



DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING TEXT AMENDMENT: Case # ZCR-1042

Staff Report

Planning Board Hearing: July 13, 2009 6:00pm

Board of Commissioners Public Hearing: July 20, 2009 6:00pm

Applicant: Surry County Planning and Development Department

Proposed: The Surry County Planning and Development Department requests to amend the Surry County Zoning Ordinance text to incorporate provisions for a Planned Residential Conditional District.

Overview of the Request: The Surry County Planning and Development Department has recently processed similar amendments for a Planned Residential Conditional District to the existing zoning regulations of the Town of Dobson, as authorized by interlocal agreement between Surry County and Dobson.

The County zoning ordinance does not have a similar type of provision for planned residential development flexibility. Currently the ordinance encourages and to a degree requires mutual exclusivity among various types of site-built dwellings, in terms of the zoning districts in which they are permitted. Process and district constraints would make it difficult under the current ordinance to plan and execute a single development project containing a variety of these uses.

The proposed amendments would establish a conditional district wherein single-family residential, multi-family residential and limited compatible non-residential uses may be integrated in a carefully planned neighborhood setting.

Zoning Code Analysis: Article 4 of the Surry County zoning code establishes the process for initiating changes and amendments to the Surry County Zoning Code. The proposed text amendments are in compliance with these standards.

Article 7 of the zoning code provides for establishment of the zoning districts and prescription of intent for each of these districts. Addition and description of a planned residential conditional district to the zoning districts presented in the Article would in no way duplicate the substance or intent of any existing district.

Article 8 of the zoning code provides for establishment of conditional zoning districts. Unless otherwise specified, the use requirements of conditional districts are tied to the permitted uses in the corresponding general use districts as described in Article 7, and as listed in Article 11. The proposed planned residential conditional district is unlike other conditional districts, in that its use requirements have no inherent permitted uses like those listed for each general district in Article 11. Therefore the use requirements of the planned residential conditional district must be

described separately. Staff submits this may be best presented as a new section added to Article 8.

Planning Staff Recommendation: Planning Staff has initiated this proposal, and recommends adoption of this measure to enable the County to offer increased flexibility in permitting residential development while encouraging the appropriate planning of such future projects.

Planning Board Recommendation: The Planning Board heard and considered this proposed revision to the Surry County Zoning Ordinance at its regularly scheduled meeting on June 8, 2009. After a discussion of the proposed changes _____ made a motion to recommend (adoption)(denial) of the proposed changes to the Zoning ordinance as submitted; the motion was duly seconded by _____ and the motion (passed)(failed) on a vote of _-_.

Consistency Principles:

Land Use Plan 2015:

- 5.3.4 Equip leaders to make good development decisions.
- 5.2.6 Preserve open space.
- 5.3.8 Encourage high quality development.
- 5.4.5.2 Compact development should be encouraged in order to reduce unnecessary waste of space and cost of services.
- 5.4.5.11 Mixed-use commercial development shall be encouraged where appropriate and where compatible with surrounding residential uses.
- 5.4.7.9 The County should encourage multi-family housing complexes to serve the residential needs of young professionals.
- 5.4.8.3 The identification of appropriate recreational facilities in private development shall be encouraged to complement the demand for publicly financed facilities.
- 5.4.11.1 Measures to improve the effectiveness of landscaping and buffering standards for new and existing developments shall be encouraged.
- 5.4.15.3 The County should encourage the development of retirement communities and other similar facilities to serve the aging population.
- 5.4.15.4 The County should create and maintain mixed-use land use guidelines within designated historic areas.

Proposed Adjustments:

1. Add appropriate provisions to Article 7 to establish and name the Planned Residential Conditional District; and to describe the intent of the new district.
2. Add a section to Article 8 to define the purpose of the new conditional district and to provide minimum standards and conditions for development.

**AN ORDINANCE TO AMEND
THE SURRY COUNTY
ZONING ORDINANCE**

WHEREAS, pursuant to N.C Gen. Statute 153A-342, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the County by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Surry that the Surry County Zoning Ordinance be amended as follows:

- 1) **ADD: The PR-CD Planned Residential Conditional District to ARTICLE 7. ESTABLISHMENT AND INTENT OF DISTRICTS AND BOUNDARIES,** as follows:

Section 1. Zoning Districts Established

“PR-CD Planned Residential Conditional District”

Section 4. Intent of Zoning Districts

“PR-CD Planned Residential Conditional District

“The purpose of the PR-CD Planned Residential Conditional District is to encourage the development of environments which provide certain development privileges in exchange for planning and design considerations. The PR-CD provides an alternative to conventional subdivision design by promoting the conservation and creation of viable, connected open space and more flexible lot design options, while minimizing development costs.”

- 2) **ADD Section 9 – Planned Residential Conditional Districts to ARTICLE 8. CONDITIONAL ZONING DISTRICTS** as follows:

“Section 9. Planned Residential Conditional Districts

A. Purpose

The purpose of the Planned Residential Conditional District (PR-CD) is to encourage the development of environments which provide certain development privileges in exchange for preplanning and design considerations. The PR-CD provides an alternative to conventional subdivision design by promoting the conservation and creation of viable, connected open space and more flexible lot design options while minimizing development costs. The Planned Residential Conditional District (PR-CD) provides flexibility in utilizing new development concepts, including the incorporation of a limited amount of non-residential uses.

In return for development flexibility, additional site plan information and development conditions may be required of the developer to assist in evaluating the suitability of a proposed PR-CD. While maximum open space preservation and high-quality residential development is the primary goal of PR-CDs, open space within PR-CDs must balance the need for open space preservation with an increased need for integration with surrounding developments through street connectivity and compatibility with adjacent and internal land uses.

B. Minimum Size.

A PR-CD shall be located on a site containing at least five (5) contiguous acres.

C. Pre-application Conference Required

Prior to the formal submission of a proposed PR-CD, the petitioner or their representative shall attend a pre-application conference with the county planning staff concerning the proposed development of the site. The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic, and physical features of the site for review by the planning staff as well as conditions the developer proposes to incorporate into the development as provided in Section 4 of this Article. Staff may ask for additional information such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of "unique" features on the site, and the location and general specifications of any existing and proposed water/sewer infrastructure.

The County planning staff in consultation with other departments shall comment on the site plan within fifteen (15) days. The official plan of the PR-CD shall be submitted for review by the Planning Board and the Board of Commissioners only after the completion of the pre-application conference and the written response.

D. Permitted Principle Uses

PR-CDs do not have any inherent permitted or conditional uses and development activities are only allowed through specific conditions approved by the Board of Commissioners; however, PR-CDs are primarily intended for single-family developments. A maximum of ten percent (10%) of the total land of the development may be utilized for non-residential uses, with the exception that 15% of the land may be utilized for a combination of lodging and other non-residential uses. The compatibility and appropriateness of any non-residential uses proposed shall be carefully considered. 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.

E. Relationship to Other Applicable Regulations

A PR-CD shall be subject to all applicable standards, procedures, and regulations of this ordinance unless otherwise set forth in this section.

F. Maximum Density

Maximum residential density shall be calculated as equivalent to the density requirements of the existing zoning district in which the PR-CD is proposed. All

land proposed for non-residential development shall be excluded from density calculations. If all of the PR-CD or a portion of the PR-CD is unable to be served by public water and sewer, minimum lot sizes and maximum density shall be determined in consultation with the Surry County Health Department.

G. **Development Standards**

A PR-CD shall meet the following standards:

1. **Outside Perimeter Lot Setback Requirements.** Any lot which adjoins the outside boundary of the PR-CD shall be considered an outside perimeter lot. Internal streets are those contained within the boundary of the PR-CD. Adjoining streets are those not located within the PR-CD but are adjacent to the outside boundary of the PR-CD. The following setbacks shall be required for outside perimeter lots:
 - a. **Lots with Access on an Internal Street.** Rear yard setback requirement of the existing zoning district in which the PR-CD is proposed shall be required.
 - b. **Lots with Access on an Adjoining Street.** Front yard setback requirements of the existing zoning district in which the PR-CD is proposed shall be required.
 - c. **Corner Lots with Access Either on an Internal or Adjoining Street.** Front yard setback requirements of the existing zoning district in which the PR-CD is proposed shall be required on the adjoining street and the front yard setback requirements allowed in the PR-CD shall be permitted on the internal street.
 - d. **Access Drives.** No loading space, parking space, or access drive to a parking space shall be permitted within any required bufferyard.
2. **Required Parking**
 - a. **Off-Street Parking.** Off-street parking shall be provided in compliance with Article 17, except that the parking requirements may be met through group parking located on commonly owned land. Additionally, any required parking spaces located between the fronts of residential buildings and public rights-of-way or private access easements shall be at least twenty (20) feet in depth and shown on the PR-CD site plan. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements. All off-street parking shall be on an improved surface constructed of concrete or asphalt.
 - b. **Special Accommodations.** Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses.
3. **Private Streets.** Private streets are permitted in PR-CDs at the discretion of the Board of Commissioners. Where permitted, private streets shall be built in accordance with the requirements of the North Carolina Department of Transportation, Division of Highways, *Minimum Construction Standards for Subdivision Roads* or *Traditional Neighborhood Development (TND) Guidelines*, August 2000, as amended,

shall serve as minimum guidelines for design. However, public streets may be required to ensure adequate street connectivity.

4. **Pedestrian Access.** Pedestrian and other modes of non-vehicular movement shall be provided in accordance with Surry County Subdivision Ordinance requirements.
5. **Lot Dimensional Requirements and Spacing of Structures.** Lot and setback dimensional requirements for individual lots within a PR-CD are flexible except for a minimum ten (10) foot building setback from public rights-of-way and private access easements. Minimum distances between single-family, duplex, and twin home structures shall be as follows:
 - a. **Front or Rear Facing Front.** The minimum distance between the front wall of one structure and the rear wall of another structure, or the front walls of structures oriented so as to face each other, shall be not less than 30 feet from one another.
 - b. **Rear Facing Rear.** Dwellings oriented back to back shall be subject to the following provisions:
 - i. The minimum distance between rear walls of the dwellings shall be no less than 30 feet.
 - ii. Accessory structures shall only be permitted in the intervening space between principal dwellings oriented back to back or to the rear yard of the principal dwelling.
 - c. **Front Facing Side.** The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than 16 feet, to allow for fire lanes.
 - d. **Side or Rear Facing Side.** The minimum distance between the rear of a structure and side of another structure, or the minimum distance between the side walls of structures, shall not be less than sixteen (16) feet to allow for fire lanes.
 - e. **Front Loaded Garages.** All front loaded garages shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.
 - f. **Minimum Perimeter Lot Size.** Perimeter lots within PR-CDs which are adjacent to existing single family zoning districts shall meet the minimum lot area and dimensional requirements of the surrounding zoning district(s). Where perimeter lots in PR-CDs do not meet the minimum lot area and dimensional requirements of the surrounding zoning district(s), a minimum 30 foot buffer is required between these lots and the adjacent single family zoning district. The buffer shall contain a minimum of four (4) canopy trees, ten (10) understory trees, and 33 shrubs per 100 linear feet. The planting material comprising the buffer shall be spread across the width of buffer and not just planted in rows. The intent of this section is to soften the appearance of the development and not necessarily screen it from view. Shrubs shall be expected to reach a minimum height of 36 inches, and a minimum spread of 30 inches within three (3) years of planting. Understory trees shall be a minimum of four (4) feet high with a minimum caliper of one (1) inch, measured six inches above grade when planted. Canopy trees shall be a minimum of eight (8) feet in height and two (2) inches in caliper, measured six inches above grade, when planted. When

mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. A minimum of 25% of the understory trees and 75% of the shrubs shall be evergreens. The preservation of existing stands of trees and shrubs is strongly encouraged and can be credited toward meeting this requirement if sufficiently demonstrated on the site plan and accompanied by pictures. This buffer shall be located on commonly owned land and shall be considered Open Space as described in 6. below. Where any individual lot in the PR-CD does not meet the dimensional and area requirements of an abutting single-family zoning district, the aforementioned buffer shall be required along the entire length of the PR- CD that abuts the existing development.

6. **Common Open Space.**

- a. **Area.** Common open space shall not be less than 25% of the total development area. The overall density of the PR - CD shall not exceed the density permitted within the existing zoning district in which the PR – CD is proposed. Open space shall be held in common ownership by a homeowners association or accepted by the County as public open space.
- b. Land within a floodway or floodway fringe, as defined by FEMA, may be used to provide not more than 25% of the required open space.
- c. To qualify as open space, land shall be usable for recreation purposes or shall provide visual, aesthetic, or environmental amenities and may not be occupied by streets, drives, parking areas, or structures other than recreational structures. At least 30% of the gross area (unless otherwise allowed by the Board of Commissioners) dedicated (for open space) must be suitable for and designed to be used as active recreation space (for example, walking trails, ball fields, playgrounds, and the like).
- d. **Letter of Credit for Maintenance of Open Space Required.** Following inspection and approval of the construction and/or installation of all required recreational areas in each phase of the development, the developer shall submit a letter of credit issued in the Town's favor, for 100% of the annual maintenance cost of these facilities as agreed upon and approved by the Zoning Administrator. Such letter of credit shall be renewed every 12 months until such time as the developer ceases to have the controlling vote in the homeowner's association, as recorded in the articles of incorporation of the homeowner's association, and the County has received written notice thereof along with a copy of the names, addresses, and phone numbers of all duly elected members of the homeowner's association board of directors.
- e. **Access to Open Space.** All property owners within the development shall have access to open space by means of a public street or improved walkway located in an easement at least 15 feet in width.
- f. **Open Space Connectivity Requirements.** Where practicable, areas of open space within a PR-CD shall be connected. Separate areas of active open space on site shall be connected by a sidewalk or pedestrian path consisting of an all weather surface. Open space in PR-CDs shall adjoin open space in neighboring parcels where practicable.

If public parks or greenways are present on adjacent sites, a pedestrian connection to these resources shall be made from the PR-CD.

- g. **Maintenance of Open Space.** Maintenance of the open space, as shown on the approved plan, shall be required in perpetuity and shall be the responsibility of the homeowner's association.
- 7. **Alternative Compliance.** Alternative compliance measures may be proposed which vary from the strict application of the above requirements in order to accommodate the unique character of the site or to utilize innovative design. Alternative compliance may be granted by the Board of Commissioners upon a finding that the proposed alternative fulfills the intent of the Ordinance as well as or better than would strict compliance with the requirements of this Ordinance.
- 8. **Front Yard Canopy Trees Required.** The front yard of each lot shall contain at least two (2) trees, suitable for healthy growth in our climate. Each tree shall have a minimum caliper of one and one-half (1 ½) inches measured at a height of six inches above grade.
- 9. **Architectural Standards for Residential Dwellings.** In order to improve and maintain the quality of residential neighborhoods, protect the investments of residents and promote the interests of the community as a whole as outlined in the County's adopted Land Use Plan, the developer shall submit a list of minimum architectural standards to be incorporated throughout the PR-CD to the planning staff during the pre-application conference. Standards submitted are encouraged to address the following issues: roof pitch, building materials, foundation type and facing materials, fences (front and rear), pools, accessory buildings, porches, decks, articulation, garages, and number and frequency of dwelling design.
- 10. **Platting Requirements.** All PR-CDs shall meet the requirements of the Surry County Subdivision Ordinance. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Surry County Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses."

This ordinance shall become effective on the date of its adoption.

Adopted this Twentieth day of July, 2009.

Craig Hunter, Chairman

ATTEST:

Conchita Atkins, Clerk to the Board