

Commissioner Johnson, introduced the following Amendments concerning the Surry County Zoning Ordinance, and moved the adoption of the Amendment. The motion was seconded by Commissioner Harrell, the following Amendments were adopted, this the 16th day of August, 2004:

AMENDMENT 25

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 7 OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 4, “Changes and Amendments”, Section 2(B) shall be amended to include the following statements:

.... The petitioner shall schedule a meeting with the Planning staff prior to submittal of the petition. This meeting will allow the petitioner and the Planning staff to familiarize themselves with the proposal, Land Use Plan development principles, and any applicable regulations.

In addition to this Article, petitions for any map amendment to a conditional zoning district shall also be subject to the requirements found in Article 8 of this Ordinance.

Article 4, “Changes and Amendments”, Section 3 shall be amended to include the following statement:

...In relation to proposed map amendments to a conditional zoning district, the Planning Board shall adhere to the requirements of Article 8 as well as the requirements of this Article....

Article 4, “Changes and Amendments”, Section 4 shall be amended to include the following statement:

...In relation to proposed map amendments to a conditional zoning district, the Board of Commissioners shall adhere to the requirements of Article 8 as well as the requirements of this Article...

AMENDMENT 26

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 7 OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 7, “Establishment and Intent of Districts and Boundaries”, Section 1 shall be amended to include the following new zoning districts:

RA-C	Rural Agricultural Conditional District
RE-C	Residential Exclusive Conditional District
RR-C	Restricted Residential Conditional District
RL-C	Residential Limited Conditional District
RG-C	Residential General Conditional District
MR-C	Multi-Family Residential Conditional District
CP-C	Conservation Protected Conditional District
MHP-C	Manufactured Home Park Conditional District
RB-C	Rural Business Conditional District
CB-C	Community Business Conditional District
HB-C	Highway Business Conditional District
MI-C	Manufacturing Industrial Conditional District

Article 7, “Establishment and Intent of Districts and Boundaries”, Section 4 shall be replaced with the following and shall read as follows:

Listed below is the intent of each zoning district. General use zoning districts each have a corresponding conditional zoning district. Each district was formulated using goals and recommendations from the Surry County Land Use Plan.

RA Rural Agricultural District

The purpose of this district is to maintain a rural development pattern where single-family housing is intermingled with agricultural and appropriate non-residential uses, as herein described in the Table of Uses, not having access to public water and sewer systems. This district is also designed to protect rural areas from the intrusion of non-agricultural land uses that could create a nuisance, detract from the quality of life and/or present a danger to the natural environment.

RA-C Rural Agricultural Conditional District

Identical to the Rural Agricultural District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

RE Residential Exclusive District

The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density on-site stick-built homes, provided that adequate water and sewer systems are available.

RE-C Residential Exclusive Conditional District

Identical to the Residential Exclusive District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

RR Restricted Residential District

The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density on-site stick-built and modular homes, provided that adequate water and sewer systems are available.

RR-C Restricted Residential Conditional District

Identical to the Restricted Residential District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

RL Residential Limited District

The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density on-site stick-built, modular, and Class A manufactured homes, provided that adequate water and sewer systems are available.

RL-C Residential Limited Conditional District

Identical to the Residential Limited District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

RG Residential General District

The purpose of this district is to provide a place for medium density residential uses of all types, on-site stick-built, modular, and Class A and B manufactured homes, provided that adequate water and sewer systems are available

RG-C Residential General Conditional District

Identical to the Residential General District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

MR Multi-Family Residential District

The purpose of this district is to provide a place for high-density residential development where the principle use will be multi-family development provided that adequate water and sewer systems are available.

MR-C Multi-Family Residential Conditional District

Identical to the Multi-Family Residential District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

MHP Manufactured Home Park District

The purpose of this district is to provide a place for high-density development of manufactured homes in a park like setting.

MHP-C Manufactured Home Park Conditional District

Identical to the Manufactured Home Park District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

CP Conservation Protected District

The purpose of this district is to preserve and limit development within certain land and/or water areas which serve as wildlife refuges, possess natural beauty, are utilized for outdoor recreational purposes, provide needed open space, and are environmentally sensitive.

CP-C Conservation Protected Conditional District

Identical to the Conservation Protected District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

RB Rural Business District

The purpose of this district is to accommodate existing business and commercial establishments that may be isolated from similar land uses. The rural business district is intended for such establishments located in rural areas where residential and/or agricultural operations are predominant land uses.

RB-C Rural Business Conditional District

Identical to the Rural Business District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

CB Community Business District

The purpose of this district is to accommodate retail, service, and related businesses that are usually clustered together and cater to the immediate community. Community business districts should typically be located at the intersection of collector and arterial roads. These sites shall have direct access to collector and arterial roads, provided that adequate water and sewer systems are available.

CB-C Community Business Conditional District

Identical to the Community Business District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements Article 8 of this Ordinance.

HB Highway Business District

The purpose of this district is to accommodate the development of retail, service, and related businesses which are located along, and have direct access to major roadways throughout the county, which cater to the traveling public, and should have access to public water and sewer systems.

HB-C Highway Business Conditional District

Identical to the Highway Business District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to the requirements of Article 8 of this Ordinance.

MI Manufacturing Industrial District

The purpose of this district is to provide locations for intensive industrial and/or manufacturing, processing, and assembly uses and to protect adjacent rural/residential areas from such land uses, and should have access to public water and sewer systems.

MI-C Manufacturing Industrial Conditional District

Identical to the Manufacturing Industrial District except that this district has no inherent permitted or conditional uses. Any development activities within this district are subject to Article 8 of this Ordinance.

TO Thoroughfare Overlay District

The purpose of this overlay district is to guide the development of off-premise signs to preserve the County's natural features for the traveling public.

WO Watershed Overlay District

The purpose of this overlay district is to identify the areas of the County that are subject to the Surry County Watershed Ordinance, which can regulate lot sizes, built upon areas, and non-residential development.

AO-1 Elkin Municipal Airport Overlay District

The purpose of this overlay district is to regulate possible obstructions to flight navigation in the vicinity of the Elkin Municipal Airport.

AMENDMENT 27

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 8 OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 8, "Group Developments" shall be re-designated Article 21, "Group Developments"

AMENDMENT 28

**SURRY COUNTY
ZONING ORDINANCE**

PROPOSED AMENDMENT TO THE

SURRY COUNTY ZONING ORDINANCE.

The Surry County Zoning Ordinance shall be amended to include Article 8, “Conditional Zoning Districts”, which shall consist of the following:

ARTICLE 8. CONDITIONAL ZONING DISTRICTS

Section 1 Purpose

Conditional zoning districts are zoning districts in which the development and the use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular parcel or parcels.

A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature and scale that they have significant impacts on both the immediate area and on the entire community, which cannot be predetermined and controlled by the standards of a general use district. In addition, this process will ensure compatibility with the Land Use Plan and other adopted district plans, corridor plans, and area plans. The review process established in this Article provides for a specific review process subject to specific conditions which mitigate concerns with the proposed development and ensure compatibility of the use with the surrounding community.

Section 2 General Requirements

If the petitioner believes that development of their property in a specific manner will lessen the adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with development principles found in the Surry County Land Use Plan, they may apply for a rezoning to the appropriate conditional zoning district, as found in Article 7, Section 4. Conditional zoning districts do not have any inherent permitted or conditional uses; development activities are only allowed through specific conditions approved by the Board of Commissioners. Those uses permitted and conditions approved by the Board of Commissioners shall be reflected on the Conditional Zoning District Supplement issued by the Zoning Administrator. Proposed development activities shall be consistent with the established permitted and conditional uses of the corresponding general use zoning district. The petitioner shall meet all of the requirements of the corresponding general use zoning district. If the petitioner elects to petition for conditional district zoning, the petition must specify the following:

1. The actual use or uses intended for the entire tract or any part or parts thereof, for the parcel or parcels specified in the petition;
2. Actual use or uses shall be specified permitted or conditional uses in the corresponding general use zoning district, found in Article 11, "Table of Uses", of this Ordinance; and
3. If the petitioner petitions for two (2) or more conditional zoning districts, the petitioner shall submit a separate petition for each district.

In addition, the petition shall be accompanied by a site specific development plan as required by Article 8, Section 7 of this Ordinance. In the event of an approval, the site plan shall be binding as to the location and extent of all proposed development activities on the parcel.

Section 3 Compliance with General Use District Provisions

Any petition to amend district boundaries to create a conditional zoning district shall comply with procedures and provisions for general use district amendments set out in this Ordinance, especially Article 4 of this Ordinance.

Section 4 Conditions on Development Activities

A landowner petitioning to rezone land to a conditional zoning district may propose conditions to be placed on the property should a rezoning to a conditional zoning district be approved by the Board of Commissioners. The petition shall specify any proposed conditions on the petition and the site specific development plan as required. These conditions shall be in addition to the limitation on uses as provided in Article 8, Section 2 above.

Any proposed conditions shall impose requirements that are more restrictive than those generally applicable in the corresponding general use district. For example, conditions might propose to limit the number of permitted uses to one (1) or more specified uses. They might also propose to limit the number, size, and location of structures, the location and extent of supporting facilities, the location and extent of special purpose areas, the location and extent of parking areas and ingress/egress points, location and extent of buffer areas, the hours of business operation, or the timing of development.

The Board of Commissioners may require conditions, in addition to those self-imposed by the petitioner, if the conditions directly relate to the protection of the health, safety, and general welfare of the surrounding community and the general public.

No condition, however, may restrict the race, religion, ownership status, or character of District occupants, or contain any other exclusionary restrictions. Nor may any condition purport to abridge or affect any other applicable federal, state, or local law.

Section 5 Review of the Petition

Conditional zoning district decisions are a legislative process subject to the same procedures and standards of review as apply to general use district zoning decisions. In considering any petition for a conditional zoning district, the Planning Board and the Board of Commissioners shall act in accordance with the provisions of Article 4, "Changes and Amendments". In addition to the provisions of Article 4, the Planning Board and the Board of Commissioners shall act in a manner consistent with Article 8, Sections 5.1 and 5.2, found below.

Section 5.1 Planning Board Action

Following the review of the petition during a public meeting, the Planning Board shall take one of the following actions:

1. Recommend Approval. Recommend approval of the petition to the Board of Commissioners as submitted; or
2. Recommend Approval with Conditions. Recommend approval of the petition to the Board of Commissioners with the petitioner's proposed conditions and additional reasonable conditions agreed upon by the Board that promote the health, safety, and general welfare of the surrounding community and the general public. The Planning Board may consider the following types of conditions:
 - a) Reduction or limitation in the uses requested;
 - b) Location and extent of supporting facilities such as parking lots, driveways, and access streets;
 - c) Preservation of unique natural or constructed features, including retention of existing vegetation; and
 - d) Other reasonable requirements to insure public health, safety, and general welfare; or
3. Recommend Denial. Recommend denial to the Board of Commissioners of the petition, with reasons stated.

Section 5.2 Board of Commissioners Action

After receiving the Planning Board's recommendation and reviewing the petition the Board shall take one of the following actions:

1. Approve. Approve the petition as submitted; or

2. Approve with Conditions. Approve the petition with the petitioner's proposed conditions and additional reasonable conditions as agreed upon by the Planning Board. The Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such petition as it may deem necessary in order that the purpose and intent of this Ordinance is served and the health, safety, and general welfare of the surrounding community and the general public is protected. The Board of Commissioners may amend or delete those conditions agreed upon by the Planning Board and the petitioner. The Board of Commissioners may consider the following types of conditions:
 - a) Reduction or limitation in the uses requested;
 - b) Location and extent of supporting facilities such as parking lots, driveways, and access streets;
 - c) Preservation of unique natural or constructed features, including retention of existing vegetation; and
 - d) Other reasonable requirements to insure public health, safety, and general welfare; or
3. Deny. Deny the petition, with reasons stated.

Following the approval of a petition, the Board of Commissioners shall order the Zoning Administrator to issue a conditional zoning district supplement that shall reflect the approved petition describing the nature of development approved for the parcel or parcels in question.

Section 6 Site Specific Development Plan Required

The petitioner shall submit a final copy of the site specific development plan to the Zoning Administrator at least seven (7) days before the deadline for submission to the Planning Board of the petition. This will give the Zoning Administrator the ability to review the plan for compliance with the requirements set forth in this Article as well as the entire Ordinance. The site specific development plan (with 25 copies) must always be submitted with the petition at least 21 days before the next regularly scheduled Planning Board meeting and shall show at least the following:

- A. The shape and dimensions of the lot on which the proposed building(s) is to be erected along with North reference and graphic scale;
- B. Vicinity map and township;
- C. Tax parcel identification number and total acreage;
- D. Owner's name, address, and telephone number, adjoining properties and owners, as well as the location of structures on adjoining properties;
- E. The location of said lot with respect to adjacent rights-of-way;
- F. The shape, dimensions, height, and location of all buildings, out buildings, loading areas, places of assembly, outdoor display areas, storage areas (indoors and outdoors) and other facilities associated with the use; existing and proposed, and required setbacks;
- G. Topography of the site (contour line intervals no greater than 20-feet), natural features (streams, lakes, ponds, rocky outcrops, wooded areas, marshes, flood plains, and any other site of interest), historic sites, and cemeteries;
- H. The nature of the proposed use of the building or land, including the extent and location of the use;
- I. Location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting;
- J. The location and dimensions of off-street parking and loading space and the means of ingress and egress;

- K. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
- L. The location and type of all required buffers;
- M. Approval of required Driveway Permits from NCDOT;
- N. The petitioner's proposed conditions stated on the plan and their physical locations (if applicable) drawn on the plan; and
- O. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

If the petition for rezoning to a conditional zoning district is approved, the site specific development plan shall be binding as a part of the approval. All development activities in the conditional zoning district shall be consistent with the approved plan.

Section 7 Conditional Zoning Districts Supplement for Zoning Permits

In the event a petition to a conditional zoning district is approved no zoning permit shall be issued prior to the completion of a conditional zoning district supplement by the Zoning Administrator. The supplement shall incorporate and reflect the site specific development plan, which will convey the nature of development, list the approved uses for the conditional zoning district, and the required conditions imposed by the petitioner and the Board of Commissioners. This information shall be found on the submitted and/or revised petition approved by the Board of Commissioners. As always, no building permit, or other governmental entitlement for the use, development, or division of land shall be issued or permitted without the issuance of a Zoning Permit.

The authorization of any use or uses in any conditional zoning district which requires a Conditional Use Permit in the corresponding general use zoning district shall preclude any requirements for obtaining a Conditional Use Permit, unless otherwise required by the Board of Commissioners.

Section 8 Effect of Approval

- A. If a petition for conditional zoning is approved, the development and use of the parcel or parcels shall be governed by the predetermined ordinance requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
- B. If a petition is approved, the petitioner shall comply with all requirements established in Article 2, "Administration", for obtaining a building permit and certificate of occupancy. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject parcel or parcels.
- C. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A corresponding conditional zoning district shall be identified by the same designation as the underlying general use district followed by the letter "C" (ex. RA-C). If the County uses a color scheme identifying zoning districts on the Zoning Map, then the conditional zoning district shall use the same color as the corresponding general use district.

AMENDMENT 29

SURRY COUNTY ZONING ORDINANCE

PROPOSED AMENDMENT TO THE

SURRY COUNTY ZONING ORDINANCE.

Article 30, "Definitions", Section 1 shall be amended to include the following new definitions:

CONDITIONAL ZONING DISTRICT. A zoning district that does not have any inherent permitted or conditional uses and corresponds with an existing general use zoning district. May also be referred to as "Conditional District" in this Ordinance. Development activities are restricted to those specifically approved by the Board of Commissioners following a legislative public hearing. Conditions to development can be imposed if they are volunteered by the applicant or if they will assist in protecting the health, safety, and general welfare of the public and surrounding community.

CONDITIONAL ZONING DISTRICT SUPPLEMENT. An addendum to a Zoning Permit issued by the Zoning Administrator following a zoning map amendment (i.e. rezoning) to a Conditional Zoning District. This supplement outlines the specific uses permitted and the conditions for development within the district as dictated by the Board of Commissioners following a legislative public hearing.

SITE SPECIFIC DEVELOPMENT PLAN. A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Site Specific Development Plans shall be prepared by a registered surveyor, draftsman, or engineer. Site Specific Development Plans are required for zoning amendments involving conditional zoning districts.

ZONING DISTRICT. A portion or section of the county, outside the land use jurisdiction of any municipality, for which the regulations and provisions governing the use of buildings and lands are uniform for each class of uses permitted therein. May also be referred to a general use zoning district or a principal zoning district in this Ordinance.