

TOWN OF GOLDSBORO

ORDINANCE \_\_\_\_\_

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND FOR PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

**WHEREAS** the Land Use Article of the Annotated Code of Maryland empowers the Town Commission of Goldsboro to enact a municipal zoning ordinance and to provide for its administration and enforcement; and

**WHEREAS** the Goldsboro Planning Commission held a duly advertised public hearing on this ordinance and submitted its recommendations to the Town Commission; and

**WHEREAS**, the Goldsboro Town Commissioners held a duly advertised public hearing on this ordinance.

Now, therefore be it hereby enacted and ordained that this ordinance be adopted, and the document entitled the Goldsboro Zoning Ordinance is hereby repealed. With the adoption of this ordinance, all other ordinances, or parts of ordinances in conflict herewith are hereby repealed.

That nothing in this ordinance or in the *Goldsboro Zoning Ordinance* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Date of Introduction: July 12, 2022 \_\_\_\_\_

Date of Public Hearing: Aug. 9, 2022 \_\_\_\_\_

Date of Enactment: Aug, 9, 2022 \_\_\_\_\_

Effective Date: Sept 9, 2022 \_\_\_\_\_

TOWN OF GOLDSBORO

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Commissioner

\_\_\_\_\_

Commissioner

TOWN OF  
GOLDSBORO  
ZONING  
ORDINANCE  
2022

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## **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 the LAND USE ARTICLE OF THE 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 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 other 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 appeals, dimensional variance appeals, and 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 Caroline County Sediment and Erosion Control Ordinance.

4. Sign Permits. No sign shall be created, erected, moved, added to, or structurally altered, nor shall 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 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 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 constructions 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 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.
  - a. 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 Plans
 

Upon receipt of the major site plan, the planning commission shall review the site plan, soliciting comments from other departments, agencies, and officials 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, inspections 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 one-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 days prior to the expiration of said approval, the Planning Commission may give a one- year extension.
- c. Such request shall be acknowledged, and a decision rendered thereon not more than ninety 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 the applicable design requirements contained by 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 plans 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 the information required for minor or major site plan or subdivision plan may be waived if the Planning Commission finds that it is not needed to decide of zoning compliance.

12. Developmental Master Plan.

- a. A developmental 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 development without requiring and undue amount of final design work on the part of the developer. The general developmental 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 the 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 segments of the Caroline County Comprehensive Plan that relate to the Town of Goldsboro as adopted by the Goldsboro Town Commission. That plan was developed to promote the safety, 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 the concept that 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 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:

- A. The words "shall" and "will" are mandatory.
- B. 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.
- C. The word "building" or "structure" includes the other and any part thereof.
- D. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- F. 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:
  1. "And" indicated that all the connected items, conditions, provision, or events shall apply.
  2. "Or" indicates that the connected items, conditions, provision, or events may apply separately or in any combination.
  3. "Either/or" indicates that the connected items, conditions, provision, or events shall apply separately but not in combination.
  4. 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
  5. 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 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.

**Agriculture-** Scientifically based method for the rearing of freshwater and marine organisms for commercial harvest generally within an enriched, controlled environment.

**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 or facility-based program licensed by the State of Maryland ha 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 dialing living or instrumental activities of daily living, in a way that promotes optimum dignity and independence of 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/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 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 Commissioners that 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 building where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or more persons but no exceeding twenty persons.

**Breezeway -** A structure extensively open except for roof and supporting columns that 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.

**Build to Line-** *A line to which the front of primary buildings must touch.*

**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 orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

**Child Care Institution-** An institutional facility housing more than (9) nine orphaned, abandoned, dependent, abused, 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 areas (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 areas 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 Commissioners, and intended to guide the physical development of Goldsboro including all changes and 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 the dwellings 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 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 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 media, 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 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 units permitted on a lot or parcel. The number of development rights are 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 lane 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. Such systems are not permitted in the limits of the Town of Goldsboro.

**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. 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.

**Enterprise Zone- shall we use the definition provided by the county or not**

**Endangered Species-** Any species of fish, wildlife, or plants, which have been designated as such by regulation by the Secretary of the Dept of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources is determined to be in

jeopardy. This includes any species to be determined to be “endangered” species pursuant to the federal Endangered species Act. 16 USC

**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, trailers, or recreational vehicles 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. Typically, a factory built, is relatively indistinguishable from a "stick built" or individually on-site constructed house.

**Family-** One (1) or more persons related by blood, marriage, adoption, or guardianship including not more than two (2) such persons not so related and occupying a dwelling unit and living together as a family 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.

**Floodplain-** 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 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 not meeting the requirements of this Ordinance at the time of its adoption may be grandfathered' and be permitted to continue without change, alteration, or requirement for conformity to this Ordinance subject to the procedures and requirements of Section 8, Nonconforming lots, structures and uses.

**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-

**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 a federal list 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 home, 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 always be staffed, 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.

**Household-** Not more than four (4) persons, not all related by blood, marriage, adoption, or guardianship, occupying a dwelling unit and living together as a single housekeeping unit.

**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.

**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 that 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 that at the time of its recordation complies 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 Planning Commission 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.

**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 or 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 for selling or advertising purposes; excluding, however, vehicles used only for the transportation of 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 foundations. 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, 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 transient guests, offered to the public for compensation, and in which access to and from each room or unit is through 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 time of Adoption of The Zoning Ordinance for the Town of Goldsboro, Maryland on April 5, 2004, or at the time of subsequent amendment or re-adoption (and not created for the purpose of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

**Nonconforming Project-** Any structure,

**Nonconforming Structure/Use-** Any structure or use, existing at the time of Adoption of The Zoning Ordinance for the Town of Goldsboro, Maryland on April 5, 2004, or at the time of subsequent amendment or re-adoption that is inconsistent with any regulation applicable to the district in which it is located.

**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 non-tidal 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, disease, 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 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, 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-** This is 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 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 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 platted under these and other regulations. Residue land must contain at least 3 acres.

**Restaurant-** An establishment where food and/or drink are 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 boarding house.

**Salvage Yard-** A lot, land or structure or part thereof, used primarily for the collecting, storage, and sale of wastepaper, 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.

**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 be 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 sign 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 always not maintained stationary and constant in intensity and color 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 the 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 about it.

**Story, Half-** A space under a sloping roof at the top of the building, the floor of which is not more than two (2) 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 that 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 arterials 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, tract 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 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.

**Tiny Home-** a dwelling used as a primary residence that is less than 600 sq ft and contains provisions for cooking, bathing, sleeping, and eating within. May be able to be moved from location to location.

**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 regarding height, area and the size of structures or size of yards and open space.

**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 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 project other than uncovered steps, balconies, terraces, or unenclosed porches.

**Yard, Side-** A yard between the principal building and the sideline 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 specified in this Ordinance.

**Zoning Certificate-** A written statement designating zoning on a particular property

**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

**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 consistent with the terms of this Ordinance, and for the purpose of carrying out and enforcing its provisions.

#### **4.0 ZONING DISTRICTS AND ZONING DISTRICT MAPS**

##### **4.1 ZONING DISTRICTS ESTABLISHED**

The following zoning districts are hereby established for Goldsboro, Maryland:

- A. "R-1" Single Family Residential
- B. "M-1" Mixed Use
- C. "C-1" Commercial
- E. "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**

- A) 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 include in the Comprehensive Plan a Viable Resource Area (VRA). Development standards for significant mineral resources in the A District and use regulations in the B District established in this ordinance are intended to protect significant mineral resources and to permit the orderly extraction of said resources while ensuring minimum adverse impacts to adjacent land use, the natural environment and public

### 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 Commissioners. 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 Districts 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 PURPOSE AND INTENT OF ZONING DISTRICTS

#### 5.1 "R-1" Residential-

This district is intended to recognize existing stable residential neighborhoods and to protect these areas from the potential the adverse effects of incompatible use and activities. The zoning provisions for this district provide maximum flexibility 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 "M-1" Mixed Use -

This zoning district is intended to provide for single-family housing 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 "C1" Commercial**

The intent of the Commercial District is to provide for a mix of land uses including 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.

### **5.5 "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

### **5.6 "EDFZ" Economic Development Floating Zone**

This zone is designated to provide economic development opportunities which would be in harmony with, and complementary to Goldsboro's rural, historic, agrarian, and natural assets. The EDFZ promotes the reuse of historic business locations. The EDFZ authorizes the Town to expand or otherwise alter the permissible uses and specific exclusions deemed to align with the Town's economic development and livability goals and aspirations.

Specifically, the EDFZ grants Town officials the authority to enable uses for properties so designated that may not otherwise meet permitted uses, setbacks, or other zoning regulations.

## **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

<b>PERMITTED USES CHART</b> P- Permitted PS- Permitted with performance standards N- Not permitted SE – Special exception	R-1 Residential	M-1 Mixed Use	C-1 Commercial	I-1 Industrial
Single Family dwelling	P	P	PS	NP
Multi-Family Dwelling (Apartment)	PS	P	PS	NP
Duplex (townhomes)	PS	P	PS	NP
Accessory Apartment	PS	PS	PS	NP
Bed & Breakfast (owner occupied)	PS	PS	PS	NP
Home based business	PS	PS	PS	NP
Municipal/Local government facility	P	P	P	P
Agricultural Uses limited to field crops and nursery stock	P	P	P	P
Commercial harvesting of timber	PS	PS	P	P
Funeral Homes	SE	SE	P	P
Schools	SE	SE	SE	NP
Fire & rescue service facilities	SE	SE	P	P
Library/ museum	SE	SE	P	P
Non profit club or institution	SE	SE	P	P
Nursing home	SE	SE	P	NP
Place of worship	PS	PS	P	P
Park or recreation area	P	P	P	NP
Cemetery or memorial garden	SE	SE	SE	NP
Solar panels (PERSONAL ON ROOF OR IN YARD)	SE	SE	PS	SE
Solar Panels (commercial)	NP	NP	SE	SE
General offices	PS	NP	P	P
Retail establishments	NP	NP	P	p
Banks	NP	NP	P	P
Beauty/barber salons/ nail salons	PS	PS	P	P
Grocery store	SE	NP	P	P
Gas station	SE	NP	P	p
Maintenance garage -small engine repair	SE	NP	P	P
Restaurants	PS	NP	P	P



Hotel/motel	NP	NP	P	P
<b>PERMITTED USES CHART</b> <b>Continued</b> P- Permitted PS- Permitted with performance standards N- Not permitted SE – Special exception	R1- Residential	R-2 Multi Family Residential	C-1 Commercial	I-1 Industrial
Live /work units (over under)	SE	SE	P	P
Manufacturing facility	NP	NP	PS	P
Warehouse/storage units	NP	NP	PS	P
Greenhouses	PS	PS	P	P
Contractors office with in and/or outside storage	PS	PS	PS	P
Printing and publishing facilities	NP	NP	PS	P
Professional Services	PS	PS	P	P
Wholesale warehouse, storage and distribution	NP	NP	PS	P
Bakery	NP	NP	PS	P
Automobile sales	NP	NP	PS	P
Marine Sales	NP	NP	PS	P
Business Services – advertising, communications, employment, bulk mailing etc.	PS	PS	p	p
Medical facilities – doctors offices, clinics, out patient care, rehabilitation	Np	Np	P	P
Adult/retirement communities	P	P	Np	Np
Hardware, building supplies, home improvement	Np	Np	P	p
Concrete production facilities	Np	Np	Ps	p

P- Permitted by right

PS – Permitted with performance standards as set by the Planning Commission

SE – Special exception- Recommendation from Planning Commission and approval from Board of Appeals

NP – Not permitted

Any uses not listed above will be considered not permitted but may be brought to the BOA for a special exception waiver

### **6.3 Permissible Uses and Specific Exclusions**

The uses listed in the permitted uses table are permitted by right and other uses are prohibited, however, 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 confirming 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.

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

- A. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the fire prevention code of the Town.
- B. Stockyards, slaughterhouses, rendering plants.
- C. Use of a travel trailer or recreational vehicle as a temporary or permanent residence.
- D. Mobile Homes
- E. Keeping or maintaining of agricultural animals for any purpose

### **6.4 Development Design Guidelines**

The following development design guidelines shall apply:

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 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 adequate planting, safe pedestrian movement, and parking areas.
- b. Site planning in which setbacks and yards are more than 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, and other innovative means 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, and 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.
- a. In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, gravel, and cobbles will be used. Carefully selected plants should be combined with such materials where possible.
- j. Exterior lighting, when used, should enhance the adjoining landscape. 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. Material 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 the 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 only use compatible accents.

f. Mechanical equipment or other utility hardware on roof, ground, or buildings, 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 sitting should be used to provide visual interest. In multiple building projects, variable sitting 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 should 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, 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 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
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-

1. Whether the proposed PUD conforms to all applicable standards set out in the Zoning Ordinance for such uses, structure, and projects
2. Whether the proposed PUD conforms to the Town's Comprehensive Plan, including provisions of the plan relating to the design and location of commercial projects of a nature like 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 so compatible, 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.
8. Whether the PUD is served with existing public sewer service, or such service will be available at the time of development of the PUD. Also, whether water via well has been approved.

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

- a. Accomplishes the coordinated, adjusted, and harmonious development of the Town and its environment in accordance with present and future needs.
- b. 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.
- c. Exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic.
- d. Encourages the conservation of resources including a reduction in resource consumption

- e. Encourages a suitable location given existing and reasonably foreseeable development and
- f. Encourages appropriate and sustainable economic growth

### **Administrative Procedures**

1. **Preliminary application** (Conceptual Plan) 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 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 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 or association)
3. General statement concerning provision of utilities (draft terms and provisions of a developer's rights and responsibilities agreement)
4. Statement of expected Town responsibilities
5. Cost- Revenue ratio of the proposed PUD for the town
6. Tentative timetable and staging of development (schedule of construction)
7. Applicant shall pay an application fee as previously established by the town.
8. Upon approval of these items the Town Council shall make a recommendation to the Planning Commission

C. The planning commission shall review the preliminary application (concept plan) and make 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 like 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 designs 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.
8. *Whether the PUD is served with existing public sewer service or such service will be available at the time of development of the PUD and that water (well) is available and approved by the Health Department*

D. After the planning commission makes its findings, the application will be conditionally approved, and the developer may move forward with submitting a preliminary plan

**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

- a. Five (5) 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 written or graphic material as may be necessary or desirable in aiding the decisions of the Mayor and Council and 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 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 PUD.
- d. The preliminary plan 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 how 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 Public Works Agreement 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.
- g. The planning commission and or mayor and council may establish additional requirements for preliminary plans for the PUD district.
- h. 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 Planning Commission shall review the final preliminary plans and other documents.
- b. The Planning Commission shall hold a public hearing

- c. The Planning Commission may approve or disapprove the proposed PUD floating zoning. If approved, the boundaries of the floating zone shall be shown on the official zoning maps. 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 specified herein for an original application

5. Conflict with other Articles

- a. Provisions of PUD zone when found to 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 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 (PUD)

1. The PUD district is established to permit the development of planned communities on a minimum of five contiguous acres of land under single ownership or control. If land in the proposed PUD is 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 when approved, shall be a part of the adopted comprehensive plan of the Town.
3. Land coverage- The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, or plaza, buildings, or other structures shall be seventy percent of the gross land area.
4. Minimum Required Open space
  - a. A minimum of thirty percent of the site. A minimum of seventy percent of open space shall be in a form usable to and accessible by the residents, such as 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 the 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 to be located within 2,000 feet of 90 percent of all residential units



- e. Open space requirement- ownership
  - 1. All open space intended for public use shall be deeded to the Town upon successful completion of the project and acceptance by the Mayor and Council
  
- 5. 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.
  
- 6. Homeowner associations- 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 homeowner’s 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
  - (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.
  
- 7 Residential Unit Mix-  
 Subject to the provisions of section 8b below, dwelling unit types shall not exceed or be less than minimum, and maximum percentages below:
  - a. Detached single family dwelling- Minimum 60%
  - b. townhouse- maximum 40%
  - c. multi-family – maximum 40%
  - d. Apartment- maximum 20%
  
- 8. Permitted uses -  
 Subject to planning commission approval of final site plan(s) and subdivision plat(S) as appropriate, the following uses are permitted in 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 non-profit park and/or recreation area

m. Nursing home

n. Adult and retirements communities

o. one accessory dwelling unit per lot of record

p. Municipal or local government

q. Home-based business

The following uses are permitted by special exception after a recommendation by the Planning commission and the approvals 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 all applicable state and county requirements are met, and all such approvals granted before application is made for a special exception

g. 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.

#### 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 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 the block is to be five-hundred feet, with an allowance for blocks up to eight hundred feet when mid-block footpaths are provided.
3. 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 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 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 a traditional building of this nature in Caroline’s historic settlements or should be designed to resemble large single-family residences.
3. Stucco, brick, 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 façade 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 guideline’s single family and two-family dwellings.
6. A great deal of effort needs to be made to ensure that townhouse and multi-family units blend into the overall character of the neighborhoods and are of quality and scale that insures this end.
7. multi-family structures should appear as large single-family units
8. No more than six units should be included in a single townhouse 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 grouping

9. No more than four 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 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 business 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 shall be 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 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
  - 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, where 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

#### G. 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 two inches to 2.5 inches in diameter, measured at chest height, when planted, and should be spaced at intervals no greater than forty 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 trees species listed by the Maryland Department of Natural Resources should be used

#### H. Landscaping

a. The applicant shall submit to the planning commission a comprehensive landscape master plan identifying the location and size of both existing vegetation, typical planting materials, the phasing of landscape installation, and planting methods.

b. 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 parking spaces or fraction thereof, located in internal planting islands and perimeter buffer strip(s) along the street edge(s) of the lot

c. Trees and other public landscaping shall be protected by means of suitable barriers

d. The developer shall post a performance bond with the Town Council to ensure that any tree that dies within (18) months of planting is replaced with the same species and size, and that any tree is maintained, specifically irrigated, and fertilized, for a total of twenty-four months from time of planting. If trees are removed, they should be replaced with trees of similar size, shapeliness, function, hardiness, longevity, and appearance.

#### I. Parking

a. All off-street parking should be to the side or the rear, or located within the internal parking areas not visible from the street

b. On-street parking 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 feet.

d. Access lanes and off-street parking areas should be located at the rear of townhouses, and multi-family 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-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 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 ft. buffers, 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.
    - a. Intermittent Stream no- disturbance buffer
    - b. This buffer requirement may be waived by the Planning Commission for; other public or community facilities provided disturbance is minimized as 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.
2. Sensitive soil no-disturbance buffer. The one-hundred-foot perennial stream buffer shall be expanded to include contiguous 100-year floodplain and nontidal wetlands. In addition, the one-hundred-foot perennial stream buffer shall be expanded to include hydric soils, highly erodible soils, and soils on slopes greater than fifteen percent that are contiguous with the perennial stream, any 100-year flood plan adjacent to the stream, or any nontidal wetlands adjacent to the stream to a maximum distance of three hundred feet.
3. Nontidal wetland buffer. A twenty-five-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
4. Steep Slopes
  - a. No structure, impervious surface or land disturbance shall occur on any slope with a grade of fifteen percent or greater unless the Planning Commission determines the structure, impervious surface, or land disturbance is necessary for stabilization of the slope.
  - b. A minimum fifty-foot buffer shall be established between development and the crest slopes more than twenty-five 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. Extraction – The operations necessary to excavate or to remove from the Earth and to stockpile earthen materials such as sand, gravel, aggregate, rock or other mineral resources. The leveling, grading, filling, or removal of materials during normal site preparation for an approved use (e.g residential subdivision, commercial development etc.) does not constitute a mining or extraction operation, If processing of the material does not occur on the property, does not occur over an extended period of time, onsite stockpiles are temporary and fully depleted moved or utilized in a reasonably short period of time as determined by the zoning administrator, and a federal, or state mineral extraction permit is not required.
  - a. Minor Mineral Extraction shall mean and include mineral extraction that occurs in the process of developing a pond for irrigation or recreational use on a permitted area that is less than or equal to five (5) acres in size. Minor mineral extractions may be approved by the zoning administrator
  - b. Major Mineral Extraction shall mean and include mineral extraction that occurs on a permitted area or more than five (5) acres for the purpose of marketing the minerals extracted.
- b. 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.
- c. Mineral processing- washing, crushing, milling, separating, screening, sizing, handling, concentrating, conveying, batching, blending, stockpiling, loading, and transporting of mineral resources. This does not include the manufacturing of asphalt.
- d. 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.
- e. 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 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.

f. 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 excavation for mineral resources or surface mining that involve one thousand cubic yards or less and/or disturbance of one 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. Operations in District A must be setback a minimum of 200 feet from District B. A larger setback may be required by the Planning Commission when determined to be reasonably practicable.

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 should 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 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 new section and the site-specific conditions if any included with the zoning certificate.

F. District B Boundary- District B shall be applied to parcels or portions of parcels adjacent to and within seven hundred and fifty 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 district 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 district B boundary shall not be subject to a showing of substantial change in the neighborhood or a mistake in the original zoning.

G. 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 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 the property any portion of which is within 1,500 feet of the ownership containing the proposed District A, at least twenty 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 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- 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 condition. 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 for Criteria for Designating a District A or 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 is provided, the Town may require the applicant to provide additional information deemed necessary to resolve the discrepancy.
  - a. Information concerning the location of mineral resource shall include maps and documentation adequate to determine the location and the perimeter extent of the mineral and aggregate resource.
  - b. Information regarding quality of the resource must demonstrate the quality of the resource meets the requirements for the intended use is sufficient.
  - c. 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 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 about sight distances at access point, 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 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 should 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 should 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 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 to in underlining 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 the one 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 of 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

c. Setbacks for mineral and aggregate extraction shall be:

- (a) The extraction area must be at least one hundred fifty feet from any District A boundary

(b) The extraction area must be at least two hundred feet from any public road and

(c) The extraction area must be at least three hundred and fifty feet from a noise sensitive use existing at the time 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.

d. Setbacks for mineral resource processing shall be:

- (1) One hundred feet from any District A boundary; and
- (2) Two hundred feet from any public road; and
- (3) Five hundred feet from a noise sensitive use existing at the time District A is applied.

e. Setbacks for offices, shops, or other accessory structures shall be:

- (1) Fifty feet from any District A boundary; and
- (2) One hundred 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 shall be:

- (1) Fifty feet from any District A boundary; and
- (2) Two hundred feet from any public road; and
- (3) One hundred 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 100 feet from a noise sensitive use existing at the time District A is applied. Storage of overburden shall be setback at least two hundred feet from any public road unless such is used as 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 feet. Taller temporary structures, e.g., bucket elevators, may be allowed by the planning commission.

h. Signs: One sign not exceeding thirty-two feet 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 growing seasons. Dead or dying plants material shall be immediately replaced

(2) Fencing required shall be of chain link type, a minimum of six feet high.

(3) Other screening or fencing requirements may be established at the time the District A is applied and at the time the site plan is approved.

#### 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 and it shall be paved for 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 for a written agreement to the Town or county to annually grade or treat the first 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 Operations- 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 thru Friday between the hours of 7:00am through 6:00pm. Transportation activity shall be allowed Saturdays between the hours of 7:00am through 4:30pm. No extraction, processing and transportation activity is permitted on the following holidays: January 1st; Memorial Day; July 4th; Labor Day; Thanksgiving Day; and December 25th. After 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 require 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.

#### I. Environmental standards

(1) Any crusher, asphalt batch plant or concrete plant, shall meet all applicable Town, state, or county environmental standards. As well as, applicable EPA 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 down when not in operation.

#### L. Site Reclamation:

(1) Not later than fourteen 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. State approval shall be evidenced by a surface minor operating permit and the owner or operator shall have posted the reclamation bond prior to the start of extraction operations at the site. Additional reclamation requirements may be required by the Town as it sees fit.

(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 two 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. It shall be provided to the town prior to commencing operations.

(b) Mineral and aggregate operations shall be insured for a minimum of \$1,000,000.000 against liability and tort arising from production activities for 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 year shall be a prerequisite for a district A designation and 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 if 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 as the new noise sensitive use.

(b) As part of an application for a land use approval for a new noise sensitive use in 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 the 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 the land upon which the new noise sensitive use will be located shall sign and record in the Deed and Mortgage Records of the County, and 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. Or

(2) The owner of the mineral resource site submits evidence showing the MRO Zone is no longer justified. or



- (3) The Planning Commission determines that the MRO zone is no longer justified.

16. Nonconforming Uses and Prior to special exceptions use

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

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 the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be done in home with little or no effects on the surrounding neighborhood.

### 6.10 Accessory Dwelling Units

An accessory dwelling unit may be permitted with performance standards as required by the Planning Commission in all zones except Industrial provided that there shall be no more than one accessory of dwelling unit permitted per lot of record and provided such accessory dwelling unit shall comply with the following standards:

(A) Purpose

Accessory dwelling units are allowed in certain situations to:

- (1) Create new housing units while respecting the look and scale of single-family dwelling neighborhoods
- (2) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives'
- (3) Allow more efficient use of existing housing stock and infrastructure
- (4) Provide a mix of housing that responds to changing family needs
- (5) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and service
- (6) Provide a broader range of affordable housing

- (B) 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
- (C) 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.
    - (3) Ensure that the accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes.
  - (b) Generally. The design standards for accessory are stated in this section. If not addressed in this section, the base zone developments standards apply.
- (D) 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 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.
    - (4) Construction of a detached unit that is located within 100 feet of the principal
  - (b.) Location of entrances. Only one entrance may be located on the façade 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 requirements of this ordinance
  - (3) No 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.
- (E) 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.
- (F) 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
    - (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 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 25% 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 The 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. (see table on next page)

## TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES

MINIMUM DEPTH OF FRONT YARD	MINIMUM WIDTH OF EACH SIDE YARD	MAXIMUM HEIGHT	MINIMUM SIZE/AREA PER RESIDENTIAL STRUCTURE	GROSS DENSITY, LOTS OR UNITS/ACRE	MINIMUM LOT AREA***		MINIMUM WIDTH OF LOT
30 feet	15 feet*	40 feet - 3 stories	1,500 sq. ft.	6	7,500 sq.ft.		100 feet
30 feet	15 feet*	40 feet - 3 stories	1,500 sq. ft.	6	7,500 sq.ft.		100 feet
30 feet	15 feet*	40 feet - 3 stories	980 sq. ft.**	8	5,250 sq.ft.		70 feet
50 feet	15 feet	40 feet - 3 stories	n/a	2	20,000 sq. ft.		100 feet
30 feet	15 feet*	40 feet - 3 stories	1,500 sq. ft.	4	7,500 sq. ft.		100 feet

\*Side yards of 4.5 feet are permitted for each lot of record that predates the ADOPTION OF THE ZONING ORDINANCE FOR THE TOWN OF GOLDSBORO ON APRIL 5, 2004.

\*\*Minimum structural dimensions shall be 14 feet by 70 feet.

\*\*\*Minimum lot sizes are subject to Caroline County Health Department approval of septic system requirements.

## 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.

## 7.4 FRONT YARDS

When there is an existing building on each of two (2) lots adjacent on either side to a lot or 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 the new buildings to be aligned to within two feet of an average front yard setback line of the two adjacent buildings thus establishing a build to line. 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 street line twenty-five (25) feet from the intersection of said street.

**7.8 ACCESSORY BUILDINGS INSIDE 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 WAYS**

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 or zoning administrator.**(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 feet in height may enclose a required front yard in a residential district or the town center district. Fences no greater than six 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. 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.
  - (b) The following fences and fencing materials are specifically prohibited:
    1. Barbed wire
    2. Pointed fences less than three 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 shall 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-foot fence approved by the Planning Commission and located at least fifteen feet from any property line shall enclose all storage areas on commercial and 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. All fences are to be installed with the finished side out.

*7. Fence must be installed finished side out*

### **7.13 SWIMMING POOLS**

1. Swimming pools are regulated accessory structures
2. Swimming pools may be in the rear and side yards of any lot, and, on lots of over 36,000 square feet, 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 5 feet from any side lot line

## **8.0 NONCONFORMITIES**

A nonconforming 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 ALTERNATION 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 alternation or extension shall be permitted only upon the same lot as in existence at the date the use become nonconforming; and
2. Any increase in volume, area, extent, of the nonconforming use shall not exceed an aggregate of more than 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 with 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 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 too:

1. Traffic generations 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
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 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 the Zoning Ordinance for the Town of Goldsboro on April 5, 2004, 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 that 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 compound shall be encroached upon by buildings, storage, or any other use; nor shall such space be reduced in area, except upon approval of the Planning Commission and then only after proof that by reason of reduction in floor area, meetings 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 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. Where 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 District subject to the requirements of this Ordinance. A written cross parking easement shall be required between private property owners to fulfill the parking requirement using private property.

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

### 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
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 the Planning Commission issues a Zoning Certificate and/or Building Permit, 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 a front lot lines a distance at least equal to the height of the sign or minimum distance of ten feet, whichever is greater. Every sign shall have a 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 signs major message and shall be composed in proportion to the sign face.

Identification signs of 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:

- A. 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.
- B. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated; and
- C. 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 one (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.

## **11.0 LIGHTING**

### *A. Purpose*

1. *The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source.*
2. *With respect to motor vehicles, safety considerations from the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated.*
3. *This section is not intended to apply to public street lighting nor to seasonal decorative lighting such as Christmas lights.*

### *B. In general*

1. *The following standards are required for all exterior lighting except for outdoor recreational uses specifically exempted under subsection D of this section.*
2. *The maximum light post height allowed is dependent on the amount of cut off provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions that are*

*permitted provide adequate protection for neighboring residential property.*

*C. Exterior lighting standards*

1. *Exterior lighting shall meet one of the following standards.*
2. *If a luminaire has no cutoff, then the maximum permitted height of the luminaire shall be:*

*STANDARD MAXIMUM PERMITTED HEIGHT OF LUMINAIRE Residential Parking Lots 12 ft. Nonresidential Parking Lots 20 ft.*

3. *If a luminaire has a total cutoff of light at an angle less than 90 degrees (measured vertically from the ground) and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted height of the luminaire shall be:*

*STANDARD MAXIMUM PERMITTED HEIGHT OF POST  
Residential Parking Areas 20 ft.  
Nonresidential Parking Areas 30 ft.  
Streetlights per requirement of State Highway Administration*

*D. Exemption for specified outdoor recreational uses*

*Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of subsection C of this section provided that the Planning Commission, during a site plan review, is satisfied that the site plan indicates that the outdoor recreational uses meet all other requirements of this section and of this subtitle and the following conditions:*

1. *Lighting for the outdoor recreational uses specified above may not exceed a maximum allowed post height of 40 feet; and*
2. *Lighting for the outdoor recreational uses specified above may exceed a total cutoff angle of 90 degrees provided that the luminaire is shielded in either its orientation or by a landscaped buffer yard to prevent light and glare spillover to adjacent residential property.*

*E. Additional regulations*

*Notwithstanding any other provision of this section to the contrary:*

1. *Flickering or flashing lights may not be permitted; and*
2. *Light sources or luminaires may not be located within buffer yard areas except on pedestrian walkways.*

*F. Exterior lighting plan*

*Whenever a zoning certificate and/or building permit is sought, an exterior lighting plan shall be submitted to the Planning Commission in order to determine whether the requirements of this section will be met and that adjoining property will not be adversely impacted by the proposed lighting.*

*G. Complaints*

*Complaints will be investigated and may result in a property owner being required to demonstrate compliance with the requirements of this section if it*

*can be demonstrated that lighting was installed after the Adoption of the Zoning Ordinance for the Town of Goldsboro, Maryland on April 5, 2004.*

## **12.0 SUPPLEMENTAL REGULATIONS**

### **12.1 Home occupations**

*A home occupation shall be allowed as a permitted accessory use provided all the following conditions are met. The Town Commission or its designee may grant permission to conduct the business if it meets these conditions.*

- A. Employees Limited - Such use shall be conducted entirely by the inhabitants living in the principal dwelling and/or one employee and no others.*
- B. Character of Dwelling to remain Residential - Such use shall be clearly incidental and secondary to the use of the dwelling purposes and shall not change the character thereof.*
- C. Floor Area allowed - the total floor area used for such purposes shall not exceed one-quarter (25%) of the floor area of the user's dwelling unit.*
- D. Advertising - There shall be no exterior advertising other than identification of the home occupation. The area of this sign shall not exceed four (4) square feet.*
- E. Negative Impacts Prohibited - There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable beyond the property line.*
- F. Exterior Storage Prohibited - There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation; and*
- G. Traffic limited - the operation shall not generate objectionable traffic in the area and no additional off-street parking shall be required by the operation.*
- H. Principal Structure – such an occupation shall be located only in the principal residential structure and shall not be in other buildings on the property unless a special exception is granted by the Board of Appeals. Any special exception so granted must ensure that the character of the property remains clearly residential in nature.*

### **12.2 Solar Energy Conversion Systems**

*A. Definitions. For purposes of this section, the following definition(s) shall apply unless the context clearly indicates or requires a different meaning.*

*Solar Energy Conversion System: a system consisting of photovoltaic cells and related accessories that is designed to convert solar energy into electrical energy, or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water, air, or other residential or commercial use.*

*B. Solar Energy Conversion System Requirements. Solar energy conversion systems shall be permitted subject to the following provisions:*

- 1. Zoning Certificate and/or Building Permit.*
  - a. Installation of solar energy conversion systems as attached to a structure is considered a structure alteration and requires a zoning certificate and/or building permit in accordance with Section 3 of this Ordinance.*

*b. Installation of ground-mounted solar energy conversion systems is considered an accessory use and requires a zoning certificate and/or building permit in accordance with Section 3 of this Ordinance.*

*2. Ground-mounted systems. Ground-mounted systems shall be in the rear yard of the property and shall not be located nearer to any lot lines than what is permitted for an accessory use. Systems must be screened with landscaping. Systems must comply with dimensional requirements for principal and accessory uses (e.g. yard and height).*

*3. Roof-mounted systems. Roof mounted systems shall be located so that the solar panels do not extend beyond the edge of the roof.*

*4. Limitation. Solar energy conversion systems shall only generate energy for use in structures located on the property. Solar energy conversion systems shall not generate energy for transmission to other properties.*

*5. Glare. Solar energy conversion systems shall be located so that the glare from the solar panels is not directed at any other person's building, or at any public street, public right-of-way, or sidewalk.*

*6. Solar access. When locating a solar energy conversion system, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the Solar Energy Conversion System from obtaining a solar access easement from any person.*

## **13.0 ADMINISTRATION**

### **13.1 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 or his/her designee. It shall be the duty of the Zoning Administrator, and he/she shall have the power to:

1. Receive and examine all applications for Zoning and building permits.
2. Issue permits only where there is compliance with the provisions of this Ordinance, and with other Town ordinances. Permits for constructions 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, variances, and interpretation appeals and forward these applications to the Board of Appeals and Planning Commission for action thereon.
4. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
5. Issue stop, cease and desist orders, and orders in writing for correction of all conditions found to be in violation of this Ordinance. Such written orders shall be

served personally or by certified mail upon those in violation of the Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator.

6. 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 of use in or about such premises.
7. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law of the provisions of this Ordinance.
8. Record and file all applications for zoning and building permits with accompanying plans and documents, all applications, plans, and documents shall be of a public record.
9. Provide administrative support to the Planning Commission and Board of Appeals keeping minutes, preparing agendas, notices, and disseminating information to each board as appropriate for their position, and other tasks as requested.

#### **14.0 PLANNING COMMISSION**

##### **14.1 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 Planning Commission for the Town.*

##### **14.2 Membership, Terms of Office**

*The Board shall consist of three (3) members one of whom may be a member of the Town Commissioners to serve in an ex officio capacity concurrent with his or her official term. All members shall be residents of the municipality of Goldsboro. The term of office of each member is five years. Vacancies shall be filled by the Town Commissioners for any unexpired term of any member whose seat becomes vacant. The Town commissioners may remove any member for incompetence, misconduct, failure to attend meetings under §8-502 of the State Government Article or conviction of a crime in accordance with §8-502. The Town Commissioners shall file a written statement of charges stating the reasons for removal and provide an opportunity for a public hearing to contest the charges.*

##### **14.3 Rules of Procedures**

*1. The Board shall elect a chairman from its membership and shall prescribe rules in accordance with the provisions of the Land Use Article of the Annotated Code of Maryland and this Ordinance for the conduct of its affairs.*

*2. The meetings of the Planning Commission shall be open to the public, but the Planning Commission may limit active public participation by resolution. When appropriate, the Planning Commission may adjourn to executive session, but only in accordance with the Public Information Article of the Annotated Code of Maryland.*



3. For all proceedings before the Planning Commission which require a public hearing, a notice of public hearing shall be published once each week for two successive weeks in at least one newspaper of general circulation in Caroline County.

4. The first public hearing notice shall not be published less than 14 days prior to the date scheduled for each public hearing.

5. At the meetings of the Planning Commission, any interested person shall have the right to submit, in accordance with the established rules, oral or written testimony and comment.

6. The Planning Commission may adopt by resolution, additional rules of procedure, provided that such rules are consistent with this chapter and applicable state enabling legislation. Such rules shall be available to the public.

7. The Zoning Administrator shall be represented at all meetings of the Planning Commission and Board of Appeals, and shall answer questions and render advice and assistance, but the Zoning Administrator shall not participate in any decision of the Commission beyond the submission of a staff recommendation for each proposed action.

#### **14.4 Meetings**

Meetings of the Board shall be held monthly or at the call of the chairman, and at such other times as the Board may determine. At a minimum meeting will be held once each quarter. 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.

#### **14.5 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.

#### **14.6 Notice of Meetings**

Notice of meetings not public hearings will be posted in a public place and include a copy of the scheduled agenda at least 24 hours prior to scheduled meeting or as early as possible. Written notice shall be provided to each applicant about the time, date and place of said meeting at least 7 days in advance.

#### **14.7 Powers and Duties**

The provisions of this Ordinance shall be administered and enforced by the Planning Commission. It shall be the duty of the Planning Commission and they shall have the power to:

- A. To review, evaluate and approve or disapprove site plans, plans for subdivisions, commercial development, and resident dwelling permits for new homes and additions.

*B. To review and make recommendation to the Town Commissioner regarding the following:*

- (i) Proposed changes or amendments to the Comprehensive Plan.*
- (ii) Proposed text amendments to the Zoning Ordinance.*
- (iii) Proposed rezoning.*
- (iv) Proposed changes and amendments to the Subdivision Regulations.*
- (v) Proposed acquisition and development of land for any town purpose.*
- (vi) Proposed changes in land use or development arising from local, state or federal programs or policies.*

*C. Record and file all applications for zoning certificates and/or building permits with accompanying plans and documents. All applications plan and documents shall be a public record.*

*D. Review and make recommendations to the Board of Appeals regarding the following:*

- 1. Applications for Special Exceptions.*
- 2. Applications for Variances.*
- 3. Appeal of decisions of Zoning Administrator.*

## **15.0 BOARD OF APPEALS**

### **15.1 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. 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 Commissioners, and removable for cause upon written charges and after public hearing.

### **15.2 Procedures**

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

### **15.3 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.

### **15.4 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 Commissioners and the Planning Commission of all decisions and resolutions.

**15.5 Notice of Hearings**

Upon filing with the Board of an application for a special exception, variance, or appeal from alleged error of the Planning Commission, 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:

- A. At least fifteen days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal, in at least one (1) newspaper of general circulation within the Town;
- B. 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 15 days prior to the date fixed for the public hearing.
- C. Give written notice of the time and place of such hearing to the applicant or appellant; and
- D. At least 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.

**15.6 Powers and Duties - Interpretation**

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

- A. 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
- B. 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 Planning Commission in the enforcement of this ordinance.

**15.7 Powers and Duties – Variances**

- A. Upon the appeal from a decision by the Planning Commission, 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
- B. 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.
- C. 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.
- D. 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:

1. 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.
2. That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.
3. 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;
4. 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 property obtained only be legislative action or by court review of an attack on the validity of the Ordinance; and
5. 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.

#### **15.8 Powers and Duties - Special Exceptions**

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:

- A. 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.
- B. 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:
  1. In accord with the Goldsboro Comprehensive Plan, and consistent with the spirit, purposes, and intent of this Ordinance:

2. Suitable for the property in question, and designed to be in harmony with, and appropriate in appearance with, the existing or intended character of the general vicinity: and
  3. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- C. The Board may impose conditions consistent with this ordinance regarding layout, circulation, and performance it deems necessary to ensure 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.

### **15.9 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.

### **15.10 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 year, unless a zoning certificate and/or building 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 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 Certificate and/or Building Permit is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

### **16.0 Who May Appeal to the Board**

Any officer or Board of the Town affected by any decision of the Planning Commission, or by petition of one or more owners of property affected or by any person aggrieved may file an appeal to the Board.

### **16.1 Rules and Procedures for Filing Interpretation and Variance Appeals and Special Exception Applications**

- A. Any appeal shall be made by filing with the Board of Appeals within thirty days after a decision is rendered.
1. All appeals and applications made to the Board shall be in writing and on standard forms as proscribed by the Board.
  2. All appeals and applications shall refer to the specific provision the Ordinance involved.
  3. Interpretation Appeals are those appeals concerning the interpretation of any provisions of this Ordinance. The decision in these appeals shall exactly set forth the interpretation that is claimed.
  4. 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 Planning Commission together with a statement with any supporting data regarding the requirements of this ordinance.

5. Special Exception Applications shall include a copy of a Zoning Certificate and/or Building 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 requirement of this Ordinance.

## **16.2 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 or variance. The Commission shall 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 of the Comprehensive Plan, the Zoning Ordinance or the Subdivision Regulations shall be rendered within thirty days after submission to it; otherwise, such special exception, variance or interpretation shall be deemed to have been recommended for approval.

## **16.3 Decisions by the Board**

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

## **16.4 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.

## **17.0 AMENDMENTS, REMEDIES AND PENALTIES AND SEPARABILITY**

### **17.1 Power of Amendment**

The Town Commissioners may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. When doing so, the Town Commissioners shall proceed in the manner prescribed in this Ordinance.

### **17.2 Who May Initiate Amendments, Remedies and Penalties**

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Commissioners 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:

- A. Proposals Originated by the Town Commissioners - The Town Commissioners shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Commissioners to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Commission shall submit to the Town Commissioners a report containing the Commission's recommendation including any additions or modification to the original proposal.

- B. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Town Commissioners any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.
- C. Proposals originated by a Petition submitted by a Citizen - 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 thirty (30) days following a public hearing, the Planning Commission shall submit a report to the Mayor and Town Commissioners containing the Commission's recommendations including any additions or modifications of the original proposal. Failure to submit a report within thirty (30) days shall be deemed to be a recommendation of approval of the petition by the Commission. The Town Commissioners shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed, or until thirty (30) days have elapsed, whichever may occur first.

### **17.3 TOWN COUNCIL ACTION ON AMENDMENTS**

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

- A. At least fifteen days prior to the date fixed for public hearing, publish a notice containing the name of the applicant; the date, time and place fixed for the hearing; and the general nature of such hearing in at least one newspaper of general circulation in the Town.
- B. 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.

### **17.4 AMENDMENTS FOR FLOATING ZONES**

#### **17.5 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 Commissioners upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commissioners.

#### **17.6 Remedies**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used 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.

### **17.7 Fines and Penalties**

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

- A. The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist.
- B. The owners, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violation has been committed or shall exist; and
- C. 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 as periodically set by the Mayor and Council by resolution, payable to the Town within twenty (20) days of receipt of a citation of violation.
- D. In addition to the foregoing Subsection C, the Commissioners of Goldsboro may seek an Order in the Circuit Court for Caroline County for the violation to cease and for such additional terms (including, but not limited to, payment of the Town's legal fees) as may be necessary to seek and to enforce such an Order.
- E. Whenever any such person specified in paragraph 16.6 above shall have been notified by citation in writing from the Planning Commission that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days after notice and correct all violations within thirty days of notice. If corrections are not commenced within five (5) days or completed within thirty (30) days, or if such person specified in the paragraph above has not within fifteen (15) 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 two hundred (\$200) dollars, at which time the Town may request adjudication of the case through the District Court.

### **17.8 Separability**

It is hereby declared to be the legislative intent that:

- A. 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
- B. 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 person, property or situation shall not be affected.



## Appendix A

### Site Plan Requirements

#### Preliminary Site Plan

The preliminary site plan shall show:

1. The proposed title of the project and name of the engineer, architect, designer or landscape architect, planner, and the developer.
2. The north point, scale, and date. The scale of the site plan shall be as follows:
  - a. For projects containing over two hundred (200) acres: scale of not more than two hundred (200) feet to one (1) inch.
  - b. For projects containing fifty (50) acres to two hundred (200) acres: scale of not more than one hundred (100) feet to one (1) inch.
  - c. For projects containing more than ten (10) acres but fewer than fifty (50) acres: scale of not more than fifty (50) feet to one (1) inch.
  - d. For projects containing ten (10) acres or fewer, not more than twenty (20) feet to one (1) inch.
3. The boundaries of the property involved, county and municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings or waterways and other existing physical features in or adjoining the project.
4. The approximate location and sizes of storm sewers, culverts, and other underground structures in or near the project.
5. Proposed changes in zoning, in any
6. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrance and exits, parking and loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
7. The general location of proposed lots, setback lines and easements, and proposed reservations for parks, parkways, walkways, cycleways, playgrounds, school sites and open space.
8. The location of buildings with respect to each other, to plot lines and to major excavations shall be drawn to scale but full dimensioning is not required on the preliminary plan.
9. The approximate height of proposed buildings and structures (accessory and main) shall be shown.
10. Preliminary plans and elevations of the buildings, as may be necessary
11. General location, height and material of all fences, walls, screen planting and landscaping and management thereof.
12. General location, character, size, height and orientation of proposed signs, and management thereof.
13. A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage proposed to be devoted to the various uses, including off street parking, streets, parks and other reservations.
14. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross and net.
15. A schedule of construction or timetable.

16. The developer shall provide a statement detailing how any Planned Unit Development (PUD) and all its various aspects shall be managed. This shall include deed restrictions and covenants designed to insure perpetuity of agreements.
17. The developer shall provide a complete topographic drawing of the proposed plan to specifications acceptable to the Soil Conservation Service. The developer, after consultation with the Soil Conservation Service, will develop a complete sediment and erosion control plan to be reviewed and approved by the Caroline County Soil Conservation District.
18. The developer shall comply with all requirements of the Forest Conservation Act and provide such information, plans, and timetables as may be required by the Department of Natural Resources. Comments shall be obtained by the Planning Commission from the Department of Natural Resources prior to site plan approval. However, comments must be received from the Department of Natural Resources in a timely manner not to exceed thirty (30) days after submission by the Planning Commission.
19. Location of habitat protection areas, if any.
20. Location of all contiguous forested areas adjacent to the site.
21. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed. A disturbed area is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation.
22. Commercial uses must also include the maximum number of employees for which buildings are designed, number and location of off-street parking spaces, location and extent of materials storage and waste storage areas, loading and unloading areas, fences, screens, and/or buffers, type and location of outdoor lighting, type and location of signs, and other information that the Planning Commission may require to facilitate its review.
23. A Forest Management Plan, including comments of the Bay Watershed Forester, when a proposed development site contains or will contain forest or developed woodland areas, as specified in the Caroline County Forest Conservation Program.
24. A habitat protection plan, including the comments of the Maryland Department of Natural Resources, when a habitat protection area is on or adjacent to the site.
25. The Planning Commission may require additional information, as necessary to facilitate its review.

#### **FINAL SITE PLANS**

Following approval of a preliminary site plan, the developer shall submit a final site plan that shall include copies of all approved elements of the preliminary site plan including corrections and modifications that are required. Final site plans shall also include the following information:

1. Final site plans shall be drawn to scale and fully dimensioned and submitted in reproducible form and suitable for recordation including signature blocks for the developer, the Planning Commission chairperson, and a notary public.
2. All easements and deed restrictions shall be indicated on the site plan.

#### **PLOT PLAN REQUIREMENTS Plot Plans shall:**

1. Be prepared at a scale appropriate to the size of the lot and the construction that is proposed clearly identifying the scale and orientation toward North.

2. Be prepared by the applicant following consultation with the Planning Commission to ensure all required information will be provided in an easily understood and clearly described manner.
3. Include the owner's name and mailing address
4. Include the applicant's name and mailing address, if different than the owner.
5. Show all adjoining parcels, their tax map and parcel designation, and owner's names.
6. Show all adjoining named roads and rights-of-way
7. Show all easements or development restricted areas, including septic reserve areas and proposed well locations
8. The location(s) and limits of all existing structures, including fences, decks, and accessory buildings
9. The locations of any driveways and access paths
10. The locations of electric, telephone, cable and other existing utilities on or serving the property
11. The nature and limits of the proposed development or construction clearly dimensioning all setbacks to front, side and rear lot lines.
12. The location(s) of any nontidal wetlands, habitat areas or forested areas.

**MASTER DEVELOPMENT PLANS Master Plans shall:**

1. Be prepared at a scale suitable to the area of the site under consideration so that it may be clearly and conveniently shown on standard E size engineering sheets.
2. Be clearly marked: Master Development Plan
3. Show existing site information including area, zoning, ownership information
4. Include existing topography and land cover information
5. Show all proposed land uses, general proposed lot sizes and locations, and all proposed circulation systems.
6. Show all proposed public areas and forested areas
7. Show all proposed open spaces and other developmentally restricted areas
8. Provide summary computations in tabular form
9. Show all adjoining parcels, including identifiers and ownership information
10. Show all adjoining roads and rights of way
11. Show all adjoining land uses and zoning
12. Have all proposed development phasing clearly labeled
13. Include a Project Name