME LIMITATIONS ON BOARD APPEALS.....	59
12.12	WHO MAY APPEAL TO THE BOARD .....	60
12.13	RULES AND PROCEDURES FOR FILING INTERPRETATION AND VARIANCE APPEALS AND SPECIAL EXCEPTION APPLICATIONS.....	60
12.14	REVIEW APPLICATIONS FOR SPECIAL EXCEPTIONS, VARIANCES, AND INTERPRETATIONS.....	60
12.15	DECISIONS BY THE BOARD.....	60
12.16	APPEAL TO COURT.....	61
13.0	<b>AMENDMENTS, REMEDIES AND PENALTIES. AND SEPARABILITY .....</b>	61

13.1	POWER OF AMENDMENT.....	61
13.2	WHO MAY INITIATE AMENDMENTS, REMEDIES, AND PENALTIES .....	61
13.3	TOWN COUNCIL ACTION ON AMENDMENTS .....	61
13.4	AMENDMENTS FOR FLOATING ZONES .....	62
13.5	FEES .....	62
13.6	REMEDIES.....	63
13.7	FINES AND PENALTIES.....	63
13.8	SEPARABILITY .....	63
 <b>APPENDIX A BASIC INFORMATION REQUIRED WITH ZONING AND BUILDING PERMIT APPLICATIONS.....</b>		<b>64</b>

## **1.0 TITLE, AUTHORITY, AND JURISDICTION**

### **1.1 TITLE**

This Ordinance shall be known as the Goldsboro Zoning Ordinance. The Zoning Ordinance includes both the text and the Official Zoning District Map herein adopted.

### **1.2 LEGISLATIVE AUTHORITY**

This Ordinance is established in accordance with the provisions of Article 66B, *Annotated Code of Maryland*. This Ordinance complies with the requirements of the *Charter of the Town of Goldsboro* and with the *Comprehensive Plan for the Town of Goldsboro*.

### **1.3 JURISDICTION**

The provisions of this Ordinance shall apply to the incorporated territory of Goldsboro, Maryland.

### **1.4 CONFLICT WITH OTHER REGULATIONS**

Whenever any provision of this Ordinance conflicts with any other provisions of law, whether set forth in this Ordinance or contained in any law, rule, regulation, ordinance, deed restriction, or covenant covering any of the same subject matter, that provision which is more restrictive or imposes the higher standard or requirement shall govern.

### **1.5 COMPLIANCE WITH THIS ORDINANCE**

No building, structure, land, or part thereof shall hereafter be used, occupied, altered, erected, constructed or reconstructed unless in conformity with this Ordinance. The only exceptions shall be those buildings, structures, land, or part thereof that were granted an occupancy permit, use permit, or special exception by the Town of Goldsboro and which have been properly occupied and used since that time. However, any alteration or change in the use or occupancy of any property in Goldsboro will require that the property, building, or structure be brought into compliance with this ordinance unless a variance or additional special exception is granted under the terms and conditions of this ordinance.

No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning certificate (certificate of approval) therefore, issued by the Planning Commission. No zoning certificate shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a Building Permit.

In addition to the building permit and zoning certificate, the Town may require the following permits:

1. Applications Approved by the Board of Appeals. The Zoning Inspector shall issue permits in conformance with the written authorization of the Board of Appeals concerning administrative review appeals, special exception permit appeals, dimensional variance appeals, or other appeals as authorized in this Zoning Ordinance.
2. Demolition Permits. No building or other structures shall be razed, demolished, or removed, either entirely or in part, nor shall any of said activities be commenced, without a wrecking permit therefore.
3. Grading Permits. As provided in the Caroline County Sediment and Erosion Control Ordinance.
4. Sign Permits. No sign shall be created, erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a sign permit.

5. Subdivision Plat. If the permit involves the subdivision of land, an approved subdivision plat shall be required as provided in the Goldsboro Subdivision Regulations.
6. Other Permits. Additional permits, including approvals by other agencies, may be required to enforce the provisions of this Ordinance.
7. Permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, all development shall occur strictly in accordance with such approved plans and applications.
8. Physical improvements to land to be subdivided shall not be commenced without a signed, recorded final plat, a Bond, or Letter of Credit and a public works agreement approved by the Mayor and Council of Goldsboro.

#### **1.6 PERMIT APPLICATION REQUIREMENTS**

All applications for permits shall be accompanied by such plans and information as the Town deems to be necessary to determine compliance and provide for enforcement of this Zoning Ordinance. The application materials listed in Appendix A shall be the minimum. Additional information may be required.

##### **Site Plan Review and Approval**

1. Submission of Site Plan  
Prior to issuing a building permit for construction, expansion or change in use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
2. Purpose of Site Plans  
The purpose of site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.
3. Applicability.  
All development or land use activities within the town shall require site plan review before being undertaken, except the following:
  - a. Construction or expansion of a single-family dwelling and ordinary accessory structures, and related land use activities.
  - b. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Chapter.
  - c. Ordinary repair or maintenance or interior alterations to existing structures or uses.
  - d. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 500 square feet or have a cost value of less than \$10,000.00.
  - e. Agricultural or gardening uses.
  - f. All signs except in conjunction with new development.
4. Preliminary and Final Site Plans

Site plan applications shall include the information listed in Appendix A for preliminary and final site plans. The Planning Commission may at its discretion waive any information or preliminary requirements which are not relevant to the proposed use and site and may require only a minor site plan be submitted.

## 5. Review of the Preliminary Site Plan

The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:

- a. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.
- b. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- c. Location, arrangement, size and design of buildings, lighting and signs.
- d. Relationship of the various uses to one another and their scale.
- e. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
- f. Adequacy of storm water and sanitary waste disposal.
- g. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
- h. Compatibility of development with natural features of the site and with surrounding land uses.
- i. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.
- j. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
- k. Adequacy of pedestrian access.

## 6. Additional Information.

The Planning Commission may require additional information, which appears necessary for a complete assessment of the project.

## 7. Site Plans Certified.

Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.

## 8. Review of Site Plan.

Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may be appropriate. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of this Chapter and all other Federal, State, and County regulations. Notice of approval or disapproval of the site plan shall be given in writing to the applicant.

## 9. Construction of required improvements.

- a. Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission or appropriate town review and approval agencies.
- b. After construction has been completed, inspection of site improvements shall be made by the departments certifying to the applicable requirements as shown on the site plan.

## 10. Expiration and Extension.

- a. Approval of site plans shall be for a one (1) year period and shall expire at the end of such period unless building construction has begun.
- b. Upon written request by the applicant, within ninety (90) days prior to the expiration of said approval, the Planning Commission may give a one (1) year extension.
- c. Such request shall be acknowledged and a decision rendered thereon not more than ninety (90) days after filing of said request.

## 11. Additional Requirements.

The following additional requirements shall be applicable to site plans required under this section:

- a. Compliance with applicable established design criteria, construction standards, and specifications for all improvements as may be required by the Planning Commission and this Zoning Ordinance. The Planning Commission may require that the proposed development comply with some or all of the applicable design requirements contained in the Town's Subdivision Regulations.
- b. The building permit shall not be issued unless and until the Maryland Department of Transportation has approved the site plan as it relates to access point design details and parking lot circulation layout on a state highway.
- c. Other Approvals. If this Zoning Ordinance requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a building permit.
- d. Any or all of the information required for a minor or major site plan may be waived if the Planning Commission finds that it is not needed to make a determination of zoning compliance.

## 12. Development Master Plan.

- a. A development master plan is a site plan by which, at the early stages of development design, the Planning Commission may consider, approve, or restrict major aspects of the development without requiring an undue amount of final design work on the part of the developer. The general development plan is less detailed and specific than a major site plan or subdivision plat in terms of exact arrangement of buildings, lots, streets, parking areas, open spaces, access points, and any other site design features. No building permits can be issued based upon a development master plan.
- b. Development master plans shall be required as follows:
  - (1) A master plan shall be required to permit more than one principal structure and its accessory structures on a lot or parcel of land.
  - (2) A master plan shall be required for consideration of a Planned Unit Development (PUD).

## 13. Subdivision Plat.

If the permit involves the subdivision of land, an approved subdivision plat shall be required as provided in Subdivision Regulations.

## 14. Stormwater Management Plan

A permit may not be issued for any parcel or lot unless a stormwater management plan meeting all the requirements of the Caroline County Stormwater Management Ordinance has been approved.

## 15. Forest Conservation.

Projects that ultimately require approval of subdivision, sediment control, site plan approval or grading permits must comply with the requirements of the Caroline County Forest Conservation Ordinance.

## 2.0 PURPOSE AND INTENT

The zoning regulations as herein established have been made in accordance with the Comprehensive Plan for the Town of Goldsboro as adopted by the Town of Goldsboro. That plan was developed to promote the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Goldsboro and its environs. It was also developed to provide for the efficient and orderly growth and development of the Town of Goldsboro. Principal among the philosophies that were developed and identified during the comprehensive planning process was to preserve the "Village of Goldsboro" as an attractive rural community with the broader setting of managed growth in

Caroline County, while at the same time, encouraging growth and development that is consistent with the "Village of Goldsboro" in terms of its scale and scope.

In addition, these zoning regulations were developed to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities, for regulating the location and use of buildings, structures, and land for trade, industry, and residence, 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, to the character of the Town of Goldsboro and its particular suitability for specific uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the incorporated territory of the Town of Goldsboro, Maryland.

It is also the intent of this Ordinance to implement the "Visions" contained in the Maryland Growth Management, Resource Protection and Economic Development Act, namely:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption, is practiced;
6. Adequate public facilities and infrastructure under town control are in place or planned before approving further growth development; and
7. Funding mechanisms are in place to achieve all other visions.

### **3.0 DEFINITIONS**

The following rules shall apply to this Ordinance:

1. The words "shall" and "will" are mandatory;
2. Unless the context otherwise specifies, words used in the present tense shall include the future; words used in the singular number include the plural; and words in the plural number include the singular;
3. The word "building" or "structure" includes the other and any part thereof;
4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for";
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or either/or, the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply;
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply separately or in any combination;
  - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply separately but not in combination;
  - d. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character; and
  - e. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning.

These additional definitions shall also apply in these regulations:

**Accessory Apartment** - \_A type of accessory dwelling unit that is created by converting part of, or adding on to an

existing detached single-family dwelling unit, by conversion of an existing accessory building;

**Accessory Dwelling Unit** - A residential living unit that provides complete independent living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling it accompanies;

**Accessory Structure or Use** - A subordinate structure or use which is clearly incidental to and customarily found in connection with the principal structure or use, and is located on the same lot as the principal structure or use;

**Acre** - A commonly referred to measure of area which equals 43,560 square feet;

**Aquiculture** - scientifically based method for the rearing of freshwater and marine organisms for commercial harvest generally within an enriched, controlled environment;

**Amend or amendments** - Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto;

**Apartment** - A part of a building containing cooking facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family;

**Area, Gross** - All the area within a development plan or plat including area intended for residential use, local access streets or alleys, off-street parking spaces, recreation areas, or floodplains;

**Assisted Living** - A residential of facility-based program licensed by the State of Maryland that provides housing and supportive services, supervision, personalized assistance, health-related services or a combination of these services to meet the needs of the residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a way that promotes optimum dignity and independence for the residents;

**Automobile Filling Station** - Any building, structure or area of land used for the retail sale of automobile fuels, oils and accessories and where repair service, if any, is incidental;

**Automobile Repair or Service Shop** - Any building, structure or area of land used for major automobile repair, body work or servicing including the sale of fuels, oils, or parts;

**Bed & Breakfast** - A private home that contains no more than five (5) rooms for transient guests, a breakfast meal is served to guests, and in which the owner maintains a principal residence and fully equipped sleeping and food preparation rooms;

**Board - Board of Appeals** - The Board established by the Town Council, which is authorized to grant Special Exceptions and Variances, and to hear Appeals from administrative decisions as provided in this Ordinance;

**Boarder** - Non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration;

**Boarding House** - A building other than a hotel or apartment hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or more persons but not exceeding twenty persons;

**Breezeway** - A structure extensively open except for roof and supporting columns, which connect a residence and an accessory building on, the same lot;

**Buffer Yard** - That space that is located between two properties or buildings and that is not included in the required setback or yard requirements;

**Buildable Width** - the width of that part of a lot not included within the open spaces herein required;

**Building** - Any structure having a roof and designed for shelter or enclosure of any person, animal, or property of any kind;

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

**Building Line** - A front, rear, or side yard line used to delineate that portion of a lot within which buildings and other structures shall be confined;

**Building, Principal** - Any building in which is conducted or in which is intended to be conducted the main or principal use of the lot on which it is located;

**Child Care Center** - This term shall have the same meaning as defined by the appropriate laws of the State of Maryland;

**Child Care Home** - A home for not more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, together with not more than two (2) adults who supervise such children, all of whom live together as a single housekeeping unit;

**Child Care Institution** - An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abuse, or neglected children; along with their adult supervision;

**Circulation Area** - That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering area (other than parking aisles) comprise the circulation area;

**Club, Private** - Buildings and facilities owned or operated by a corporation, association, person, or persons, for social, educational or recreational purposes, but not primarily for profit which accrues to any individual and not primarily to render a service that is customarily carried on by a business;

**Clinic** - An office building or a group of offices for one or more physicians, surgeons, dentists, or other medical practitioners engaged in treating outpatients only;

**Cluster Subdivision** - A type of subdivision in which lots are clustered together on a portion or portions of a site with the remaining area to be retained as open space through agreements that prohibit future or additional development;

**Combination** - An altering of existing parcel or lot lines to create a new or new series of lots or parcels of land. A combination of parcels shall be seen to exist whenever two or more parcels of land are involved in the action; even if the action results in the creation of the same number of parcels as there were on the original plats before the action was proposed;

**Combination Office** - A use consisting of a combination, on one lot, of two or more principal uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises or individuals occupy the same lot, and all such enterprises or uses fall within the same principal use classification, this shall not constitute a combination use);

**Commercial** - A type of activity where goods or services are sold or traded with the expectation of profit or gain;

**Commercial Apartment** - An accessory dwelling unit located above a non-residential structure on the same lot.

**Commission** - The Planning Commission of the Town of Goldsboro;

**Comprehensive Plan** - The Goldsboro Comprehensive Plan - a document consisting of written and mapped information, adopted by the Mayor and Town Council, and intended to guide the physical development of Goldsboro including all changes and additions to the Plan;

**Common Open Space, Open Space** - A parcel, or parcels, of land, an area of water, or a combination of land and water, including floodplain and wetland areas within a development site designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. Common open space shall not include:

1. The land area of lots allocated for single-family detached dwellings, single-family semi-detached dwellings, and duplex dwellings, front yards, side yards, and rear yards, whether or not the dwellings are sold or rented.
2. The land area of lots allocated for apartment and townhouse dwelling construction, including front yards, side yards, rear yards, interior yards, and off street parking facilities whether or not the dwellings are sold or rented.
3. The land area of lots allocated for total commercial use, including front yards, side yards, rear yards, and parking facilities whether or not the commercial facilities are sold or rented.
4. The land area of lots allocated for public and semi-public uses (except land dedicated for public park and open space), community clubs and community facilities, including open space for playgrounds and athletic fields which are a part of the principal use (e.g., a school or church site); and front yards, side yards, rear yards, and other open space around the buildings; and parking facilities whether or not the public or semi-public use sites are sold or rented.

5. Street rights-of-way, parkways, driveways, off street parking, and service areas, except the landscaped central median of boulevards.

**Convalescent Home** - A building where regular nursing care is provided for more than one (1) person not a member of the family who resides on the premises;

**Convenience store** - A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. It may sell prepared foods and sell fuel for automobiles;

**Country Inn** - A commercial operation of more than six rooms that may or may not provide meals to nonresident guests;

**Court** - An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building;

**Coverage** - The percentage of the lot covered by buildings, structures, and other impervious surfaces;

**Day Care Center, Family** - This term shall have the same meaning as defined in the appropriate laws of the State of Maryland;

**Density** - Number of principal dwelling units allowed per acre of gross area of a development;

**Development** - Any construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; land improvement; subdivision of land; or any combination thereof. For purposes of this ordinance, development shall include redevelopment and conversion of land or structures;

**Development Master Plan** - A comprehensive set of plans, specifications and measures for the development of a planned unit development that provides the minimum required information set forth in Appendix A.

**Development Rights** - The number of dwelling units permitted on a lot or parcel. The number of development rights is controlled by the gross acreage of the lot or parcel;

**Ditch** - An artificial watercourse, channel, or canal for drainage or movement of water;

**Dog Kennel, Commercial** - Any place where more than two (2) adult dogs are kept for a boarding or other fee, where two (2) or more adult dogs are kept for breeding purposes, or where more than five (5) adult dogs are kept for any purpose;

**Driveway** - That portion of the vehicle accommodation area that consists of a travel land bounded on either side by an area that is not part of the vehicle accommodation area;

**Dry Hydrant** - A non-pressurized pipe system permanently installed in lakes, ponds, rivers, streams, and other waterways that provides a ready means of suction supply of water for fire protection.

**Duplex** - A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground-floor entrance;

**Dwelling** - A building or portion thereof designed and used for residential purposes;

**Dwelling, Single-family** - A dwelling designed for or occupied exclusively by one family;

**Dwelling, Two-family** - A dwelling designed for or occupied exclusively by two families living independently of each other;

**Dwelling Unit** - A room or group of rooms located within a dwelling occupied or intended to be occupied as separate living quarters by one family;

**Earth Satellite Antenna** - (also called a "satellite dish" or "dish") a parabolic dish antenna or other device or equipment of whatever nature or kind, including its structural supports, the primary use of which is to receive television, radio, microwave, or other electronic signals from space satellites. If greater than 24 inches in diameter, a permit from the Town of Goldsboro is required before such a device may be installed on any property. The placement and location of such devices shall be appropriate to the property, with the building and other codes enforced in Goldsboro, and in conformance with any Federal law or regulation that governs such devices on private property;

**Easement** - A grant of the use of a parcel of land to the use of the public or a corporation, or a person for a specific purpose that does not include title to the land;

**Emergency Services** - Fire, rescue, ambulance and police services including related structures and activities;

**Endangered Species** - Any species of fish, wildlife, or plants, which have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be "endangered" species pursuant to the federal Endangered Species Act, 16 USC. §1531 et seq., as amended;

**Factory-Built** - A building or structure may be considered to be factory-built and not subject to the rules and regulations that pertain to mobile homes or trailers when that building was never intended or designed to have a support system or other method to which wheels or tires could be directly attached to the structure and which served as the principal means of transport from the place of manufacture or assembly to the final destination. In addition, a factory-built building or structure is one that is designed to be permanently set on a foundation that complies with the appropriate building codes enforced in Goldsboro. Smaller factory-built structures and buildings may be used as accessory structures and may not require a permanent foundation;

**Family** - One (1) or more persons related by blood, marriage, adoption, or guardianship including not more than two (2) persons not so related, occupying a dwelling unit and living together as a single housekeeping unit or not more than four (4) persons, not all so related, occupying a dwelling unit and living together as a single housekeeping unit;

**Farmers Market** - A retail market selling predominately locally produced fruits, vegetables, crafts, and meats;

**Fence or Wall** - A barrier, other than natural vegetation, intended to mark a boundary or to enclose an area to provide screening or privacy;

**Flood Plain** - Any lands that are susceptible to be inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development or any similar document prepared by an official agency of the United States Government such as the Soil Conservation Office or the Army Corps of Engineers;

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot;

**Floor Area** - Commercial, business, agricultural, 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 space used only for storage or utilities; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces, and (6) accessory off-street loading berths;

**Garage or Yard Sale** - A public sale conducted by an individual on his or her own premises for the purpose of selling of personal property;

**Grade** - The average elevation of the finished ground at all the corners, and/or other principal points in the perimeter wall of the building;

**Grandfathered** - A property, building, or structure may be considered to be "grandfathered" and not required to be upgraded or changed to comply with this ordinance when its current use and occupancy shall have been approved by the Town of Goldsboro and such use or occupancy has been maintained since that time in a manner that conforms with this ordinance;

**Granny Flat** - Living quarters that are attached to a principal residential dwelling or a separate accessory building on a single property. The primary purpose of a granny flat is to permit the occupants of the residential dwelling to house not more than two members of their family that require substantial care or attention due to age and its general conditions. This shall be considered a temporary use that may not extend beyond the life of the occupants of the granny flat;

**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;

**Habitats** - Areas important for the use of nonhuman species; especially those that might be threatened and endangered as determined by either the Maryland Department of Natural Resources or that are on Federal lists of threatened and endangered species;

**Handicapped/Infirm House** - A residence within a single dwelling unit for individuals that are physically or mentally handicapped or infirm, together with those that are providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment;

**Height** - The vertical distance from the highest point of a structure, excepting a chimney or antenna on a structure, to the average ground level of the grade where the walls or other structural elements intersect the ground;

**Home-Based Business** - A home occupation or home office as defined herein;

**Home Occupation** - Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit;

**Hospitals** - A building or group of buildings, having room facilities for one or more overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, outpatient department, training facilities, central service facilities, and staff offices, providing, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation;

**Hostels** - A facility that provides overnight accommodation for not more than fifteen people. The hostel shall be staffed at all times and no meals or food may be provided as part of the room rate.

**Hotel** - A building in which lodging or boarding and lodging are provided for more than four (4) persons, primarily transient, offered to the public for compensation, and in which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, or clubrooms, public banquet halls, ballrooms, and meeting rooms;

**Illumination** - Direct artificial lighting or indirect artificial lighting designed to reflect light from light sources erected for the purposes of providing light to the sign or other structure;

**Intermediate Care Home** - A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm;

**Junk Yard** - A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, equipment, vehicles, and the like or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof;

**Loading Space or Berth** - A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve feet by thirty-five feet and a vertical clearance of at least twelve feet;

**Lot** - A contiguous area of land separated from other areas of land by separate description in a recorded deed or plat; or a parcel of land, which may include one or more platted lots occupied or intended for occupancy by a single principal use or establishment;

**Lot Area** - The total horizontal area of a lot as determined by the closure of the rear, side, and front lot lines;

**Lot, Corner** - A lot located at the intersection of two or more roads. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees;

**Lot, Depth of** - The mean horizontal distance between the front and rear lot lines;

**Lot, Interior** - A lot other than a corner lot with only one street frontage;

**Lot Line** - The boundary line of a lot;

**Lot Line, Front** - A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way;

**Lot Line, Rear** - A line connecting the rearmost points on the side lot lines;

**Lot Line, Side** - A line defining the boundary of a lot other than the front and rear lot lines;

**Lot of Record** - Any validly recorded lot, which at the time of its recordation complied with all applicable laws, ordinances, and regulations;

**Lot, Through** - A lot where both the front and rear yards adjoin a road. The determination of which yard of a through lot is the front yard shall be made by the Zoning Administrator based on the prevailing yard pattern in the neighborhood;

**Lot Width** - The distance between the side lot lines measured at the front building restriction line;

**Manufactured Home** - Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under USC Title 42, Chapter 70; and except that such term shall not include any self-propelled recreational vehicle.

**Manufactured Home, Doublewide** - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

**Manufactured Home, Single-Wide** - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a double-wide manufactured home.

**Mobile Home or Trailer** - A vehicle used, or so constructed as to permit being used, as conveyance upon the public streets and highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling, or sleeping places for one or more persons, or for the conduct of a business or profession, trade, or occupation or for selling or advertising purposes; excluding, however, vehicles used only for the transportation of materials, products or animals, and provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters, each of which is capable of being moved by its own power, towed and transported by another vehicle. A trailer shall be deemed and regarded as such even though its mobility may have been eliminated by removal of its wheels and the substitution of rigid supports or other stable foundation. A trailer shall not be deemed to be an accessory building;

**Mobile Home Park** - A lot, parcel, or tract of land which is being used, designed, or held out to accommodate parking for one or more mobile homes for continuing occupancy, including all accessory buildings, vehicles, and appurtenances used or intended as equipment for such mobile home park. A mobile home park does not include an automobile or sales lot on which unoccupied mobile homes may be parked for inspection and sale;

**Motel** - A building or group of buildings in which lodging is provided for more than four (4) transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door;

**Motor Vehicle Dealer** - A building, structure, or area of land used for the storage or display for sale of motor vehicles but not used for the storage of dismantled or wrecked motor vehicles;

**Nonconforming Lot** - A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located;

**Nonconforming Project** - Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned;

**Nonprofit Organization** - Any organization engaging primarily in civic or community services including Lions, Kiwanis, Rotary, Optimists, and organizations of a similar nature, which are not operated for, profit. To be considered as operating as a nonprofit organization, the organization must be registered with either the federal or state government of Maryland and demonstrate proof of nonprofit status;

**Non-tidal Wetlands** - These are lands defined as nontidal wetlands under definitions acceptable to either the Maryland Department of Natural Resources or the U.S. Army Corps of Engineers;

**Nursing Home** - A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities, or injuries who do not require extensive or intensive care such as is normally provided in a general or other specialized hospital; includes rest homes, convalescent homes, and homes for the aged. A nursing home does provide medical, nursing, convalescent, or chronic care in addition to room and board;

**Office, General** - An office for the use of (a) professional people such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein;

**Owner** - The person, partnership, corporation, company, or other legal entity holding current legal title to a lot, tract, or parcel of land;

**Parking Space, Off-street** - An all-weather surfaced area, not within a road right-of-way, permanently reserved for the temporary storage of one motor vehicle and connected with a road by an all-weather surfaced driveway, which affords satisfactory access for motor vehicles;

**Perennial Stream** - A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographical quadrangle published by the United States Geological Survey, or as confirmed by field verification and documentation;

**Place of Worship** - A building or premises where persons regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship;

**Planned Unit Development** - A coordinated design plan for a site or sites under unified ownership or development control as evidenced by written agreements. A PUD will normally proceed in discrete phases. PUD provisions contained in this Ordinance permit density increases when units are appropriately clustered, the design includes a mix of residential types and neighborhood centers consisting of institutional, business, commercial and service uses that serve the community, and additional common open space is provided in accordance with applicable standards.

**Planning District** - the Comprehensive Plan has established these districts for the Town of Goldsboro. They identify individual areas that possess common design and development patterns. They are not zoning districts but they do govern the pattern of future development within each district;

**Premises** - A lot, together with all buildings and structures thereon;

**Public Utilities** - Uses or structures for the public purpose of power transmission and distribution (but not power generation); natural gas transmission and distribution (but not manufacturing or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities; radio and television facilities (not including broadcasting studios); and rail or road rights-of-way (not including stations or terminals);

**Recreation Area** - Any common or public open space that can be used for the enjoyment of the out-of-doors. A recreation area may be either passive or active. A passive recreation area is any open space that can be used for walking, sitting, or for casual sport activities. An active recreation area is one that has permanent equipment and supplies for recreation and that might be used for organized sports activity;

**Residence, Multi-Family** - A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch) (e.g., townhouses and apartments);

**Residence, Multi-Family Conversion** - A multi-family residence containing not more than four (4) dwelling units and results from the conversion of a single building that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence;

**Residence, Two-Family Conversion** - A two-family residence resulting from the conversion of a single building that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence;

**Residue Land** - A designation of land on a subdivision plat that indicates a specifically delineated area currently not included as part of the subdivision. Residue land may not be used for future subdivision unless that portion of the land that is shown as residue land may be subdivided and plated under these and other regulations in its own right. Residue land must contain at least three (3) acres;

**Restaurant** - An establishment where food or drink is prepared, served, and consumed primarily within the principal building;

**Right-of-Way** - A strip of land designated for the use of a street, highway, alley or walkway, or for any drainage or public utility purpose or other similar uses;

**Road, private** - A road or street not in any state, county, municipal, or federal road system and one that is owned by private interests. Private roads are not permitted in Goldsboro;

**Road, public** - Part of a state, county, municipal, or federal road system and an existing road or street that has been dedicated to one of the above systems by deed, easement, or by long-term use and maintenance. This term shall apply and include street, avenue, drive, circle, highway, or a similar term;

**Rooming House** - Same as a boarding house;

**Sensitive Areas** - Environmental protection areas identified in the Economic Growth, Resource Protection and Planning Act of 1992 for which special standards, designed to protect these areas from the adverse effects of development, have been included in this Chapter. These areas include the following:

1. Streams and their buffers;
2. 100-year floodplains;
3. Habitats of threatened and endangered species;
4. Steep slopes (15% or more); and
5. Any other areas determined by the Town.

**Setback** - The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a town, county, or State street right-of-way;

**Sign** - Any structure or device, in whole or part, which uses symbolic representations to direct attention to identify or advertise any activity, person, group of people, or thing;

**Sign Arch** - That arch within a line including the outer extremities of all letters, figures, characters, and delineations or within a line including the outer extremities of all letters, figures, characters and whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area;

**Sign Area** - That area enclosed by the periphery connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments; inner connecting lines, etc. which are not a part of the main supports of the sign are to be included in determining sign area. On a two-sided sign, only one face is counted in computing the signs area provided the faces are located not more than two (2) feet from each other;

**Sign, Flashing** - Any 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 revolving illuminated sign shall be considered a flashing sign;

**Site Plan** - A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions that have been adopted for such plats or may be required for such plats and site plans by the Town of Goldsboro;

**Special Exception** - Permission by the Board of Appeals to establish a specific use that would not be appropriate generally or without restriction throughout a zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would comply with the purpose and intent of this Ordinance. Such uses may be approved within a zoning district if specific provision for such a Special Exception is made in this Ordinance;

**Steep Slopes** - Slopes of 15% or greater incline sustained for eight (8) vertical feet;

**Story** - That portion of a building other than a basement included between the surface of any floor and the surface of the floor or ceiling next above it;

**Story, Half** - A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than sixty-percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story;

**Street** - A way for vehicular traffic, which provides primary access to abutting properties including the rights-of-way;

**Street, Arterial** - A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and that carries high volumes of traffic

**Street, Collector** - A street whose principal function is to carry traffic between minor, local, and sub collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to

serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day;

**Street, Cul-de-Sac** - A street that terminates in a vehicular turnaround;

**Street, Local** - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day;

**Street, Line** - A dividing line between a lot, trace, or parcel of land and a contiguous street;

**Street, Marginal Access** - A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties;

**Structure** - Anything constructed or erected which requires location on the ground or attached to something having a location on the ground;

**Tavern** - An establishment used primarily for the serving of liquor by the drink to the general public, and where food or packaged liquors may be served or sold only as an accessory to the primary use. Also called a bar or a lounge;

**Threatened Species** - Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be "threatened" species pursuant to the federal Endangered Species Act, 16 U.S.C., 1531 et seq., as amended;

**Use** - The purpose or activity for which land or any building thereon is designed, arranged, or intended or for which it is occupied or maintained;

**Use, Principal** - The specific primary purpose for which premises are used;

**Variance** - A modification of the terms of this Ordinance with regard to height, area, and the size of structures or size of yards and required open spaces;

**Warehouse** - A structure used for storage and/or the sale of products at wholesale, and where the sale of a product at retail is incidental;

**Wholesaling** - The selling of goods in relatively large quantities and usually at lower prices than at retail, especially such selling to retailers for resale to consumers;

**Yard** - An open space other than a court on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The area between a lot line and the principal building;

**Yard, Front** - A yard extending across the front of a lot between the side of lot lines and being the horizontal distance between the front lot line and the principal building or any projections thereof other than uncovered steps, balconies, terraces, or unenclosed porches;

**Yard, Rear** - A yard extending across the rear of the lot between the side lot lines, and being the horizontal distance measured between the rear lot line and the rear of the principal building or any projection other than uncovered steps, balconies, terraces, or unenclosed porches;

**Yard, Side** - A yard between the principal building and the side line of the lot, and extending from the front yard to the rear yard and being the horizontal distance between the side lot line and side of the principal buildings or any projection other than steps, balconies, terraces, or unenclosed porches;

**Zoning Administrator** - The zoning administrative officer or an authorized representative designated by the Town Council to carry out duties as specified in this Ordinance;

**Zoning Permit** - A written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Ordinance, and for the purpose of carrying out and enforcing its provisions; and

**Zoning District** - An area within which certain uses of land and structures are permitted and certain others are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established.

- "NC" Neighborhood Conservation;
- "R-1" Single Family Residential;
- "TC" Mixed-Use Town Center;
- "C-1" Commercial; and
- "I-1" Light Industrial.

#### 4.2 SPECIAL DISTRICTS

1. Floating Zone District
  - a. Purpose.

Floating zones are zones that may be appropriate for the Town but are not mapped out at the time of adoption of the most recent comprehensive revision to the Goldsboro Zoning Chapter. The purpose of the designated floating zones is to permit the mapping of appropriate areas for land uses that may be required over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation. Further, the procedure is two-stage so that the initial costs are not prohibitive.

- b. Findings. The Town Council and Planning Commission find that it is not able to locate these areas with precision in advance and that it is desirable to leave specific locations and conditions for future determination as the Town grows and specific needs develop.

- c. Designation of Floating Zones. The following are designated as floating zones: Planned Unit Development - PUD Floating Zone.

- d. The Mayor and Council shall follow the procedures set forth in Section 13.6 for the approval of a floating zone.

2. "MRO" Mineral Resource Overlay Zone.

Purpose. The purpose of the Mineral Resource Overlay Zone (MRO) district is to implement the recommendations of the Goldsboro Comprehensive Plan by establishing an implementation mechanism to amend the official Zoning Map to apply the A and B Districts of the Mineral Resource Overlay Zone and to amend the Goldsboro Comprehensive Plan to include a new site as a Viable Resource Area (VRA). Development standards for significant mineral resources in the A District and use restrictions in the B District established in this ordinance are intended to protect identified significant mineral resources and permit the orderly extraction of said resources while ensuring minimum adverse impacts to adjacent land use, the natural environment and public infrastructure.

#### 4.3 ZONING DISTRICT MAP ESTABLISHED

The official boundaries of the zoning districts shall be shown on the map, designated as the Zoning District Map of Goldsboro, Maryland dated and signed by the Mayor of the Town of Goldsboro, and attested by the Clerk upon adoption. The Zoning District Map, together with all explanatory matter thereon, is adopted by reference and declared to be part of this Ordinance. Amendments to zoning district boundaries or other matter portrayed on the Zoning District Map shall be promptly recorded on the maps after approval by the Mayor and Town Council. No changes in zoning district boundaries shall be made on the Zoning District Map except in conformity with this Ordinance.

Regardless of the existence of copies of the Zoning District Map, which may from time to time be made or published, the Zoning District Map shall be located in the Town Office, and shall be the final authority as to the current zoning status of any property within the Town's jurisdiction.

The location of Zoning District boundaries, as determined from the Zoning Map(s), is subject to the following rules of interpretation:

1. The regulations pertaining to a zoning district shall extend throughout the whole area bounded by the zoning district lines;
2. In as much as possible, zoning district boundaries shall follow the property lines recorded for each property and not force a single property to be governed by two or more sets of zoning regulations;
3. Where a boundary line is shown to be located within a street, alley, railroad track, or other physical feature, it shall be deemed to be in the actual center of the feature;
4. Where a boundary line is shown as being located a specific distance from a street or other physical feature, this distance shall control and shall be measured from the center of the feature; and
5. The scale of the map shall determine distances not specifically indicated on the Zoning District Map.

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning District Map or under circumstances not covered under this Section, the Board of Appeals shall interpret the location of the zoning district boundaries. Prior to rendering a decision on such an issue, the Board shall solicit and receive a recommendation on the subject from the Planning Commission.

## **5.0 PURPOSES AND INTENT OF ZONING DISTRICTS**

### **5.1 "NC" NEIGHBORHOOD CONSERVATION DISTRICT**

This district is intended to recognize existing stable residential neighborhoods and to protect these areas from the potential the adverse affects of incompatible use and activities. The zoning provisions for this district provide maximum flexibility so as to permit the reasonable use of lots of record and to minimize the need for variances. Appropriate infill and redevelopment are encouraged on larger parcels provided proposed infill or redevelopment is consistent with the character of adjacent properties.

### **5.2 "R-1" - SINGLE-FAMILY RESIDENTIAL DISTRICTS**

This zoning district is intended to provide for single-family or two-family, low-population density residential development together with such buildings, schools, churches, facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. Existing buildings that would generally be considered as single-family homes in that they were either built or could be converted into single-family dwellings are considered to be conforming buildings even when such buildings might contain two residential units or when such a property might be used for a combined residential use and commercial use such as a boarding house, bed and breakfast, or home occupation.

### **5.3 "TC" TOWN CENTER MIXED-USE DISTRICT**

The intent of the Town Center District is to provide for a mix of land uses including residential, recreational, institution, business and commercial uses within the historic town center. It is also the intent of this district to require and promote the integration of uses through shared parking, access drives, tasteful signage, landscaping, etc. Supplementary appearance, landscaping, screening, parking and loading, outdoor storage, and sign regulations apply in this district to ensure an attractive, inviting pedestrian oriented setting.

### **5.4 "C-1" - COMMERCIAL DISTRICT**

The purpose of this district is to recognize existing scattered business and commercial uses outside of the Town Center. District standards provide for the continuation of existing uses but limit expansion of existing structures and intensification of existing levels of activity.

## **5.5 "I-1" – LIGHT INDUSTRIAL DISTRICT**

This zoning district is intended to provide for a wide range of light industrial uses that are compatible with adjacent uses to the extent that any adverse effects on health, safety, welfare, or the environment are avoided. Furthermore, this zoning district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees, and with access by major thoroughfares or railroads. Light industries include those which manufacture, process, store, package, or distribute goods and materials; and are, in general, dependent on raw materials refined elsewhere.

## **6.0 USE REGULATIONS**

### **6.1 APPLICABILITY OF REGULATIONS**

Unless otherwise provided by law or in this Ordinance, no building or structure shall be constructed, erected, or extended and no building, structure, or land shall be used or occupied except for the purposes permitted in this Article. The Board of Appeals may make a determination that a use not enumerated here is considered such a similar use to one that is listed and that it meets the intent of this ordinance that the suggested use that is not enumerated may be considered one of these enumerated uses provided that a positive recommendation has been provided to the Board of Appeals by the Planning Commission.

### **6.2 OFFICIAL LISTINGS OF USE REGULATIONS BY ZONING DISTRICTS**

The following are the types of permitted uses in each zoning district, the type of review and approvals required, and additional regulations:

#### **NC NEIGHBORHOOD CONSERVATION**

The following are permitted by right:

1. Single-family dwelling, detached;
2. Two-family dwelling;
3. An accessory apartment in a single-family dwelling provided that only one accessory apartment is created on a single residential lot, the accessory apartment is clearly subordinate to the principal dwelling, the principal dwelling is owner-occupied, and the property owner obtains County Health Department Approval for the additional use based on a review of the water and sewerage requirements for the accessory apartment;
4. Boarders in dwelling, provided no more than three (3) shall reside in a dwelling;
5. Bed and breakfast operations in owner-occupied dwellings;
6. Type I home-based business
7. Municipal or local government;
8. Agricultural uses that are limited to raising field crops and nursery stock;
9. Commercial harvesting of timber; and
10. Garage or yard sales provided that no more than two (2) sales are held during a single calendar year and such sales cannot continue for more than three (3) days.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

1. Funeral homes
2. Schools of any type;
3. Fire and/or rescue services;
4. Library or museum;

5. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business;
6. Nursing home;
7. Place of worship;
8. Public or nonprofit park and/or recreation area;
9. Public utility lines and accessory structures to provide local service to the residents of Goldsboro;
10. Cemetery or memorial gardens provided that all applicable state and county requirements are met and all such approvals granted before application is made for a special exception; and
11. Type II home-based business.

#### R-1 SINGLE-FAMILY RESIDENTIAL

The following are permitted by right Single-family dwelling, detached;

1. Two-family dwelling;
2. One (1) accessory dwelling unit per lot of record;
3. Boarders in dwelling, provided no more than three shall reside in a dwelling;
4. Bed and breakfast operations in owner-occupied dwellings;
5. Type I home-based business,
6. Municipal or local government uses;
7. Agricultural uses that are limited to raising field crops and nursery stock;
8. Commercial harvesting of timber; and
9. Garage or yard sales provided that no more than two (2) sales are held during a single calendar year and such sales cannot continue for more than three (3) days.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

1. Schools of any type;
2. Fire and/or rescue services;
3. Library or museum;
4. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business
5. Nursing home;
6. Place of worship
7. Public or nonprofit park and/or recreation area
8. Public utility lines and accessory structures to provide local service to the residents of Goldsboro;
9. Cemetery or memorial gardens provided that all applicable state and county requirements are met and all such approvals granted before application is made for a special exception; and
10. Type II home-based business.

#### TC TOWN CENTER MIXED-USE

1. Single-family dwelling, detached;
2. Two-family dwelling;
3. One (1) accessory dwelling unit per lot of record;
4. Boarders in dwelling, provided no more than three shall reside in a dwelling;
5. Bed and breakfast operations in owner-occupied dwellings;
6. Type I home-based business
7. Municipal or local government uses;
8. Agricultural uses that are limited to raising field crops and nursery stock;
9. Commercial harvesting of timber; and
10. Garage or yard sales provided that no more than two (2) sales are held during a single calendar year and such sales cannot continue for more than three (3) days.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

1. Multi-family dwelling;
2. Commercial apartment;
3. General offices and office buildings;
4. Neighborhood centers that include retail sales establishments and commercial and service uses that support residential neighborhoods, such as: grocery stores, banks, restaurants, barber shops and beauty salons, gasoline sales, and similar small scale services that have traditionally been found in small towns and villages;
5. Medical facilities, including doctors offices, clinics, and out-patient care facilities;
6. Library or museum;
7. Schools of any type;
8. Place of worship;
9. Public or nonprofit park and/or recreation area;
10. Nursing home;
11. Adult and Retirements Communities
12. One (1) accessory dwelling unit per lot of record;
13. Small engine repair;
14. Country Inn;
15. Beauty shops, barbershops, nail salons; and
16. Type II home-based business.

#### C COMMERCIAL

The following are permitted by right:

1. Single-Family dwellings and accessory buildings;
2. Two-family dwelling;
3. An accessory apartment in a single-family dwelling provided that only one accessory apartment is created on a single residential lot, the accessory apartment is clearly subordinate to the principal dwelling, the principal dwelling is owner-occupied, and the property owner obtains County Health Department Approval for the additional use based on a review of the water and sewerage requirements for the accessory apartment;
4. Bed and breakfast operations in owner-occupied dwellings;
5. Home occupations provided that the home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes, the home occupation is carried on wholly indoors and within the principal building or within an accessory building on the property, and there is no outside storage of any materials or goods used in the home occupation;
6. Home-based business
7. Farmers Markets;
8. Retail stores and shops selling antiques, apparel, art supplies, beverages, books, cards, confections, dry goods, drugs, fabrics, floor coverings, flowers, foodstuffs, furniture, garden supplies, gifts, hardware, hobbies, household appliances, jewelry, luggage, musical instruments, novelties, paint, periodicals, records, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationary, and tobacco;
9. Restaurant;
10. Bed and Breakfast;
11. Country Inn;
12. Hotel or motel; and
13. Offices and clinics.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

1. Expansion of any commercial or business use existing as of the date of adoption of this chapter with the limitations established in Section 8.1.

2. Change of use involving a commercial or business use existing as of the date of adoption of this chapter as provided in Section 8.5.
3. Automotive repair shop, provided that no fuel pump, oil draining pit or other visible appliance for servicing automobiles is located within twenty-five feet of the front lot line and that no more than three motor vehicles may be stored outdoors at any time and each for no longer than thirty days
4. New and/or used automobile and marine sales;
5. Public utility lines and accessory structures to necessary to provide service to the residents of Goldsboro;
6. Funeral homes;
7. Schools of any type;
8. Fire and/or rescue services;
9. Library or museum;
10. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business;
11. Nursing home;
12. Place of worship;
13. Public or nonprofit park and/or recreation area;
14. Public utility lines and accessory structures to provide local service to the residents of Goldsboro; and
15. Cemetery or memorial gardens provided that all applicable state and county requirements are met and all such approvals granted before application is made for a special exception.

#### I-1 LIGHT INDUSTRIAL

The following uses are permitted by right in the I-1 Light Industrial zone:

1. Field crops and nursery stock;
2. Agricultural machinery sales, service, and supplies;
3. Hardware, building supply, lumber and home improvements;
4. Concrete production facility (concrete mixing, pre-cast and/or block manufacturing; and
5. Public utility lines and accessory structures of all types.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

1. Automobile filling station;
2. Automotive repair shop, provided that no fuel pump, oil draining pit or other visible appliance for servicing automobiles is located within twenty-five feet of the front lot line and that no more than three motor vehicles may be stored outdoors at any time and each for no longer than thirty days;
3. Used and/or new automobile and marine sales;
4. Bakery;
5. Bottling or distribution station for beverages;
6. Bulk mailings services;
7. Business services (advertising, communications, employment services;
8. Business equipment sales and service;
9. Contractor's office with indoor or outdoor storage;
10. Fire and/or rescue service;
11. Machine shops and structural steel fabricating;
12. Medical services;
13. Mini-warehouses;
14. Offices;
15. Printing and publishing;
16. Professional services;
17. Retail sales;
18. Wholesale, warehouses, storage and distribution; and

19. Wholesale and retail sales of products manufactured or stored on the premises in conjunction with any other permitted use.

### **6.3 PERMISSIBLE USES AND SPECIFIC EXCLUSIONS**

The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one zoning district in the towns planning jurisdiction. Therefore, because the list of permissible uses set forth in this ordinance cannot be all-inclusive; those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. However, before a property or building or structure can be used for a similar but not enumerated use, approval for that use to be considered a conforming use must be provided by the Board of Appeals. Before the Board of Appeals can approve such a use, a positive recommendation must be received from the Planning commission.

Notwithstanding the above paragraph and instruction all uses that are not listed in this ordinance, even given the liberal interpretation suggested, are prohibited. Nor shall this ordinance be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the towns fire prevention code;
2. Stockyards, slaughterhouses, rendering plants;
3. Use of a travel trailer as a temporary or permanent residence. (Situations that do not comply with this provision on the effective date of this chapter are required to conform within one year.);
4. Use of a motor vehicle parked on a lot and used as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Situations that do not comply with this subdivision on the effective date of this ordinance are required to conform within 30 days.) and
5. Mobile Homes.

### **6.4 OUTDOORS STORAGE REGULATIONS**

Outdoor storage in all zones, except District A of the MRO zone, must meet the following requirements:

1. Outdoor storage is limited to 10% of the existing lot exclusive of the existing buildings;
2. The outdoor storage area(s) must be surrounded by an opaque, uniformly-finished fence or wall eight (8) feet in height;
3. Such wall or fence shall be maintained in good order; advertisements are not permitted thereon; and
4. The enclosed storage shall not exceed eight (8) feet in height.

### **6.5 DEVELOPMENT DESIGN GUIDELINES – TC TOWN CENTER MIXED-USE DISTRICT**

The following development design guidelines shall apply to the TC Town Center Mixed-Use District. The purpose of these special design and appearance standards is to promote public health, safety, and welfare and implement the Comprehensive Plan, and support town revitalization strategies. Economic objectives include enhancement and preservation of property values. These standards are not intended to restrict imagination or variety but rather to assist in focusing on design principals, which can result in creative solutions that will develop a satisfactory visual appearance within the Town.

1. Development Subject To Community Appearance Standards

All new development and/or redevelopment within the TC Town Center shall be subject to the guidelines in

this section.

## 2. Process For Review

The Planning Commission and/or Board of Appeals shall review site plans and/or subdivision plats as required ensuring the standards specified in this section are met. These standards are in addition to other regulations in this Chapter.

## 3. Relationship Of Buildings To Site

- a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
- b. Site planning in which setbacks and yards are in excess of the prevailing setback along a block face is discouraged.
- c. Parking areas should be located to the rear or side of buildings and should be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from public ways.
- d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services and service revisions necessitated by exterior alterations should be located underground where possible.

## 4. Relationship of Buildings and Site To Adjoining Area

- a. Adjacent buildings of different architectural styles should be made compatible by such means as screens, site breaks, and materials.
- b. Attractive landscape transition to adjoining properties should be provided.
- c. Harmony in texture, lines, and masses is required. Monotony of design shall be avoided.

## 5. Landscape and Site Treatment

- a. Where natural or existing topographic patterns contribute to beauty and utility of a development they should be preserved and developed. Modifications to topography will be permitted where it contributes to good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas should provide an inviting and stable appearance for the pedestrian.
- c. Landscape treatment should be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
- d. Unity of landscape design should be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent development.
- e. Plant material should be selected for interests in its structure, texture and color, and for its ultimate growth. Plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance should be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic they should be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, plantings, or combinations of these. Screening shall be effective in winter and summer.
- i. In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, gravel, and cobbles should be used. Carefully selected plants should be combined with such materials where possible.
- j. Exterior lighting, when used, should enhance the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained in design and excessive brightness avoided.

## 6. Building Design

- a. Architectural style is not restricted. Evaluation of the appearance of a project will be based on the quality of its design and relationship to surroundings.
- b. Buildings should have good scale and be in harmonious conformance with permanent neighboring development.
- c. Materials should:
  - (1) Have good architectural character and should be selected for harmony of the building with adjoining buildings.
  - (2) Materials should be of durable quality.
  - (3) Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - (4) In any design in which the structural frame is exposed to view, the structural material should be compatible within themselves and harmonious with their surroundings.
- d. Building components, such as windows, eaves, doors, parapets, etc., should have good proportions and relationships to one another.
- e. Colors should be harmonious and shall use only compatible accents.
- f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from public ways.
- g. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
- h. Refuse and waste removal areas, service yards, storage yards, and exterior work areas should be screened from view of public ways.
- i. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual projects should be used to prevent a monotonous appearance.

## 7. Miscellaneous Structures and Street Hardware

- a. Miscellaneous structures and street hardware should be designed to be part of the architectural concept of design and landscape. Materials should be compatible with buildings, scale should be appropriate, colors should be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware should adhere to standards set forth for site, landscape, buildings, and signs.

## 8. Maintenance - Planning and Design Factors

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures should be conducive to easy maintenance and upkeep.
- b. Materials and finishes should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.
- c. Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse should be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.

### 6.6 "PUD" - PLANNED UNIT DEVELOPMENT FLOATING ZONE

Purpose; The purpose of the PUD Floating Zone district is to provide for carefully planned residential, mixed-use, and certain commercial development in order to:

1. Provide for attractive and varied living environment;
2. Encourage a more intimate, efficient and aesthetic use of open space;
3. Encourage developers to use a more creative approach in the development of land; and
4. Encourage variety in the physical development pattern of residential areas.

The provisions that apply in this district designed to control the placement, design, use, and density of well-planned, mixed-use developments that will offer a variety of building types and a more efficient overall use of land, and within these limits, permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures including one and two-family units, townhouses multi-family units, and including mixed-use buildings and areas.

#### Findings of Fact

In order to approve a proposed PUD the Town Council must make findings of fact that each of the following requirements are met and that the developer has agreed to implement such additional conditions as the Town Council and Planning Commission may reasonably impose to ensure the continued health, welfare, and safety of the surrounding community.

1. Whether the proposed PUD conforms to all applicable standards set out in the Zoning Ordinance for such uses, structures and projects;
2. Whether the proposed PUD conforms to the Town's Comprehensive Plan, including those provisions of the Plan relating to the design and location of commercial projects of a nature similar to those proposed in the application;
3. Whether the proposed PUD, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site will not interfere with the adequate and orderly provision of public service to the area;
4. Whether the proposed PUD will not cause unacceptable traffic congestion or hazards either in or near the site for the proposed development;
5. Whether the proposed PUD is planned in such a manner as to protect features of historical, cultural, or ecological importance;
6. Whether the proposed PUD is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance, or if the proposed PUD is not so compatible, the proposed PUD design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood;
7. Whether the proposed PUD unreasonably/adversely affects the value of property in the neighborhood surrounding the site; and
8. Whether the PUD is served with existing public water and sewer service or such service will be available at the time of development of the PUD.

In its deliberations, the Town Council may consider other factors it deems appropriate, including but not limited to the degree to which the PUD:

1. Accomplishes the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
2. Promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, and promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, and the promotion of the healthful and convenient distribution of population;
3. Exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
4. Encourages the conservation of resources; including a reduction in resource consumption;
5. Encourages a suitable location given existing and reasonably foreseeable development; and
6. Encourages appropriate and sustainable economic growth.

#### Administrative Procedures

1. Preliminary Application shall be made to the Mayor and Council and referred to the Planning Commission for stage one consideration of the PUD zone and shall include, but not be limited to:
  - a. A general diagram showing the PUD relation to the Town of Goldsboro and major public access to the PUD.
  - b. A Development Master Plan setting forth preliminary information as identified in Appendix A. In addition to such information, the Planning Commission may include, but not be limited to the following:
    - (1) Examples of elevations and percentages of each building type, number of units and location of buildings.
    - (2) Proposed neighborhood centers, open spaces, their size, their location, their uses, and their proposed ownership (Town and/or association).
    - (3) General statement concerning provision of utilities (draft terms and provisions of a Developers Rights and Responsibilities Agreement).
    - (4) Statement of expected Town responsibilities.
    - (5) Cost-Revenue ratio of the proposed PUD for the Town.
    - (6) Tentative time table and staging of development. (Schedule of construction).
    - (7) Applicant shall pay an application fee as previously established by the Town.
  - b. The Planning Commission shall review the preliminary application and makes its recommendations based on finding of fact concerning the consistency of the proposed PUD with following:
    - (1) Applicable standards set out in the Zoning Ordinance and/or Subdivision Regulations for such uses, structures and projects;
    - (2) The Town's Comprehensive Plan, including those provisions of the Plan relating to the design and location of commercial projects of a nature similar to those proposed in the application;
    - (3) Compatibility with existing and reasonably anticipated development in the neighborhood surrounding the site including the size, scale, design, and appearance, or if the proposed PUD is not so compatible, the proposed PUD design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood;
    - (4) Adequacy of public service to the area;
    - (5) Adequacy of transportation systems that will serve the proposed PUD;
    - (6) Protection of historical, cultural, or ecological features of importance;
    - (7) Whether the proposed PUD unreasonably/adversely affects the value of property in the neighborhood surrounding the site; and
    - (8) Whether the PUD is served with existing public water and sewer service or such service will be available at the time of development of the PUD.
  - c. After the Planning Commission makes its findings, the application will be forwarded to the Mayor and Council for consideration. If the Mayor and Council find that the proposal has merit, it will be conditionally approved.
2. Preliminary Plans (Preliminary Site Plan and/or Preliminary Subdivision Plat). The developer shall submit the following to the Planning Commission for its review after receiving conditional approval from the Mayor and Council.
  - a. The (15) copies of preliminary plans shall be filed with the Town. The preliminary plans shall comply with the requirements of this Article 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 the Planning Commission.
  - b. The Planning Commission shall review the preliminary plans for compliance with the requirements of this Ordinance. In their review of the preliminary site plan the Planning Commission shall consult with such Town, County or State officials as may be appropriate, and may offer such comments as may be appropriate.
  - c. Preliminary plans shall include but not be limited to the requirements set forth in Appendix A and shall set forth proposed development standards for each section of the project that address all design standards and guidelines for a PUD.
  - d. The preliminary plans shall be accompanied by a schedule of construction or timetable (acceptable to the Mayor and Council and Planning Commission).
  - e. The developer shall provide a statement outlining the means by which the PUD and all its various

- aspects shall be managed. This shall include a general description of deed restrictions and covenants to ensure perpetuity of agreements.
- f. The preliminary plans shall also include a management statement governing the construction, operation, and maintenance of:
- (1) Sanitary and storm sewers, water mains, culverts, and other underground structures.
  - (2) Streets, alleys, driveways, curb cuts, entrances and exits, parking and loading area, and outdoor lighting systems.
  - (3) Parks, parkways, cycle ways, playgrounds, open spaces, fences, walls, screen planting, and landscaping and signs.
- h. The Planning Commission and/or Mayor and Council may establish additional requirements for preliminary plans for the PUD District.
- i. After review and a public hearing on the proposed zoning, the Planning Commission shall return the preliminary plans, together with comments and recommendations to the Mayor and Council for appropriate action.
3. Final Review and Approval Procedure
- a. The Mayor and Council shall review the final preliminary plans and other documents.
  - b. The Mayor and Council shall hold a public hearing as prescribed in Section 12.6.
  - c. The Mayor and Council may approve or disapprove the proposed PUD floating zoning. If approved, the boundaries of the floating zone shall be shown on the official zoning map(s). In granting approval, the Mayor and Council shall secure: A Developer Rights and Responsibilities Agreement along with any surety instruments to be filed for/or deposited in escrow with the Mayor and Council in an amount sufficient to ensure completion of all requirements established by the Mayor and Council. Any surety to be reviewed annually and adjusted to reflect current costs.
4. Development master plans may be amended in the same manner as specified herein for an original application.
5. Conflict with other Articles
- a. Provisions of the PUD zone when found to be in conflict with other provisions of the Goldsboro Zoning Chapter shall supersede those other provisions with which they conflict.
  - b. Provisions of the PUD zone when found to be in conflict with other provisions of the Goldsboro Subdivision Chapter shall supersede those other provisions with which they conflict.

#### PUD Development Standards

The following standards and procedures shall apply to Planned Unit Developments (PUDs).

1. The PUD District is established to permit the development of planned communities on a minimum of five (5) contiguous acres of land under single ownership or control. If land in the proposed PUD is in multiple ownership, all owners of the property included in the proposed development master plan shall file the proposal jointly.
2. A PUD or amended PUD shall be permitted only in accordance with a development master plan, which plan, when approved, shall be a part of the adopted comprehensive plan of the Town.
4. Land Coverage. The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, or plazas, buildings, or other structures shall be seventy (70) percent of the gross land area.
5. Minimum Required Open Space
  - a. A minimum of thirty (30) percent of the site. A minimum of seventy (70) percent of open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above.
  - b. Open space land shall be permanently protected.

- c. The required open space shall be located and designed to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space as "terminal vistas" (the building or landscape seen at the end of a street, or along the outside edges of street curves) and by maximizing the visibility of external open space.
- d. Civic greens or squares should be distributed throughout the neighborhood so as to be located within 2,000 feet of 90 percent of all residential units.
- e. Open Space Requirement - Ownership
  - (1) Private Ownership. If common open space and recreation facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission.
  - (2) Open Space. Unless the Planning Commission finds that the size, location, type of development, or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the Town. The Planning Commission generally will require dedication of all areas indicated for acquisition in the adopted County or Town Open Space and Recreation Plan.
  - (3) Management of Common Open Space Property. The developer shall insure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
    - (a) The organization shall be established by the developer before sale or rental of dwelling units in the development, and prior to final approval of the development plan by the Planning Commission.
    - (b) The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
    - (c) The developer shall be responsible for the cost associated with the successful fulfillment of the maintenance, preservation and improvement of common open space in compliance with approved plans. At such time as 25 percent of all residential units or lots are sold the developer may share responsibility for the cost of maintaining, preserving and improving common open space with the financial and organizational structure referred to in (a) above in proportion to the number of residential units or lots remaining in the developer's control.
    - (d) The organization responsible for maintenance, preservation, and improvement of common open space lands, and all property owners within the development shall be permitted to participate in such organization.
    - (e) Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant and special taxing districts shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Town Council prior to recordation among the Land Records.
  - (4) Bond for Improvements - Prior to the issuance of a building permit, there shall be delivered by the owner or developer some form of surety acceptable to the Town in an amount as specified by the Town, which shall be submitted with the final subdivision plat, which surety shall secure an agreement to construct required physical improvements required as a condition of final

approvals.

- (5) Homeowners Associations - Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- (a) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (b) Membership in the homeowners association is mandatory for owners of all residential lots or units;
- (c) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- (d) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities; and
- (e) Each purchaser of a lot or unit is given adequate and specific notice of the homeowner association requirements and the association's authority to compel compliance.

6. Residential Unit Mix

- a. Subject to the provisions of b below, dwelling unit types shall not exceed or be less than the minimum and maximum percentages shown below:

UNIT TYPE	MINIMUM PERCENTAGE	MAXIMUM PERCENTAGE
Detached Single Family Dwelling	50	80
Two-Family Dwelling	10	40
Townhouse	5	40
Multi-family	5	40
Apartment	5	20

- b. At a minimum each development shall have at least three (3) of the five (5) unit types. Each phase of a proposed project shall have at least three (3) of the five (5) unit types. The Planning Commission may vary this phase requirement if satisfied that at build-out three of five unit types are included in the overall project.

7. Permitted Uses

Subject to Planning Commission approval of a final site plan(s) and subdivision plat(s), as appropriate, the following uses are permitted in a PUD:

- a. Single-family dwelling, detached;
- b. Two-family dwelling;
- c. Townhouse dwelling;
- d. Multi-family dwelling;
- e. Commercial apartment;
- f. General offices and office buildings;
- g. Neighborhood centers that include retail sales establishments and commercial and service uses that support residential neighborhoods, such as: grocery stores, banks, restaurants, barber shops and beauty salons, and similar small scale services that have traditionally been found in small towns and villages;

- h. Medical facilities, including doctor's offices, clinics, and outpatient care facilities;
- i. Library or museum;
- j. Schools of any type;
- k. Place of worship;
- l. Public or nonprofit park and/or recreation area;
- m. Nursing home;
- n. Adult and Retirements Communities.
- n. One (1) accessory dwelling unit per lot of record;
- o. Bed and breakfast operations in owner-occupied dwellings;
- p. Type I home-based business;
- q. Municipal or local government.
- r. Agricultural uses that are limited to raising field crops and nursery stock;
- s. Commercial harvesting of timber; and
- t. Garage or yard sales provided that no more than two (2) sales located on the property of any dwelling unit are held during a single calendar year; and that such sales can not continue for more than three (3) days.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

- a. A conventional residential subdivision consisting of detached single-family dwellings;
- b. Recreational enterprises;
- c. Golf courses;
- d. Motel or hotel;
- e. Fire and/or rescue services;
- f. Nonprofit club or institution provided that the use should not be operated as a private, gainful or profit business;
- g. Public utility lines and accessory structures to provide local service to the residents of Goldsboro;
- h. Cemetery or memorial gardens provided that all applicable state and county requirements are met and all such approvals granted before application is made for a special exception; and
- i. Type II home-based business

#### 8. Design Guidelines - Overall Form and Spatial Relationships

Applicants for site plan or subdivision approval shall adhere to the following design guidelines.

- a. Overall Form
  - (1) Areas of new construction should be sited so as to best preserve natural vistas and the existing topography.
  - (2) Peripheral greenbelt open space should be designed to follow the natural features whenever possible and to maintain an agricultural, woodland, or countryside character.
  - (3) Setbacks, lot size, lot dimensions, lot coverage, height, and yard requirements in the planned unit development shall be established for each individual project by the Planning Commission based on the proposed development master plan submitted by the applicant.
- b. Block Design
  - (1) Neighborhoods should be designed in a net-like pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks.
  - (2) While topography, existing vegetation, hydrology, and design intentions should influence block shape and size, the maximum length for a block is to be five-hundred (500) feet, with an allowance for blocks up to eight hundred (800) feet when mid-block footpaths are provided.

- (3) In order to calm traffic speeds, the use of "T" intersections, where vehicles must stop and turn to the right or to the left rather than proceeding forward in a straight line, is encouraged. At least twenty-five (25) percent of all intersections of streets should take this form, unless other design devices (such as traffic islands or round about, four-way stop signs, or speed tables) are employed to reduce vehicle travel speed.

c. Lot Design

- (1) Lots should have frontage onto a street, alley, or both.
- (2) Lots should minimize front and side yards, front-facing garages, and blank walls, and should have as narrow a width as is practicable to encourage pedestrian movement.
- (3) Footpaths and sidewalks shall ensure pedestrian access to each lot.
- (4) All public sidewalks (including informal walkways and footpaths) should be no less than four (4) feet wide; and create a completely linked network of walkways connecting all uses with parks and other open space areas.

d. Building Design

- (1) Residential structures should be designed to reflect this community's building tradition.
- (2) Residences housing more than one family should be designed to emulate traditional buildings of this nature in Caroline's historic settlements or should be designed to resemble large single-family residences.
- (3) Stucco, brick, and painted wood clapboard siding is encouraged, as is pitched roofs with slopes between 8:12 and 12:12. Housing styles, shapes, and materials should be varied, within the overall theme of traditional town dwellings seen in the County.
- (4) If garages, carports, or other accessory structures designed for accessory parking of automobiles are front-loaded (i.e., having their large entry door facing the street), they should not be located closer to the front lot line than the foremost facade of the principal building facing the front property line (stoops, porticos, open colonnades, and open porches excluded).
- (5) In general, townhouse and multi-family units should adhere to the architectural guidelines single family and two-family dwellings.
- (6) A great deal of effort needs to be made to insure that townhouse and multi-family units blend into the overall character of the neighborhoods and are of a quality and scale that insures this end.
- (7) Multi-family structures should appear as large single-family units.
- (8) No more than six (6) units should be included in a single town house unit group. Each unit should have a distinct architectural appearance, but the overall appearance of the units should be compatible with and complementary to adjacent single-family residential units and with the other units in the grouping.
- (9) No more than four (4) units should be included in a multi-family housing unit.
- (10) Parking for townhouse and multi-family structures should be located to the rear or side of the units.
- (11) Architectural standards for townhouses should address fences in rear yards.
- (12) Multi-family and townhouse units should be located in central residential areas and adjacent to and within neighborhood centers.
- (13) Multi-family and townhouse units should be located near public park and recreation areas.

e. Neighborhood Centers

- (1) Neighborhood centers should be located within a comfortable walking distance of residents in the neighborhood.
- (2) Where appropriate, neighborhood centers should be located so as to reinforce the Town Center.
- (3) Neighborhood centers located away from the Town Center should not be sited closer than 500 feet to a state highway.
- (4) The types of businesses and services should be limited to those that clearly serve a local market.

- (5) Individual commercial and service establishments should be limited to no more than 5000 square feet. Larger commercial and service establishments may be permitted if approved as part of the Development master plan, but in not case shall exceed 10,000 square feet.
- (6) Parking should be located in the rear or to the side.
- (7) Commercial uses should front on streets/sidewalks, provide display windows, awnings or arcades that enliven the streetscape and provide for pedestrian comfort.
- (8) Sidewalks in the vicinity of neighborhood commercial uses should be wide, at least ten (10) feet.
- (9) Outdoor uses, such as street dining, are encouraged.
- (10) Where possible, residential units should be located above commercial and office uses.
- (11) Vernacular architecture with fenestration that compliments the surrounding neighborhood character is encouraged.

#### f. Streets, Sidewalks, Shade Trees, Landscaping, and Parking

##### (1) Streets and Sidewalks

- (a) Street patterns should form a broadly rectilinear network, with variations as needed for topographic, environmental, and other design considerations.
- (b) Streets should be designed to:
  - (i) parallel and preserve existing fence lines, tree lines, hedgerows, and stone walls, and watercourses;
  - (ii) minimize alteration of natural, cultural, or historic site features;
  - (iii) secure the view to prominent natural vistas;
  - (iv) minimize the area devoted to vehicle travel;
  - (v) calm traffic speeds;
  - (vi) promote pedestrian movement; and
  - (vii) be aligned so that the "terminal vista" (the features seen at the end of the street or along the outside edges of a street curve) is of open space elements, either man-made (greens, commons) or natural (meadows, large trees in distance).
- (c) With the exception of cul-de-sacs in areas where street connections are blocked by natural features, all streets should terminate at other streets within the development, and at least two streets should provide connections to existing or proposed through-streets or collectors outside the development site, wherever practicable.
- (d) Sidewalks should link cul-de-sacs with the street network, trails, or open space behind the lots served by those cul-de-sacs.

##### (2) Shade Trees for Street Planting

- (a) Shade trees shall be planted by the developer along each side of all streets, public or private, existing or proposed. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified.
- (b) Such trees should be at least 2 inches to 2.5 inches in diameter, measured at chest height, when planted, and should be spaced at intervals no greater than forty (40) feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
- (c) Species should have a mature height of at least 50 feet; be tolerant of pollution and direct or reflected heat; require little maintenance by being mechanically strong (not brittle) and insect and disease resistant; be able to survive two years with no irrigation after establishment; and be of native origin, provided they meet the above criteria,
- (d) Unless otherwise permitted by the Planning Commission, native shade tree species listed by the Maryland Department of Natural Resources shall be used.

##### (3) Landscaping

1. The applicant shall submit, to the Planning Commission a comprehensive landscape master plan identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and planting methods.
2. Parking lots larger than 19 spaces and/or 6,000 square feet in size shall be provided with at least one shade tree for every eight (8) parking spaces or fraction thereof, located in internal planting islands and perimeter buffer strip(s) along the street edge(s) of the lot.
3. Trees and other public landscaping shall be protected by means of suitable barriers.
4. The developer shall post a performance bond with the Town Council to ensure that any tree that dies within eighteen (18) months of planting is replaced with the same species and size, and that any tree is well maintained, specifically irrigated and fertilized, for a total of twenty-four (24) months from time of planting. If trees are removed, they should be replaced with trees of similar size, shapeliness, function, hardiness, longevity, and appearance.

(4) Parking

- (a) All off-street parking should be to the side or the rear, or located within internal parking areas not visible from the street.
- (b) On-street parking spaces along the front property line should be counted toward the minimum number of parking spaces required for the use on that lot (except where there are driveway curb cuts).
- (c) On-street parking space should be designed as either parallel to the curb on both sides of the street or diagonal to the street on the storefront side, with landscaped breaks serving the pedestrian alleyways every two hundred and fifty (250) feet.
- (d) Access lanes and off-street parking areas should be located at the rear of townhouses, and multifamily residences.

## 6.7 ENVIRONMENTAL STANDARDS

The following provisions shall apply to all development activities that require subdivision or site plan approval.

1. Perennial Stream no-disturbance buffer:

- a. A one-hundred (100) foot natural buffer from all perennial streams shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
- b. This buffer requirement may be reduced to no less than seventy-five (75) feet by the Planning Commission for the following:
  - (1) If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the 100' buffer, and if evidence is provided that said development will meet all other applicable requirements, as required.
  - (2) Public or community facilities provided disturbance is minimized in so far as possible.
- c. The perennial stream no-disturbance buffer requirement may be waived by the Planning Commission where roads must cross the stream, if disturbance is minimized.

2. Intermittent Stream no-disturbance buffer

- a. A fifty (50) foot buffer from all intermittent streams shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.
- b. This buffer requirement may be waived by the Planning Commission for:
 

Other public or community facilities provided disturbance is minimized in so far as possible.
- c. The intermittent stream no-disturbance buffer requirement may be waived by the Planning

Commission where roads must cross the stream, if disturbance is minimized.

3. Sensitive Soil no-disturbance buffer. The one-hundred (100) foot perennial stream buffer shall be expanded to include contiguous 100 year floodplain and nontidal wetlands. In addition, the one-hundred (100) foot perennial stream buffer shall be expanded to include hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) that are contiguous with the perennial stream, any 100 year flood plain adjacent to the stream, or any nontidal wetlands adjacent to the stream to a maximum distance of three hundred (300) feet.
4. Non-tidal Wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Environment.
5. Steep Slopes.
  - a. No structure, impervious surface or land disturbance shall occur on any slope with a grade of fifteen (15) percent or greater unless the Planning Commission determines that the structure, impervious surface or land disturbance is necessary for stabilization of the slope.
  - b. A minimum fifty (50) foot buffer shall be established between development and the crest of slopes in excess of twenty-five (25) percent.
6. Habitats of Rare, Threatened and Endangered Species. Development shall avoid these areas as described by the Maryland Department of Natural Resources.
7. Forest Conservation – Applicants shall comply with the requirements of the State's Forest Conservation Act.

#### **6.8 MRO MINERAL RESOURCE OVERLAY ZONE**

##### **1. Definitions.**

The following definitions shall be used in administering the MRO zone.

- a. Conflicting Use - a use authorized in the underlying zone in which a mineral and aggregate resource site is located, which if established, could have a negative impact on a mineral resource.
- b. Mineral Processing - washing, crushing, milling, separating, screening, sizing, handling, concentrating, conveying, batching, blending, stockpiling, loading and transporting of mineral resources.
- c. Noise Sensitive Use - any residence or structure primarily used for habitation. All new residential structures, churches, hospitals, campgrounds, public libraries and schools proposed in a B District shall be deemed noise sensitive uses. Forest uses and farm uses, except for commercial mink or poultry operations, are not noise sensitive uses. Mineral extraction or processing are also not noise sensitive uses.
- d. Significant Mineral Resources - aggregate or stone materials valuable for construction purposes that:
  - (1) Meet Maryland Department of Transportation specifications for construction grade material, and
  - (2) Are located within an ownership, option or long term leasehold of at least twenty (20) acres containing reserves in excess of 2,000,000 cubic yards; or
  - (3) Are located on property owned by, or under long term lease to the county or state for the primary purpose of excavating aggregate or stone materials for road maintenance and road construction.
- e. Transportation Facilities - any loading areas, roads, conveyor systems or any other transportation equipment or form of transportation that are used to move mineral resources and related products.

##### **2. Exemptions.**

The following activities are exempt from these requirements.

- a. Mining and quarrying of aggregate or stone materials used on property owned by the owner of the mining and quarrying site on a non-commercial basis.
- b. Cemetery operations.
- c. On-site construction operations within an approved building site.
- d. Exploratory excavations for mineral resources or surface mining that involve one thousand (1,000) cubic yards or less and/or disturbance of one (1) acre or less of ground located more than 500 feet from the property boundary.
- e. Excavation operations conducted within a road right-of-way or other easement for the primary purpose of road or utility construction, reconstruction or maintenance.

### 3. Overlay Zone Districts

- a. Two Districts. The Mineral Resource Overlay Zone is composed of two distinct Districts. District A applies to the resource extraction and processing site. District B is applied to adjacent areas to form a buffer intended to protect the mineral and aggregate resource from new conflicting uses.
- b. District A Purpose. District A shall be applied to sites that are identified for future extraction, processing and stockpiling activities, and which have been designated for protection. Conditions that are clear and objective may be imposed to ensure that the proposed operation satisfies the review criteria herein.
- c. District A Boundary. District A sites may consist of a portion, or all, of one or more contiguous parcels. A single District A may be applied to contiguous parcels under different ownership. The District A shall be shown on the official Zoning Map.
- d. Reclamation Plan. At the time a site is placed within a District A, the Town, in cooperation with the owner, operator or applicant, shall determine one or more uses, consistent with the underlying zone and the comprehensive plan, appropriate for the site after extraction and processing are completed. The reclamation plan shall be designed to facilitate establishment of these subsequent uses. The Town may require that reclamation be staged so as to proceed simultaneously with mining.
- e. Compliance Requirements. After a District A is established, new operations at the resource site, including processing, must comply with the provisions of this section and the site specific conditions, if any, included with the zoning certificate.
- f. One Land Use Review. If the District A adoption specifies the method or methods of extraction and the location or locations of processing uses, and the town determines that the standards herein and the conditions identified in the zone change or zoning certificate are satisfied, the owner or operator may, without further land use or site plan review, conduct those mineral extraction and processing uses within District A.
- g. District B Boundary. District B shall be applied to parcels or portions of parcels adjacent to and within seven hundred and fifty feet (750) feet of the District A site. This distance may be increased or decreased by the Planning Commission. District B may be applied over any zone. The area in District B shall be shown on the official zoning map. The boundary of District B may be moved as mined areas are reclaimed in accordance with an approved reclamation plan provided Zone B is maintained at the minimum distance from areas being actively mined and processing facilities originally set by the Town. Any amendment to the official zoning map that modifies the Zone B boundary shall not be subject to a showing of substantial change in the neighborhood or a mistake in the original zoning.
- h. District B Compliance Requirements. New land uses and structures in District B must comply with the provisions of this section and any site-specific conditions of the zone change or zoning certificate.

### 4. General procedures.

The procedures in this section apply to the proposed inclusion of a site in the Goldsboro Comprehensive Plan as a Viable Resource Area (VRA) and the review and approval of a proposed Mineral Resource Overlay Zone.

- a. Hearing Requirement. At least one public hearing shall be held prior to amending the Plan inventory or applying the Mineral Resource Overlay Zone.
  - b. Hearing Notice. The following notice provisions apply to public hearings conducted on applications for a Mineral Resource Overlay zone:
    - (1) Mailed Notice. Notice of the public hearing shall be mailed to all owners of property any portion of which is within 1,500 feet of the ownership containing the proposed District A, at least twenty (20) days prior to the date of the hearing.
    - (2) Posted Notice. The applicant shall post a sign within the right-of-way of public roads abutting the subject ownership, within 100 feet of where the side lot lines of the subject ownership intersect the public road right-of-way. Signs shall be posted at least twenty (20) days prior to the date of the public hearing, and be visible from a passing vehicle. The signs shall indicate, in letters at least 1.5 inches high, "Notice of Proposed Change in Land Use", "Mineral/Aggregate site. The applicant shall submit a certification that the notice was posted in the prescribed manner.
  - c. Site Plan Review. If, at the time of the plan amendment, the owner or operator of the proposed District A does not have specific operating plans for the site the applicant shall outline the general extraction area and the general area where the processing facilities will be located. At the time the owner or operator wishes to begin extraction or locate processing facilities within the general area reserved for these uses, the owner or operator shall apply to the Town for mineral and aggregate site plan review.
  - d. Minor modifications. Certain minor modifications to approved extraction or processing uses shall be processed as site plan amendments and shall, at the time the modification request is made, comply with the development standards in this section and any zone change conditions. These minor modifications are changes in operation include, but are not limited to, the movement of any processing equipment not more than 150 feet from its designated location, change in reclamation plan, change in extraction phasing plan, change in hours of operation or similar minor changes.
  - e. Major modifications. Expansion of the District A area, addition of an activity not addressed in the original plan amendment, the movement of any processing equipment more than 150 feet from the designated location or outside the approved processing area, and setback reductions must comply with all of the requirements of this section.
5. Process and Criteria For Designating a District A or a VRA
- a. Determining Location, Quality and Quantity. The property owner, contract purchaser, lessee, operator or authorized agent shall provide evidence concerning the location, quality and quantity of the mineral and aggregate resource for which the District A designation is sought. The Town, at its option, may provide such information, but is not under an independent requirement to provide information for potential sites. When substantial and factual conflicting information is provided, the Town may require the applicant to provide additional information deemed necessary to resolve the discrepancy.
  - b. Information concerning the location of the mineral resource shall include maps and documentation adequate to determine the location and the perimeter extent of the mineral and aggregate resource.
  - c. Information regarding quality of the resource must demonstrate that quality of the resource meets the requirements for the intended use is sufficient.
  - d. A report of the registered geologist estimating the amount of the aggregate resource within the proposed extraction area. For sites owned or leased by the county, town or state a report by a registered geologist estimating the quantity of material or equivalent information is sufficient.
6. Determining the Significance of the Resource.
- If the Town receives adequate information on location, quality and quantity as prescribed herein the Town may determine the site and resource meets the criteria for inclusion as a VRA.
7. Conditions related to Public Road impacts.

- a. If public roads are used to transport mineral materials, the proposed routes will be reviewed with regard to sight distances at access points, roadway width, geometry and alignment, existing road users and congestion.
- b. The public roads used to access the site may be specified or otherwise regulated including requirements for improvements at specific locations or on-going maintenance to address safety concerns. Mitigation of public road impacts is not an approval criterion, and is achieved by adding clear and objective conditions to the overlay zone approval.

8. Identifying the Impact Area and Conflicts.

If the criteria and requirements in A and B are satisfied the Town may:

- a. Determine an impact area Seven hundred and fifty feet (750) feet is presumed to be an appropriate impact area. If the analysis reveals a site-specific reason why the impact area should be increased or decreased, the impact area shall be modified.
- b. Identify conflicting uses with relation to the mineral resource. The Town must examine whether there are any existing conflicting uses and whether there is the potential for the development of conflicting uses within the impact area. The Town shall determine potential conflicting uses by examining those uses permitted in the underlying zone.
- c. If no conflicting uses are identified the Town may apply District A to the resource site and apply District B to those lands within the impact area. District B shall extend seven hundred and fifty feet (750) feet from the edge of the District A boundary unless the review of conflicting uses supports a greater or lesser distance.

9. District A Use Limitations and Review Criteria

- a. Review of Uses permitted in underlying zone. Uses classified as permitted uses in the underlying zone are allowed in District A, except that noise sensitive uses or uses determined to be potential conflicting uses shall be reclassified as conditional uses in the zone change. Uses classified as conditional uses in the underlying zone or in the zone change may be allowed as conditional uses.
- b. Permitted Uses. In addition to the uses allowed conditional uses pursuant to 1 above, the following uses are not considered noise sensitive or conflicting uses and are allowed outright in District A. The following use must comply with the provisions of this section that are deemed conditions of the establishment of the District A. Mining for the extraction of rock, clay, soil, sand, gravel or other mineral and aggregate resources.
- c. The following uses when in conjunction with a mineral resource extraction operation:
  - (1) Processing, crushing, washing, sizing and screening of mineral resources.
  - (2) Stockpiling of mineral and aggregate materials and earth products.
  - (3) Offices, shops or other accessory structures used for the management and maintenance of resource extraction and processing equipment.
  - (4) Sale of mineral and aggregate resources, asphalt, cement treated base, and concrete.
  - (5) Asphalt batch plants, cement treated base pug plants and/or concrete batch plants.
  - (6) Storage of equipment or machinery and maintenance facilities related to mineral and aggregate resource extraction processing or transportation equipment, provided that independent commercial storage or commercial maintenance facilities open to the general public or not directly related to resource extraction shall not be allowed unless permitted in the underlying zone.
  - (7) Transportation facilities and loading facilities related to mineral resource mining and/or processing.
  - (8) Other incidental mineral and aggregate resource related activities including buildings, structures and other apparatus.
- d. Special Exception Use Procedures and Criteria  
Special exception uses shall meet the criteria and standards of the underlying zone, and it must be demonstrated that the use will not:
  - (1) cause the mineral or aggregate operation to violate any applicable standard such as noise, air quality, water quality or setbacks, or

- (2) have a significant adverse impact on uses permitted in herein.
  - e. Prohibited Uses in District A
    - (1) Structures or uses not specifically authorized in this section are prohibited in District A.
    - (2) The following uses are not allowed within District A unless they are allowed in the underlying zoning district:
      - (a) Manufacture of precast and prestressed concrete products.
      - (b) Manufacture of concrete pipe, roof tile, or blocks.
10. Development Standards - District A
- a. Applicability. Unless different standards are adopted when the District A is approved, the following standards shall apply to mineral resource extraction and processing operations established or expanded after the date the District A is approved. Mineral extraction and processing operations on sites containing significant mineral resources, as defined herein, and located on a site included a VRA shall be subject to standards developed as part of the site plan and zone approval process on a case-by-case basis.
  - b. Dimensional Requirements
    - (1) Lot Area: The minimum area shall be that area necessary to meet setback requirements.
    - (2) Setbacks for mineral and aggregate extraction shall be:
      - (a) The extraction area must be at least fifty (50) feet from any District A boundary; and
      - (b) The extraction area must be at least two hundred (200) feet from any public road; and
      - (c) The extraction area must be at least three hundred and fifty (350) feet from a noise sensitive use existing at the time the District A is applied.
      - (d) When a District A boundary abuts another District A boundary, no setback for mineral and aggregate extraction is required along the common boundary line.
  - c. Setbacks for mineral resource processing shall be:
    - (1) One hundred (100) feet from any District A boundary; and
    - (2) Two hundred (200) feet from any public road; and
    - (3) Five hundred (500) feet from a noise sensitive use existing at the time District A is applied.
  - d. Setbacks for offices, shops or other accessory structures shall be:
    - (1) Fifty (50) feet from any District A boundary; and
    - (2) One hundred (100) feet from a noise sensitive use existing at the time District A is applied.
  - e. Setbacks for loading facilities and storage of operational or non-operational equipment for the production and/or processing of mineral and aggregate materials shall be:
    - (1) Twenty (20) feet from any District A boundary; and
    - (2) Two hundred (200) feet from any public road; and
    - (3) One hundred (100) feet from a noise sensitive use existing at the time District A is applied.
  - f. Storage of overburden is allowed within setbacks. There shall be no setback for existing internal truck paths or other transportation facilities. Any new internal roads, internal transportation or other transportation facilities shall not be located closer than 50 feet from a noise sensitive use existing at the time the District A is applied. Storage of overburden shall be setback at least two hundred (200) feet from any public road unless such overburden is used a part of a screening buffer that includes a planted berm.
  - g. Height: The maximum height of any permanent structure, except mineral and aggregate processing equipment, shall be eighty-five (85) feet. Taller temporary structures, e.g., bucket elevators, may be allowed by the Planning Commission.
  - h. Signs: One sign not exceeding thirty-two (32) square feet is permitted at each entrance.
  - i. Screening and Fencing.
    - (1) Vegetative screening on the site, if not required at the time the District A overlay is applied, include, at a minimum, a 100-foot wide planted buffer that obtain a minimum

- height of 30 feet and which shall screen from view all extraction and processing operations, except the tallest structures, along all public roads. A performance bond shall be posted to insure the survival of plants for a minimum of three (3) growing seasons. Dead or dying plants material shall be immediately replaced.
- (2) Fencing required shall be of cyclone type, a minimum of six (6) feet high.
  - (3) Other screening or fencing requirements may be established at the time the District A is applied and at the time of site plan approval.
- j. Access.
- (1) All private access roads connecting mineral and aggregate sites to public highways, roads or streets shall be paved or graveled. If graveled, the applicant shall provide a written agreement to the Town to grade and treat the access road during the period from June to September to reduce dust. If the access connects with a paved public road it shall be paved for a distance of 100 feet from the existing paved road.
  - (2) If access from a mineral and aggregate site is by graveled public highways, roads or streets, the applicant shall provide a written agreement to the Town or County to annually grade and treat the first two thousand (2,000) feet of such roadway, or such distance as determined to reduce dust impacts.
  - (3) Vehicular barriers or gates shall be required at all vehicular access points to the site. The gate shall be located no closer than 85 feet to the public right-of-way.
- k. Hours of Operation. Hours of operation different from the following requirements may be established at the time the District A is applied. Extraction, processing and transportation activity shall be allowed Monday through Friday between the hours of 7:00 a.m. through 6:00 p.m. Transportation activity shall be allowed Saturdays between the hours of 7:00 a.m. through 4:30 p.m. No extraction, processing and transportation activity is permitted on the following holidays: January 1; Memorial Day; July 4; Labor Day; Thanksgiving Day; and December 25. Subsequent to the designation of a District A, an owner may request, and the Town may grant an exception to provide for additional hours of operation for a mineral extraction and processing operations when additional hours of operation are needed to alleviate a public emergency. Public emergency includes:
- (1) Damage to public roads or structures that requires immediate repair.
  - (2) Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
  - (3) Weather related emergency demand for mineral products, e.g., ice storm, hurricane, etc., by state, county or municipal governments.
- l. Environmental Standards.
- (1) Any crusher, asphalt batch plant or concrete plant, shall meet all applicable Town, State and County environmental standards.
  - (2) Owners or operators who present specific information as to the location of extraction or processing areas, shall present evidence of the appropriate State permits during the zone change analysis. Owners or operators who present generalized information at this time shall present evidence of State permits as part of the subsequent site plan review process.
  - (3) Owners or operators of mineral and aggregate operations shall comply with all applicable Department of Environment sound level standards.
- m. Safety Standards.
- Access roads to all mineral and aggregate resource sites shall be gated and locked when not in operation.
1. Site Reclamation.
- (1) Not later than fourteen (14) days after a site reclamation plan is approved by the State, the owner or operator shall provide a copy of the reclamation plan to the Town. Such plan shall not be a prerequisite for District A designation. State approval shall be evidenced by a surface mining operating permit and the owner or operator shall have posted the reclamation bond prior to the start of extraction operations at the site.
  - (2) Existing sites that currently have State permits shall be deemed to have obtained the necessary permit for their operations.

11. Performance Agreements.
  - a. The operator of a mineral and aggregate site shall provide the Town with a letter and 2 copies of relevant documents that demonstrate the operator has in full force and effect the bond or security deposit with the State to assure conformance with the state-required reclamation plan. Such information shall not be a prerequisite for District A designation, but shall be provided to the Town prior to commencing operations.
  - b. Mineral and aggregate operations shall be insured for a minimum of \$100,000.00 against liability and tort arising from production activities or incidental operations conducted or carried on by virtue of any law, ordinance or condition, and the insurance shall be kept in full force and effect during the period of such operations. Evidence of a prepaid policy of such insurance that is effective for a period of one (1) year shall not be a prerequisite for District A designation, but shall be deposited with the Town prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the Town with evidence that the policy has been renewed.
12. Uses Permitted in District B
  - a. If farm use and propagation and harvesting of a forest product are permitted in the underlying zone they are permitted uses in District B provided they are not noise sensitive uses.
  - b. Other uses permitted in the underlying zone may be approved as special exception uses in District B as provided in this ordinance.
13. Criteria and Development Standards - District B
  - a. Special exception uses must be found to meet the following standards and criteria:
    - (1) The applicable standards of the underlying zone; and
    - (2) The use will not cause the aggregate operation to violate any applicable standard such as noise, air quality, water quality or setbacks.
14. Noise Reduction, and Waiver of Remonstrance and Indemnity.
  - a. The applicant for a new noise sensitive use shall demonstrate that the existing or proposed mineral and aggregate extraction and processing operation on the corresponding District A site will maintain compliance with both the daytime and nighttime industrial noise standards as measured at the new noise sensitive use.
  - b. As part of an application for a land use approval for a new noise sensitive use in a District B, the applicant shall submit a noise analysis prepared by a registered professional engineer (acoustical) and stamped with the engineer's seal, demonstrating that the State noise standards are met by the adjoining mineral and aggregate operation. In determining noise compliance, the acoustical engineer must assume that the noise source on the District A site will be located as close as setbacks permit to the portion of the District A boundary closest to the proposed noise sensitive use. If sound reduction measures (e.g., berms, acoustical barriers) are necessary to meet this noise standard, such measures shall be a condition of any approval. If berms or other appropriate sound reduction measures cannot ensure compliance with State noise requirements, land use approval shall not be granted.
  - c. Prior to establishing a new noise sensitive use in District B, and as a condition of land use approval, the owner of land upon which the new noise sensitive use will be located shall sign and record in the Deed and Mortgage Records of the County, an Aggregate Operation Easement and Waiver of Remonstrance and Indemnity, which shall state that the owner and successors to the owner of the new noise sensitive use will not object to mineral and aggregate resource extraction and processing activities as provided for in District A; and, in the event such an objection is raised, the owner and successors to the owner of the new noise sensitive use shall indemnify the Town and the resource owner and operator against all loss, cost and expense including attorney fees arising out of any remonstrance proceeding. The Aggregate Operation Easement and Waiver of Remonstrance and Indemnity shall run with the land.
15. Termination of the Overlay Zone
  - a. Mineral Resource Overlay District A and District B Designation, or portions thereof, shall not be

removed from a mineral resource site except when:

- (1) The mineral and aggregate resource site has been reclaimed in accordance with an approved reclamation plan.
- (2) The owner of the mineral resource site submits evidence showing the MRO Zone is no longer justified.

16. Nonconforming Uses and Prior Special Exception Uses

Notwithstanding any other provisions of this Ordinance, the following provisions shall be applicable to existing mineral resource extraction operations:

- a. All existing mineral and aggregate related uses located within a District A but not conforming to the District A provisions may continue to operate as nonconforming uses including expansion of the excavation area within the boundaries of the parcel by not more than 20% of the excavated area, as the boundary of the parcel and excavated area existed on the effective date of this ordinance.
- b. Any existing mineral and aggregate related use operating under a conditional use or special exception permit shall continue to comply with the conditions of approval unless they are removed or modified as part of the establishment of District A. Where there is a conflict the more restrictive conditions shall apply.

## 6.9 HOME-BASED BUSINESS

1. The Town recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce travel and to provide another economic development tool, but also recognizes the need to protect the surrounding areas from the adverse impacts generated by these business activities. The standards in this section ensure that the home-based business remains subordinate to the residential use, and that the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.
2. A type 1 home-based business shall be permitted by the Town in all zoning districts.
3. A type 2 home-based business may be permitted by the Board of Zoning Appeals as a special exception in the NC, R-1, PUD and TC districts provided that such use shall conform to the following standards, which shall be the minimum requirements:
  - a. Description of Type 1 and Type 2 Home-Based Businesses. There are two types of home-based businesses, Type 1 and Type 2. Uses are allowed as home-based businesses only if they comply with all of the requirements of this Chapter.
    - (1) Type 1. A type 1 home-based business is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. Examples include, but are not limited to, artists, crafts people, writers and consultants. Type 1 home-based businesses also provide an opportunity for a home to be used as a business address but not as a place of work.
    - (2) Type 2. A type 2 home-based business is one where either one employee or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.
    - (3) Determination of whether or not a proposed home-based business is a type 1 or type 2 home-based business shall be made by the Zoning Administrator.
  - b. Permitted Home-Based Businesses. Examples of permitted home-based businesses include, but are not necessarily limited to, the following:
    - (1) Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and manufacturer's representatives, travel agents.
    - (2) Instructional services, including music, dance, art and craft classes.
    - (3) Studios for artists, sculptors, photographers and authors.

- (4) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry, making cabinetry, and woodworking.
- c. Prohibited Home-Based Businesses. Prohibited home-based businesses include, but are not necessarily limited to, the following:
  - (1) Kennels, stables, veterinary hospitals, animal grooming
  - (2) Medical and dental clinics, hospitals
  - (3) Restaurants, clubs, drinking establishments
  - (4) Motor vehicle, vehicle body work, and gasoline stations
  - (5) Undertaking and funeral parlors
  - (6) Bed and breakfast and country inn
  - (7) Retail sales of goods not made on the premises
  - (8) Adult uses
  - (9) Group homes
  - (10) Boarding and rooming houses
  - (11) Private educational institutions,
  - (12) Gift shops, grocery stores,
- d. Operational Standards
  - (1) Conditions of approval established by the Board of Zoning Appeals shall specify the hours of operation, maximum number of customer/client visits that may occur in any one day and the maximum number of customers/clients that can be present at any one time.
  - (2) A Type 2 home-based business shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at other locations other than the home-based business is not limited.
  - (3) The home-based business shall be limited to the parking/storage of one (1) commercial vehicle on the premises, not exceeding a 15,000 pounds gross vehicle weight. Such vehicle shall not be parked in any required front yard or in front of any residential structure.
  - (4) Type 1 Home Based Businesses are not required to provide any additional parking beyond what is required for the residential use. Type-2 Home Based Businesses shall provide two (2), hard, dust-free parking areas located outside of the front. Parking may only be permitted in a required side yard if fully screened from abutting properties.
  - (5) The equipment used by the home-based business and the operation of the home-based business shall not create any vibration, heat, glare, dust, odor, or smoke discernable at the property lines, generate noise exceeding 60 decibels at the property line from 8:00 A.M. to 6:00 P.M., generate any noise discernable by the human ear at the property lines from 6:00 P.M. to 8:00 A.M., create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.
  - (6) All storage of products or materials associated with a home-based business shall be inside of a completely enclosed building.
- e. Site Related Standards
  - (1) Outdoor activities.
    - (a) All activities must be in completely enclosed structures.
    - (b) Exterior storage or display of goods or equipment is prohibited.
  - (2) Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes, which will make the dwelling appear less residential in nature or function, are prohibited. Examples of such prohibition alterations include construction of parking lots, paving a required setback, or adding commercial exterior lighting.
  - (3) Signage shall be limited to one sign not exceeding four (4) square feet in area-mounted flush with and on the front facade of the dwelling unit.

## 6.10 ACCESSORY DWELLING UNITS

An accessory dwelling unit may be permitted by the Board of Zoning Appeals as a special exception in the NC, R-1, PUD and TC districts provided that there shall be no more than one accessory dwelling unit permitted per lot of record and provided such accessory dwelling unit shall comply with the following standards.

1. Purpose

Accessory dwelling units are allowed in certain situations to:

- a. Create new housing units while respecting the look and scale of single-family dwelling neighborhoods;
  - b. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
  - c. Allow more efficient use of existing housing stock and infrastructure;
  - d. Provide a mix of housing that responds to changing family needs;
  - e. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in the their homes and neighborhoods, and obtain extra income, security, companionship and services; and
  - f. Provide a broader range of affordable housing.
2. Applicability. An accessory dwelling unit may be located on the same lot as a detached single-family dwelling unit in the NC, R-1, PUD and TC districts. An accessory dwelling unit may not be located on the same lot as a two-family dwelling, townhouse or multi-family dwelling.

3. Design Standards

- a. Purpose. Standards for creating accessory dwelling units address the following purposes:
    - (1) Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
    - (2) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
    - (3) Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes.
  - b. Generally. The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
4. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

- a. Creation. An accessory dwelling unit may only be created ~~by the~~ <sup>by the</sup> following methods:
  - (1) Converting existing living area, attic, basement or garage;
  - (2) Adding floor area to an existing detached single family dwelling or garage;
  - (3) Construction of a new principal dwelling with an internal or detached accessory dwelling unit when included in an approved development master plan for a planned unit development.
- b. Location of Entrances. Only one entrance may be located on the facade of the principal dwelling facing the street, unless the principal dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this requirement is entrances that do not access from the ground such as entrances from balconies or decks.
- c. Parking
  - (1) Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-family dwelling neighborhoods and reducing the amount of

impervious surface on a site. More parking is required when a vacant lot is developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an accessory dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available.

- (2) All parking must meet the requirements of this ordinance.
  - (3) No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house and on-street parking is permitted.
  - (4) One additional parking space is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets are at least 28 feet wide; or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.
- d. Maximum Size. The size of an accessory dwelling unit may be no more than fifty (50) percent of the living area of the principal dwelling or eight-hundred (800) square feet, whichever is less.
5. Accessory dwelling units created through the addition of floor area must meet the following standards:
- a. The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish materials of the principal dwelling.
  - b. Trim on the edges of elements on the addition must be the same in type, size and location as the trim used on the rest of the principal dwelling.
  - c. The roof pitch must be the same as the predominant roof pitch of the principal dwelling.
  - d. Windows must match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
  - e. Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.
6. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following:
- a. Setbacks. Accessory dwelling units must be at least:
    - (1) sixty (60) feet from the front lot line; or
    - (2) six (6) feet behind the principal dwelling.
  - b. Conversion of existing detached garages.
    - (1) Conversion of an existing detached garage that is in a front, rear, or side-building setback required in this ordinance is not allowed.
    - (2) The maximum height allowed for detached accessory dwelling units is twenty-five (25) feet.
    - (3) The detached accessory dwelling unit may not have a larger footprint than the footprint of the principal dwelling and the combined footprint of all detached accessory structures may not exceed twenty-five (25%) percent of the total site area.
    - (4) The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish materials of the principal dwelling.
    - (5) The roof pitch must be the same as the predominant roof pitch of the principal dwelling.
    - (6) Trim on the edges of elements must be the same in type, size and location as the trim used on the principal.
    - (7) Windows must match those of the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
    - (8) Eaves must project from the building walls the same distance as the eaves on the principal.

## **7.0 DIMENSIONAL REQUIREMENTS**

### **7.1 TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES**

The Table of Dimensional Requirements for Principal and Accessory Uses lists the requirements for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards subject to further applicable provisions of this ordinance.

## **7.2 LOT AREA OR YARDS REQUIRED**

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

## **7.3 EXCEPTIONS OF MINIMUM LOT SIZE AND LOT WIDTHS**

If two (2) or more adjoining lots of record, one or both of which fail to meet the requirements of this Ordinance with regard to lot area and/or lot width, have continuous frontage and are in single ownership at any time after the application of the provisions of this Ordinance to such lots, and if such lots taken together would form one or more lots, each meeting the requirements of this Ordinance with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirements irrespective of subsequent change in ownership.

Subject to the provisions above, a building or other improvements may be erected on any lot which was of record prior to the effective date of this Ordinance, even if the lot is a nonconforming lot, provided the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this Ordinance.

## **7.4 FRONT YARDS**

When there is an existing building on each of two (2) lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when both such existing buildings are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth on which the proposed building is to be erected provided that the above reduction shall not apply to any special exception uses. The Planning Commission may require that new buildings be aligned to within two (2) feet of an average front yard setback line of the two adjacent buildings.

On through lots, at least the minimum required front yard shall be provided on each road.

## **7.5 REAR YARD REQUIREMENTS FOR TRIANGULAR LOTS**

In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the front line shall be at least twice the minimum depth specified.

## **7.6 HEIGHT EXCEPTIONS OF MAXIMUM REGULATIONS**

Maximum height regulations shall not apply to church spires, chimneys, aerials, and other structures normally built or located above the roof and not devoted to human occupancy.

## **7.7 TRAFFIC VISIBILITY ACROSS CORNERS (CLEAR SIGHT TRIANGLE)**

On any corner lot, no wall, fence, or other structure shall be erected or altered, or no hedge, tree, shrub, or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines, and a straight line drawn between points on each such street line twenty-five (25) feet from the intersection of said street lines.

#### **7.8 ACCESSORY BUILDINGS IN SIDE AND REAR YARDS**

Completely detached accessory buildings may occupy required side and rear yards, but shall not be located closer than five (5) feet to any side or rear property line.

#### **7.9 WALLS NOT PARALLEL TO LOT LINES**

Where a wall of a building is not parallel with its corresponding lot line, the required width or depth of any yard on that side of the building shall be taken as the average width or depth, provided that said yard shall not be narrower at any point than three-fourths of the required width or depth.

#### **7.10 FRONT AND SIDE YARDS OF CORNER LOTS**

On a corner lot the street side yard shall equal the required front yard for lots facing that street.

#### **7.11 FRONT AND SIDE YARDS ON RIGHTS-OF-WAY**

Where a right-of-way has been established for the future widening or opening of a Town or State road upon which a lot abuts, then the depth of a front or side yard shall be measured from the nearest boundary of the future right-of-way to the nearest point of the structure.

#### **7.12 FENCES**

##### **1. Definitions**

Fence - Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

Fence Height - The distance measured from the existing grade to the top of the fence.

##### **2. Approval Required - No fence, wall or other type of construction shall be erected without the approval of the Planning Commission.**

##### **3. Application for Permit - Any person or persons, corporation, firm or association intending to erect a fence or wall shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the material proposed to be used, which must be in accordance with this Ordinance, and be accompanied by an appropriate fee.**

##### **4. Height Limitations - Fences not greater than three (3) feet in height may enclose a required front yard in a residential district or the Town Center district. Fences no greater than six (6) feet in height may enclose other required yards in a residential district or the Town Center District.**

##### **5. Location Restrictions - Any fence erected under this Ordinance may be located on the property line except in the front yard. Any fence erected in a front yard shall be placed at least one (1) foot back from the front line and/or property line. No front yard fences are allowed in townhouse projects.**

##### **6. Materials and Composition**

- a. Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less

than fifty percent (50%) solid.

- b. The following fences and fencing materials are specifically prohibited:
  - (1) Barbed wire.
  - (2) Pointed fences less than three (3) feet in height.
  - (3) Canvas fences.
  - (4) Cloth fences.
  - (5) Electrically charged fences.
  - (6) Poultry fences.
  - (7) Turkey wire.
  - (8) Temporary fences such as snow fences.
  - (9) Expandable fences and collapsible fences, except during construction of a building.
- c. Approvals or permits for wire fences will be at the discretion of the Planning Commission. The Zoning Inspector will check for adequacy and safety.
- d. All chain link fences erected shall be erected with the closed loop at the top of the fence.
- e. All entrances or gates shall open into the property.
- f. A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application. An eight (8) foot fence approved by the Planning Commission and located at least fifteen (15) feet from any property line shall enclose all storage areas on commercial or industrial properties.
- g. All fences or walls must be erected so as not to encroach upon a public right-of-way or easements unless a waiver is granted by the Town with the stipulation that the fence be removed or relocated upon request by appropriate town officials. All fences or walls must be erected with the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.

#### **7.13 SWIMMING POOLS**

- 1. Swimming pools are regulated as accessory structures.
- 2. Swimming pools may be located in the rear and side yards of any lot, and, on lots of over 36,000 square feet, they may be located in front of the dwelling but not in the minimum required front yard. A corner lot is considered to have two front yards.
- 3. Swimming pools must be set back a minimum of 6 feet from all side and rear property lines and set back a minimum of 10 feet from any front property line.
- 4. A fence a minimum of 48 inches in height must enclose swimming pools with a lockable gate in compliance with the Building Code.

#### **7.14 DRIVEWAYS**

Driveways shall be set back a minimum of five (5) feet from any side lot line.

(Revised 1/10/05 Ordinance 04-06)

TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES

ZONING DISTRICT	MINIMUM DEPTH OF FRONT YARD	MINIMUM WIDTH OF EACH SIDE YARD	MINIMUM DEPTH OF REAR YARD	MAXIMUM HEIGHT	GROSS DENSITY, LOTS, OR UNITS/ACRE	MINIMUM LOT AREA	MINIMUM WIDTH OF LOT	MINIMUM DEPTH OF LOT
<b>NC Neighborhood Conservation</b>								
- Detached Single Family Dwelling	20 feet	5/10 feet*	25 feet	40 feet 3 stories	6	7,000 square feet	50 feet	75 feet
<b>R-1 Residential</b>								
- Detached Single Family Dwelling	20 feet	5/10 feet*	25 feet	40 feet 3 stories	6	7,000 square feet	50 feet	75 feet
- Two-family dwelling	20 feet	5/10 feet*	25 feet	40 feet 3 stories	6	14,000 square feet	100 feet	75 feet
<b>Planned Unit Development (PUD)</b>	Dimensional requirements for principle and accessory uses shall be as established in the approved development master plan.							
<b>TC Town Center</b>								
- Non-Residential Use	15 feet	5/10 feet*	25 feet	40 feet 3 stories	Na	20,000 square feet	100 feet	125 feet
- Detached Single Family Dwelling	15 feet	5/10 feet*	25 feet	40 feet 3 stories	6	7,000 square feet	50 feet	75 feet
- Two Family Dwelling	15 feet	5/10 feet*	25 feet	40 feet 3 stories	6	14,000 square feet	100 feet	75 feet
<b>C-1 Commercial</b>								
- Non-residential Uses	30 feet	5/10 feet*	25 feet	40 feet 3 stories	Na	20,000 square feet	100 feet	125 feet
- Detached Single Family Dwelling	15 feet	5/10 feet*	25 feet	40 feet 3 stories	6	7,000 square feet	50 feet	75 feet
- Two Family Dwelling	15 feet	5/10 feet*	25 feet	40 feet 3 stories	6	14,000 square feet	100 feet	75 feet
<b>I-1 Light Industrial</b>								
- All uses	50 feet	25 feet	50 feet	50 feet 4 stories	1	43,560 square feet (1 acre)	200 feet	200 feet

- Two required. A total of 15 feet is required, with no one side yard less than 5 feet in width.

## **8.0 NONCONFORMITIES**

A nonconforming structure or lot is a structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the zone in which it is located, or to regulations for signs, off-street parking, or accessory buildings but which structure or lot was in existence on the effective date of this Ordinance, and was lawful at the time it was established.

A nonconforming use is a use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located but which was in existence on the effective date of this Ordinance, and was lawful at the time it was established.

## **8.1 CONTINUATION**

The lawful use of any structure or land existing at the effective date of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance except as otherwise provided in this Article.

## **8.2 ALTERATION OR EXTENSION**

A use of land or structure which does not conform to the regulations of Use Regulations shall not be altered, reconstructed, extended, or enlarged except in accordance with the following provisions:

1. Such alteration or extension shall be permitted only upon the same lot as in existence at the date the use became nonconforming; and
2. Any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of more than fifty (50) percent during the life of the nonconformity.

## **8.3 RESTORATION**

Nothing in these regulations shall prevent the continuance of a use or the reconstruction of a structure occupied by a lawful nonconforming use or structure destroyed by fire, explosion, act of God or act of the public enemy as it existed at the time of such destruction provided that a permit is obtained and reconstruction begun within two years after the occurrence. This provision does not apply to structures that are voluntarily removed or destroyed by the property owner or the property owner's agent.

## **8.4 ABANDONMENT**

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

## **8.5 CHANGES**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use, if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:

1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic;
2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration;
3. storage and waste disposal; and
4. appearance.

#### **8.6 DISPLACEMENT**

No nonconforming use shall be extended to displace a conforming use.

#### **8.7 DISTRICT CHANGES**

Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

#### **8.8 NONCONFORMING USE PERMIT REQUIRED**

Nonconforming use permits shall be issued by the Zoning Administrator for all nonconforming uses existing at the effective date of this Ordinance.

#### **9.0 OFF-STREET PARKING**

##### **9.1 GENERAL REQUIREMENTS**

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this section on parking so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

Whenever there is an alteration of a structure or a use, which increases the parking requirements according to the standards of this ordinance, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that Section.

No open space in an automobile parking area shall be encroached upon by buildings, storage, or any other use; nor shall such space be reduced in area, except upon approval of the Zoning Administrator and then only after proof that by reason of reduction in floor area, meeting area, or other factors controlling the regulation of such parking facilities, the proposed reduction in off-street parking space is reasonable and in accordance with the standards of this ordinance.

No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except when such reduction is in conformity with the requirements of this Ordinance. Reasonable precautions shall be taken by the owner of the particular uses to assure the availability of required facilities to the customers, employees, or other persons whom the facilities are designed to serve.

Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.

Were the computation of required parking space results in a fractional number, only the fraction of one-half or more shall be counted as one.

Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet of the principal use served within the same district or on a lot abutting a commercial or industrial district subject to the requirements of this ordinance.

Each required parking space shall measure not less than nine (9) feet in width, and not less than eighteen (18) feet in length.

Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicles.

In no case shall parking areas for three (3) or more vehicles be designed to require or encourage cars to back into a public or private street in order to leave the lot.

## 9.2 OFFICIAL TABLE OF PARKING REGULATIONS FOR SPECIFIC USES

TYPE OF USE	MINIMUM REQUIRED SPACES
single or two-family dwelling	2 for each dwelling unit
boarders in residence	1 for each bedroom
townhouse, multi-family	1 for each bedroom
Bed and breakfast	1 for each bedroom
commercial, retail	1 for each 100 square feet of gross floor area
restaurant, tavern, or nightclub	1 for each 50 square feet of floor area devoted to patron use
offices, clinics	1 for each 200 square feet of floor area
wholesale or warehouse	1 for each 2 employees; 1 for each motor vehicle used in the business; 1 for each 100 square feet of floor area devoted to patron sales use
automobile filling station	1 for each 2 employees; 1 for repair shop; plus 1 for each vehicle used in the business; plus sufficient space on the premises to provide for parking or storing vehicles left for service
Industrial	1 for each 2 employees; plus 1 for each motor vehicle used in the business
nonprofit club or institution	1 for each 10 members
nursing home	1 for each 2 patient beds
places of worship	1 for each 5 seats based on maximum capacity

## 9.3 FLEXIBILITY IN ADMINISTRATION REQUIRED

The Town recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in this ordinance may result in a development either with inadequate parking space or parking space in excess of its needs. The former situation may lead to traffic congestion or parking violations in

adjacent streets as well as unauthorized parking in nearby private lots. Therefore the approving authority may permit deviations from the presumptive parking requirements of this ordinance and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the purpose and intent of this ordinance.

## **10.0 SIGNS**

The purpose of this section is to permit signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, morals, and general welfare; to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance; to prevent the proliferation of signs which detract from the appreciation of the landscape, and to preserve and enhance the attractiveness of Goldsboro.

### **10.1 GENERAL REGULATIONS**

No sign shall be erected until a Zoning Certificate has been issued, except for those signs specifically exempted in this ordinance.

No sign shall, by reason of its intensity, color, location, or movement, interfere with traffic lights, signals, or other controls; obscure the view of a road; or in any other manner impair public safety. Flashing or animated signs are prohibited, except those elements of a sign displaying time or temperature.

No sign, other than an official traffic sign, shall be located within the right-of-way of any road.

No sign shall be attached to a utility pole or any other unapproved supporting structure. No sign, which requires a Zoning Certificate, shall be attached to a tree.

These regulations do not apply to a sign on a truck bus, or other vehicle which identifies the product, service, or activity for which the vehicle is used, and which is incidental to the primary business use of the vehicle for transportation.

Any free-standing sign shall be set back from the side and front lot lines a distance at least equal to the height of the sign or a minimum distance of ten (10) feet, whichever is greater.

Every sign shall have good scale and proportion in its visual relationship to buildings and surroundings.

Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.

Each sign shall be compatible with the sign's on adjoining premises and shall not compete for attention.

Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

### **10.2 POLITICAL SIGNS**

Political signs or posters may be erected upon private property provided the person responsible for the erection or distribution of such signs, the property owner, or an agent of the property owner shall remove the signs or posters

within fifteen (15) days after the elections to which they are addressed, unless such signs or posters shall continue to be addressed to an election to be held within the next ninety (90) days.

### **10.3 APPLICATION**

Every application for a sign permit shall be accompanied by plans drawn to scale and including:

1. The dimensions of the sign and its supporting structure. In addition, the dimensions of and location on the building wall surface when the sign is to be attached to a building;
2. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated; and
3. The manner of illuminating and securing the sign to a building, structure, or ground.

### **10.4 REMOVAL OF SIGNS**

Any sign associated with an activity on a vacated premises shall be removed from the premises, altered, or resurfaced by the owner or lessee within (1) year from the time such activity ceases, so that the sign will not display letters, numerals, symbols, figures, designs, or any other device for visual communication pertaining to the former activity.

10.5 OFFICIAL TABLE OF SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICTS

TYPE OF SIGN	MAXIMUM NUMBER ALLOWED PER USE	MAXIMUM AREA ALLOWED IN SQ. FT.	MAXIMUM HEIGHT IN FEET	ILLUMINATION PERMITTED	PERMIT REQUIRED	TIME LIMIT	ZONING DISTRICTS ALLOWED
Garage or Yard Sales Roadside Stands	Two	6	6	No	No	Coincident with use	All Districts
Agricultural Products Produced on Premises	1	16	8	No	No	None	Residential
Political	B	16	8	No	No	End of Election Period	All Districts
Legal Notices Official Traffic Signs	No Limit	None	None	No	No	None	All Districts
Real Estate Sale or Lease or Rental	1 per road frontage	6	4	No	No	None	All Districts
Special Event but for Civic or Social or for Government Organizations Only	2	16	6	Yes	No	30 Days per Event	All districts
Special and New Business Promotions	B	16	25 (a)	Yes	No	30 Days per Event	Commercial and Industrial districts and Permitted Commercial Activities in Residential Districts
Special Decorative Holiday Displays	None	None	25 (a)	Yes	No	60 Days per Year	All Districts
Name and Address of Occupant, Owner, or Property	1	1	6	No	No	None	All Districts
Place Identification of Residential Facility or Development, Farm, or Historic Property	1	16	6	Yes	No	None	All Districts
Institutional Identification or Bulletin Board	1	16	8	Yes	No	None	All Districts

Home Occupation	1	1	6	No	No	None	All Residential and Commercial Districts
Public Interest of a Non-Commercial Nature and without Advertising	No Limit	2	8	No	No	None	All Districts
Construction Site to Show Contractors, Design, and Future Use	1	16	8	No	No	Till Project is Complete or Abandoned	All Districts
Permitted Business, Commercial, Industrial Establishments except Home Occupations	b	32	25 a	Yes	Yes	No	All Commercial and Industrial Districts and Permitted Commercial Uses in Residential Zones
Council of Goldsboro sponsored signs	2	48	10	yes	No	No	All Districts

NOTES:

- Or the Height of the Building, whichever is greater;
- The Combined total of all signs on the premises per Establishment shall not exceed the Maximum Sign Area allowed per Type; and
- Signs located on a Building Window are not included when determining the Maximum Number or Sign Area allowed.

## **11.0 ADMINISTRATION**

### **11.1 ZONING ADMINISTRATOR - DUTIES AND POWERS**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Mayor and confirmed by the Town Council. It shall be the duty of the Zoning Administrator, and he shall have the power to:

1. Receive and examine all applications for Zoning Permits;
2. Issue permits only where there is compliance with the provisions of this Ordinance, and with other Town ordinances. Zoning Certificates shall only be issued when approved by the Planning Commission. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals;
3. Receive applications for special exceptions, and forward these applications to the Board of Appeals for action thereon;
4. Following refusal of a permit, to receive applications for interpretation and variance appeals and forward these applications to the Board of Appeals for action thereon;
5. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance;
6. Issue stop, cease, and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance;
7. With the approval of the Town Council or when directed by them, institute in the name of the Town an appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises;
8. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance;
9. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

### **11.2 DEVELOPER RIGHTS AND RESPONSIBILITIES AGREEMENT**

#### **Purpose**

The purpose of the section is to provide an additional technique for land development consistent with the Comprehensive Plan as authorized by the Annotated Code of Maryland

#### **Authority**

The Town desires to exercise the authority granted by Section 13.01 of Article 66B, Annotated Code of Maryland, to authorize development rights and responsibilities agreements (DRARAs) generally.

#### **Applicability**

Any person having a legal or equitable interest in real property in the Town of Goldsboro may petition the Town Council to enter into an agreement.

#### **Contents of Developer Rights and Responsibilities Agreement**

1. At a minimum a developer rights and responsibilities agreement shall contain the following:
  - a. A lawyer's certificate that the petitioner has either a legal or equitable interest in the property.
  - b. The names of all parties having an equitable or legal interest in the property, including lien holders.

- c. A legal description of the property subject to the agreement.
  - d. The duration of the agreement, including any proposed phasing plan for the development.
  - e. The permissible uses of the real property.
  - f. The density or intensity of use.
  - g. The maximum height and size of structures.
  - h. Architectural elevation sketches.
  - i. Description of the plan approvals and permits required or already approved for the development of the property.
  - j. Statement that the proposed development is consistent with applicable development regulations, the Comprehensive Plan, and, if applicable, the Growth Area Plan.
  - k. A description of the conditions, terms, restrictions or other requirements determined by the Town Council or their designee to be necessary to ensure the public health, safety, or welfare.
  - l. To the extent applicable, provision for:
    - (1) Dedication or reservation of a portion of the real property for public or private uses.
    - (2) Protection of sensitive areas.
    - (3) Preservation and restoration of cultural and historic resources.
    - (4) Construction or financing of public facilities.
  - m. Provisions for the effect that the petitioner shall be responsible for attorney's fees, costs and expenses incurred by the Town Council in the event an agreement is abandoned or breached by the petitioner.
  - n. A development master plan meeting the requirements of Appendix A for site plans and/or meeting the requirements of the Goldsboro Subdivision Regulations for concept sketch plans.
2. An agreement may fix the period in and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this section, including, but not limited to, phasing schedules and grandfather provisions.

#### Referral to Planning Commission

Upon receipt of a petition, the Town Council shall refer the petition to the Planning Commission which may conduct a public hearing, for determination on whether the proposed agreement is consistent with the Comprehensive Plan and, where applicable, any applicable growth area plans. The Town Council may not enter into an agreement until the Planning Commission determines the proposed agreement is consistent with the Comprehensive Plan. The Town Council may, however, choose not to accept the Planning Commission recommendation.

#### Public Hearing by the Town Council

Before the Town Council may execute an agreement, the Town Council shall hold a public hearing on the agreement. Notice of hearing shall be as provided for in Section 12.6 of this ordinance. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the content of the agreement and the date, time and place of public hearing.

#### Amendment of Agreements

Subject to the following paragraph of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

The parties may not amend an agreement unless the Planning Commission determines that the proposed amendment is consistent with the Comprehensive Plan.

#### Termination of Agreements; Suspension

The parties to an agreement may terminate the agreement by mutual consent.

After a public hearing, the Town Council may suspend or terminate an agreement if the Town Council determines that suspension or termination is essential to ensure the public health, safety and welfare.

## **Applicable Laws, Regulations and Policies**

Except as provided in following paragraph of this subsection, the laws, rules, regulations and policies governing the use, density or intensity of the real property subject to the agreement shall be the laws, rules, regulations and policies in force at the time the parties executed the agreement.

If the Town Council determine that compliance with laws, rules, regulations and policies enacted or adopted after the date of the agreement is essential to ensure the health, safety and welfare of residents of the Town, an agreement shall not prevent the Town Council from requiring a person to comply with those laws, rules, regulations and policies after thirty (30) days notice to the land owner and a public hearing.

## **12.0 BOARD OF APPEALS**

### **12.1 ESTABLISHMENT OF BOARD**

In order that the objectives of this Ordinance may be more fully and equitably achieved and a means for competent interpretation of this Ordinance provided, there is established a Board of Appeals for the Town.

### **12.2 MEMBERSHIP, TERMS OF OFFICE**

The Board shall consist of three (3) members. The terms of office of the members shall be three (3) years. Members shall be appointed by the Mayor, confirmed by the Town Council and removable for cause upon written charges and after public hearing.

### **12.3 PROCEDURES**

The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of Article 66B of the Annotated Code of Maryland and this Ordinance for the conduct of its affairs.

### **12.4 MEETINGS**

Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Two members present shall constitute a quorum.

### **12.5 RECORDS AND DECISIONS**

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed, in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by resolution in which three members present during the proceedings must concur. Each resolution shall contain a statement of the grounds, and any findings forming the basis of such action or decision.

The Board shall notify the Mayor and Town Council, Planning Commission, and Zoning Administrator of all decisions and resolutions.

## **12.6 NOTICE OF HEARINGS**

Upon filing with the Board of an application for a special exception, variance, or appeal from alleged error of the Zoning Administrator, the Board shall fix a reasonable time not less than thirty days nor more than forty-five days from the filing date for a public hearing thereon, and give notice as follows:

1. The inspector shall publish notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, in at least one newspaper of general circulation in Goldsboro once each week for 2 successive weeks. The first notice of the hearing shall appear in the paper at least 14 days before the hearing;
2. Notice of such hearings shall be posted on the subject property and at the Town Office;
3. Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice before the hearing;
4. The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed; and
5. At least thirty (30) days before the date of the hearing on an application for a special exception, interpretation, or variance, the Secretary of the Board shall transmit a copy of said application to the Planning Commission together with a notice of the aforesaid hearing.

## **12.7 POWERS AND DUTIES - INTERPRETATION**

Upon the appeal from a decision by the Zoning Administrator, the Board shall decide any question:

1. Involving the interpretation of any provision of this ordinance including the determination of the exact location of any district boundary if there is an uncertainty with respect thereto; and
2. Where it is alleged there is an error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease, and desist made by the Zoning Administrator in the enforcement of this ordinance.

## **12.8 POWERS AND DUTIES - VARIANCES**

1. Upon the appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions, whereby such strict applications would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of the land or building involved;
2. In general, the power to authorize a variance from the terms of this ordinance shall be sparingly exercised, and only under peculiar and exceptional circumstances;
3. No variance in the strict application of the provisions of this ordinance shall be granted by the Board unless the Board finds that the requirements and standards are satisfied;
4. The appellant must show that the variance will not be contrary to the public interest, and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate his appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:
  - a. That the granting of the variance shall be in harmony with the general purpose and intent of this ordinance, and shall not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
  - b. That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District;
  - c. There must be proof of unique circumstances: There are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variance is sought, which

circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building;

- d. There must be proof of unnecessary hardship: If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance; and
- e. That the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; one who purchases with or without the knowledge of restrictions cannot claim it; it must result from the application of the Ordinance; and evidence of variance granted under similar circumstances shall not be considered.

The Board may prescribe any safeguard that it deems to be necessary to secure substantially the objectives of the regulation, or provisions to which the variance applies.

## **12.9 POWERS AND DUTIES - SPECIAL EXCEPTIONS**

1. The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions, and for no other use or purpose;
2. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards outlined in this Ordinance;
3. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:
  - a. In accord with the Goldsboro Comprehensive Plan, and consistent with the spirit, purposes, and intent of this ordinance;
  - b. Suitable for the property in question, and designed so as to be in harmony with, and appropriate in appearance with, the existing or intended character of the general vicinity; and
  - c. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
4. The Board may impose conditions consistent with this ordinance regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this ordinance. The Board shall consider the recommendations of the Planning Commission, if any, prior to rendering a decision.

## **12.10 ACTIONS OF THE BOARD IN EXERCISING POWERS CONCERNING APPEALS**

In exercising the powers concerning appeals, the Board may, in conformity with law and the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken.

## **12.11 TIME LIMITATIONS ON BOARD APPEALS**

A decision of the Board permitting the erection or alteration of a building shall be valid for a period of one (1) year, unless a zoning permit for such erection or alteration is obtained within this period, and the erection or alteration proceeds to completion in accordance with the terms of the decision. No decision of the Board permitting the use of

a building or land shall be valid for a period longer than one (1) year, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

#### **12.12 WHO MAY APPEAL TO THE BOARD**

Any officer or Board of the Town affected by any decision of the Zoning Administrator may take by any person aggrieved or appeals to the Board.

#### **12.13 RULES AND PROCEDURES FOR FILING INTERPRETATION AND VARIANCE APPEALS AND SPECIAL EXCEPTION APPLICATIONS**

The following are the general rules and procedures for appeals and applications:

1. Any appeal shall be made by filing with the Zoning Administrator within thirty (30) days after a decision is rendered;
2. All appeals and applications made to the Board shall be in writing and on standard forms as proscribed by the Board;
3. All appeals and applications shall refer to the specific provisions the Ordinance involved;
4. Interpretation Appeals are those appeals concerning the interpretation of any provisions of this Ordinance. The decisions in these appeals shall exactly set forth the interpretation that is claimed;
5. Variance Appeals are those appeals for a variance from the strict application of this Ordinance. The application for this form of decision shall refer to and include a copy of the Zoning Permit Application denied by the Zoning Administrator together with a statement with any supporting data regarding the requirements of this ordinance;
6. Special Exception Applications shall include a copy of a Zoning Permit application with all information required therein, and a statement with any supporting data regarding the merits of the proposed use at the proposed location, and how the proposal complies with the general and specific requirements of this Ordinance.

#### **12.14 REVIEW BY THE PLANNING COMMISSION ON APPLICATIONS FOR SPECIAL EXCEPTIONS, VARIANCES, AND INTERPRETATIONS**

The Board shall request an advisory opinion from the Planning Commission on any application for a special exception and request the Commission to submit a report of such advisory opinion prior to the decision by the Board on an application.

Advisory opinions of the Commission regarding special exceptions, variances, and interpretations shall be rendered within ninety (90) days after submission to it; otherwise, such special exception, variance, or interpretation shall be deemed to have been recommended for approval.

#### **12.15 DECISIONS BY THE BOARD**

Decisions by the Board on special exceptions, variances, and interpretation appeals shall be rendered within thirty (30) calendar days of the hearing on said exception, variance, or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

## **12.16 APPEAL TO COURT**

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer of the Town, or any officer, department, board, bureau of the Town, may appeal the same to the Circuit Court of Caroline County.

## **13.0 AMENDMENTS, REMEDIES AND PENALTIES. AND SEPARABILITY**

### **13.1 POWER OF AMENDMENT**

The Town Council may from time to time amend, supplement, change, modify, or repeal this Ordinance including the Zoning Map. When doing so, the Town Council.

### **13.2 WHO MAY INITIATE AMENDMENTS, REMEDIES, AND PENALTIES**

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. Proposals Originated by the Town Council - The Town Council shall refer every proposed amendment supplement, change, modification, or repeal originated by the Council to the Planning Commission. Within ninety (90) days of the submission of said proposal, the Commission shall submit to the Town Council a report containing the Commissions' recommendations including any additions or modifications to the original proposal;
2. Proposals Originated by the Planning Commission -The Planning Commission may at any time transmit to the Town Council any proposal for the amendment, supplement, change, modification, or repeal of this ordinance;
3. Proposals originated by a Citizen's Petition -Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification shall be submitted on forms provided therefore to the Town Clerk. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission. Within ninety (90) days following a public hearing, the Planning Commission shall submit a report to the Mayor and Town Council containing the Commission's recommendations including any additions or modifications of the original proposal. Failure to submit a report within thirty days shall be deemed to be a recommendation of approval of the petition by the Commission. The Town Council shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed, or until thirty days have elapsed, whichever may occur first.

### **13.3 TOWN COUNCIL ACTION ON AMENDMENTS**

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Town Council in relation thereto at which parties in interest and citizens shall have the opportunity to be heard. Notice shall be given as follows:

1. A notice of public hearing stating the time and place of the public hearing, together with a summary of the proposed amendment(s) shall be posted in at least one newspaper of general circulation in Goldsboro once each week for 2 successive weeks. The first notice of the hearing shall appear in the paper at least 14 days before the hearing;
2. When such hearing concerns a zoning map change, post in a conspicuous place on the property involved a notice of pending action containing the same information as in above, such posting to take place at least fifteen days prior to the date fixed for public hearing; and
3. Notice of such hearings along with a copy of the application shall be posted on the subject property and at the

## Town Office.

In reaching a decision on zoning map amendments that are not part of a comprehensive rezoning initiated by the Town, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters: population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendations of the Planning Commission, relation to the Comprehensive Plan, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. It shall be the responsibility of the applicant to delineate the boundaries of the neighborhood and to identify the change in the character of the neighborhood.

### 13.4 AMENDMENTS FOR FLOATING ZONES

1. The provisions of this ordinance regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be based on "findings of fact" for the record as specified for each particular floating zone district.
2. Procedures to maintain a floating zone once granted.
  - a. Within one (1) year of the issuance of a building permit, construction shall be commenced on the sections or phases of the project for which final approvals have been granted; otherwise, the floating zone shall revert automatically to its prior district classification without notice and public hearing. The property owners may petition the Town Council for an extension. The Town Council may grant an extension if it is determined, from evidence provided by the property owner, that the proposed development remains viable and that delays are as a result of circumstances beyond the control of the property owner and that such delays and impediments to progress will be eliminated within a reasonable time period (one (1) year or less).
  - b. Within three (3) years of the granting of a floating zone all infrastructure and public improvements required for the phase or phases of the project that have been given final approval and for which the developer is responsible, including as applicable sewer and water service, roads, side walks, street lights, etc., shall be installed. If all infrastructure and public improvements are not completed the floating zone shall revert automatically to its prior district classification. The property owners may petition the Town Council for an extension. The Town Council may grant an extension if it is determined, from evidence provided by the property owner, that the proposed development remains viable and that delays are as a result of circumstances beyond the control of the property owner and that such delays and impediments to progress will be eliminated within a reasonable time period (two (2) years or less).

### 13.5 FEES

All applicants for zoning amendments shall, at the time of making application, pay to the Town Clerk for use of the Town, a fee in accordance with a Fee Schedule adopted by resolution of the Town Council upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Council.

Fees established in accordance with Town procedures shall be paid upon submission of a signed application for zoning certificate or notice of appeal, unless otherwise determined by the Planning Commission. Additional reasonable fees may be charged by the Town to cover Town expenses related to the review of development plans, i.e., site plans and subdivision plats, and related improvement plans. These fees may include consulting services of an independent engineer, planner, architect and/or landscape architect to assist the Town in the review of development and improvement plans.

### 13.6 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is sued in violation of this ordinance, the appropriate authorities of the Town of Goldsboro, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

### 13.7 FINES AND PENALTIES

For any and every violation of the provisions of this Ordinance:

1. The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist;
2. The owners, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist; and
3. The general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be guilty of a municipal infraction and liable to a fine or penalty not to exceed one thousand (\$ 1000) dollars, payable to the Town within thirty (30) days of receipt of a citation of violation.

Whenever any such person specified in paragraph above shall have been notified by citation in writing from the Zoning Administrator that he is violating this Ordinance, such person shall commence correction of all violations within five days after notice and correct all violations within thirty days of notice. If corrections are not commenced within five days or completed within thirty days, or if such person specified in the paragraph above has not within fifteen days filed notice with the Town of intention to stand trial for the offense, the person is liable to an assessed additional fine not to exceed one thousand (\$1000, at which time the Town may request adjudication of the case through the District Court.

### 13.8 SEPARABILITY

It is hereby declared to be the legislative intent that:

1. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective; and
2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

**APPENDIX A**  
**BASIC INFORMATION REQUIRED WITH ZONING AND BUILDING**  
**PERMIT APPLICATIONS**

*NOTE: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission.*

Item #	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	Development Master Plan	DEVELOPMENT STAGE	
					Major Site Plan	
					Prelim.	Final
I.	PROJECT-PLAT INFORMATION					
1.	Name, address of owner, applicant, developer and lien holder, date of application.	X	X	X	X	X
2.	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X	X	X
3.	Date of survey.		X		X	X
4.	Seal, signature and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.		X		X	X
5.	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X	X	X
6.	A vicinity map at a specified scale (no smaller than 1"=200') showing location of the tract with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X	X	X
7.	Existing and proposed zoning of tract and adjacent property.	X	X	X	X	X
8.	Adjacent property owners, names, Liber and Folio.	X	X	X	X	X
9.	Title, north arrow and scale (1"=100').		X		X	X
10.	Appropriate signature block for planning director, planning commission chairman, and the health department.		X		X	X
11.	Appropriate certification blocks.		X			X
12.	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.		X			X
13.	Documentation, location and description.		X			X
14.	Standardized sheets 18"x24" (final - black ink on mylar).		X		X	X

Item #	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	Development Master Plan	DEVELOPMENT STAGE	
					Major Site Plan	
					Prelim.	Final
15.	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot).		X		X	X
16.	Acreage of tract to the nearest thousandth of an acre.	X	X	X	X	X
17.	Date of original and all revisions.	X	X	X	X	X
18.	Size and location of any existing or proposed structures with all setbacks dimensioned (for concept plan, GDP general location but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures. Concept and Development Master Plans need only show the proposed stormwater management concept(s) and their general locations on the site.	X	X	X	X	X
19.	Number of dwelling units.	X	X	X	X	X
20.	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right of way widths. (for GDP, concept plans, general locations).	X	X	X	X	X
21.	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.		X		X	X
22.	Location and type of utilities.		X		X	
23.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.		X		X	
24.	References to protective covenants governing the maintenance of undedicated public spaces or reservations.		X			X
25.	Location and size of proposed Natural Park areas, play grounds and other public areas.	X		X	X	X
26.	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use*. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X	X	X	X	X
27.	Statement of owner dedicating streets, right-of-way, and any sites for public use.		X			X

Item #	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	DEVELOPMENT STAGE		
				Development Master Plan	Major Site Plan	
					Prelim.	Final
28.	Development stages or phasing plans (for GDP and concept plans, general phasing). Sections numbered by phase.	X		X		
29.	Total number of off-street parking spaces including ratio and number of units per space.	X	X	X	X	
30.	List of required regulatory approvals/permits.	X	X	X	X	X
31.	List of variances required or requested.	X	X	X	X	X
32.	Requested or obtained design waivers or exceptions.	X	X	X	X	X
33.	Payment of application fees.	X	X	X	X	X
34.	Total area of the site that will be temporarily and/or permanently disturbed.		X		X	
II.	SETTING-ENVIRONMENTAL INFORMATION					
35.	All existing streets, water courses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	X	X	
36.	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	X
37.	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.	X		X	X	
38.	Field delineated or survey topo.		X			X
39.	General areas of >15% slope shaded and identified as steep slopes.	X	X	X		
40.	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.				X	X
41.	Forest Stand Delineation		X		X	
42.	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.		X		X	X
43.	A 100 Year Flood Plain based on FEMA maps.	X	X	X	X	X
44.	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	X	X	
45.	Non-tidal wetlands identification based on field delineation/determination.					X
46.	Location of sensitive areas and their Buffers (Zoning Ordinance).	X	X	X	X	X
47.	Location and width of Buffer yards.	X	X	X	X	X
48.	Soil types based on Caroline County Soil Survey.		X		X	

Item #	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	Development Master Plan	DEVELOPMENT STAGE	
					Major Site Plan	
					Prelim.	Final
49.	Traffic Impact Study, as required.				X	
50.	Statement of effect on school district and school bus service, as required.				X	
III.	PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION					
51.	Subdivision Plat meeting requirements of Goldsboro Subdivision Regulations.		X			X
52.	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.		X		X	X
53.	Existing and proposed contour intervals as follows:		X		X	X
	Less than 5% slope = 1 foot					
	5 to 15% slopes = 2 feet or less					
	>15% = as required for construction					
54.	Proposed street grades, typical cross sections and profiles, right-of-way widths, pedestrian ways, total area of roads.		X		X	X
55.	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management, as appropriate in the case of minor subdivisions.		X		X	X
56.	Grades and sizes of sanitary sewers and waterlines.		X		X	X
57.	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.		X		X	
58.	Certification from electric and telephone utilities of adequate facilities to serve proposed development.		X		X	
59.	Location of fire hydrants.				X	X
60.	Construction details as required by ordinance.		X			X
61.	Stormwater Management Plan.		X		X	X
62.	Soil Erosion and Sediment Control Plan.		X		X	X
63.	Lighting plan and details, as required.					X
64.	Landscape plan and detail		X		X	X
65.	Forest Conservation Plan				X	X
66.	Proposed street names.				X	X
67.	New block and lot numbers.				X	X
68.	Solid waste management plan.				X	X
69.	Preliminary architectural plan and elevations.				X	X

Item #	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	DEVELOPMENT STAGE		
				Development Master Plan	Major Site Plan	
					Prelim.	Final
70.	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.		X			X
71.	Public works agreement and surety instruments.					X
72.	DRARA, if applicable			X (preliminary)	X	

