TEXT AMENDMENTS
SURRY COUNTY ZONING ORDINANCE
FEBRUARY 20, 2006

Article 7, "Establishment and Intent of Districts and Boundaries", Section 1, "Zoning Districts Established", of the Zoning Ordinance shall be amended to include the following language:

VR	**Village of Rockford District**
VR-C	**Village of Rockford Conditional District**

Article 7, Establishment and Intent of Districts and Boundaries", Section 4, "Intent of Zoning Districts", of the Zoning Ordinance shall be amended to include the following language:

VR Village of Rockford District

The purpose of this district is to allow a mixture of appropriate residential and non-residential uses in the vicinity of the Rockford National Register Historic District. This district allows this village area to continue development patterns initiated in the 1790's. This district is a Special Zoning District, as governed by Article 10, Section 1.

VR-C Village of Rockford Conditional District

Identical to the Village of Rockford 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.

Article 10, "Special Zoning Districts", Section 1, "Reserved", of the Zoning Ordinance shall be replaced with the following language:

<u>Section 1. Village of Rockford (VR) Zoning District</u>

The Village of Rockford (VF) District is a mixed-use district which will allow those properties within the District boundary to continue the pattern of development established upon the village's creation in 1789. This district is strictly designed for properties in close proximity to the Rockford National Register Historic District. It is the intent of this District to accomplish the following tasks:

A. To safeguard the integrity of the Village of Rockford by preserving those areas and individual properties therein, and those that are in close proximity;
B. To stabilize and improve property values within the district boundary;
C. To foster civic beauty; and
D. To promote the use and conservation of the Village of Rockford for the education, pleasure, and enrichment of County and State residents.

Section 1.1 Table of Uses

All uses within the VR District that are designated as Conditional Uses, as shown in Article 11, "Table of Uses", shall comply with Article 10, Section 1.5, as found below, rather than the requirements found in Article 16, "Conditional Uses". In addition to the conditional uses found within this District, the following uses shall also be considered as conditional uses:

A. Any use found by the Planning Board to have existed on the particular property before 1956 may be permitted following a quasi-judicial hearing by the Planning Board;
B. A religious institution, college or university, or operation of an historic preservation organization with purposes related to the district; and
C. Uses normally accessory to the principal uses listed above.

Section 1.2 Site Plan Review for Permitted Uses

For those uses designated as Permitted Uses in the VR District, as found in Article 11, "Table of Uses", the applicant shall prepare an application for review by the Zoning Administrator that complies with this Article. The site plan shall show the following:

A. Boundaries of tract to be developed shown with bearings and distances as established by the boundary survey;
B. Proposed rights-of-ways or easements, location, widths, and purposes;
C. Proposed setback lines from property boundaries;
D. Title, date, north arrow, and graphic scale;
E. Watershed designation, if applicable;
F. Proof of ownership of the proposed site or authorization to utilize it;
G. Copies of the architectural renderings of the proposed building or structure; and
H. List of all building materials to be utilized in the construction of the building's façade.

Section 1.3 Conditional Use Permit Application and Review

For those uses designated as Conditional Uses in the VR District, as found in Article 11, "Table of Uses", the applicant shall prepare an application for review by the Planning Board and other applicable government agencies that complies with Article 10, Section 1. Conditional Uses within the VR District are subject to the requirements of this Section, rather than those found in Article 16, "Conditional Uses".

Land uses that were considered permitted uses prior to being included within the initial VR zoning district in 2006, and are now considered Conditional Uses, will be permitted to expand up to two times (2x) their size without receiving a Conditional Use Permit to expand; applicants will follow the requirements of Section 1.2 above. The existing size used in this calculation shall be

determined as the size of the land use when the initial VR district was adopted.

Area Map

The application shall contain an area map showing the property to be developed. The area map shall show the following:

A. The boundary of the property to be developed;
B. The names and addresses of adjoining property owners;
C. The location of existing streets, buildings, railroads, transmission lines, sewers, bridges, culverts, drainpipes, and easements, to the extent that these may be ascertained from a field inspection by the County;
D. Municipal boundaries and extraterritorial jurisdictions, township lines, zoning district classifications, and other applicable boundaries;
E. Name of the applicable fire district;
F. Topography, proximity to streams, susceptibility to flooding as determined from available flood maps, and other natural features which may impose restrictions on the development of the site.

Detailed Development Plan

The application shall contain a detailed development plan showing the following information on a sheet or sheets (not less than 18”x 24”) drawn at a scale of sufficient size to accurately and clearly show all required information including additional information as required with the Area Map. The Detailed Development Plan shall be recorded, with, or part of, the boundary survey in the Office of Register of Deeds. Approved Detailed Development Plans shall be recorded before issuance of a Zoning Permit. The Detailed Development Plan shall include:

A. Name and address of owner and surveyor, engineer, and/or land planner;
B. Scaled vicinity map inset showing the location of the property in relationship to near by towns, communities, and roads;
C. Boundaries of tract to be developed shown with bearings and distances as established by the boundary survey;
D. Site Data Table, including impervious surfaces calculations and total acreage;
E. Proposed rights-of-ways or easements, location, widths, and purposes;
F. Proposed setback lines from property boundaries;
G. Title, date, north arrow, and graphic scale;
H. Watershed designation, if applicable;
I. A letter from the N.C. Division of Highway Engineers, if applicable, indicating that their office has reviewed the area map and site plan and specifying any problems such as highway access or right-of-way encroachments, which need to be resolved prior to approval of the application;
J. A letter stating approval of a Sedimentation and Erosion Control Plan from NCDENR, if applicable; and

K. Proof of ownership of the proposed site or authorization to utilize it.

Additional Requirements

A. Copies of the architectural drawings and renderings of the proposed building or structure; and
B. List of all proposed building materials to be utilized in the construction of the building façade.

Planning Board Action

The applicant shall file fourteen (14) copies of the complete application forty-five (45) days before the next regularly scheduled Planning Board meeting. The Zoning Administrator shall set and advertise a date and time for a public hearing before the Planning Board. Notice of such hearing shall be published in a newspaper of general local circulation at least fifteen (15) days before the date set for the public hearing. At the public hearing all interested parties shall be permitted to testify in sworn testimony. Prior to the hearing all property owners within the Village of Rockford (VR) District shall be mailed a notice of the hearing, via certified mail. The person mailing notices shall certify that such notices have been mailed. Cost of postage shall be reimbursed by the applicant through fees set by the Board of County Commissioners. In addition, the property for which the conditional use permit is proposed shall be posted at least one (1) week before the public hearing.

The Planning Board shall consider the application and comments at the public hearing and may grant or deny the Conditional Use Permit. If the Conditional Use Permit is granted, the Planning Board shall use as a guide, the specific conditions outlined in this Article for each use proposed. In addition, the Planning Board shall find:

A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;

B. That the use meets all required conditions and specifications;

C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Surry County Land Use Plan.

In granting the Conditional Use Permit the Planning Board may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use and its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting, at which the Conditional Use Permit is granted, on the

Conditional Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applications for the Conditional Use Permit, their heirs, successors, and assigns.

When deciding Conditional Use Permits, the Planning Board shall follow quasi-judicial procedures. No vote greater than a majority vote of the entire Board membership shall be required for the Planning Board to issue a Conditional Use Permit. Vacant positions on the Board and members of the Board who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the Board' for calculation of the requisite majority.

Denial and Appeal

If the Planning Board denies the Conditional Use Permit it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

No appeal may be taken from the action of the Planning Board in granting or denying a Conditional Use Permit except through the Surry County Superior Court within thirty (30) days of the decision or forever be barred.

Failure to Comply with Plans/Notifications of Adjacent Property Owners

In the event of failure to comply with the plans approved by the Planning Board, or with any other conditions imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect following a quasi-judicial hearing by the Planning Board. No building permits for further construction or Certificates of Occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Modification of Permits and Site Plans

Where plans are required to be submitted and approved as part of the application for a Conditional Use Permit, modifications of the originally approved plans may be authorized by the Planning Board. Modifications of the site plan, which is a part of the Permit, are permitted following a quasi-judicial hearing consistent with Article 16, Section 3 of this Ordinance.

Section 1.4 Dimensional Requirements

As provided below, the following exceptions shall apply to the Dimensional Requirements found in Article 12 for the VR Zoning District. All buildings and structures in the VR District shall comply with Article 12 of this Ordinance as well as the following yard and height provisions:

1. Front Yard. No building or part of a building, other than steps, open porches, overhanging eaves, and cornices, shall extend closer to a front street line than the average distance of the setbacks of the

principal buildings on the same block and on the same side of the street within 1,000 feet from the zoning lot in either direction. Provided, however, that in no case shall the front setback be less than eight (8) feet, and no building shall be required to set back more than 40 feet from the front street line.

2. Rear Yard. There shall be a rear yard with a depth of not less than 25 feet. When a building extends through from street to street, the front yard restrictions shall be observed on both streets.

In the event that the Planning Department finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location, said building or structure may be restored or reconstructed at the same location where the original building or structure was located.

Any items restored, reconstructed, or maintained over, on, or within a public right-of-way shall be responsibility of the property owner if they have received approval from the proper State or local agency responsible for maintaining the right-of-way. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the County blameless against any liability, cost, damage, or expense suffered or sustained by the County as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, if approved, may be lawfully restored, reconstructed, or maintained.

Section 1.5 Nonconforming Uses

Prior to its acting upon an application for a Conditional Use Permit pursuant to Article 15, "Nonconforming Uses", of this Ordinance to alter, expand, change, rebuild, or resume a nonconforming use in this District, the provisions of Article 10, Section 1, shall also apply.

Section 1.6 Design and Development Guidelines

In addition to development guidelines required elsewhere in this Ordinance, permitted and conditional uses in the VR District shall be subject to the following site design and development criteria. These guidelines will ensure that new development and additions are compatible with the character of the village and protect the integrity of the village.

A. Residential Development

1. Design new buildings/structures using exterior materials typical of historic buildings in the VR District including brick, stone, log, wood clapboard, finished concrete block (surface textures and/or exterior appearance should be compatible with those of surrounding structures) or a masonry product designed to appear like wood clapboard. Materials shall not comprise metal siding, vinyl siding, or concrete block. However, on a case-by-case basis, the Planning Board may

authorize an alternative material if it is in keeping with the intent of this Section.

2. **Building or structure design must be consistent with architecture found in the Rockford National Register Historic District, such as Colonial, Greek Revival, Gothic Revival, Federal, and Victorian. Elements such as windows, doors, siding pattern etc. will be reviewed.**
3. **Materials for the trim and siding must be installed in a fashion that is appropriate to buildings/structures in the Rockford National Register Historic District.**
4. **Any dwelling built on a slab foundation shall have a minimum six-course brick masonry veneer skirt (of standard brick size) extending up the face of the slab.**
5. **The majority of roof areas shall have a minimum 8:12 pitch.**
6. **Chain link fencing (with or without any type of inserts), razor wire, and barbed wire shall not be permitted. This requirement does not apply to agricultural operations as defined under the Bona Fide Farm provision.**
7. **Accessory structures shall be constructed with like building materials of the primary dwelling/structure on the same property.**
8. **Existing structures/buildings located in the VR zoning district, which do not initially meet the minimum design and development guidelines for non-residential development as stated above in 1-7, shall be permitted to expand in size utilizing materials that are consistent with the exterior materials of the existing structure/building. The design of the expansion shall be consistent with the existing architecture of the structure/building.**

B. Non-Residential Development

1. **Design new buildings/structures using exterior materials typical of historic buildings in the VR District including brick, stone, log, wood clapboard, finished concrete block (surface textures and/or exterior appearance should be compatible with those of surrounding structures) or a masonry product designed to appear like wood clapboard. Materials shall not comprise metal siding, vinyl siding, or concrete block. However, on a case-by-case basis, the Planning Board may authorize an alternative material if it is in keeping with the intent of this Section.**
2. **Building or structure design must be consistent with architecture found in the Rockford National Register Historic District, such as Colonial, Greek Revival, Gothic Revival, Federal, and Victorian. Elements such as windows, doors, siding pattern etc. will be reviewed.**
3. **Materials for the trim and siding must be installed in a fashion that is appropriate to structures/buildings found in the Rockford National Register Historic District.**
4. **Any building/structure built on a slab foundation shall have a minimum six-course brick masonry**

veneer skirt (of standard brick size) extending up the face of the slab.

5. The majority of roof areas shall have a minimum 8:12 pitch.
6. Accessory structures shall be constructed with like building materials of the primary building/structure on the same property.
7. Parking areas shall be designed in such a manner that minimizes any adverse impact on the historic integrity of any buildings and/or structures on the property in question or adjoining properties. Parking areas shall not impede the flow of traffic along any state-maintained roads. Remote parking areas can be utilized if sufficient space is not available on the property that the non-residential land use is located (See Article 17, Section 4).
8. Buildings shall not be stylized or designed as advertising signage or corporate symbols.
9. Service areas and loading docks shall not be sited on the major pedestrian side of a building, and must be screened from pedestrian view by landscaping or with architectural elements.
10. Chain link fencing (with or without any type of inserts), razor wire, and barbed wire shall not be permitted. This requirement does not apply to agricultural operations as defined under the Bona Fide Farm provision.
11. Refuse enclosures shall be screened from view on all sides with an eight (8) foot high opaque screen of coordinated building materials and landscaping.
12. Existing structures/buildings located in the VR zoning district, which do not initially meet the minimum design and development guidelines for non-residential development as stated above in 1-11, shall be permitted to expand in size utilizing materials that are consistent with the exterior materials of the existing structure/building. The design of the expansion shall be consistent with the existing architecture of the structure/building.

Section 1.7 Additional Zoning Amendment Petition Criteria

In addition to the requirements of Article 4, Section 2(A),, all landowners in the VR Zoning District shall be notified by <u>certified</u> mail of petitions submitted to the County for Zoning Amendments pursuant to this Ordinance.

In addition to the requirements of Article 4, Section 2(B), petitions for Zoning Amendments for properties within the VR District, or for properties proposed to be rezoned to the VR District, shall be filed no later than <u>45 days</u> prior to the Planning Board meeting at which the petition or application is to be considered.

Section 1.8 Applicability and Conflict

Development activities within the VR zoning district are subject to all applicable requirements in this Ordinance, as well as those found in Article 10, Section 1. If the provisions found in this Section conflict with any other

provisions of this Ordinance, the provisions of this Section shall govern.

Article 11, "Table of Uses", Section 2, "Table of Uses", of the Zoning Ordinance shall be amended to include the Village of Rockford (VR) zoning district which will include the following permitted and conditional land uses:

Permitted Uses

Accessory structures
Bona fide farms
Botanical gardens
Cemetery, private
Cemetery, public
Church (including fellowship bldgs.)
Dwelling, single-family, (site-built)
Forestry
Greenways
Home occupation
Parks and playgrounds
Public utility facility (small-scale)
Subdivisions (5 lots or fewer)

Conditional Uses

Accessory apartment, Agricultural cultural center, Agritainment Antique shops, Art galleries, Art supplies, Arts and graphics services, Auction house Bakeries Bait and tackles sales, Barber and beauty shops, Bed and breakfast, Bicycle repair, Bicycle sales and service, Book and stationary stores, Business offices Candy store, Coffee house, Commercial greenhouses, Commercial nurseries, Community center, Country inn, Craft store, Delicatessen, Eco-tourism enterprise, Executive or institutional retreat, Farm markets, Farm-based tourism enterprise, Farmer's market, community scale, Florist, General store, Gift shops Glass and mirror shops, Guest House, Hardware stores, Ice cream parlor Jewelry stores, Libraries, Museums, Music stores, Novelty and souvenir shops, Pet shop, Post office, Pottery store, Private tennis courts, private lot, Produce sales, Public utility facility (large-scale), Recreation, outdoor Resort, Restaurant (walk-in), Roadside stand, Seamstress shop, Stable, Stained glass sales, Swimming pool, private Tailoring and dressmaking shops, Tea house, Tobacco shop, Upholstering shops, Wedding chapel, Wine tasting room, Winery, Woodworking shop.

Article 12, "Dimensional Requirements", of the Zoning Ordinance shall be amended to include the following for the Village of Rockford (VR) zoning district:

DISTRICT	LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM
	MINIMUM SIZE	MINIMUM WIDTH	MINUMUM DEPTH	FRONT	SIDE	REAR	BUILDING HEIGHT
VR, VR-C	30,000 sq. ft.	75 feet	110 feet	20 feet	12 feet	25 feet	35 feet
Water and Sewer	12,000 sq. ft.	75 feet	110 feet				
Corner Lots Abutting Side Street					20 feet		
Accessory Structures					12 feet	15 feet	