Surry County Development Ordinance

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154.001 Enactment and Authority

The Board of County Commissioners of Surry County, North Carolina, pursuant to the authority granted by NCGS Chapter 160D, does hereby ordain and enact into law the following Subchapters and sections.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord passed 4-17-2023)

154.002 General Provisions

154.002-01 TITLE

This Chapter shall be known as the “Development Ordinance of Surry County, North Carolina”.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006) (Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.002-02 OFFICIAL ZONING MAP

An official zoning map depicting the actual location of the zoning districts is made a part of this Chapter and adopted by reference. The official zoning map, which is identified by the title "Zoning Map of Surry County, North Carolina", shall be known as the "zoning map".Pursuant to NCGS 160D-105, current and prior official zoning maps shall be maintained in paper or digital format in the Surry County Development Services Department for public inspection. Any state or federal maps incorporated by reference into the zoning map shall also be maintained.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.002-03 JURISDICTION

The provisions of this Chapter shall apply within the areas designated as zoning districts on the official zoning map(s) by the Board of Commissioners of Surry County. This consists of all of Surry County except for areas under municipal zoning authority and any extra-territorial jurisdictions granted to the municipalities by the County. The official zoning map(s) will be on file in the Development Services Department.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.002-04 BONA FIDE FARMS EXEMPT

Pursuant to NCGS 160D-903 and the definition of Bona Fide Farm in Subchapter 154.003, zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106- 581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the property owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the

farm" in G.S. 106-581.1(6) includes the farm within the jurisdiction of the County and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

A. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

1) A farm sales tax exemption certificate issued by the Department of Revenue.
2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4) A forest management plan.

Failure to maintain the requirements of this subsection for a period of three (3) years after the date the structure was originally classified as a bona fide farm purpose, subjects the structure to applicable zoning and development regulation ordinances adopted by the County pursuant to NCGS 160D-702 in effect on the date the property no longer meets the requirements of this section.

For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A structure used for agritourism includes any structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-4-2013); (Ord. passed 4-17-2023)

154.002-05 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Chapter to interfere with, abrogate or annul any easements, covenants, or other agreements between parties. However, where this Chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open space than is imposed or required by other ordinance, rules, regulations or by easements, covenants or agreements, the provisions of this Chapter shall govern.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.002-06 SEVERABILITY

If any Subchapter, section, sentence, clause, or phrase of this Chapter is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Chapter. The Board of County Commissioners hereby declares that it has passed this Chapter and each sub Chapter, section, clause, and phrase thereof, irrespective of the fact that any one or more Subchapters, sections, sentences or phrases be declared invalid by the courts.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.002-07 CONSISTENCY WITH LAND USE PLANS

A. Board of County Commissioners Statement**.** Pursuant to NCGS 160D-605, -701, zoning regulations shall be made in accordance with land use plans adopted by Surry County. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt one of the following statements which shall not be subject to judicial review:

1) A statement approving the zoning amendment and describing its consistency with the adopted land use plan and explaining why the action taken is reasonable and in the public interest.
2) A statement approving the zoning amendment and describing its inconsistency with the adopted land use plan and explaining why the action taken is reasonable and in the public interest.
3) A statement rejecting the zoning amendment and describing its inconsistency with an adopted land use plan and explaining why the action taken is reasonable and in the public interest.

If the amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment shall be considered concurrently.

B. Planning Board Statement. Pursuant to NCGS 160D-604(d), the Planning Board shall advise and comment on whether the proposed amendment is consistent with any land use plans that have been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a recommendation from the Planning Board that a proposed amendment is inconsistent with the land use plan shall not preclude consideration or approval of the proposed amendment by the Commissioners.

C. Land Use Plan Meaning. For the purposes of this section, the term LAND USE PLANS shall mean the following: comprehensive plan, land use plan, small area plan, community plan, community development plan, corridor plan, thoroughfare or transportation plan and capital improvements plan.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.002-08 REPEAL OF PREVIOUS ORDINANCE

The Zoning Ordinance originally adopted on 7-6-1964 that applies to the Mount Airy fringe area is hereby repealed. It is not intended by this Chapter to repeal, abrogate, annul or in any way to impair or interfere with any other existing provisions of law or ordinance. Nor is it the intention to stay any action to enforce the previous regulations, as provided for in those regulations, as may be in process or may occur, as appropriate, upon or after the effective date of this Chapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.002-09 EFFECTIVE DATE

This Chapter was in force from and after its passage and approval.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); Ord. passed 4-17-2023)

154.002-10 REVIEW AND APPROVAL RESPONSIBILITIES

This chart identifies the advisory or decision-making responsibilities of the various bodies that have specific review and approval roles under this Ordinance. Certain decisions require approvals by more than one decision-making body. Subchapter 154.009 describes procedures for map and text amendments. Subchapter 154.010 describes procedures for special use permits, variances and appeals. Subchapter 154.011 describes procedures for subdivisions and site plans. The submittal requirements for all plan types is in Subchapter 154.012.

REVIEW AND APPROVAL RESPONSIBILITIES

SR = STAFF REPORT **R = RECOMMENDATION** **D = DECISION** **A = APPEAL**

< PUBLIC HEARING > **<< QUASI-JUDICIAL PUBLIC HEARING >>** **〔 PUBLIC MEETING 〕**

	Review and Decision-Making Bodies						
Permit or Procedure	**Administrator**	**TRC**	**Planning Board**	**County Commissioner**	**Board of Adjustment**	**Courts**	
Administrative Determination or Development Approval	D				<< A >>	A	
Zoning Permit	D				<< A >>	A	
Minor or Exempt Subdivision	D				<< A >>	A	
Major Subdivision	SR	〔R〕	〔D〕		<< A >>	A	
Minor Site Plan	D				<< A >>	A	
Minor Deviations to Site Plans and Subdivisions per 154.011.05	D				<< A >>	A	
Group Development; Non-residential over 2,500 sf with Major Site Plan	SR	〔R〕	〔D〕		<<A>>	A	
General Zoning and Text Amendments	SR		< R >	< D >		A	
Conditional Zoning with Development Plan	SR	〔R〕	< R >	< D >		A	
Special Use Permit with Major Site Plan (all but VR Districts)	SR	〔R〕			<< D >>	A	
Special Use Permit with Major Site Plan (VR District)	SR	〔R〕	<< D >>			A	
Certificate of Appropriateness (VR Districts)	SR		<< D >>			A	
Zoning Variance	SR				<< D >>	A	

(Ord. passed 4-17-2023)

154.003 Definitions

154.003-01 TERMS DEFINED

A. Words used in the "present tense" shall include the "future tense".

B. Words used in the "singular" shall include the "plural" and words used in the "plural" shall include the "singular".

C. The words "shall" and "will" are always mandatory.

D. The words "should" and "may" indicate optional.

E. The word "lot" includes the words "plot", "tract" and/or "parcel".

F. The word "building" includes the word "structure".

G. The words "used" or "occupied", as applied to any land, or building, shall be construed to include the words "intended", "arranged" or "designated to be "used" or "occupied".

H. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", "corporation" and/or "individual".

I. The words "residential property" shall apply to land zoned for residential use and to other land occupied by residential structures.

J. The words "a map", "zoning map" or "Surry County Zoning Map" shall mean the Zoning Map of Surry County, North Carolina.

K. The words "development ordinance" or "Surry County Zoning Ordinance" shall mean the Development Ordinance of Surry County, North Carolina.

L. The words "Surry County planning area" or "planning area" shall mean the area within which Surry County exercises zoning authority.

M. The term "Board of Commissioners" or "Governing Body" shall always indicate the Board of County Commissioners of Surry County, North Carolina.

N. The term "County Manager" shall always indicate the County Manager of Surry County, North Carolina.

O. The term "Planning Board" shall always indicate the Surry County Planning Board of Surry County, North Carolina.

P. The term "Board of Adjustment" shall always indicate the Surry County Board of Adjustment.

For this Ordinance, the definitions found in this Subchapter apply unless the context clearly indicates or requires a different meaning. All words not defined below shall be defined by the North American Industry Classification System (NAICS) 2017. If the word cannot be found in the NAICS, the standard edition of the Webster's Dictionary shall be used.

154.003-02 DEFINITIONS

ACCESSORY DWELLING UNIT. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

ACCOUNTING, AUDITING and BOOKKEEPING. This industry comprises establishments primarily engaged in providing services such as auditing of accounting records, designing accounting systems, preparing financial statements, developing budgets, preparing tax returns, processing payrolls, bookkeeping, and billing.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in NCGS 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

ADULT ESTABLISHMENT. Any structure or use of land which meets the definition of adult establishment as outlined in G.S. § 14-202.10. (Licensed health massage/body work therapists shall not be considered an adult massage business.) See Subchapter 154.008 for Special Requirements.

ADULT LIVE ENTERTAINMENT. Any performance of or involving the actual presence of real people which exhibits specified anatomical areas as defined in the provisions of this Subchapter, as hereinafter set forth.

ADULT LIVE ENTERTAINMENT BUSINESS. Any establishment or business wherein adult live entertainment is shown for observation by patrons.

ADVERTISING AGENCY. This industry comprises establishments primarily engaged in creating advertising campaigns and placing such advertising in periodicals, newspapers, radio and television or other media. These establishments are organized to provide a full range of services (i.e., through in-house capabilities or subcontracting), including advice, creative services, account management, production of advertising material, media planning and buying (i.e., placing advertising).

AGRICULTURAL LAND. Any parcel of land which is used in the raising of agricultural, dairy or forest products, livestock, poultry or fur-bearing animals.

AGRICULTURAL PRODUCTION, CROP. The use of land for the primary purpose of raising and harvesting row, field or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall constitute AGRICULTURAL CROP PRODUCTION.

AGRICULTURAL PRODUCTION, LIVESTOCK. The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching and dairy farming.

AGRICULTURE CULTURAL CENTER. A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities. In addition, this definition shall also include a museum dedicated only to agriculture themes and living historic farm sites/properties.

AGRITAINMENT. Events and activities that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activities on-site that are for-profit events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours (for profit) and agricultural festivals.

AGRITOURISM. Farm-related enterprises that operate for the enjoyment and education of the public which bring together tourism and agriculture. Enterprises include those that are for-profit and those that are provided free of charge to the public.

AIRPORT, PUBLIC. Landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales or rental of aircraft, operated by an airport authority or other corporation.

AIRPORT. Elkin Municipal Airport. The following definitions apply specifically to the Elkin Municipal Airport Overlay District.

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level. The Elkin Municipal Airport is 1,068 feet above sea level.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in the overlay district regulations. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES. These zones are set forth in the overlay district regulations.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

HORIZONTAL SURFACE. A horizontal plane 100 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NON-PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

PRECISION INSTRUMENT RUNWAY. A runway having an existing or planned instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the PRIMARY SURFACE extends 200 feet beyond each end of that runway; for military or planned hard surface, the PRIMARY SURFACE ends at each end of that runway. The width of the PRIMARY SURFACE is set forth in the overlay district regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

TRANSITIONAL SURFACES. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. TRANSITIONAL SURFACES for those portions of the precision approach surfaces, which project through

and beyond the limits of the conical surface, extend 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

AIRPORT. The following definitions apply to the Mount Airy/Surry County Airport Overlay District.

AIRPORT ELEVATION. The highest point of an airport's useable landing area measured in feet above mean sea level (MSL). The Mount Airy/Surry County Airport elevation equals 1,248 MSL.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as set forth in the overlay district regulations.

APPROACH, TRANSITIONAL, HORIZONTAL, CONICAL AND HAZARDOUS TERRAIN ZONES. These zones are set forth in the overlay district regulations.

AWOS CRITICAL AREA. The land area encompassed by a 500-foot radius surrounding an existing Automated Weather Observing Station (AWOS), located on the southwest portion of the airport property at or near the following coordinates as of February 2018, subject to amendment: Longitude: 80 degrees, 33 minutes, 17.43 seconds W; Latitude: 36 degrees, 27 minutes, 24.26 seconds N.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

HAZARD TO NAVIGATION. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

HEIGHT. For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

MSL. Mean Sea level.

NON-CONFORMING USE (Airport). Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of the ordinance or amendment thereto.

NON-PRECISION APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet, at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

NON-PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in non-precision instrument approach procedure has been planned or approved.

OBSTRUCTION. Any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in the overlay district regulations.

PRIMARY SURFACE. A surface longitudinally centered on a runway. The PRIMARY SURFACE extends 200 feet beyond each end of that runway. The elevation of any point

on the PRIMARY SURFACE is the same as the elevation of the nearest point on the runway centerline. The width of the PRIMARY SURFACE is 500 feet.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE. An object, including a mobile object, constructed, or installed by humans, including, but not limited to buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITION SURFACES. These surfaces extend outward at right angles (90-degree angles) to the runway centerline and extend at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSITIONAL ZONES. The transitional zones are the area beneath the transitional surfaces.

TREE. Any object of natural growth.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller aircraft of 12,500 pounds maximum gross weight and less.

VISUAL APPROACH ZONE. The inner edge approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

AIRSTRIP, PRIVATE. A landing field for the private use of the property owner, including a small hangar area for aircraft used by the owner or lessee at the airstrip.

ALLEY. A vehicular way used for providing service access along rear or side property lines of lots. Residential ALLEYS will generally remain private.

AMBULANCE SERVICE/RESCUE SQUAD. This industry comprises establishments primarily engaged in providing transportation of patients by ground or air, along with medical care. These services are often provided during a medical emergency but are not restricted to emergencies. The vehicles are equipped with lifesaving equipment operated by medically trained personnel.

AMORTIZATION. The process of providing for a timed extinction of a use, which is not in compliance with this Chapter.

AMUSEMENT PARK. This industry comprises establishments, known as amusement or theme parks, primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands and picnic grounds. These establishments may lease space to others on a concession basis.

ANIMAL HOSPITAL/VETERINARY CLINIC. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding or selling of pet supplies.

ANTIQUE SHOPS. This industry comprises establishments primarily engaged in retailing used merchandise, antiques and secondhand goods (except motor vehicles such as automobiles, RVs, motorcycles and boats; motor vehicle parts; tires; and mobile homes).

APARTMENT. A room or suite of rooms in a multi-unit residential building, generally rented by the occupant, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

APPAREL AND FOOTWEAR. The apparel industry group comprises establishments primarily engaged in retailing new clothing. The footwear industry comprises establishments primarily engaged in retailing all types of new footwear (except hosiery and specialty sports footwear, such as golf shoes, bowling shoes and spiked shoes). Establishments primarily engaged in retailing new tennis shoes or sneakers are included in this industry.

APPEAL. An action requesting reversal or modification of a decision.

APPEAL, ADMINISTRATIVE. An action requesting reversal or modification of an Administrative Decision made in the application of these regulations.

APPLIANCES. This U.S. industry comprises establishments known as appliance stores primarily engaged in retailing an array of new household appliances such as refrigerators, dishwashers, ovens, irons, coffee makers, hair dryers, electric razors, room air-conditioners, microwave ovens, sewing machines and vacuum cleaners; or engaged in retailing new appliances in combination with appliance repair services.

AQUARIUM. An establishment where aquatic collections of living organisms are kept and exhibited.

ARCADES. Establishments that primarily offer amusements such as video games, pinball machines and other similar games, but not including electronic gaming operations or gambling of any type.

ARCHITECTS. Persons licensed to practice architecture in the State of North Carolina.

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of the flood is unpredictable and indeterminate, and where the velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of being equaled or exceeded in any given year, as determined in Subchapter 154.017 Flood Hazard Areas and Watershed Protection

ARMED FORCES ESTABLISHMENTS, INCLUDING ARMORIES. This industry comprises government establishments of the Armed Forces, including the National Guard, primarily engaged in national security and related activities.

ART GALLERIES. This industry comprises establishments primarily engaged in retailing original and limited-edition art works. Included in this industry are establishments primarily engaged in displaying works of art for retail sale in ART GALLERIES.

ART SUPPLIES. Establishments engaged in retail sales of arts and crafts supplies.

ARTS AND GRAPHICS SERVICES. This industry comprises establishments primarily engaged in planning, designing and managing the production of visual communication in order to convey specific messages or concepts, clarify complex information or project visual identities. These services can include the design of printed materials, packaging, advertising, signage systems and corporate identification (logos). This industry also includes commercial artists engaged exclusively in generating drawings and illustrations requiring technical accuracy or interpretative skills.

ASPHALT PRODUCTS MANUFACTURING. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work.

AUCTION HOUSE. A structure or enclosure where goods are sold by auction.

AUDITORIUMS. An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention facilities, exhibition halls and amphitheaters.

AUDITORS and BOOKKEEPERS. See accounting, auditing and bookkeeping.

AUTOMATIC TELLER MACHINE. A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOBILE SALVAGE YARD. Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. Parts and components of the vehicles in an AUTOMOBILE SALVAGE YARD may be sold off as replacement parts to willing customers. AUTOMOBILE SALVAGE YARDS shall not engage in the recycling or crushing of vehicles (as defined in this definition). Crushing and compacting shall include any activity which materially reduces the dimensions or size of the vehicle by application of any force, dropping, or slinging the vehicle. No scrap tires shall be stored at the yard longer than thirty (30) days.

AUTOMOBILE, TRUCK AND MOTORCYCLE SALES. An establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers and similar items. Shall include any outdoor area where the above-mentioned are stored throughout the day and the night and are held for the purpose of sale or lease as an entire or complete unit. The sale of wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles is not included in this definition and is only permitted in an Automobile Salvage Yard.

AUTOMOBILES DETAILING. This U.S. industry comprises establishments primarily engaged in cleaning, washing and/or waxing automotive vehicles such as passenger cars, trucks, vans and trailers.

AUTOMOBILES MANUFACTURING. These establishments are primarily engaged in manufacturing:

1) Complete automobiles and light duty motor vehicles (i.e., body and chassis or unibody); or
2) Chassis only.

AUTOMOTIVE SUPPLIES.

1) This category comprises one or more of the following:
    a) Establishments known as automotive supply stores primarily engaged in retailing new, used and/or rebuilt automotive parts and accessories.
    b) Automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles; and
    c) Establishments primarily engaged in retailing and installing automotive accessories.

1) This category also comprises establishments primarily engaged in wholesaling motor vehicle supplies, accessories, tools and equipment; and new motor vehicle parts (except new tires and tubes).

BAIT AND TACKLE SALES. This category is comprised primarily of establishments that sell fishing supplies.

BAKERIES. This category is comprised of establishments that primarily sell baked goods made on the premises.

BANKS AND FINANCE COMPANIES. A facility engaged in deposit banking or extending credit in the form of loans.

BARBER AND BEAUTY SHOPS. This category comprises establishments primarily engaged in providing hair, nail and skin services such as haircuts, manicures, facials and the like. Procedures that alter skin permanently such as application of permanent makeup or tattoos are not included in this category.

BASE FLOOD. A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination as published in the flood insurance study of the water surface elevations of the base flood. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation.

BASEBALL HITTING RANGES. These establishments are primarily engaged in providing recreational facilities for customers who practice hitting baseballs with the use of automated pitching machines.

BASEMENT. The lowest level or story which has its floor sub-grade on all sides.

BED AND BREAKFAST. An owner-occupied or manager-occupied residential facility providing rooms for overnight lodging or lodging and meals.

BEDDING MANUFACTURING. This industry comprises establishments primarily engaged in manufacturing innerspring, box spring and non-innerspring mattresses, including mattresses for waterbeds.

BICYCLE REPAIR. This category comprises establishments primarily engaged in repairing and servicing bicycles without retailing new bicycles.

BICYCLE SALES AND SERVICE. This category comprises establishments primarily engaged in selling new or used bicycles.

BILLBOARD. An off premises advertising sign, having a display area of 50 square feet or greater, located within view of, but not upon, a public right-of-way; and situated to be observed safely by motorists traveling on the public road.

BILLIARD OR POOL HALLS. These establishments are primarily engaged in providing space and equipment for patrons to play billiards or pool.

BLACKSMITH OPERATIONS. These establishments are primarily engaged in manually forging iron or black metal, as opposed to tin or white metal on a small scale, (as opposed to automated or mass forging of the above listed metals).

BLUEPRINTS AND DRAFTING SUPPLIES. These establishments are primarily engaged in selling instruments and/or supplies for draftsmen and blueprint services.

BOAT WORKS MANUFACTURING. This U.S. industry comprises establishments primarily engaged in building boats. “Boats” are defined as watercraft not built in shipyards and typically of the type suitable or intended for personal use.

BONA FIDE FARM. Crop lands, timber lands, pasture lands, apple orchards, idle or other farmlands as well as any farmhouses, barns, poultry houses, and tenant houses for workers, as long as such houses for workers shall be in the same ownership as the farm and located on the farm.

BOOK AND STATIONARY STORES. These establishments are primarily engaged in retailing books and/or stationary.

BOTANICAL GARDENS. These establishments are primarily engaged in the preservation and exhibition of live plant displays.

BOTTLING PLANTS. These establishments are primarily engaged in bottling beverages. Processes may involve:

1) Combining purchased syrup or flavoring with other liquids; and/or
2) Carbonating beverages.

BOWLING ALLEY. These establishments primarily operate bowling centers and often provide food and beverage services for patrons.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A BREAKAWAY WALL shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect ’s certificate.

BRICK, TILE AND POTTERY YARDS. These establishments are primarily engaged in storage and distribution of brick, tile and pottery, without manufacture.

BUFFERS. The portion of a yard where special plantings may be required by this Chapter to separate and partially screen two adjacent land uses that are ordinarily incompatible by virtue of their use.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

BUILDABLE AREA. The area of a zoning lot remaining after the minimum setback requirements of this Chapter have been satisfied.

BUILDING. See also STRUCTURE. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING ADDITION. An extension or increase in the floor area or height of a building or structure.

BUILDING CLEANING AND MAINTENANCE SERVICES. These establishments primarily clean and maintain building interiors.

BUILDING, PRINCIPAL. The building in which the principal use of the zoning lot is conducted.

BUILDING HEIGHT or HEIGHT, BUILDING. The vertical distance from the average elevation at the finished grade of all the sides of a building, measured at the midpoint of each side to the highest point of a flat roof, or to the deck line of a mansard roof, or the average height level between eaves and ridges for gable, hip, gambrel and pitch roofs.

BUILDING SUPPLIES AND MATERIALS. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUS GARAGES. These establishments primarily provide parking space for buses.

BUS TERMINAL. A facility for the storage, maintenance and dispatch of buses or taxis, and associated customer ticketing and waiting areas.

BUSINESS OFFICES. An establishment primarily engaged in providing engineering, architectural and surveying services; accounting, auditing and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

CABINET SHOPS. These establishments primarily retail specialized lines of kitchen and bath cabinets and countertops to be installed.

CAMERA AND PHOTOGRAPHY SUPPLIES. This industry comprises establishments primarily engaged in either retailing new cameras, photographic equipment and photographic supplies; or in retailing new cameras and photographic equipment in combination with activities such as repair services and film developing.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS. A contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

CANDY STORE. An establishment that primarily retails candy and other confections, nuts and popcorn that is not for immediate consumption and not made on the premises.

CANVAS GOODS MANUFACTURING. The manufacturing of canvas and canvas-like products, such as awnings, sails, tarpaulins and tents, from purchased fabrics.

CAR WASH. A facility where motor vehicles are washed, cleaned and/or waxed by hand or with manually operated equipment or automatic machinery.

CARDBOARD CONTAINERS MANUFACTURING. These establishments are primarily engaged in converting paperboard into containers without manufacturing paperboard. They may use corrugating, cutting and shaping machinery to form paperboard into containers. Products made by these establishments include boxes; corrugated sheets, pads and pallets; paper dishes; and fiber drums and reels.

CARPET MANUFACTURING. This industry comprises establishments primarily engaged in:

1) Manufacturing woven, tufted and other carpets and rugs, such as art squares, floor mattings, needle punch carpeting, and door mats and mattings, from textile materials or from twisted paper, grasses, reeds, sisal, jute or rags; and/or
2) Finishing carpets and rugs.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CASE GOODS MANUFACTURING. These establishments are primarily engaged in manufacturing case goods. “Case goods” are pieces of furniture that are essentially built like a box, such as cabinets, a chest of drawers or a breakfront. These pieces are generally meant for storage, and so their construction often incorporates drawers, doors and shelves.

CEMETERY, PRIVATE. Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under state law.

CEMETERY, PUBLIC. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under state law. Such a facility includes any burial ground, mausoleum or columbarium operated by a cemetery company and meeting licensing requirements of the state.

CHEMICAL MANUFACTURING. Manufacturing based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products.

CHEMICAL STORAGE FACILITY. A building, portion of a building or exterior area adjacent to a building used for the storage of any chemically reactive products.

CHILD CARE CENTER. A day care facility in which day care is provided for 13 or more children when any child is preschool age; or 16 or more children when all children are school age.

CHILD DAY CARE (SMALL HOME). A day care operation in which day care is provided for three to five preschool-age children, plus up to three additional school -age children.

CHILDREN'S HOME. A facility engaged in the care of children who have been abandoned or given up for adoption. "Home" may include living quarters, dining areas, recreation areas, education facility, etc.

CHURCH. A facility of a church or religious organization operated for worship and which may include religious training or study (including fellowship buildings).

CIRCUS, CARNIVAL, FAIR. This category is comprised of live performing arts productions or the organization and promotion of those and similar events such as state fairs, county fairs, agricultural fairs, concerts and festivals.

CLUBS AND LODGES. A building or land used for the activities of a private club or social organization and not adjunct to, or operated as, or in connection with, a public tavern, café or other place open to the public.

COFFEE HOUSE. An informal restaurant primarily offering coffee, tea and other beverages, and where light refreshments and limited menu meals may also be sold.

COIN-OPERATED LAUNDRY. These establishments are primarily engaged in:

1) Operating facilities with coin-operated or similar self-service laundry equipment for customer use on the premises; and/or
2) Supplying and servicing coin-operated or similar self-service laundry equipment for customer use in places of business operated by others, such as apartments and dormitories.

COLLEGE, UNIVERSITY, TECHNICAL COLLEGE. An institution of higher education offering associate, undergraduate and/or graduate degrees.

COMMON OPEN SPACE. The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants and normally in common use.

COMMUNITY CENTER. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

COMPUTER AND DATA PROCESSING SERVICES. A category of services in which the primary service is data processing. This type of facility is primarily devoted to computers, with minimal employment required for monitoring and servicing.

CONCRETE PRODUCTION. This industry comprises establishments such as batch plants or mix plants, primarily engaged in manufacturing concrete delivered to a purchaser in a plastic and unhardened state. Ready-mix concrete manufacturing establishments may mine, quarry or purchase sand and gravel.

CONCRETE PRODUCTS FABRICATION. These establishments are primarily engaged in fabricating products made of concrete, without producing the concrete used.

CONDITIONAL ZONING DISTRICT. Pursuant to NCGS 160D-102(7) and 703(b), 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 Chapter. 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 or consented to by the applicant.

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.

CONDOMINIUM. A dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. CONDOMINIUMS may take several forms such as attached townhouses, apartments or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools and, in the case of an apartment house, hallways, basements, heating units and elevators.

CONSTRUCTION, START OF. After issuance of a building permit by the Inspections Department, the first placement of a structure, including a manufactured home, on a site, for which a building inspection is required. This shall include excavation, forming and bracing for concrete placement; the subsequent installation and tying of steel reinforcements for footings, piles or columns (if required), the pouring of slabs or footings, or excavation or the placements of a manufactured home on a foundation.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONTRACTOR'S OFFICE. The administrative headquarters for establishments primarily engaged in contracting for construction, renovation, demolition and other types of property development.

CONVENIENCE STORE. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items and/or other goods commonly associated with the same.

COOPERATIVE WINERY. A winery that is established by a group of grape growers to cater to surrounding vineyards, absent of any on-site winery. The facility is traditionally located independent of any on-site vineyard.

CORN MAZE. A recreational facility that creates a labyrinth utilizing an agricultural product such as corn to create a system of paths. Definition shall apply to HAY MAZES, as well.

CORNER LOT. See LOT, CORNER.

CORRECTIONAL FACILITY. A facility providing housing and care for individuals confined by law, operated under the authority of local, state or federal government.

COUNTRY CLUBS. Facilities offering dining and other recreational activities in a membership venue. These establishments often provide food and beverage services, equipment rental services and golf courses with associated instruction services.

CRAFT STORE. Any business establishment that sells articles of artistic quality, effect or handmade workmanship. Examples include products created from candle making, glass blowing, weaving, pottery, woodworking, sculpting, painting and other associated activities.

CREMATORIUM. A location containing properly installed, certified apparatus intended for use in the act of cremation.

CREST. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

CUL-DE-SAC. A local street having only one end open to traffic with the other end permanently terminated by a vehicular turnaround.

DAIRY, MEAT AND SEAFOOD MARKET. These establishments primarily retail fresh, frozen or cured meats and poultry. Delicatessen-type establishments primarily engaged in retailing fresh meat are included in this industry, as are dairy products that are not made on the premises.

DANCE HALL. A recreational establishment that primarily provides facilities for dances.

DANCE SCHOOLS. An establishment primarily engaged in offering instruction in the arts, specifically dance.

DELICATESSEN. See DAIRY, MEAT AND SEAFOOD MARKET above.

DENSITY. The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot. DENSITY is expressed in this Chapter as the number of units per one acre.

DEPARTMENT STORES. These establishments known as department stores are primarily engaged in retailing a wide range of the following new products, with no one merchandise line predominating: apparel, furniture, appliances and home furnishings, and selected additional items such as paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys and sporting goods. Merchandise lines are normally arranged in separate departments.

DETECTIVE AGENCY. This U.S. industry comprises establishments primarily engaged in providing investigation and detective services.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT PERMIT. An administrative permit issued by the Development Services Department that specifies how a property may be developed, based on an approved preliminary plat, approved site plan, conditional zoning, or special use permit.

DEVELOPMENT SERVICES DIRECTOR. The Director of the Surry County Development Services Department.

DEVELOPMENT SERVICES STAFF. The Zoning Administrator or appointed authorized official(s) in the Surry County Development Services Department.

DISCOTHEQUES. A club where recorded music is played for dancing.

DISCOUNT STORES. These retail establishments are primarily engaged in offering a wide range of consumer goods at a substantially lower price than department or specialty stores.

DISPOSAL. As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

DRAG-STRIP AND RACETRACKS. This U.S. industry comprises establishments primarily engaged in operating racetracks. These establishments may also present and/or promote the events held in these facilities such as auto, dog and horse races.

DRINKING ESTABLISHMENTS. This industry comprises establishments known as bars, taverns, nightclubs or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services.

DRUG STORES. This industry comprises establishments known as pharmacies and drug stores engaged in retailing prescription or non-prescription drugs and medicines.

DRY CLEANERS.

1) These establishments are primarily engaged in:
    a) Providing dry cleaning services (except coin-operated).
    b) Providing laundering services (except coin-operated, linen or uniform supply);
    c) Providing drop off and pickup sites for laundries; and
    d) Providing specialty cleaning services for garments and other textile items such as fur, leather, draperies, etc. (except for carpets and upholstery).
2) Any combination of the above is included in this definition.

DRY CLEANING PLANTS. These establishments may perform any or all the services of dry cleaners as listed above, but do not participate in retailing the services to the final consumer.

DWELLING. A building that contains one (1) or two (2) dwelling units used, intended, or designed to be used, rented leased, let or hired out to be occupied for living purposes.

DWELLING, ADDITIONAL. Additional dwelling units may be constructed on lots where a density of ten-acres per dwelling unit exists. The appropriate zoning district will dictate the type of dwelling units permitted. This provides an option from subdividing lots or zoning lots for additional dwellings. However, this provision does not supersede the definition of a manufactured home park in this Subchapter. Nor does it supersede or negate the owner-occupied and family cluster provisions found in this Ordinance.

DWELLING, DUPLEX. A single-family dwelling that is connected on only one side by means of a common dividing structural or load bearing party wall of at least ten linear feet to another single-family dwelling.

DWELLING, SINGLE-FAMILY (MODULAR). A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

DWELLING, MULTI-FAMILY. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for three or more dwelling units.

DWELLING, SINGLE-FAMILY (ON-SITE STICK-BUILT). A detached building constructed completely on-site and in no way utilizing prefabricated sections or modules to construct the dwelling.

DWELLING UNIT. A single unit providing complete, independent living, sleeping, eating, cooking and sanitation.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

ECO-TOURISM ENTERPRISE. Tourism activities and facilities which focus on visitation and observation of our education about natural history, indigenous ecosystems, native plant or animal species, natural scenery or other features of natural environment. ECO-TOURISM ENTERPRISES may include cultural activities related to such activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat, or ecosystem. Facilities for an eco-tourism enterprise may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

ELECTRICAL APPLIANCE SALES. These establishments are primarily engaged in the sale of household electrical appliances.

ELECTRICAL APPLIANCES AND EQUIPMENT MANUFACTURING. These establishments are primarily engaged in the manufacture of electrical appliances and/or electrical equipment.

ELECTRONIC AND ELECTRICAL REPAIR. These establishments are primarily engaged in repairing and maintaining consumer electronics such as televisions, stereos, speakers, video recorders, CD players, radios and cameras without retailing new consumer electronics.

ELECTRONIC GAMING OPERATION. Any business enterprise where, as a principal use, persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games, whether games of odds or chance or games of skill or dexterity, where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether the value of such distribution is determined by electronic games played, by predetermined odds, or by any other method. ELECTRONIC GAMING OPERATIONS may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines, or cyber cafes. This definition does not include any lottery approved by the State of North Carolina.

ELEVATED BUILDING. A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

EMPLOYMENT AGENCY. This industry comprises establishments primarily engaged in listing employment vacancies and in referring or placing applicants for employment. The individuals referred or placed are not employees of the employment agencies.

EMS DEPARTMENT. Surry County Emergency Services Department.

ENCROACHMENT, FLOODPLAIN. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENFORCEMENT OFFICER/AGENCY. Such officer or board as the County Commissioners may from time to time appoint.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

ENVIRONMENTAL HEALTH. Surry County Environmental Health Department.

EQUIPMENT RENTAL. This industry group comprises establishments primarily engaged in renting or leasing commercial-type and industrial-type machinery and equipment. The types of establishments included in this industry group are generally involved in providing capital or investment-type equipment that clients use in their business operations. These establishments

typically cater to a business clientele and do not generally operate a retail-like or store-front facility.

EROSION. The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

EROSION CONTROL ACT. The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDEQ.)

EROSION, NATURAL. The wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by humans.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS 160D-102, 406 and -705.

EXECUTIVE OR INSTITUTIONAL RETREAT. A facility used for professional, educational or religious conclaves, meetings, conferences or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only. Such facilities may not be utilized by the public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without bathrooms), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be in a single centrally located building or buildings.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. For the purposes of this Ordinance, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

EXPLOSIVES MANUFACTURING AND STORAGE. This industry comprises establishments primarily engaged in manufacturing and/or storing explosives and/or explosive parts as listed in NAICS 325920.

EXTERMINATORS. This industry comprises establishments primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this industry.

FABRIC STORES. These establishments primarily retail products such as new sewing supplies, fabrics, patterns, yarns and other needlework accessories, or retail these products in combination with selling new sewing machines.

FAMILY.

1) One or more persons related by blood, adoption or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or several persons 18 years or older, not exceeding four and their children or stepchildren under 18 years of age, living together in a single dwelling unit, though not all related by blood, adoption or marriage; and such domestic servants as are employed on the same premises. A FAMILY may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term FAMILY shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary or professional organization.

2) For the purposes of this definition, the following persons shall be considered related by blood:
    a) Any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral consanguinity, or to any degree of lineal consanguinity, as defined in state law.
    b) A parent or child by adoption, marriage or legitimization of any person (including the head of household or spouse of the head of household) described in division (b)1. above, and
    c) A dependent, as defined in state law, of any person described in divisions (b)1. and (b)2. above.

FAMILY CARE HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a non-profit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than three residents per bedroom in the facility, exclusive of supervisory personnel, including but not limited to, handicapped persons , older adults, foster children, abused individuals, homeless persons and those recovering from drug or alcohol abuse. This use shall include family care homes, as defined by state law. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. § 122C3-(11)(b), and shall not include persons living together as a fraternal, sororal, social, honorary or professional organization.

FAMILY MEMBERS, DIRECT. Direct lineal decedents (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

FARM MACHINERY MANUFACTURING. These establishments are primarily engaged in manufacturing agricultural and farm machinery and equipment, as well as other turf and grounds care equipment including planting, harvesting and grass mowing equipment (except lawn and garden-type).

FARM SUPPLIES. These establishments are primarily engaged in selling farm supplies such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds and plant bulbs.

FARM TENANT HOUSING. A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FARM/HEAVY EQUIPMENT SALES AND RENTAL. These establishments are primarily engaged in selling and/or renting specialized machinery, equipment and related parts generally used in agricultural, farm and lawn and garden activities.

FARMER'S MARKET, COMMUNITY-SCALE. A facility that is 4,999 square feet in size or smaller that offers for sale fresh agricultural products directly to the consumer in a market setting that caters to the immediate community. FARMER'S MARKETS include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.

FARMER'S MARKET, REGIONAL-SCALE. A facility that is 5,000 square feet in size or larger that offers for sale fresh agricultural products directly to the consumer in a market setting that caters to a regional area. FARMER'S MARKETS include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.

FEDERAL AVIATION ADMINISTRATION (FAA). Federal government organization appointed to regulate air travel.

FEDERAL COMMUNICATIONS COMMISSION (FCC). Federal government organization appointed to regulate wireless communications.

FEDERAL STYLE. Architecture style strongly influenced by the "Adam-style" and a post-colonial successor to "Georgian-style" found in the United States ca. 1776-early 1800s. Style is symmetrical in elevation and plan, often with relatively simple brick or clapboard exterior walls and ornamentation at the entrance, such as a paneled door with fanlight and sidelights.

FERTILIZERS MANUFACTURING AND STORAGE. These establishments are primarily engaged in one or more of the following:

1) Manufacturing and/or storing nitrogenous or phosphatic fertilizer materials.
2) Manufacturing and/or storing fertilizers from sewage or animal waste.
3) Manufacturing and/or storing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and
4) Mixing ingredients made elsewhere into fertilizers.

FIBER CEMENT BOARD A dense, smooth-surfaced composition board composed of highly compressed fibers, designed to imitate wood or concrete construction. Varieties include Masonite.

FIBERGLASS MANUFACTURING AND STORAGE. These establishments are primarily engaged in the manufacturing or storage of fiberglass. During manufacture, very thin glass filaments are made into textile or paper products or are embedded in plastic or other substances for use as a construction or insulating material.

FIRE MARSHAL. Surry County Fire Marshal's Office.

FIRING RANGE, INDOOR. An enclosed facility used for the discharge of firearms at targets.

FIRING RANGE, OUTDOOR. An outdoor facility used for the discharge of firearms at targets.

FLEA MARKETS (INDOOR). These indoor establishments house vendors primarily engaged in retailing merchandise (except fuel and/or food for immediate consumption) via direct sale to the customer, including used merchandise, antiques and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles and boats; motor vehicle parts; tires; and mobile homes).

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters; and
2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of the community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The FLOOD INSURANCE STUDY report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA. See FLOODPLAIN.

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. See ZONING ADMINISTRATOR.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this Chapter, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

FLOODPLAIN REGULATIONS. This Chapter and other ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD-PROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

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

FLOOR AREA, GROSS. The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FLOOR COVERING STORES. This industry comprises establishments primarily engaged in retailing new floor coverings, such as rugs and carpets, vinyl floor coverings and floor tile (except ceramic or wood only); or retailing new floor coverings in combination with installation and repair services.

FLORISTS. This industry is comprised of establishments known as florists that are primarily engaged in retailing cut flowers, floral arrangements and potted plants purchased from others. These establishments usually prepare the arrangements they sell.

FLOUR AND FEED MILLS. This U.S. industry comprises establishments primarily engaged in:

1) Milling flour or meal from grains (except rice) or vegetables.

2) Milling flour and preparing flour mixes or doughs; and/or
3) Manufacturing animal feed products from grain, oilseed mill products and meat products.

FOOD AND FOOD PRODUCTS MANUFACTURING. Industries in the food manufacturing subsector transform livestock and agricultural products into products for intermediate or final consumption. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers, but establishments primarily engaged in retailing bakery and candy products made on the premises, but not for immediate consumption, are included. Beverage manufacturing is not included in this category.

FOOD CATERING. This industry comprises establishments primarily engaged in providing single event-based food services. These establishments generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premises site. Banquet halls with catering staff are included in this industry. Examples of events catered by establishments in this industry are graduation parties, wedding receptions, business or retirement luncheons and trade shows.

FOOD OR DRUG STORE. An establishment primarily engaged in selling food for home preparation and consumption, or prescription drugs, non-prescription medicines and related lines.

FORESTRY. Industries in the forestry and logging subsector grow and harvest timber on a long production cycle (i.e., of ten years or more). Long production cycles use different production processes than short production cycles, which require more horticultural interventions prior to harvest, resulting in processes more like those found in the crop production subsector. Industries in this subsector specialize in different stages of the production cycle. Reforestation requires production of seedlings in specialized nurseries. Timber production requires natural forest or suitable areas of land that are available for a long duration. The maturation time for timber depends upon the species of tree, the climatic conditions of the region and the intended purpose of the timber. The harvesting of timber (except when done on an extremely small scale) requires specialized machinery unique to the industry. Establishments gathering forest products such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, ginseng and truffles are also included in this subsector.

FOUNDRIES. This industry group comprises establishments primarily engaged in pouring molten metal into molds or dies to form castings. Establishments that make castings and carry out further manufacturing processes, such as machining or assembling a specific manufactured product, are classified in the industry of the finished product. FOUNDRIES may perform operations such as cleaning and deburring on the castings they manufacture.

FREEBOARD. The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings and the hydrological effect of urbanization of the watershed. The base flood elevation (BFE) plus the freeboard establishes the regulatory flood protection elevation.

FRONT LOT LINE. See LOT LINE, FRONT.

FRONT YARD. See YARD, FRONT.

FRONTAGE. The property abutting on one side of a street measured along the street right-of-way line.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is near water, such as a docking or port facility necessary for the loading and

unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes on-site crematories and mortuaries.

FURNITURE AND HOME FURNISHINGS STORE. An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, Venetian blinds and window shades.

FURNITURE MANUFACTURING. Industries in the furniture and related product manufacturing subsector make furniture and related articles such as mattresses, window blinds, cabinets and fixtures. The processes used in the manufacture of furniture include the cutting, bending, molding, laminating and assembly of such materials as wood, metal, glass, plastics and rattan. The integrated design of the article for both esthetic and functional qualities is also a major part of the process of manufacturing furniture.

FURNITURE REFINISHING AND REPAIR. This industry comprises establishments primarily engaged in one or more of the following:

1) Reupholstering furniture.
2) Refinishing furniture.
3) Repairing furniture; and
4) Repairing and restoring furniture.

FURRIERS. These establishments are primarily engaged in selling garments made of fur.

GAS OR SERVICE STATION. This industry comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

GENERAL CONTRACTOR'S OFFICE. An establishment providing general contracting and/or building construction services for residential, farm, industrial or commercial uses, and which does not involve outdoor storage of machinery or equipment.

GENERAL STORE. A single store which offers for sale primarily, most of the following articles: milk, bread, cheese, canned and bottled foods, bottled drinks, tobacco products, candy, papers and magazines, general hardware items, clothing and local crafts, among other retail items. The store may also have a snack bar for prepared food, either prepared on-site or off-site, for consumption, but is smaller than a full-service restaurant and is incidental to the general store activities.

GIFT SHOPS. This industry comprises establishments primarily engaged in retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations and curios.

GLASS PRODUCTS MANUFACTURING. This industry comprises establishments primarily engaged in manufacturing glass and/or glass products. Establishments in this industry may manufacture glass and/or glass products by melting silica sand or cullet, or by purchasing glass.

GO-CART TRACK. These establishments are primarily engaged in operating racetracks for go-carts.

GOLF COURSE. An area designed for golf, not including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the GOLF COURSE.

GOLF DRIVING RANGE (INDEPENDENT). An open-air golf practice facility operated independently of an on-site golf course.

GOTHIC REVIVAL STYLE. Architecture that is an imitation of various medieval Gothic architectural styles starting at the beginning of the 19th century and widespread during the years 1840-1870. Typical elements include symmetrical facades, gable dormers, steeply pitched roofs with cross gables, scrollwork bargeboards, and hood molds over square-headed or point-arched windows. Common architecture for churches, colleges and rural houses.

GOVERNING BOARD. The Surry County Board of County Commissioners.

GOVERNMENTAL MAINTENANCE FACILITY. These facilities are used by government for storage and/or maintenance purposes.

GREEK REVIVAL STYLE. A style of architecture based on Classic Greek temples. Typical elements include low-pitch gable or hipped roofs, pedimented gable ends, simple architrave bands at the eaves, entry porches with Doric style columns and entablature, front door with narrow sidelights and rectangular fanlight, multi-paned double-hung or triple-hung windows (common in the United States, ca. 1820-1860).

GREENHOUSES, PRIVATE. A small facility where plants are grown for personal use, not for retail or commercial sale.

GREENHOUSES AND NURSERIES, COMMERCIAL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public. These establishments primarily sell products purchased from others but may sell some plants which are grown at the establishment.

GREENWAY. A linear open space along a natural or constructed corridor which may be used for pedestrian or bicycle passage. GREENWAYS often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

GROSS FLOOR AREA. The total area of any buildings in the project, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the buildings such as boiler rooms and maintenance shops.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

GROUP DEVELOPMENT. Development where two or more structures are to be constructed on a single parcel, which is not intended to be subdivided. These include, but are not limited to, manufactured home parks, mini-warehousing, multi-family developments and shopping centers.

GUEST HOUSE (ON-SITE STICK-BUILT). An attached or detached dwelling that provides living quarters for guests which:

1) May or may not contain cooking facilities.
2) The total square footage of the house is no greater than 60% of the total square footage of the principal residence on the same zoning lot; and is clearly subordinate and incidental to the principal residence on the same zoning lot.

3) Is a stick-built structure; and
4) Is not rented or leased, whether compensation is direct or indirect.

GUN AND AMMUNITION SALES. These establishments are primarily engaged in sales of small firearms to be carried and fired by the same individual making the purchase, and/or engaged in sales of ammunition for small firearms.

GUNSMITH. These establishments are primarily engaged in forging small firearms.

HARDWARE STORE. An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builder's hardware, paint, glass, housewares, household appliances and cutlery.

HATCHERIES. An establishment where the eggs of fish or chickens are incubated and raised for commercial purposes.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) § 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or § 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives and irritants.

HAZARDOUS WASTE MANAGEMENT FACILITY. A facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste as defined in G.S. Ch. 130A, Art. 9.

HEALTH CLUBS. This industry comprises establishments primarily engaged in operating fitness and recreational sports facilities that feature exercise and other active physical fitness conditioning, or recreational sports activities such as swimming, skating or racquet sports.

HEALTH PRACTITIONER'S OFFICE. This industry comprises establishments of health practitioners having the degree of M.D. (Doctor of medicine) or D.O. (Doctor of osteopathy) primarily engaged in the independent practice of general or specialized medicine (e.g., anesthesiology, oncology, ophthalmology, psychiatry) or surgery. These practitioners operate private or group practices in their own offices (e.g., centers, clinics) or in the facilities of others such as hospitals or HMO medical centers.

HEATING AND REFRIGERATION SHOPS. This industry comprises establishments primarily engaged in selling warm air heating and air-conditioning equipment and supplies and/or refrigeration equipment (except household-type refrigerators, freezers and air-conditioners).

HEAVY EQUIPMENT MANUFACTURING. These establishments are primarily engaged in manufacturing heavy equipment such as that used for construction and industrial manufacturing.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC PROPERTY VENTURES. Retail and service uses utilized in conjunction with an established historic property or historic district, as designated by the North Carolina State Historic Preservation Office or the United States Department of the Interior.

HISTORIC STRUCTURE. Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register.
2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program".
4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"; or
5) Identified in "Simple Treasures: The Architectural Legacy of Surry County". (This division (e) does not apply as a definition for a "historic structure" as it relates to flood hazard areas).

HOBBY, TOY AND CRAFT STORES. This industry comprises establishments primarily engaged in retailing new toys, games and hobby and craft supplies (except needlecraft).

HOME OCCUPATION. Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises ; provided that, no merchandise or commodity is sold or offered for sale on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes; and, provided that, not over 25% of the total actual floor area of any structure is used for home occupation (work within the home) or professional purposes and that all parking generated by the conduct of such home occupation be off the street and other than in a required front yard . A sign may be used in conjunction with the HOME OCCUPATION but shall not be larger than four square feet.

HOME OCCUPATION OF A COMMERCIAL NATURE. A detached commercial use of greater scale than the traditional home occupation, but which is still secondary and incidental to the residential use, but not including agricultural or horticultural activities.

HOMEGROWN RESTAURANT. Farm-based, tourism driven restaurants that serve food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. At a minimum, 50% of the food which is served at this type of restaurant must be grown on-site or on nearby farms in the same ownership.

HOSIERY MILLS. This industry comprises establishments primarily engaged in knitting or knitting and furnishing hosiery and socks.

HOSPITAL. A facility providing medical, psychiatric or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research and administration.

HOTEL or MOTEL. A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four paying guests.

HUD. United States Department of Housing and Urban Development.

ICE CREAM PARLOR. An establishment engaged in sales of ice cream and other related dairy products, as well as related retail sales.

ICE MANUFACTURING. This U.S. industry comprises establishments primarily engaged in manufacturing ice.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDUSTRIAL SUPPLIES AND EQUIPMENT. This industry comprises establishments primarily engaged in manufacturing or wholesaling:

1) Machinery and equipment; and/o
2) Supplies used in machinery and equipment that is generally utilized in manufacturing, oil wells and warehousing activities.

INSPECTIONS DEPARTMENT. Surry County Inspections Department.

INSURANCE AGENCY. This industry comprises establishments primarily engaged in acting as agents (i.e., brokers) in selling annuities and insurance policies.

INTERIOR DESIGNERS. This industry includes interior decorating consultants engaged exclusively in providing aesthetic services associated with interior spaces, but may also include establishments primarily engaged in planning, designing and administering projects in interior spaces to meet the physical and aesthetic needs of people using them. The industry may take into consideration building codes, health and safety regulations, traffic patterns and floor planning, mechanical and electrical needs, and interior fittings and furniture.

JEWELRY STORES.

1) This industry comprises establishments primarily engaged in retailing one or more of the following items:
    a) New jewelry (except costume jewelry),
    b) New sterling and plated silverware; and
    c) New watches and clocks.
2) Also included are establishments retailing these new products in combination with lapidary work and/or repair services.

JUNK. Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel and other old or scrap ferrous or non-ferrous material.

JUNKYARD. Any open area which is maintained, operated or used for storing, keeping, salvaging, abandoning, buying or selling junk regardless of length of time that junk is stored or kept, but shall not include county operated facilities. The processing, dismantling or disassembling of these items is prohibited; which includes materially reducing the size by force, dropping, or slinging materials. No scrap tires shall be stored at the yard longer than thirty (30) days.

KENNEL.

1) Any facility used for the purpose of boarding animals, excluding horses, cattle, swine, sheep, goats, poultry, geese or other livestock. KENNELS may conduct other such incidental activities as the sale of animals, treatment of the animals, grooming or cleaning and the sale of pet supplies. In addition, any establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than three adult animals or more than one litter in any 12-month period; or any facility, other than a retail pet shop, that houses domesticated animals in connection with an activity requiring a license under the state and/or federal animal welfare acts. “Domesticated animals”, for the purpose of this Chapter, shall be defined as dogs, cats and other generally accepted household pets. One litter refers here to the offspring produced from a single pregnancy.
2) In no way shall these provisions regulate the ownership of domesticated animals:
    a) As household pets.

b) For hunting or tracking purposes.
c) For exhibiting and/or competition at shows or at obedience or field trials; or
d) For protection or guarding of residences or commercial establishments.
e) To assist impaired or disabled persons.

KNITTING MILLS. This industry group comprises establishments primarily engaged in knitting apparel or knitting fabric and then manufacturing apparel. This industry group includes jobbers performing entrepreneurial functions involved in knitting apparel and accessories. Knitting fabric, without manufacturing apparel, is classified in NAICS Subsector 313, Textile Mills.

LAKE OR NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND DISTURBING ACTIVITY. Any use of the land by any person in residential industrial, educational, institutional or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings or other structures.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDOWNER OR OWNER. The holder of the title in fee simple. Absent evidence to the contrary, the County may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LANDSCAPE ARCHITECT. A person licensed to use the title of landscape architect in the State of North Carolina.

LANDSCAPERS. These professionals are:

a) Primarily engaged in providing landscape care, maintenance services and/or installing trees, shrubs, plants, lawns or gardens; and
b) Primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds and similar structures.

LAWN AND GARDEN CARE. This industry comprises:

a) Establishments primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns or gardens; and
b) Establishments primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds and similar structures.

LAWN AND GARDEN SUPPLIES. This industry comprises establishments primarily engaged in retailing nursery and garden products such as trees, shrubs, plants, seeds, bulbs and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

LAWNMOWER REPAIR. This U.S. industry comprises establishments primarily engaged in repairing and servicing home and garden equipment without retailing new home and garden equipment such as lawnmowers, handheld power tools, edgers, snow- and leaf-blowers and trimmers.

LEATHER PRODUCTS MANUFACTURING. Establishments in the leather and allied product manufacturing subsector transform hides into leather by tanning or curing and fabricating the leather into products for final consumption. It also includes the manufacture of similar products from other materials including products (except apparel) made from "leather substitutes", such as rubber, plastics or textiles. Rubber footwear, textile luggage and plastics purses or wallets are examples of "leather substitute" products included in this group. The products made from leather substitutes are included in this subsector because they are made in similar ways leather products are made (e.g., luggage). They are made in the same establishments, so it is not practical to separate them.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under NCGS 160D or an applicable local act. The term also includes decisions to approve, amend, or rescind a development agreement consistent with the provisions of NCGS 160D, Article 10.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

LINEN AND UNIFORM SUPPLY SERVICES. This U.S. industry comprises establishments primarily engaged in supplying, on a rental or contract basis, laundered items, such as table and bed linens, towels, diapers and uniforms, gowns, or coats of the type used by doctors, nurses, barbers, beauticians and waitresses.

LIQUOR STORE. An establishment regulated by the Alcoholic Beverage Control Board selling alcoholic beverages.

LIVESTOCK, NON-FARM. Possession of livestock on a residential lot for non-agricultural purposes, rather recreation and/or pleasure (i.e., horses, swine, goats, etc.).

LIVESTOCK SALE BARNS. These are facilities where livestock producers gather to sell their livestock and where the livestock is temporarily housed during this process.

LIVESTOCK SALES. A commercial establishment wherein livestock is collected for sale or auctioning.

LOCAL ZONING ENFORCEMENT OFFICER. Designee or such other person in the Development Services Department as the adopting jurisdiction may designate as the officer principally responsible for the enforcement of this Ordinance.

LOCKSMITH. This U.S. industry comprises establishments primarily engaged in:

1) Selling mechanical or electronic locking devices, safes and security vaults, along with installation, repair, rebuilding or adjusting services; or

2) Installing, repairing, rebuilding and adjusting mechanical or electronic locking devices, safes and security vaults.

LOG HOME MANUFACTURING. A facility where all components of log homes are produced and shipped to work sites.

LOT. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax map) and which is recognized as a separate tract for purposes of transfer of title, in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this Chapter. For purposes of this Chapter, the word LOT shall mean any number of contiguous lots or portions of lots upon which one principal building and its accessory buildings are located or are intended to be located that are intended for occupancy.

LOT, ADJACENT. Any lot or parcel, which has a common boundary, right-of-way or easement with the subject lot.

LOT, CORNER. A lot abutting two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135 degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.

LOT COVERAGE. That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two or more streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT FRONT. That side of a lot, which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Surry County Zoning Ordinance by labeling the front and side building lines as such on the final plat.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

LOT LINE, INTERIOR. A side lot line, which separates the lot from another lot.

LOT LINE, REAR. That lot line, which is opposite and most distant from the front lot line. In cases where neither of these conditions is applicable, the Zoning Officer shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT, NON-CONFORMING. A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of this Chapter or subsequent amendments, and which continues to exist.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Chapter.

LOT WIDTH. The horizontal distance between the side lot lines at the building front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOW COVERAGE STEALTH WIRELESS SYSTEM. An unconventional wireless system designed to provide wireless services to rural areas that will not benefit from the construction of wireless communication towers; designed to utilize existing structures such as utility poles and rooftops to support the wireless system instead of the traditional tower. The wireless system shall be much smaller than the traditional wireless system found on a wireless communication tower and shall clearly be stealth in nature to minimize the effect on the surrounding area.

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the budding, or deck support, after completion of the building. For Zones A and AO, use the natural grade elevation prior to construction.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building ’s LOWEST FLOOR; provided that. such an enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

LUGGAGE MANUFACTURING. This U.S. industry comprises establishments primarily engaged in manufacturing luggage of any material.

LUMBER AND BUILDING MATERIALS SALES. This industry comprises establishments primarily engaged in selling lumber, plywood; reconstituted wood fiber products; wood fencing; doors and windows and their frames (all materials); wood roofing and siding; and/or other wood or metal millwork.

LUMBERYARD. This industry comprises establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing lumber.

MACHINE AND WELDING SHOPS. This industry comprises establishments known as machine shops primarily engaged in machining metal parts on a job or order basis. Generally, machine shop jobs are low volume using machine tools such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding and milling. This industry also comprises establishments primarily engaged in the repair and maintenance of commercial and industrial machinery and equipment. Establishments in this industry either sharpen/install commercial and industrial machinery blades and saws; or provide welding (e.g., automotive, general) repair services; or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts and other materials handling equipment, machine tools, commercial refrigeration equipment, construction equipment and mining machinery).

MACHINE TOOLS MANUFACTURING. This U.S. industry comprises establishments primarily engaged in manufacturing metal cutting machine tools (except hand tools) and metal forming machine tools (except hand tools) such as punching, sheering, bending, forming, pressing, forging and die-casting machines.

MAIL ORDER OFFICE. This industry comprises establishments primarily engaged in retailing all types of merchandise by means of mail or by electronic media, such as interactive television or computer. Included in this industry are establishments primarily engaged in retailing from catalogue showrooms of mail-order houses.

MALL. See SHOPPING CENTER.

MANAGEMENT CONSULTANTS. This industry comprises establishments primarily engaged in providing advice and assistance to businesses and other organizations on management issues such as strategic and organizational planning; financial planning and budgeting; marketing objectives and policies; human resource policies, practices and planning; production scheduling; and control planning.

MANUFACTURED AND MODULAR HOMES AND RECREATIONAL VEHICLE SALES. An establishment primarily engaged in the retail sale of new and used manufactured homes, modular homes, recreational vehicles and similar items. Any outdoor area where manufactured homes, modular homes, recreational vehicles are stored throughout the day and the night and are held for the purpose of sale or lease as an entire or complete unit.

MANUFACTURED HOME. A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; a dwelling unit that exceeds 40 feet in length and eight feet in width; a dwelling unit that is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and a dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code for one- and two-family dwellings.

1) CLASS A. A manufactured home constructed after 7-1-1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
    a) Is a multi-sectional home (i.e., double-wide, triple-wide).
    b) The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run and the roof is finished with a roofing material with a fire rating of Class C or better and is commonly used in standard residential construction.
    c) The exterior siding consists predominately of vinyl horizontal lap siding, wood or hardboard, cedar or other wood siding, wood grain, weather resistant pressboard siding, stucco siding or brick or stone siding, or other non-glare surface or other siding whose reflectivity does not exceed that of flat white paint.
    d) A continuous, permanent brick, masonry with stucco finish, stone, metal curtain wall or foundation, unpierced, except for ventilation and access, is installed under the manufactured home. For clarification on design or sighting standards, refer to Ch. 153 of this code of ordinances; and
    e) The tongue, axles, removable towing apparatus and transporting lights are removed after final placement on the site.
2) CLASS B. A manufactured home constructed after 7-1-1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
    a) Is a single-section home (i.e., single-wide).
    b) The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run and the roof is finished with

a roofing material with a fire rating of Class C or better and is commonly used in standard residential construction;

c) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard, or other non-glare surface or other siding whose reflectivity does not exceed that of flat white paint.

d) A continuous, permanent brick, masonry stone with stucco finish, vinyl, metal, curtain wall or foundation, unpierced, except for ventilation and access, is installed under the manufactured home. For clarification on design or sighting standards, refer to Ch. 153 of this code of ordinances; and

e) The tongue, axles, removable towing apparatus and transporting fights are removed after final placement on the site.

MANUFACTURED HOME PARK. A tract of unsubdivided land occupied or proposed to be occupied by two or more manufactured homes. See Subchapter 154.019 for specific requirements.

MANUFACTURED HOME PARK SPACE. An area within an approved manufactured home park for the placement of a single manufactured home and its associated accessory structures.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designed for the accommodation of one manufactured home.

MANUFACTURERS' SHOWROOMS. These establishments are primarily engaged in providing show space for manufactured products such as furniture, bedding, etc., and may include wholesale and/or retail activities.

MANUFACTURING.

1) A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, MANUFACTURING produces little or no noise, odor, vibration, glare and/or air and water pollution and, therefore, has minimal impact on surrounding properties.

2) A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs within an enclosed building, and which does not produce or utilize in large quantities as an integral part of the manufacturing process toxic, hazardous or explosive materials. Noise, odor, dust or vibration from the manufacturing process may result in only minor impacts on adjacent properties.

3) A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Toxic, hazardous or explosive materials may be produced or used in large quantities as an integral part of the manufacturing process. Noise, odor, dust, vibration or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

MARKET VALUE. The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (actual cash value), or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEAT PACKING AND POULTRY PROCESSING PLANTS. An establishment primarily engaged in the slaughtering of cattle, chickens, hogs, sheep, lambs and calves for meat to be sold or to be used on the same premises in canning, cooking, curing and freezing, and in making sausage, lard and other products.

MEDICAL AND DENTAL CLINICS. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state.

MEDICAL OR DENTAL LABORATORIES. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth and orthodontic appliances to order for the dental profession.

METAL FABRICATION. These establishments are primarily engaged in the transformation of metal into intermediate or end products other than machinery, computers and electronics, and metal furniture; or treating metals and metal-formed products fabricated elsewhere. Important fabricated metal processes are forging, stamping, bending, forming and machining, used to shape individual pieces of metal; and other processes, such as welding and assembling, used to join separate parts together. Establishments in this subsector may use one of these processes or a combination of these processes.

METAL FABRICATION PLANT. A large-scale (greater than 10,001 square feet) facility, which is engaged in the shaping of metal and similar materials.

METAL FABRICATION SHOP. A small-scale (10,000 square feet or less) facility which is engaged in the shaping of metal and similar materials.

METALSMITH OPERATIONS. These establishments are primarily engaged in manually forging metal on a small scale (as opposed to automated or mass forging of the above listed metals).

MINIATURE GOLF. This is a non-professional, miniature golf course in a non-member setting. These establishments often provide video arcades and/or concessions.

MINING, QUARRYING or RESOURCE EXTRACTION.

1) Any mining activity, as defined in state law, including:
    a) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
    b) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils and other solid matter from its original location; and
    c) The preparation, washing, cleaning or other treatment of minerals, ores or other solid matter to make them suitable for commercial, industrial or construction use.
2) MINING shall not include those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area. MINING shall not include mining operations where the affected land does not exceed one acre in area. MINING shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land. MINING shall not include

excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered MINING when done only for the purpose and to the extent necessary to determine the location, quantity or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.

MINI-WAREHOUSE. Moving and/or storage services for household and business goods, including self-service storage facilities.

MODULAR HOME CONVENTIONAL. A manufactured home which is constructed in accordance with the N.C. State Building Code with wood frame construction and set-up on a brick foundation.

MODULAR HOME, ON-FRAME. A manufactured home which is constructed in accordance with the N.C. State Building Code on a metal frame and is set-up on block piers with brick underpinning.

MONUMENT SALES. An establishment where concrete or rock-based monuments, such as yard decor, tombstones, etc., are sold.

MOTORCROSS TRACK. A closed-course motorcycle racetrack over natural or simulated rough terrain.

MOTOR VEHICLE. Any machine propelled by power other than human power, requiring for use a license tag and registration by the NCDOT, Division of Motor Vehicles, and designed to travel upon the highways and public streets using wheels, treads, self-laying tracks, runners, slides or skids; including, but not limited to, automobiles, trucks, motorcycles, motor scooters, campers, tractors, trailers, and any part of the same.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in body work, painting or customizing of automobiles or other motor vehicles.

MOTOR VEHICLE REPAIR. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include bodywork or painting.

No scrap tires shall be stored at the establishment longer than thirty (30) days.

MOTOR VEHICLE, JUNKED. An unlicensed motor vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not designed to be self-propelled to include but not limited to:

1) Flat tires, missing tires, missing wheels or missing or partially or totally disassembled tires and wheels.
2) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential or axle.

3) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.
4) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.
5) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs or radiator.
6) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.
7) Lying on the ground (upside down, on its side or at other extreme angle), sitting on blocks or suspended in the air by any other method; and
8) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

MOTOR VEHICLE, PROJECT. A project motor vehicle is an unlicensed motor vehicle that is temporarily inoperable and is stored on residential premises during an active process of restoration by the owner for personal use.

MOTOR VEHICLE, UNLICENSED. A motor vehicle that does not display current and valid license information issued by the NCDOT, Division of Motor Vehicles, in the manner and form prescribed by that agency.

MOVIE THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

MOVIE THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons.

MULTI-FAMILY. Includes the definitions of apartments, condominiums and townhouses.

MUSEUM or ART GALLERY. A structure used for the display and preservation of paintings, sculpture and other constructed or natural objects illustrating human or natural history.

MUSIC STORES. This industry comprises establishments primarily engaged in retailing new or used prerecorded audio and video tapes, compact discs (CDs), and phonograph records; and/or retailing new or used musical instruments, sheet music and related supplies; or retailing these new products in combination with musical instrument repair, rental or music instruction.

NCDEQ. North Carolina Department of Environmental Quality (formerly NCDENR: North Carolina Department of Environment and Natural Resources).

NCDOT. North Carolina Department of Transportation.

N.C.G.S. or G.S. North Carolina General Statutes.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA). Federal act that regulates developments affecting wilderness areas, wildlife preserves, endangered species, historical sites, Indian religious sites, floodplain, wetlands, high intensity white lights in residential neighborhoods and radio frequency emissions in excess of the FCC 's guidelines.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of this Chapter and includes any subsequent improvements to such structures.

NEWS SYNDICATES. This industry comprises establishments primarily engaged in supplying information, such as news reports, articles, pictures and features, to the news media.

NEWSSTANDS. This U.S. industry comprises establishments primarily engaged in retailing current newspapers, magazines and other periodicals.

NIGHT CLUBS and PLACES OF ENTERTAINMENT.

1) A commercial establishment operated as a place of entertainment where the principal use is one or a combination of the following:
    a) Live, recorded or televised entertainment.
    b) Dancing; and
    c) Magic, comedy or musicians.
2) This definition does not include adult entertainment or the dispensing or consumption of alcoholic beverages. (See DRINKING ESTABLISHMENTS.)

NON-CONFORMING BUILDING OR DEVELOPMENT. Any legally existing building or development which fails to comply with the current provisions of this Chapter. (See USE, NON-CONFORMING)

NON-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NOVELTY AND SOUVENIR STORES. This industry comprises establishments primarily engaged in retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations and curios.

NURSING, CONVALESCENT, ASSISTED LIVING FACILITY. A home for persons aged, ill or handicapped in which two or more persons not of the immediate family of the owner or manager of said home, are provided with food, shelter and nursing care.

OIL AND GASOLINE BULK STORAGE. The storage on a zoning lot of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below.

OPAQUE BARRIER. A vertical structure constructed of masonry, concrete or wooden material which does not allow light to pass through.

OPEN SPACE. Any area, which is not divided into private or civic building lots, streets, rights-of-way, parking or easements for purposes other than open space conservation.

OPEN SPACE, COMMON. Open space within a development, not in individually owned lots, which is designed and intended for the common use or enjoyment of the residents of the development.

OPEN STORAGE. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers or inspection stations, but excluding temporary construction and related activities and closed bay docks.

OPTICIAN and OPTICAL SUPPLY STORE. This industry comprises establishments primarily engaged in one or more of the following:

1) Retailing and fitting prescription eyeglasses and contact lenses.
2) Retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and

3) Selling non-prescription eyeglasses.

OPTOMETRIST OFFICE. This industry comprises establishments of health practitioners having the degree of O.D. (Doctor of Optometry) primarily engaged in the independent practice of optometry. These practitioners provide eye examinations to determine visual acuity or the presence of vision problems, and to prescribe eyeglasses, contact lenses and eye exercises. They operate private or group practices in their own offices (e.g., centers, clinics) or in the facilities of others, such as hospitals or HMO medical centers. They may also provide the same service as opticians such as selling and fitting prescription eyeglasses and contact lenses.

OUTDOOR STORAGE. Outdoor Storage includes the storage of materials, equipment, parts, supplies, and similar items related to a commercial or industrial business. Outdoor Storage does not include fully operational duly licensed and registered motor vehicles currently in use by persons working at or visiting the property.

OUTPARCEL SITE. A freestanding lot developed separately but linked functionally to a shopping center.

OVERLAY ZONING DISTRICT. A zoning district which overlays and combines with one of the principal zoning districts established by this Chapter. In such case, the property involved is subject to the requirements of both districts.

PAINT AND WALLPAPER STORES. This industry comprises establishments known as paint and wallpaper stores primarily engaged in retailing paint, wallpaper and related supplies.

PAINTS, VARNISHES, FINISHES MANUFACTURING. This industry comprises establishments primarily engaged in:

1) Mixing pigments, solvents and binders into paints and other coatings such as stains, varnishes, lacquers, enamels, shellacs and water repellant coatings for concrete and masonry; and/or
2) Manufacturing allied paint products such as putties, paint and varnish removers, paint brush cleaners and frit.

PAPER GOODS MANUFACTURING. This industry group comprises establishments primarily engaged in converting paper or paperboard without manufacturing paper or paperboard.

PAR 3 GOLF. A golf course that has at least nine holes, each with a tee, fairway, green and one or more hazards, but is smaller scale than a traditional golf course. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

PARK AND RIDE LOTS. The temporary storage of motor vehicles daily for persons traveling together to and from work either through carpools, vanpools or mass transit.

PARKING, COMMERCIAL. A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PARKS AND PLAYGROUNDS. These establishments are primarily engaged in the preservation and exhibition of natural areas or settings; and/or providing outdoor play facilities for children.

PARTICIPATORY FARMS. Farm-based, tourism-driven enterprises where individuals or groups pay to participate on a working farm or dude ranch.

PAWN SHOP. This U.S. industry comprises establishments primarily engaged in providing non-depository credit (except credit card issuing, sales financing, consumer lending, real estate credit, international trade financing and secondary market financing) through consumer cash lending secured by personal property.

PERSON. Any individual partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body or other legal entity.

PERSONAL STORAGE BUILDING. A structure permitted by this Chapter as a principle use in some zoning districts; to be used for non-commercial purposes including storage of equipment for maintenance of the property, recreational equipment or other items intended for the personal use of the owner or occupant.

PERSONNEL SERVICES. This industry comprises establishments primarily engaged in supplying workers to clients' businesses for limited periods of time to supplement the working force of the client. The individuals provided are employees of the temporary help service establishment. However, these establishments do not provide direct supervision of their employees at the clients' work sites.

PET SHOP. This industry comprises establishments primarily engaged in retailing pets, pet foods and pet supplies.

PHARMACEUTICALS MANUFACTURING. This industry comprises establishments primarily engaged in one or more of the following:

1) Manufacturing biological and medicinal products.
2) Processing (i.e., grading, grinding and milling) botanical drugs and herbs.
3) Isolating active medicinal principals from botanical drugs and herbs; and
4) Manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions and suspensions.

PHOTOCOPYING SERVICES. This U.S. industry comprises:

1) Establishments generally known as copy centers or shops primarily engaged in providing photocopying, duplicating, blueprinting, and other document copying services, without also providing printing services (e.g., offset printing, quick printing, digital printing, prepress services); and
2) Establishments (except private mail centers) engaged in providing a range of office support services (except printing services), such as document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales.

PHOTOFINISHING LABORATORIES. This industry comprises establishments primarily engaged in developing film and/or making photographic slides, prints and enlargements.

PHOTOGRAPHY SERVICES AND STUDIOS. This industry comprises establishments primarily engaged in providing still, video or digital photography services. These establishments may specialize in a particular field of photography such as commercial and industrial photography, portrait photography and special events photography. Commercial or portrait photography studios are included in this industry.

PILLOW MANUFACTURING. These establishments are primarily engaged in manufacturing pillows.

PLACES OF ASSEMBLY. Establishments that are primarily engaged in providing facilities (indoor and/or outdoors) for special events of a social and/or business nature.

PLAN. The following definitions describe various plans required by this ordinance.

PLAN, COMPREHENSIVE See definition for LAND USE PLAN

PLAN, COMPREHENSIVE TRANSPORTATION (CTP). A long term, long range transportation plan for municipalities, counties and large metropolitan areas (MPOs)

PLAN, DEVELOPMENT. Required when seeking approval of a group development. The plan must be scaled, prepared and certified by a professional surveyor and/or design engineer.

PLAN, DETAILED DEVELOPMENT. A Detailed Development Plan Required when seeking a conditional use permit for wireless communication towers and manufactured home parks. Also required when developing within a special zoning district.

PLAN, FINAL. The final map of all or a portion of a site, showing the boundaries and location of proposed development activities and any other requirements or information of this Chapter which is presented for local government approval and subsequent recordation with the Register of Deeds.

PLAN, LAND USE. The comprehensive plan for the County of Surry that has been officially adopted by the Board of Commissioners pursuant to NCGS 160D-501.

PLAN, MASTER DEVELOPMENT. Depicts phases of development and general configuration and relationship of the principal elements of the proposed development and uses. The plan will include delineated areas where particular types of development or groups of buildings will be located, along with access and internal circulation through the development. A MASTER DEVELOPMENT PLAN is required for the approval of a Group Development and for any development involving multiple phases.

PLAN, SITE. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan shall include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. This definition distinguishes a SITE PLAN from a SITE-SPECIFIC DEVELOPMENT PLAN or SUBDIVISION PLAT.

PLAN, PRELIMINARY. A map indicating the proposed layout of the boundaries and location of proposed development activities and any other requirements or information found in this Chapter, which is presented for preliminary approval. PRELIMINARY PLANS can be part of a process for development plans and for subdivision plats.

PLAN, SITE-SPECIFIC DEVELOPMENT. 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 pursuant to NCGS 160D-108.1. 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 and for requests for special use permits. SITE-SPECIFIC DEVELOPMENT PLANS may be used for requests for vested rights. This definition distinguishes a SITE-SPECIFIC DEVELOPMENT PLAN from a SITE PLAN or SUBDIVISION PLAT.

PLAN, THOROUGHFARE. Any officially adopted thoroughfare plan.

PLANING MILLS. This U.S. industry comprises establishments primarily engaged in planing purchased lumber. These establishments generally use woodworking machinery such as jointers, planers, lathes and routers to shape wood.

PLANNED RESIDENTIAL DEVELOPMENT. A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design using flexible development standards.

PLANNING BOARD. The Planning Board of Surry County.

PLANTING AREA. An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt, concrete or gravel, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs and groundcovers, or construction of fences, walls and/or earth berms.

PLASTIC PRODUCTS MANUFACTURING. This industry group comprises establishments primarily engaged in processing new or spent (i.e., recycled) plastics resins into intermediate or final products using such processes as compression molding, extrusion molding, injection molding, blow molding and casting. Within most of these industries, the production process is such that a wide variety of products can be made.

PLAT. A surveyed map or plan or a parcel of land which is to be or has been subdivided. A map or plan of a parcel of land which is to be, or which has been, subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of the subdivision regulations which is presented for local government approval and subsequent recordation with the Register of Deeds.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of the subdivision regulations which is presented for preliminary approval.

PLUMBING AND HEATING SUPPLIES. This industry comprises establishments primarily engaged in wholesaling plumbing equipment, hydraulic heating equipment, household-type gas appliances (except gas clothes dryers) and/or supplies.

POLICE OR FIRE STATION. A facility established for public law enforcement purposes or public fire protection and prevention purposes.

POST-FIRM. Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

POST OFFICE. A facility or structure used for the collection, sorting and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards or postal insurance.

POSTAL PROCESSING CENTER. A facility or structure used for the collection, sorting, processing and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards or postal insurance.

POTTERY MANUFACTURING. These establishments are primarily engaged in manufacturing table and kitchen articles, art and ornamental items, and similar vitreous china, fine earthenware, stoneware, coarse earthenware and other pottery products.

POTTERY STORE. See the definition for CRAFT STORE.

PRE-FIRM. Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

PRECISION INSTRUMENTS MANUFACTURING. These establishments are primarily engaged in manufacturing metalworking machinery such as metal cutting and forming machine tools; cutting tools; accessories for metalworking machinery; special dies, tools, jigs and

fixtures; industrial molds; rolling mill machinery; assembly machinery; coil handling, conversion or straightening equipment; and wire drawing and fabrication machines.

PREMISES. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRINCIPAL BUILDING. See BUILDING, PRINCIPAL.

PRINCIPAL USE. See USE, PRINCIPAL.

PRINCIPALLY ABOVE GROUND. That at least 51% of the actual cash value of the structure is above ground.

PRINTING. This industry comprises establishments primarily engaged in printing on apparel and textile products, paper, metal, glass, plastics and other materials, except fabric (grey goods). The printing processes employed include, but are not limited to, lithographic, gravure, screen, flexographic, digital and letterpress. Establishments in this industry do not manufacture the stock that they print, but may perform post printing activities such as bending, cutting or laminating the materials printed, and mailing.

PRIVATE RECREATION CLUBS. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, Par 3 golf courses, tennis courts, swimming pools, tot lots and similar uses, which are private.

PROCESSING PLANTS. These establishments are primarily engaged in transforming raw resources into end products suitable for consumption by the final consumer.

PRODUCE SALES. This industry comprises establishments primarily engaged in retailing fresh fruits and vegetables.

PROPERTY. All property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the county.

PROTECTED MOUNTAIN RIDGES. All mountain ridges whose elevation is 500 or more feet above the elevation of an adjacent valley floor.

PUBLIC. Under the control or responsibility of the elected body on behalf of the general population, rather than individual or private control.

PUBLIC RELATIONS SERVICES. This industry comprises establishments primarily engaged in designing and implementing public relations campaigns. These campaigns are designed to promote the interests and image of their clients. Establishments providing lobbying, political consulting or public relations consulting are included in this industry.

PUBLIC SAFETY AND/OR NUISANCE. For the purposes of this Ordinance, anything which is injurious or presents the threat of injury to the safety or health of a community or neighborhood, or any number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

PUBLIC SEWER SYSTEM. An approved sewage disposal system, including municipal and sanitary district sewerage systems as well as “package” plants constructed in a location and to specifications approved by the Environmental Health Department in consultation with the NC Division of Health Services.

PUBLIC UTILITY FACILITY (LARGE-SCALE). Facilities of any agency which under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities. Size of

such facilities shall be no larger than 0.25 acres. Size of such facilities shall be 0.26 acres or greater.

PUBLIC UTILITY FACILITY (SMALL-SCALE). Facilities of any agency which under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities. Size of such facilities shall be no larger than 0.25 acres.

PUBLIC WATER SUPPLY SYSTEM. An approved water supply system, including municipal and sanitary district water systems approved by the Environmental Health Department in consultation with the NC Division of Health Services.

PUBLISHING. These establishments are primarily engaged in the publishing of newspapers, magazines, other periodicals and books, as well as database and software publishing. In general, these establishments, which are known as publishers, issue copies of works for which they usually possess copyright.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts gained through sworn testimony regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

QUARRY. See MINING, QUARRYING or RESOURCE EXTRACTION.

RADIO AND TELEVISION REPAIR. This U.S. industry comprises establishments primarily engaged in repairing and maintaining consumer electronics such as televisions, stereos, speakers, video recorders, CD players, radios and cameras, without retailing new consumer electronics.

RADIO AND TELEVISION STUDIOS. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting or cable and other pay television services but excluding those uses classified as utilities.

RAILROAD STATION OPERATIONS. This U.S. industry comprises establishments known as line-haul railroads primarily engaged in operating railroads for the transport of passengers and/or cargo over a long distance within a rail network. These establishments provide for the intercity movement of trains between the terminals and stations on main and branch lines of a line-haul rail network (except for local switching services).

RAILROAD YARD OPERATIONS. This industry comprises establishments primarily engaged in providing specialized services for railroad transportation including servicing, routine repairing (except factory conversion, overhaul or rebuilding of rolling stock), and maintaining rail cars; loading and unloading rail cars; and operating independent terminals.

REAL ESTATE SERVICES. This industry comprises establishments primarily engaged in acting as agents and/or brokers in one or more of the following:

1) Selling real estate for others.
2) Buying real estate for others; and
3) Renting real estate for others.

RECREATION AREA, COMMON. An area of open space which is required in certain types of developments for active or passive recreational uses.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor amusement or entertainment services.

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor amusement or entertainment services.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper and similar items. This term shall not include a manufactured home.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park or recreation club designed for the accommodation of one recreational vehicle, tent or other individual camping unit on a temporary basis.

RECYCLING COLLECTION CENTER.

1) An incidental use that serves as a community drop off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be in a shopping center parking lot or in other public or institutional areas, such as churches and schools.
2) A facility that collects household garbage and recyclable items, with no processing of such items allowed on-premises, for temporary storage until they are transferred to a landfill or recycling plant; includes, but is not limited to, county operated facilities.

RECYCLING PLANT. Any facility at which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; automobiles; rubber and/or other products are altered, crushed, compressed, or treated at any stage in the recycling process.

REFERENCE LEVEL (FLOOD HAZARD AREAS). The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

REFINERIES. A facility which produces petroleum-based products.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Where base flood elevations (BFEs) have been determined, this elevation shall be the BFE, plus two feet of freeboard. Where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

REHABILITATION CENTER. A facility engaged in the treatment of substance abuse patients.

REMEDY A VIOLATION. To bring the structure or other development into compliance with the provisions of this Chapter.

RENTAL OF MOTOR VEHICLES. An establishment primarily engaged in furnishing motor vehicle rental, leasing and parking services to the public.

REPETITIVE LOSS. Flood -related damages sustained by a structure on two separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RESEARCH ACTIVITIES. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing and industrial X-ray inspection services, etc.

RESIDENT. Any person, as defined in this section, residing, doing business, or maintaining an office within Surry County.

RESIDENTIAL. Referring to permanent dwellings as defined herein.

RESIDENTIAL DEVELOPMENT SALES (OFFICE ON-SITE). A temporary administrative office located on the site of a residential development for the purpose of selling those same properties.

RESORT. A group or groups of buildings, and outdoor assembly areas, that provides outdoor recreation activities that include, but are not limited to, golf, horseback riding, swimming, tennis, hiking, water sports, snow sports and similar activities. A RESORT may also furnish indoor recreation activities as well. A RESORT may furnish services customarily furnished by a hotel, including restaurants, cocktail lounges and convention facilities.

RESOURCE EXTRACTION (SAND, SOIL, CLAY). This industry comprises:

1) Establishments primarily engaged in developing the mine site and/or mining, quarrying, dredging for sand and gravel or mining clay and soil, (e.g., china clay, paper clay, and slip clay); and
2) Preparation plants primarily engaged in beneficiating (e.g., washing, screening and grinding) sand and gravel, clay, soil and ceramic and refractory minerals.

RESTAURANT (WALK-IN, DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WALK-IN). An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafés, tea rooms and outdoor cafés.

RETAIL STORE. An establishment primarily engaged in selling merchandise for personal or household consumption not classified elsewhere.

REUPHOLSTERY. See FURNITURE REFINISHING AND REPAIR.

RIDGE. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

ROADSIDE STAND. These stands located alongside roads are operated by vendors selling directly to consumers. The stands are operated as temporary and/or seasonal establishments. Fresh produce is commonly sold, among other items.

RODEO. These recreational venues provide a public exhibition of skill, often in the form of competition, in the riding of unbroken horses, the roping of calves and riding or wrestling with steers, etc.

ROOF PITCH. The slope of a roof typically expressed as a ratio of vertical inches to 12 horizontal inches (i.e., 8:12).

SADDLERIES. These establishments are primarily engaged in making and/or selling saddles.

SANITARIUMS and MENTAL INSTITUTIONS. A health station, retreat or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SAWMILLS. This U.S. industry comprises establishments primarily engaged in sawing and otherwise producing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, mulch, and wood chips from logs or bolts. SAWMILLS may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size.

SCHOOL, ELEMENTARY, MIDDLE, HIGH. A structure used primarily by and for any two or more age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of state law.

SCRAP PROCESSING. The process of converting rejected or discarded parts from manufacturing processes into fragments to become waste or to be used only as material for reprocessing.

SCREENING. The method by which the view from one site to an adjacent site is shielded or hidden. SCREENING techniques include buffers, berms and opaque fences or walls.

SEAMSTRESS, TAILOR, DRESSMAKER. These establishments are primarily engaged in sewing, mending and altering garments on a made-to-order basis for individual consumers, as opposed to the mass production of clothing to be retailed.

SECONDHAND STORE/SWAP SHOPS. These establishments are primarily engaged in selling used clothing and may include businesses such as consignment shops that split proceeds with the previous owners of goods in exchange for providing the marketplace.

SEDIMENTATION. Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN. Plan that shows the measures, structures or devices which control the soil material within the land area under responsible control of the person conducting the land disturbing activity. (Regulated by NCDEQ.)

SEPTIC SERVICES. A service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

SERVICES, BUSINESS.

1) An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings.
2) An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings.

SERVICES, HEALTH. Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers and similar uses.

SERVICES, PERSONAL. An establishment primarily engaged in providing a service to individuals such as a beauty and/or barbershop, a dry-cleaning establishment, advertising, or computer service.

SETBACK. The minimum required horizontal distance between a structure and the lesser of either the lot line, street right-of-way line or the line that marks the beginning of street maintenance by NCDOT.

SETBACK LINES. The lines on the front, rear and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations.

SHEET METAL SHOPS. This U.S. industry comprises establishments primarily engaged in manufacturing sheet metal work (except stampings).

SHOE REPAIR AND SHINING. This industry comprises establishments primarily engaged in repairing footwear and/or repairing other leather or leather-like goods, without retailing new footwear and leather or leather-like goods such as handbags and briefcases.

SHOE STORES. This industry comprises establishments primarily engaged in retailing all types of new footwear (except hosiery and specialty sports footwear such as golf shoes, bowling shoes and spiked shoes). Establishments primarily engaged in retailing new tennis shoes or sneakers are included in this industry.

SHOPPING CENTER. A building or group of either connected or freestanding which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public.

SIDE YARD. See YARD, SIDE.

SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, used to promote an individual, firm, associations, corporation, profession, business, commodity or product. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings or other structures or supports.

SIGN, AWNING (ON-PREMISES). An on-premises sign constructed of fabric-like, non-rigid material, which is a part of a fabric or flexible plastic awning framed and attached to a building.

SIGN, GROUND (OFF-PREMISES). A freestanding sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity which is conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, GROUND (ON-PREMISES). A freestanding on-premises sign.

SIGN, MARQUEE. Any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.

SIGN, OFF-PREMISES. See SIGN, GROUND (OFF-PREMISES).

SIGN, ON-PREMISES. A sign displaying information pertaining only to a business, industry, activity or profession located on the premises where the sign is displayed and pertaining only to the name of the business, type of product sold, manufactured or assembled, and/or service, activity or entertainment offered on said premises, including business identification and occupancy signs.

SIGN PAINTING. These establishments are primarily engaged in painting signs to be used for advertising purposes.

SIGN, PROJECTING (ON-PREMISES). An on-premises sign supported by a pole or other supporting structure, hanging from a building.

SIGN, REAL ESTATE. A sign which is designed for the sale, lease, promotion and identification of real estate.

SIGN, ROOF (ON-PREMISES). An on-premises sign located above the eaves and below the peak of the roof where the sign is located.

SIGN, WALL (ON-PREMISES). An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than 12 inches, except in accordance with these regulations.

SKATING RINKS. These establishments are primarily engaged in providing recreational skating facilities for ice skating, roller-skating and/or rollerblading.

SLAUGHTERHOUSE. This U.S. industry comprises establishments primarily engaged in slaughtering animals (except poultry and small game). Establishments that slaughter and prepare meats are included in this industry.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

SMALL MOTOR REPAIR. These establishments are primarily engaged in repairing motors/engines for light machinery, cars and light trucks.

SOLAR ENERGY SYSTEM (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. For the purposes of this definition, this term applies only to solar photovoltaic (PV) systems and excludes private solar thermal systems and solar hot water systems. A system fits into one of the two system types: Level 1 SES or Level 2 SES.

1) LEVEL 1 SOLAR ENERGY SYSTEM. Level 1 SESs include the following:
    a) Roof mounted on any code-compliant structure.
    b) Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than one acre.
    c) Covering permanent parking lot and other hardscape areas.
    d) Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
2) LEVEL 2 SOLAR ENERGY SYSTEM. Level 2 SESs are ground-mounted solar collection systems not included in the definition of LEVEL 1 SOLAR ENERGY SYSTEM, located on sites five acres or larger.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. Defined as in G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

SPECIAL USE PERMIT. A permit issued under quasi-judicial procedures to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals or pubic region or female breasts uncovered below a point immediately at the top of the areola.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in this Ordinance.

SPORTING GOODS STORE. These establishments are primarily engaged in selling new sporting goods such as bicycles and bicycle parts, camping equipment, exercise and fitness equipment, athletic uniforms, specialty sports footwear and related accessories.

SPRINGS MANUFACTURING. This industry comprises establishments primarily engaged in:

1) Manufacturing steel springs by training techniques such as cutting, bending and heat winding metal rod or strip stock; and/or
2) Manufacturing wire springs and fabricated wire products from wire drawn elsewhere (except watch and clock springs).

STABLE. These establishments are primarily engaged in:

1) Selling horse rides and/or lessons; or
2) Providing room and board for horses owned by others.

STADIUM, COLISEUM or EXHIBITION BUILDING. A structure or facility designed, intended or used primarily for public gatherings; indoor exhibitions, galleries or conventions; or indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, motor vehicle racing.

STAINED GLASS SALES. These establishments are primarily engaged in wholesaling or retailing stained glass with no manufacturing.

START OF CONSTRUCTION.

1) Includes substantial improvement, and means, for the purposes of this Ordinance, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual START means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual START OF CONSTRUCTION means the first alteration of any wall, ceiling, floor or other structural part of the building, whether that alteration affects the external dimensions of the building.
2) For the purposes of this Ordinance, structure means a walled and roofed building, a manufactured home or a gas, liquid or liquefied gas storage tank that is principally above ground.

STEALTH TOWERS. A wireless communication tower designated and installed in such a manner that the antennae, supporting apparatus and associated structures are aesthetically and architecturally appropriate with respect to existing structures or the immediate environment in which the tower is located. Examples include antennas on church steeples, utility poles, bell towers, flagpoles and water towers; or antennae designed to resemble a tree or other natural objects.

STONE AND CLAY PRODUCTS. These establishments are primarily engaged in transforming stone, granite, marble and/or other natural stone products into end products such as curbing, without having mined the materials used.

STORM, TEN-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 25-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 100-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STREAM BUFFER. A natural or vegetated area through which storm water runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

STREAM, PERENNIAL. A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

STREETS (see also THOROUGHFARE, CUL-DE-SAC)

STREET, PRIVATE. A vehicular travel way, with direct access off a public street, not dedicated as a public street.

STREET, PUBLIC. A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agency for such use, or which is proposed to be constructed and then dedicated to and accepted by such agency as a public right-of-way for vehicular traffic for public use pursuant to this Chapter. Street classifications are as follows:

ARTERIAL STREET. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area to another: a thoroughfare.

COLLECTOR STREET. A public way designed primarily to connect residential streets with arterial streets and/or to provide direct connection between two or more arterial streets, and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

COMMERCIAL/INDUSTRIAL STREET. A public way designed primarily to connect minor commercial/industrial streets with arterial streets and/or to provide direct connection between having neither origin, nor destination, on the street.

MINOR STREET. A public way used primarily for providing direct access to abutting properties, and which does not have collector street characteristics. MINOR STREETS are further classified as:

1) COMMERCIAL-INDUSTRIAL. Those streets whose primary function is to provide direct access to commercial-industrial property.
2) CUL-DE-SAC. A short minor street having one end open to traffic and the other end permanently terminated with a vehicular turnaround.
3) RESIDENTIAL. Those streets whose primary function is to provide direct access to residential property.

4) STREET, HALF. A proposed vehicular travel way intended to be developed by constructing one-half of a required width of a street with the remainder to be provided at some future date.

STRUCTURE. Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Chapter, structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters or wharves.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. Accessory Dwelling units are considered accessory structures for the purposes of zoning dimensional standards and development standards. This includes freestanding satellite dishes, any other devices which access satellites and amateur radio antennae. Items excluded include doghouses, fences and other minor personal property.

SUBDIVISION. For the purposes of this Ordinance, SUBDIVISION means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future), and includes all divisions of land involving the dedication of a new street or a change in existing streets. This Chapter shall apply to new and existing subdivisions submitted to the Development Services Department, approved by the Planning Board, and approved by the Board of County Commissioners. This Chapter shall apply to subdivisions where individual lots are held for sale, lease, rent, whether improved or unimproved.

SUBDIVISON, MINOR. A minor subdivision is a subdivision which contains ~~eight~~ **five** or fewer lots, each lot fronting with access on a state-maintained street or road.

SUBDIVISION, MAJOR. Any subdivision that is not a minor or exempt subdivision.

SUBDIVISION, EXEMPT. (not subject to the subdivision regulations of this Ordinance.)

1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3) The public acquisition by purchase of strips of land for the widening or opening of the streets or for public transportation system corridors.
4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots are equal to or exceed the standards of this Ordinance.
5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

SUBDIVIDER. A person engaging in the act of subdividing property.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal

or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement". SUBSTANTIAL DAMAGE also means flood -related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1) Any correction of existing violations of state or community health, sanitary or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
2) Any alteration of a historic structure; provided that, the alteration will not preclude the structure 's continued designation as a historic structure.

SUPERMARKET. Food markets or combination food markets and department stores with more than 3,000 square feet of floor area.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, non-commercial use of a property owner(s), homeowner's association, residential development or club.

SWIMMING POOL, PUBLIC. A swimming pool intended for use by the public, traditionally operated within a public park by a local government.

TALL BUILDINGS OR STRUCTURES. Any building, structure or unit within a multi-unit building, with a vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit; provided, however, that, where such foundation measured from the natural, finished grade of the crest or the natural, finished grade of the high side slope of a ridge exceeds three feet, then such measurement in excess of three feet shall be included in the 40 feet limitation described herein; provided, further, that, no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet. TALL BUILDINGS OR STRUCTURES do not include:

1) Water, radio, telephone or television towers or any equipment for the transmission of electricity or communications or both.
2) Structures of a relatively slender nature and minor vertical projections of a parent building, including chimneys, flag poles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or windmills; and
3) Buildings and structures designated as National Historic Sites in the National Archives Registry.

(Ord. passed 12-19-1983)

TEA HOUSE. See COFFEE HOUSE.

TESTING STANDARDS (WIRELESS COMMUNICATION TOWERS). Testing agencies: American National Standards Institute (ANSI), Electronics Industry Association (EIA) and the Telecommunications Industry Association (TIA).

TEXTILE FINISHING AND DYEING.

1) This industry comprises:
    a) Establishments primarily engaged in finishing of textiles, fabrics and apparel; and
    b) Establishments of converters who buy fabric goods in the grey, have them finished on contract, and sell at wholesale.
2) Finishing operations include bleaching, dyeing, printing (e.g., roller, screen, flock, plisse), stonewashing and other mechanical finishing such as press making, shrinking, sponging, calendering, mercerizing and napping; as well as cleaning, scouring and the preparation of natural fibers and raw stock.

TRANSPORTATION NETWORK. Networks of transportation links, services and facilities which collectively are of statewide importance though these individual corridors, facilities or services which make up the network may be of only local or regional significance. Examples include highways, rail, public transportation, aviation and bicycle systems.

(Ord. passed 12-7-2007)

THOROUGHFARE. Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan, and which extends into the area not covered by the THOROUGHFARE PLAN.

TIRE RECAPPING SHOPS. These establishments are primarily engaged in refurbishing tires.

TOBACCO PRODUCTS MANUFACTURING. This industry comprises establishments primarily engaged in manufacturing cigarettes, cigars, smoking and chewing tobacco, and reconstituted tobacco.

TOBACCO SHOP. This U.S. industry comprises establishments primarily engaged in retailing cigarettes, cigars, tobacco, pipes and other smokers' supplies.

TOWER ACCESSORY STRUCTURE. A structure or structures, such as water towers, utility towers, advertising, signs, farm silos, large buildings such as hospitals, multiple story complexes, church steeples, etc., equipped to support attached wireless communication towers.

TOWNHOUSE. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light and ventilation.

TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAILER, TRAVEL. See RECREATIONAL VEHICLE.

TRANSFER COMPANIES. This industry comprises establishments primarily engaged in providing local general freight trucking. General freight establishments handle a wide variety of commodities, generally palletized and transported in a container or van trailer. Local general freight trucking establishments usually provide trucking within a metropolitan area that may cross state lines. Generally, the trips are same-day return.

TREE SERVICE. A service provider who engages in the destruction of trees by cutting, girdling or interfering the water supply, by applying chemicals, or regarding around the trunk of the tree.

TRUCK, FARM EQUIPMENT, HEAVY EQUIPMENT SALES AND SERVICE. These establishments are primarily engaged in sales or service of heavy equipment such as transfer trucks, tractors, backhoes, dump trucks, etc.

TRUCK/FREIGHT TERMINAL. Any facility for handling freight, with or without storage and maintenance facilities.

UPHOLSTERING SHOPS. These establishments are primarily engaged in finishing or repairing furniture with fabric and any associated stuffing materials.

USE. The purpose or activity for which land or structures are designed, arranged or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Chapter.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use except for off-site parking or other use provided for by this Chapter.

USE, NON-CONFORMING. Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it existed on 9-17-2001, or lawfully existed as of the effective date of this Chapter or subsequent amendments, and which has not been discontinued under the provisions of this Chapter.

USE, PRINCIPAL. Those uses of land listed in the Table of Uses (Subchapter 154.007). Also referred to as a PERMITTED USE.

USE, TEMPORARY. A use which may be in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

USGS. United States Geological Survey.

UTILITY COMPANY OPERATION CENTER. Industries in the utilities subsector provide electric power, natural gas, steam supply, water supply and sewage removal through a permanent infrastructure of lines, mains and pipes.

VACUUM CLEANER REPAIR. These establishments are primarily engaged in repairing vacuum cleaners without retailing new vacuum cleaners.

VARIANCE. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

VARIETY STORES. This industry comprises establishments primarily engaged in retailing new goods in general merchandise stores (except department stores, warehouse clubs, superstores and supercenters). These establishments retail a general line of new merchandise such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

VENDING COMPANIES. This industry comprises establishments primarily engaged in retailing merchandise through vending machines that they service.

VESTED RIGHT. A right pursuant to NCGS 160D-102, -108(c), and -108.1 to undertake and complete the development and use of property under the terms and conditions of an approved SITE SPECIFIC DEVELOPMENT PLAN.

VICTORIAN STYLE. Any product or style used during the years 1837-1901. Architectural styles of the period include Eastlake, Gothic Revival, High Victorian Gothic, Italianate, Queen Ann, Renaissance Revival and Richardsonian Romanesque. Features included: polychrome masonry exteriors with bays, towers and turrets; typically, with contrasting colors and/or textures of brick or stone. Also known as VICTORIAN GOTHIC.

VIOLATION. The failure of a structure or other development to be fully compliant with the provisions of this Chapter. A structure or other development that is not in full compliance with this Chapter shall be presumed to be in VIOLATION of this Chapter until such time as documentation is provided to refute any presumed violation.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods and farm products.

WASTE. Surplus materials resulting from on-site construction and disposed of at other locations.

WATCH, CLOCK, JEWELRY REPAIR. This industry comprises establishments primarily engaged in repairing and servicing without retailing watches, clocks and jewelry.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment and the water is then used principally as a source for a public water supply.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level (depth above existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. WATERCOURSE includes specifically designated areas in which substantial flood damage may occur.

WATERSHED PROTECTION ORDINANCE. The Surry County Watershed Protection Ordinance.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. WETLANDS generally include swamps, marshes, bogs and similar areas.

WHOLESALE DISTRIBUTION. These establishments are wholesalers primarily engaged in reselling products to other wholesalers.

WHOLESALE STORE. These establishments are primarily engaged in re-selling products to retail establishments.

WINERY, BREWERY OR DISTILLERY TASTING ROOM. A facility in which ~~wine~~ products used in the making of beverages are grown or processed on the owner's property may be tasted and sold. This definition shall also include the following associated uses as permitted: gift/retail sales, assembly areas, meeting rooms, dining and catering facilities, and a restaurant facility, if expressly requested and permitted.

WINERY, BREWERY OR DISTILLERY. A manufacturing facility or establishment engaged in the processing of fruits, hops, or other grains to produce wine, wine-like, or distilled beverages.

WIRELESS COMMUNICATION TOWER. Any tower transmitting or receiving signals, including, without limitation, telephonic, radio, television, cable television or microwave signals. Non-commercial towers, not exceeding 35 feet and which are intended for personal private use, by the property owner, are exempt from these regulations. See Subchapter 154.008 for Special Requirements.

WOOD CLAPBOARD. One of a series of wood boards used for siding or roofing; most often has a tapered cross section. This form of construction dates to the mid-1700s and refers to a thin, rived board, four to five feet in length, used as weatherboard.

WOODWORKING FABRICATION SHOP. A small-scale (3,000 square feet or less) facility, which is engaged in the shaping of wood and similar materials.

WOODWORKING PLANT. A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of wood and similar materials.

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a YARD shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Chapter.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this Chapter; provided that, the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Chapter.

YARD, SIDE. An open, unoccupied space situated between the sideline of the building and the adjacent sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement and between the side lot line and the side building setback line as required in this Chapter.

ZERO LOT LINE. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

ZONING ADMINISTRATOR. Individual, or individuals, appointed by the County Manager, charged with the administration of this Chapter to the public. The DEVELOPMENT SERVICES DIRECTOR shall also be considered a ZONING ADMINISTRATOR.

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 as a GENERAL USE ZONING DISTRICT or a PRINCIPAL ZONING DISTRICT in this Chapter.

ZONING LOT. A lot, or portion thereof, within a single zoning district shall be considered and treated as one zoning lot.

ZONING ENFORCEMENT OFFICER. Designee or such other person in the Development Services Department as the adopting jurisdiction may designate as the officer principally responsible for the enforcement of this Ordinance.

ZONING PERMIT. A permit issued by the Zoning Officer or his or her designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Chapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-20-2009; Ord. passed 5-17-2009; Ord. passed 11-1-2010; Ord. passed 4-20-2015; Ord. passed 9-19-2016; Ord. passed 8-21-2017; Ord. passed 12-7-2020; Ord. passed 7-19-2021); (Ord. passed 4-17-2023)

154.004 Planning Board, Board of Adjustment, Historic Preservation Commission and Technical Review Committee

154.004-01 PLANNING BOARD

A. Establishment

1) The Board of Commissioners finds that it is not necessary and not in the public interest to maintain a separate Planning Board and Board of Adjustment to perform their duties. Therefore, as provided in Subchapter 154.004.02, the Board of Commissioners shall designate and appoint members of the Planning Board to serve as the Board of Adjustment. The Planning Board shall also serve as the Surry County Historic Preservation Commission.
2) The Board of Commissioners finds that the dissolution of the Planning Board which existed prior to the adoption of the ordinance and reappointment of members is necessary in order for the Board of Commissioners to appoint members who will be best suited to perform the added duties and responsibilities of the Board of Adjustment and also comply with the special interest, experience or education requirements of NCGS 160D-303(a) and (b).
3) The Planning Board which existed prior to the adoption of this ordinance is hereby dissolved and the Board of County Commissioners shall appoint members to the new Planning Board. The Board of County Commissioners shall also designate and appoint members of the new Planning Board to serve as members of the Board of Adjustment according to the provisions of Subchapter 154.004.02.
4) There shall be and hereby is created a Planning Board (hereafter called the "Board") consisting of five regular members and one alternate.

B. Zoning Powers and Duties. The Surry County Planning Board shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to the following:

1) To review and make recommendations to the Board of Commissioners on all matters relating to the land use planning and zoning, including all land use plans, within the jurisdiction of Surry County, whenever such matters require the attention of the Board of Commissioners. These include requests for rezonings and zoning text amendments.
2) To adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance.
3) To review and, based on conformity with standards contained in this ordinance, approve or deny preliminary subdivision plans and major site plans which are submitted.
4) To prepare and adopt rules of procedure, and prepare and adopt principles and standards, not inconsistent with NCGS 160D-947, to guide the Board in determining congruity with the special character of the Village of Rockford District for new construction, alterations, additions, moving and demolition of properties within the Village of Rockford District. The Planning Board is filling the role of a Historic Preservation Commission as authorized by 160D303B.
5) To review and act upon proposals for alterations, demolitions, or new construction within the VR District through the application for Certificates of

Appropriateness;

6) To hear and decide on Special Use Permits; use changes; and permits for alteration, expansion change or rebuilding of a nonconformity in the VR District.
7) To act as the County Board of Adjustment as described in 154-004-02 of this subchapter.
8) To assume any other duties assigned by the Board of Commissioners, including review and approval of subdivisions and site plans in accordance with Subchapter 154.011 Development Review Processes.

C. Number of Board Members; Appointment. The Board of County Commissioners shall appoint members of the Planning Board. The Planning Board shall consist of five (5) regular members and one (1) alternate who shall be citizens and residents of Surry County. At least three (3) of the members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. The Board shall serve at the pleasure of the Board of County Commissioners. Any appointee may be removed at any time by a majority vote of the Board of Commissioners.

D. Officers. The Board shall annually elect one of its members as Chairperson, another as Vice-Chairperson, and may appoint a Secretary and such other subordinates as may be authorized by the Board of County Commissioners.

E. Length of Terms. Terms of appointment shall be for three (3) years and there shall be no limits of appointment. The Board shall serve at the pleasure of the Board of County Commissioners. Any appointee may be removed at any time by a majority vote of the Board of Commissioners. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time.

F. Vacancies. Vacancies that may occur for reasons other than term expiration, shall be filled by appointment of the Board of Commissioners for the period of the unexpired term.

G. Oath of Office. Pursuant to NCGS 153A-26, all members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by NCGS 153A-26.

H. Minutes. Pursuant to NCGS 160D-308, the Planning Board shall keep minutes of its proceedings.

I. Voting. A majority of the members shall be required to decide any matter. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

J. Conduct of Meetings. All meetings of the Planning Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each issue and the absence or failure of any member to vote. Minutes shall be maintained by the County Clerk and shall be available for public review.

K. Notice. The Board shall comply with North Carolina Public Meetings Law prior to the public meeting.

L. Conflict of Interest. A planning board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to NCGS 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the

applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild.
(Ord. passed 4-17-2023)

154.004-02 BOARD OF ADJUSTMENT

A. Establishment

1) The Board of Commissioners finds that it is not necessary and not in the public interest to maintain a separate Planning Board and Board of Adjustment. The Board of Adjustment established with the Surry County Development Ordinance previously enacted is hereby dissolved in order to allow the Board of Commissioners to designate the Planning Board to perform all of the duties of the Board of Adjustment.
2) There shall be and hereby is created a Board of Adjustment (hereafter called the "Board"). The Planning Board is hereby designated to perform all of the duties of the Board of Adjustment and shall consist of the five regular members and one alternate member of the Planning Board.

B. Powers and Duties. The Surry County Board of Adjustment shall have certain powers and duties to be carried out in accordance with this Ordinance which include the following:

1) To hear and decide appeals from any specific order, requirement, decision, or determination made under this Ordinance by the Zoning Administrator in accordance with the provisions of Subchapter 154.009, Amendments.
2) To hear and decide petitions for variances from the regulations of this Ordinance in accordance with the provisions of Subchapter 154.010
3) To hear, decide, and authorize the issuance of any Special Use Permits assigned to the Board elsewhere in the Development Ordinance.
4) To hear requests for and to grant variances to the floodplain regulations.
5) To hear requests for variances to any watershed protection order, requirement, decision, or determination made by the Zoning Administrator.
6) To adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance.
7) To grant permits for any proposed alteration, expansion, change, rebuilding or resumption of a non- conformity.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Oath of Office. Pursuant to NCGS 153A-26 all members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by NCGS 153A-26.

E. Minutes. Pursuant to NCGS 160D-308, the Board of Adjustment shall keep minutes of its proceedings.

F. Voting. The concurring vote of four fifths (4/5ths) majority shall be required to grant a variance to an applicant. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under NCGS 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such

members. A minimum of five (5) members is required to constitute a quorum for the purposes of voting on decisions.

G. Conduct of Meetings. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each issue and the absence or failure of any member to vote. Minutes shall clearly reflect presenting witnesses, evidence presented, findings of fact, and decisions made. Minutes shall be maintained by the County Clerk and shall be available for public review.

H. Administering oaths and compelling attendance of witnesses. The Chairperson or, in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

I. Notice. The Board shall not take any action under their powers and duties until a public hearing is held according to the provisions of Subchapter 154.005 and NCGS 160D. Notice of evidentiary hearings conducted pursuant to NCGS 160D-406 shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the County may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the County shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

J. Conflict of Interest. A Board of Adjustment member when exercising any quasi-judicial function shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships. (NCGS 160D-109)

154.004-03 HISTORIC PRESERVATION COMMISSION (HPC)

A. Establishment. Pursuant to the authority conferred by Sections 160D-940-949; 951 of the North Carolina General Statutes, there shall be and is hereby created a Historic Preservation Commission appointed by the Board County Commissioners. Pursuant to 160D303(b) the Surry County Planning Board is designated as the Surry County Historic Preservation Commission.

B. Procedural Provisions and Conflict of Interest. The HPC shall follow the conflict of interest and all other procedural provisions of the Planning Board listed in 154.004-01.

C. Powers and Duties. The Commission shall act to promote, enhance, and preserve the character and heritage of Surry County. The powers and duties of the Historic Preservation Commission are limited to properties located within the boundaries of the Village of Rockford District. The Commission shall have all powers of an historic preservation commission as provided in Chapter 160D-942 of the North Carolina General Statutes including the following duties and responsibilities:

1) To review and advise the Zoning Administrator on applications for Site Plan approval for uses that are permitted in the district and do not require Special Use

Permits.

154.004-04 TECHNICAL REVIEW COMMITTEE

A. Establishment. There shall be and is hereby created a Technical Review Committee appointed by the Board County Commissioners.

B. Powers and Duties. The Surry County Technical Review Committee shall have certain powers and duties to be carried out in accordance with this Ordinance which include the following:

1) To review and make recommendations regarding subdivisions, site plans and development plans before they are approved.
2) To review and advise the Planning Board, for properties subject to the approval of the Historic Preservation Commission, on requests for Special Use Permits, petitions for the continuance of non-conforming uses and Certificates of Appropriateness meeting the requirements of Subchapter 154.006-22.

C. Members may include:

1) The District Highway Engineer as to proposed state streets, state highways and related drainage systems.
2) The County Health Director or local public utility, as appropriate, as to proposed water or sewerage systems.
3) The Director, NC Division of Environmental Management as to Development Standards in the Mitchell River Outstanding Resource Water Area for subdivisions proposed for that area.
4) The North Carolina Department of Environmental Quality.
5) The Surry County Fire Marshal.
6) The Development Services Director.
7) The Public Works Director.
8) The Chief Building Inspector; and
9) Any other agency or official designated by the Board of Commissioners.

Failure of the members to submit their comments and recommendations shall not delay action within the prescribed time limits for subdivision or site plan approval.

D. Minutes. Pursuant to NCGS 160D-308, the Technical Review Committee shall keep minutes of its proceedings.

E. Conflicts of Interest. No staff member serving on the Technical Review Committee shall make a final decision on an administrative decision required by NCGS 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

(Ord. 4-17-2023)

154.005 Administration, Enforcement, and Nonconformities

154.005-01 ZONING ADMINISTRATION

A. Zoning Administrator. A Zoning Administrator appointed by the County Manager, or his or her authorized agent, is hereby authorized, and it shall be his duty, to administer and enforce the provisions of this Ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his or her duties. It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from his or her decision shall be made to the Board of Adjustment.

B. Procedures. In administering the provisions of this Ordinance, the Zoning Administrator shall:

1) Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
2) File and safely keep copies of all plans submitted, and the same shall form a part of the records of his or her office and shall be available for inspection at reasonable times by any interested person.
3) Transmit to the appropriate board or commission and the Board of County Commissioners all applications and plans for which its review and approval is required.
4) Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it; and
5) Provide written notice to property owners and concerned parties of all binding interpretations of compliance with this Ordinance regarding land development proposals.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-4-2013); (Ord. passed 4-17-2023)

C. Zoning Permits.

1) A valid zoning permit shall be presented with any application for a building permit. No building permit shall be issued for any activity in a zoned area until such zoning permit is presented.
2) It shall be unlawful to commence the excavation for. or the construction of, any building or other structure including accessory structures; or to commence the moving, alteration or repair of any structures; or the use of any land or building, including accessory structures, until the Zoning Administrator has issued a zoning permit for such work or use including a statement that the plans, specifications and intended use of such land, or structures, in all respects conforms with the provisions of this Chapter. Application for a zoning permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning permits shall be void after six months from the date of issue unless substantial progress on the project has been made by that time.

D. Approval of Plans. It shall be unlawful for the Zoning Administrator to approve any site plans or issue a zoning permit for any purpose regulated by this Chapter until he/she has inspected such site plans in detail and found them in conformity with this Chapter. To this end, the Zoning Administrator shall require that every application for a zoning permit be accompanied by a site plan or plat meeting the requirements of Subchapter 154.012.

E. Issuance of Permits. If the proposed activity, as set forth in the application, is in conformity with the provisions of this Chapter, the Zoning Administrator, or their assigns, shall issue a zoning permit. If any application for a zoning permit is not approved, the Zoning Administrator shall state in writing, on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this Chapter or any other ordinance or regulation.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-02 ADMINISTRATIVE DEVELOPMENT APPROVALS AND DETERMINATIONS.

It shall be the responsibility of the Zoning Administrator to make determinations under development regulations.

A. Determinations and Notice of Determination. Determinations shall be given in writing to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

B. Duration of Development Approval. A development approval issued expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced.

C. Changes. After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained.

D. Inspections. Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

154.005-03 CERTIFICATES OF OCCUPANCY.

A. Certificate Required. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector or Zoning Administrator has issued a certificate of occupancy therefor. The change of occupancy provision shall not apply to rooms

intended for transit rental. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

B. Issuance. The certificate of occupancy shall be issued automatically by the Building Inspector after all final inspections have been made.

C. Existing Buildings In the case of existing buildings or other uses not requiring a building permit, after supplying the information and data necessary to determine compliance with this Chapter and appropriate regulatory codes of Surry County for the occupancy intended, the Zoning Administrator shall issue a certificate of occupancy when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of this Chapter and appropriate regulatory codes of Surry County for the occupancy intended.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-04 OTHER PERMITS

The Zoning Administrator shall be authorized to issue other permits as required by this Chapter or the Board of County Commissioners.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-05 SUBDIVISION ADMINISTRATION

A. Subdivision Administrator. A Subdivision Administrator, who shall be appointed by the Surry County Manager, shall administer the Subdivision Regulations. The Subdivision Administrator shall be a full-time employee of the Development Services Department and shall administer and enforce the provision of this ordinance and have such other specific powers and duties as are set forth in this Subchapter. The Subdivision Administrator may utilize the Surry County Zoning Ordinance Officer for enforcement assistance. The Development Services Director shall be available to review any administrative appeal from a decision by the Subdivision Administrator. Appeals from the decision of the Development Services Director shall be taken to the Board of Adjustment.

(Ord. passed 12-7-2007; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

B. Effect Upon New Territory Added to Jurisdiction

1) At any time when new territory is added to the jurisdiction of this Chapter, such new territory shall immediately become subject to the provisions of this Chapter.
2) Any proposed subdivision or any subdivision in progress within such new territory shall proceed only in accordance with the following.
   (a) Any subdivision for which a final plat has been recorded in the Register of Deeds office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of subdivision improvements, shall remain under the subdivision control of such local government until such time as such subdivision shall have been prosecuted to completion.
   (b) All other subdivisions shall meet all of the requirements of this Chapter and it shall be the responsibility of the subdivider of any proposed subdivision or

subdivision in progress to receive approval as provided for in this Chapter before proceeding with any development. The subdivider shall arrange a conference with the Subdivision Administrator who shall determine the level and type of approval required and provides the subdivider with an approval track for the particular case.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

C. Validity

1) If any section, division, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.
2) The Board of Commissioners hereby declares that it would have passed this Chapter and each section, division, clause and phrase thereof irrespective of the fact that any one or more sections, divisions, sentences, clauses or phrases be declared invalid.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

D. Subdivision Review Procedure See Subchapter154.011, Development Review Process

154.005-06 PUBLIC HEARINGS; REVOCATION OF PERMITS AND VARIANCES; APPEALS; FEES

A. Public Hearings

1) **Amendment (rezoning or text).** Any case involving a change of zoning district or other ordinance change requires a public hearing to be held by the Planning Board, and a public hearing to be held by the Board of Commissioners.
2) **Appeal, Variance, Special Use Permit.** Any case involving an appeal, variance, or a Special Use Permit outside the VR district requires a public hearing to be held by the Board of Adjustment.
3) **VR District.** Any case involving a Special Use Permit for the VR district requires a public hearing to be held by the Planning Board.
4) Each board shall fix a date for hearing the appeal or request, to be held within ~~45~~ 60 days of the date a complete application was submitted, and give public notice as required by law, as well as due notice to the parties in interest. At the hearing, any person or party may appear in person or by agent or attorney. Each board shall act on a matter within a reasonable time after the termination of the proceedings.
5) Notice of the hearing shall follow the requirements of NCGS 160-D and meet the provisions for particular approval process listed in this ordinance.

B. Revocation of Development Approvals. In addition to initiation of enforcement actions under NCGS 160D-404, development approvals may be revoked by the authority or board issuing the development approval by notifying the holder in writing stating the reason for the revocation. The authority or board shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The

revocation of a development approval by a staff member may be appealed pursuant to NCGS 160D-405.

C. Appeals

Administrative appeals may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved, or by any officer, department or board of the county affected by:

1) Any decision of an administrative official, charged with the enforcement or interpretation of this Chapter, thought to be in error.
2) Planning Board recommendations are not subject to appeal, as they are not final actions. Appeals shall be processed according to the requirements of Subchapter 154.010.

Further appeals from the Board of Adjustment, from quasi-judicial Special Use Permit decisions by the Planning Board in the VR District, and from any action of the Board of County Commissioners shall be taken directly to the courts as provided by law.
(Ord. passed 4-17-2023)

154.005-07 VESTED RIGHTS

Zoning "vested rights" as established under NCGS 160D-102, -108, and -108.1 ensures that a properly issued development approval will protect the applicant against zoning changes that will affect the allowable type and intensity of use.

A. Process to Claim Vested Right: A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Administrator. The Zoning Administrator shall determine if a vested right exists. The Zoning Administrator's determination may be appealed to the Board of Adjustment. On appeal the existence of a vested right shall be reviewed ***de novo***. In lieu of seeking such a determination, a person claiming a vested right may take an original civil action appeal to the Surry County Superior Court.

B. Duration and Types of Statutory Vested Rights:

1) Six months – Building Permits. Pursuant to NCGS 160D-1111, a building permit expires six months after issuance unless work under the permit has commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.
2) One year – Other Development Approvals. Pursuant to NCGS 160D-403(c), unless otherwise specified by statute or local ordinance, all other development approvals expire one year after issuance unless work has substantially commenced. Expiration of a development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
3) Two years – Site-Specific Vesting Plans. A site-specific vesting plan shall be vested for two years after it is approved. Amendments shall not extend the vesting period unless specified at the time of approval.
4) Seven years – Multi-Phase Developments. A multi-phase development approved containing 25 acres or more and subject to a master development plan with committed elements including a requirement to offer land for public use as a condition of its master development plan approval.
5) Exceptions. A vested right, once established as provided for by this section, precludes any zoning action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set

forth in an approved vested right, except those explicitly outlined in NCGS 160D-108(f).

C. Effect of Approval

1) A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific vesting plan as provided for in this Chapter. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

2) A vested right, once established as herein provided, shall preclude any zoning action by the County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved site-specific development except under the following conditions:

a) The affected landowner provides written consent to the County of his desire to terminate the vested right; or

b) The County determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety, and welfare if the project were to proceed as indicated in the site-specific vesting plan; or

c) Compensation is made by the County to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or

d) The County determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the County of the site-specific vesting plan; or

e) Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific vesting plan. In such case the County may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

3) Once a vested right is granted to a particular site-specific vesting plan, nothing in this Chapter shall preclude the County from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

D. Extension. The Board of Commissioners may extend the vested rights period from two (2) to five (5) years if it determines the extension is warranted considering all relevant circumstances including but, not limited to the size and phasing of the development, the level of investment, the need for development, economic cycles, and market conditions. If the landowner requests, the County may conduct a public hearing to extend a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period shall only be authorized by the County.

Required Public Notice of Hearing:

1) Notice shall be mailed to the person or entity whose application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.
2) Within that same period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

E. Expiration, Limitations, and Revocation

1) The vested right resulting from the approval of a site-specific vesting plan may be revoked by the County. In addition, a revocation may occur if the County determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Development Ordinance. The vested right shall otherwise expire at the end of the approval period established by the County.
2) A valid development approval shall not expire if work on the project has substantially commenced within the initial validity period. Substantial commencement of work shall be determined by the Zoning Administrator based on any of the following:
    a) The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days;
    b) The development has installed substantial on-site infrastructure; or
    c) The development has received and maintained a valid building permit for the construction and approval of a building foundation.
3) Even if work has substantially commenced, a development approval still expires if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, as calculated and tolled pursuant to NCGS 160D-108.
4) A building permit issued by Surry County pursuant to NCGS 160D-403, 1110 may not be revoked because of the running of time on a piece of property for which a site-specific vesting plan has been approved and the vested right period has not otherwise expired.
5) The establishment of a vested right on a piece of property for a site-specific vesting plan shall not preclude the County from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.
6) Revocation of any site-specific vesting plan designation eliminates the vested right established by approval of the site-specific vesting plan designation but does not itself terminate any unexpired development permit or approval associated with the plan.

F. Permit Choice. If an application for development approval has been made and after the date of that application, a development regulation changes or is proposed, the development permit applicant may choose the version of the regulation existing at the time of the application. The applicant may choose the existing regulation without waiting for final action on the proposed regulation change.
(Ord. passed 4-17-2023)

154.005-08 FLOODPLAIN ADMINISTRATOR

The Zoning Administrator, acting as the Floodplain Administrator, is hereby authorized to administrate the provisions of this Chapter. The Floodplain Administrator shall perform, but not be limited to, the following duties:

A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this Subchapter 154.017 have been satisfied.

B. Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.) May be required and require that copies of such permits be provided and maintained on file with the floodplain development permit.

C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood -carrying capacity is not diminished.

E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this Ordinance are met.

F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with this Ordinance.

G. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood-proofed, in accordance with this Ordinance.

H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with this Ordinance.

I. When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of this Ordinance.

J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Subchapter. The Floodplain Administrator shall Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

K. When base flood elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-

encroachment area data available from a federal, state or other source, in order to administer the provisions of this Ordinance.

L. When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with this Ordinance, obtain, review and reasonably utilize any floodway data or non-encroachment area data available from a federal, state or other source.

M. When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

N. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.

O. Make on-site inspections of work in progress.

P. Issue stop-work orders in compliance with Subchapter 154.017 as required.

Q. Revoke floodplain development permits in compliance with Subchapter 154.017 as required.

R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

S. Follow through with corrective procedures of this Ordinance and

T. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps /studies adopted under this Ordinance, including any revisions thereto including Letters of Map Change), issued by state and/or FEMA. Notify state and FEMA of mapping needs.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-09 WATERSHED PROTECTION ADMINISTRATOR

The Zoning Administrator, acting as the Watershed Administrator, is hereby authorized to administrate the provisions of Subchapter 154.017 and other regulations applicable to watersheds.

154.005-10 VIOLATIONS

A. Violations. It is unlawful and a violation to establish, create, expand, alter, occupy, or maintain any use, land development activity or structure, including, but not limited to, signs and buildings, that violates or is inconsistent with any provision of this Chapter or any order, approval or authorization issued pursuant to this Chapter. Approvals and authorizations include, but are not limited to, Special Use Permits, building permits, zoning permits, certificates of occupancy, variances, development plans, planting plans, site plans, sign plans and conditions of such permits, certificates, variances, and plans. It is also a violation to engage in any construction, land development activity or use without all approvals and authorizations required by this Chapter.

B. Each Day. Each day of a violation is a separate and distinct violation.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

C. Violators. Violators include any person who owns, leases, occupies, manages, designs, or builds any structure or land development activity in violation of this Chapter and any person who owns, leases, or occupies a use in violation of this Chapter. A violation may be charged against more than one violator.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

D. Complaints. When a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his or her authorized agent. An investigation shall be made within ten days. Actions as provided in these regulations shall be taken. Pursuant to NCGS 160D-403, staff are authorized to enter any premises within the County's jurisdiction at all reasonable hours for the purposes of enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not opened to the public or that any appropriate inspection warrant has been secured.

E. Notice. When a violation is discovered and is not remedied through informal means, written notice of the violation shall be given. Pursuant to NCGS 160D-404, The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The Zoning Administrator or his designated Code Enforcement Officer providing the notice of violation shall certify to the County that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

1) The notice shall include the following:
    a) A description of the violation and its location.
    b) The measures necessary to correct it.
    c) The possibility of civil penalties and judicial enforcement action.
    d) Notice of right to appeal; and
    e) The time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation and knowledge of the violator.
2) This notice is an administrative determination subject to appeal as provided below.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

F. Appeal to the Board of Adjustment. A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request and paying the appropriate fee within 30 days of receipt of the notice of violation in accordance with 154.005, Section C(D) Appeals of this Subchapter. Citations that follow the original notice of violation may not be appealed to the Board. The Board shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator is final.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

G. Failure to Comply with Notice or Decision. If the violator does not comply with a notice of violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to civil enforcement action as prescribed by NCGS 153A-123(b) and this Chapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-11 ENFORCEMENT

A. Enforcement Authority. This Chapter shall be enforceable in accordance with provisions available in NCGS 153A-123, NCGS 160D-404 and this Chapter. The Zoning Administrator has the authority to enforce development regulations authorized by this ordinance.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

B. Penalties. A violation of this ordinance will subject the offender to a civil penalty that will be enforced through the issuance of citations by the Zoning Enforcement Officer. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 15 days. In addition, failure to pay the civil penalty within 15 days may subject the offender to court-ordered action.

1) The following civil penalties are established for violations under this section:
    a) Warning citation: correct violation within 15 days;
    b) First citation: $50;
    c) Second citation for same offense: $100; and
    d) Third and sequential citations for same offense: $100.
2) Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.
3) These civil penalties are in addition to any other penalties that may be imposed by a court of law from violation of the provisions of this ~~chapter~~ Subchapter.

C. Injunctions and Orders of Abatement.

1) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Chapter or other regulation made under authority conferred thereby, Surry County may apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon, or cease the unlawful use of, the property.
2) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or

that any other action be taken that is necessary to bring the property into compliance with this Subchapter. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

D. Equitable Relief. Surry County may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the county's application for equitable relief that there is an adequate remedy at law.

E. Combination of Remedies. The county may choose to enforce this Subchapter by anyone, all or combination of the above procedures.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.005-12 NONCONFORMITIES

A. Definition and Purpose. A "non-conformity" is any use, building, structure or lot which fails to comply with one or more of the applicable regulations or standards established herein. A "legal non-conformity" is a non-conformity which lawfully existed prior to the adoption of this Subchapter. A legal non-conformity is also any use, building, structure or lot which was lawfully created, constructed, etc., under this Subchapter. but which was subsequently rendered non-conforming due to circumstances that were not self-created.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 5-17-2010); (Ord. passed 4-17-2023)

B. Continuation, Maintenance and Repair Allowed Without Permit. Except as provided in 154.005-12-H. of this Subchapter, the continuation of any legal non-conformity and the normal maintenance and repair thereof is allowed without a general or special use approval. Normal maintenance and repair means that which is necessary to maintain and to correct any damage or deterioration to the structural soundness or to the exterior or interior appearance of a building or structure. The continuation of a legal non-conformity other than normal maintenance and repair shall be classified as an Alteration, Expansion, Change, Rebuilding, or Resumption as defined in section E. below.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

C. Bringing Non-conformity Into Compliance.

1) The owner of a non-conformity may bring it into compliance by securing any permit or approval which would have been required in the first instance for the intended or resulting use, building, structure or lot under this Subchapter. or any other applicable local law. For example, if the owner of a building wants to change its use from one which is not allowed under this Subchapter. to one which is allowed pursuant to a general use permit, he may secure a general use permit and thus eliminate the non-conformity. Likewise, approval may be secured under this jurisdiction's subdivision regulations to recombine two lots which do not comply with the minimum area regulations for building lots into one which does.

2) The provisions in this section are primarily intended to deal with those situations where a non-conformity may easily be brought into compliance. In contrast, the procedures and standards in 154.005-12 E. of this Subchapter are primarily intended to deal with those situations where it may be difficult or expensive to bring a non-conformity into compliance, but the owner nevertheless wants permission to alter, expand, change, rebuild or resume it.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Failure to Bring Illegal Non-conformity Into Compliance. Failure to bring an illegal non-conformity into compliance will subject the property owner to enforcement under the provisions of NCGS160D-404 and Subchapter 154.005-11.

If an illegal non-conformity has not been brought into compliance within 90 days after enforcement remedies are exhausted, the County is authorized to petition the courts for an injunction and/or order of abatement as described below**.**

(Ord. passed 4-17-2023)

E. Reservation of Authority of Deal With Non-conformities Under Other Powers

1) Notwithstanding the policies and provisions of this Subchapter. with respect to non-conformities, the governing body expressly reserves its authority to initiate court-ordered action against unlawful uses, buildings, structures and lots, including those which unlawfully existed prior to the adoption of this Subchapter, and to control or abate noxious uses, to require the repair or demolition of unsafe buildings or structures, or to control or eliminate unsafe or hazardous conditions through the exercise of any powers other than the ones exercised under this Subchapter.

2) Where for any reason a nonconforming use is determined to be subject to enforcement action due to termination of its grandfathered status, such action shall be brought within ten years after the termination.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-4-2013); (Ord. passed 4-17-2023)

F. Special Use Permit Required for Any Proposed Alteration, Expansion, Change, Rebuilding, or Resumption of a Non-conformity. The altering, expanding, changing, rebuilding or resuming of a non-conformity is only allowed pursuant to a Special Use Permits under Subchapter 154.010 Special Use Permits, Variances, and Appeals. Special Use Permits for these types of non-conformities are issued by the Planning Board for proposals located in the VR district, and Board of Adjustment for proposals located in all other districts. A petition for a Special Use Permit shall be filed with the Surry County Zoning Administrator. The Planning Board or Board of Adjustment shall fix a time and place for the hearing, give notice thereof to the interested parties and the public, and render and give notice of its decision.

1) The terms **Altering, Expanding and Changing** shall be strictly construed.

2) **Rebuilding** means the rebuilding, reconstruction or restoration of any non-conforming building or structure which was damaged or partially destroyed by an exercise of the power of eminent domain or by fire, flood, wind, explosion or other calamity or Act of God, if the cost of the rebuilding, reconstruction or restoration will be 50% or more of the replacement cost of such building or structure at the

time such damage or destruction occurred. If the cost will be less than 50% of the replacement cost, a Special Use Permit must, nevertheless, be obtained from the Board of Adjustment under the procedures of Subchapter 154.010, but the Board of Adjustment is only required to find that the nature and degree of the non-conformity will not be changed or increased from that which existed prior to the damage or destruction.

3) **Resuming** means the reusing or reoccupying of a non-conforming building or structure which was unused or unoccupied for a continuous period of 365 days or more, or the resuming of a non-conforming use which was ceased for a continuous period of 120 days or more. If a non-conforming building or structure is reused or reoccupied or a previously ceased use is resumed within a lesser period of time, no permit is required under this Subchapter. as long as the nature and degree of the non-conformity will not be changed or increased from that which existed before the non-conformity became unused, unoccupied or ceased.

4) **Ceased** means that a use or occupation has ended and activity has been discontinued. For purposes of this Subchapter, the ending, cessation, or abandonment of a use or occupation shall not be interpreted to require the intent to do so permanently or for any given period of time.

5) The Zoning Administrator shall be permitted to approve minor alterations and additions, for loading, office or storage area expansions only, to a non-conformity so long as the addition or alteration does not exceed 25% of the existing square footage, not to exceed 3,000 square feet, of the structure. This exception shall only be permitted once every three years per non-conformity.

6) In acting upon a petition for a Special Use Permit, the Board of Adjustment cannot order the discontinuance or termination of a non-conformity, refuse to allow the development of a vacant lot, or refuse to allow the alteration, expansion, change, rebuilding or resumption of a non-conformity which cannot comply with the yard and height regulations. If a petition is denied, the continuation of a non-conformity and the normal maintenance and repair thereof will still be allowed under this Chapter without a general or Special Use Permit. This policy is adopted to encourage owners of non-conformities to apply for permits to improve and bring them into conformance to the extent possible without imposing any unreasonable sanctions if total conformance is not possible under the regulations of this Chapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

G. Grandfathered Non-conforming Automobile Salvage Yards and Junkyards.

1) **Yards eligible for grandfathered status.** In order to be eligible to be grandfathered as a nonconformity under this ordinance, an Automobile Salvage Yard or Junkyard must meet the following criteria:

a) The yard was permitted and registered prior to September 17, 2001 under the Automobile Salvage Yard and Junkyard Ordinance adopted on August 1, 1992; and

b) The yard was permitted and registered under the Grandfathered Salvage Yards and Junkyards Amendment passed by the Surry County Board of

County Commissioners on September 18, 2006 (hereinafter the 2006 GF Amendment");

c) The yard must be on the list of active yards as of January 1, 2007 maintained by the Planning and Development office; and

d) The grandfathered status of the yard must not have been lost by abandonment, cessation, or discontinuation, by administrative action of Surry County, or otherwise.

2) **Level of yard usage grandfathered.** Unless a Special Use Permit is obtained, the level of usage of a grandfathered yard may not exceed the highest level of use which occurred on the property during the seven years prior to the enactment of this ordinance.

3) **Reregistration and application for Interim Operating Permit.** All grandfathered yards remaining in operation after the date this ordinance is enacted are required to reregister with Development Services and apply for an Interim Permit to operate a grandfathered yard within six (6) months of the date this ordinance is enacted. Failure to do so within the six month period will mean that the grandfathered use has been discontinued. The application shall be accompanied by a $200.00 administrative fee. Within 90 days after said application has been submitted, Development Services shall inspect the subject property. If Development Services determines that the yard meets the eligibility requirements set forth above, Development Services shall issue an Interim Operating Permit. If Development Services finds that the yard is not eligible for grandfathered status, Development Services shall deny the application for an Interim Operating Permit. A denial will constitute a final agency action and be appealable as such. A yard operating without an Interim Operating Permit shall be in violation of this ordinance and subject to zoning enforcement actions under 154.005-11 Enforcement of this Subchapter. Development Services shall maintain a list of yards that have complied with this section.

4) **Submission of sketch plan and compliance with grandfathered yard requirements previously mandated under the 2006 GF Amendment.** Within one (1) year of the date this ordinance is enacted, all non-conforming junkyards and automobile salvage yards shall submit a sketch plan as set forth below and comply with the requirements previously mandated under the 2006 GF Amendment as set forth below, or be discontinued with all salvage material and junk moved from the property to an approved location. The sketch plan shall be accompanied by a $300.00 administrative fee. Failure to comply or discontinue use will constitute a violation of this ordinance and be subject to the zoning enforcement provisions of Subchapter 154.005-11 Enforcement. Failure to submit the sketch plan and comply with the requirements set for the below or obtain a Special Use Permit before three (3) years of the date this ordinance is adopted will mean that the property owner has chosen to discontinue the use.

a) **Submission of sketch plan.** Within one (1) year of the date this ordinance is enacted, all non-conforming junkyards and automobile salvage yards shall submit a sketch plan of the yard to Development Services, to include a tax map with ortho photography and additional sheets, as

determined sufficient by the Zoning Ordinance Officer, showing and listing:

i. The shape and dimensions of the property/properties on which the automobile salvage yard and/or junkyard and any building(s) are located along with the North reference and graphic scale;
ii. Tax parcel identification number and total acreage;
iii. Owner and operator's name(s), address, property address, and telephone number; The location of all buildings, out buildings, loading areas, places of assembly, outdoor display areas, storage areas (indoor and outdoor) and other facilities associated with the use; existing and proposed, and required setbacks;
iv. The location of all buildings, out buildings, loading areas, places of assembly, outdoor display areas, storage areas (indoor and outdoor) and other facilities associated with the use; existing and proposed, and required setbacks;
v. The existing use of all buildings and lands, including the extent and location of the Yard;
vi. The location of off-street parking and loading areas and the means of ingress and egress;
vii. The location and type of all required buffers and screening; and
viii. Any other information, which the Zoning Enforcement Officer may deem necessary for consideration in enforcing all provisions of this Ordinance.

b) **Compliance with requirements previously mandated under the 2006 GF Amendment.** Within one (1) year of the date this ordinance is enacted, all non-conforming junkyards and automobile salvage yards shall comply with the following requirements:

i. All activities associated with the grandfathered automobile salvage yard/junkyard including storage areas for automobiles and junk, buildings/structures, parking areas, off-street loading and unloading areas, shall conform with the minimum yard setbacks for the applicable zoning district as found in Subchapter 154.006.
ii. Screening devices shall comply with the requirements found in Subchapter 154.015; the screening device shall completely, to the extent reasonably possible, screen all activities associated with the Yard which abut a state maintained road, right-of-way, and/or easement, and any portion of the Yard visible from a residential or non-residential structure. If a vegetive buffer is installed, a security fence may be installed inside of the vegetive buffer at the discretion of the owner/operator. In this situation, the security fence will not be considered part of the required screening device.

iii. Designated parking, off-street loading, and off-street unloading areas shall be provided within the buildable area of the property in question. Only off-street loading/unloading is permitted;

iv. All yards shall comply with the definitions of an Automobile Salvage Yard and Junkyard as found in Subchapter 154.003.

v. When constructed, all buildings or structures utilized on the property shall comply with the *North Carolina Building Code,* as amended.

vi. If the ownership of a grandfathered automobile salvage yard or junkyard is transferred to another individual, group, or entity, the new owner(s) shall complete and file a "change of ownership" form with Development Services.

5) **Scrap Tire Storage.** No scrap tires shall be stored at the yard longer than thirty (30) days.

6) **Issuance of yearly Operating Permits.** Following the approval of a sketch plan and verification by Development Services that the yard is in compliance with the requirements set forth above, the operator/owner of the yard will be issued an Operating Permit by the Zoning Enforcement Officer. Thereafter, the owner/operator of the yard shall submit a yearly reapplication for an Operating Permit. The application shall be accompanied by a $200.00 administrative fee and shall contain the owner/operator's certification that the yard is in compliance with the sketch plan and all aspects of these ordinances. An inspection of the automobile salvage yard/junkyard will be performed annually by the Zoning Enforcement Officer for continued compliance with the requirements listed above. The Operating Permit for each yard will be automatically renewed annually following the receipt of a complete reapplication and after each inspection by the Zoning Enforcement Officer unless any of the listed requirements are discovered to not be in compliance, and/or if there are any violations found from complaints between annual inspections. If the Zoning Enforcement Officer finds the Yard is not in compliance, or the yard has had violations of the requirements, the renewal of the automobile salvage yard/junkyard's Operating Permit will be subject to revocation by Development Services. If Development Services fails to renew or revokes the Operating Permit, Development Services shall notify the owner of the yard of the same. Revocation will be considered a final agency action and may be appealed as such by filing a written appeal with the Board of Adjustment within thirty days of notice thereof. A yard operating without a Permit shall be in violation of this ordinances and subject to zoning enforcement actions under Subchapter 154.011 Enforcement. Development Services shall maintain a list of all yards which are issued a permit and the status of the same.

7) **Repeal of the 2006 GF Amendment.** The Grandfathered Salvage Yards and Junkyards Amendment passed by the Surry County Board of County Commissioners on September 18, 2006 is hereby repealed.

(Ord. passed 4-17-2023)

H. Exceptions and Modifications.

1) Kennels . An existing kennel in any district other than MI for which a conditional use permit has not been granted may continue as a non-conforming use only if the

owner has held a boarding kennel license from the NC Department of Agriculture continuously since before original adoption of this Subchapter on 9-17-2001; or otherwise shall be brought into compliance with this Subchapter., either by discontinuing the use, or by the granting of a conditional use permit as provided in Subchapter 154.010, if applicable.

2) Other exceptions. The following exceptions and modifications shall be allowed without the issuance of a conditional use permit by the ~~Planning Board~~ Board of Adjustment.

a) Lots not meeting minimum lot size requirements. In any district in which single-family dwellings are permitted, any lot of record which existed before the enactment of this Subchapter., which has dimensions which are less than required by these regulations, may be used as a building site for a single-family dwelling providing:

b) Where the adjacent lot is in the same recorded ownership it must be combined with the adjacent lot so as to create a new lot of record that as nearly as possible meets the minimum lot size of that zoning district; and

c) All setback dimensional requirements of that zoning district are met. If the lot does not meet the setback dimensional requirements of that zoning district, a variance may be requested of the Board of Adjustment.

3) Yard requirements modifications. Where a lot has width or depth less than that required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the yard and setback requirements for such lot of record by not more than 30%. Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-1-2010); (Ord. passed 4-17-2023)

154.006 Zoning

154.006-01 ZONING AFFECTS ALL LAND AND EVERY BUILDING AND USE

No building or land shall hereafter be used, and no building or part thereof shall be erected, moved or altered, except in conformity with the regulations herein specified for the district in which it is located.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-02 APPLICABILITY TO INCORPORATED AND EXTRATERRITORIAL AREAS

The provisions of this Subchapter are not applicable in the incorporated areas of Dobson, Elkin, Mount Airy or Pilot Mountain or in the established extraterritorial jurisdictions of these municipalities; except for Subchapter 154.008 Wireless Communication Towers which is applicable within the planning jurisdiction of the Town of Elkin.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-03 SUBDIVISIONS IN THE RURAL AGRICULTURAL (RA, RA-C) DISTRICT

In order to allow the development of small-scale developments that are compatible with the rural parts of the county and to better manage the proliferation of large-scale developments which could alter these parts of the county and potentially threaten existing agricultural operations, the subdivision of land in the RA district shall be limited to minor subdivisions (five separate parcels or less) and shall be limited to one minor subdivision every 18 months. The further division of previously subdivided parcels in the RA district before that time may constitute a major subdivision. A person may apply to have their land rezoned to a district such as RPD (Rural Preservation District) if they wish to subdivide into six lots or more. This section does not apply to lands outside of the Rural Agricultural (RA, RA-C) district nor does this apply to subdivisions which are exempt from Ch. 153 of this code of ordinances.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-04 STREET ACCESS

No building shall be erected on a lot which does not abut a street or private street, or have access to a street or private street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-05 REQUIRED YARDS NOT TO BE USED BY BUILDING

The minimum yards or other open spaces required by this Subchapter. for every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-06 RELATIONSHIP OF BUILDING TO LOT

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-07 REDUCTION OF LOT AND YARD AREAS PROHIBITED

No yard or lot existing at the time of passage of this Subchapter. shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Subchapter. shall meet at least the minimum requirements established by this Subchapter.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-08 BUSINESS USES OF MODULAR HOMES

No modular home shall be used in any manner for business or commercial purposes, except when used for a sales office on a mobile home sales lot or for temporary use approved by the Zoning Administrator.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-09 ZERO LOT LINES

Zero lot line lots may be used if the required yards are maintained around the building where individual dwelling units in a duplex or multi-family building or individual units in a commercial or industrial development, which are to be sold, and it is desired to deed the land under the unit to the purchaser, such as in the case of town houses or patio homes. In such case, the individual lots are not required to meet the above stated dimensional requirements, but the development becomes a subdivision and must be approved as such under Subchapter 154.013 of this code of ordinances as well as this Subchapter.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-10 RECREATIONAL VEHICLES PROHIBITED AS A DWELLING TYPE

Recreational vehicles are prohibited to be used as a dwelling on any lot, lot of record or zoning lot. Recreational vehicles are only allowed as a temporary use within permitted or grandfathered recreational vehicle parks, recreation clubs or campgrounds, for the recreational use of large tracts of private land, or for use during construction. Such temporary use is subject to the issuance of a permit according to the requirements of Subchapter 154.007-03 Temporary Uses. (Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)
DISTRICTS AND BOUNDARIES

154.006-11 ZONING DISTRICTS ESTABLISHED

For the purposes of this Subchapter, the County of Surry is hereby dividing the county zoning jurisdiction into general use and overlay zoning districts with the designations as listed below:

Agricultural District	
RA	Rural Agricultural District
Residential Districts	
RR	Restricted Residential District
RE	Residential Exclusive District
RG	Residential General District
RL	Residential Limited District
MR	Multi-Family Residential District
MHP	Manufactured Home Park District
PR-CD	Planned Residential Conditional District
RPD	Rural Preservation District
Commercial Districts	
CB	Community Business District
HB	Highway Business District
RB	Rural Business District
Industrial Districts	
MI	Manufacturing Industrial District
Special Districts	
VR	Village of Rockford District
CP	Conservation Protected District
Overlay Zoning Districts	
TO	Thoroughfare Overlay District
WO	Watershed Overlay District
SBO	Scenic Byway Overlay
AO-1	Elkin Municipal Airport Overlay District
AO-2	Mount Airy/Surry County Airport Overlay District

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005;

Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-20-2009); (Ord. passed 4-17-2023)

154.006-12 DISTRICT BOUNDARIES SHOWN ON ZONING MAP

The boundaries of the districts are shown and made a part of the map accompanying this Chapter, entitled "Zoning Map of Surry County, North Carolina". The zoning map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made part of this Chapter the same as if such information set forth on the map were fully described and set out herein. The zoning map, properly attested, is posted in the County Development Services Department in Dobson and is available for inspection and review by the public.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.006-13 RULES GOVERNING INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be the centerline of such boundaries.

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, or the rights-of-way of same such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

D. Where such district boundaries are indicated as approximately following rivers, creeks or streams, such lines shall be construed to be the centerline of such watercourses.

E. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-14 INTENT OF ZONING DISTRICTS

Listed below is the intent of each general use and overlay zoning district. Each district was formulated using goals and recommendations from the Surry County Land Use Plan.

A. 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, and may not have 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. PR-CD, Planned Residential Conditional District. 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 number 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. Minimum acreage, lot dimensions, setbacks and building height requirements are described in Subchapter 154.006-19.

G. RPD, Rural Preservation Conditional District. The purpose of this district is to preserve the rural community character sometimes lost in conventional development approaches by allowing greater flexibility and creativity in the design of the development with clustering lots and preserving open space. Specific objectives of the RPD district are as follows: The intent is to maintain density similar to surrounding districts but provide flexibility to maintain open spaces with lot sizes not less than 10,000 sq ft.

1) To preserve areas of the county with productive soils for continued agricultural. Therefore if a parcel abuts RA the overall density shall not exceed 1 lot/acre.
2) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.
3) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
4) To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads and existing development.
5) To provide for the active and passive recreational needs of the residents.

6) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility extensions and the amount of impervious surface for development; and
7) To create compact neighborhoods accessible to open space amenities and with a strong identity.

Minimum acreage, lot dimensions, setbacks and building height requirements are described in Subchapter 154.006-20.

H. MR, Multi-Family Residential District. The purpose of this district is to provide a place for high-density residential development where the principal use will be multi-family development, provided that adequate water and sewer systems are available.

I. 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 that is subject to the requirements of Subchapter 154.019 MHP and requires conditional zoning to be requested and approved for new manufactured home parks proposed after the date of adoption of this ordinance.

J. 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.

K. 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.

L. 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.

M. 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.

N. VR, Village of Rockford District. The purpose of this district is to allow a mixture of appropriate residential and non-residential uses in 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 zoning district with both conventional and form-based and design features, as authorized by NCGS 160D-703(a) and 160D-702(b)(2).

O. 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.

P. TO, Thoroughfare Overlay District. The purpose of this overlay district is to guide the development of off-premises signs to preserve the county's natural features for the traveling public, as governed by this Subchapter.

Q. SBO, Scenic Byway Overlay. The purpose of this overlay district is to guide the physical appearance of new and expanded land use for the traveling public as governed by this Subchapter.

R. WO, Watershed Overlay District. The purpose of this overlay district is to identify the areas of the county which can regulate lot sizes, built upon areas and non-residential development, as governed by Subchapter 154.017.

S. 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, as governed this Subchapter.

T. AO-2 Mount Airy/Surry County Airport Overlay District (AO-2) The purpose of this overlay district is to regulate possible obstructions to flight navigation in the vicinity of the Mount Airy/Surry County Airport, as governed by this Subchapter.

(Ord. passed 4-17-2023)

154.006-15 DIMENSIONAL TABLE

A. The lot sizes and dimensions of the zoning districts above are summarized in the following table.

District	***Minimum Lot Sizes***			***Minimum Yard Setbacks***			***Max Building Height (feet)***
	Area (sq ft/ acres)	***Width (feet)***	***Depth (feet)***	***Front (feet)***	***Side (feet)***	***Rear (feet)***	
RA, RA-C	1 acre	75	110	40	12	25	50
Corner lots abutting side street				25			
Accessory structures					12	15	
RE, RE-C	1 acre	75	110	40	12	25	50
Corner lots abutting side street					25		
Accessory structures					12	15	
RR, RR-C	1 acre	75	110	40	12	25	50
Corner lots abutting side street					25		
Accessory structures					12		
RL, RL-C	1 acre	75	110	40	12	25	50
Corner lots abutting side street					25		
Accessory structures					12		
RG, RG-C	1 acre	75	110	40	12	25	50

Corner lots abutting side street					25		
Accessory structures					12		
MR, MR-C	2 units	75	110	60	25	35	50
Single- family (SF) 30,000 sq. ft.							
SF water and sewer 20,000 sq. ft.							
Corner lots abutting side street					40		
Accessory structures					25	25	
MHP, MHP-C	1 acre	75	110	40	12	25	35
Water and sewer	1 acre	75	110				
Corner lots abutting side street					25		
Accessory structures					12	25	
CP, CP-C	25 acres	150	300	100	50	100	50
Single- family (SF) 1 acre							
Corner lots abutting side street					100		
Accessory structures					50	50	
Corner lots abutting side street					20		
Accessory structures					12	15	
RB, RB-C	1 acre	75	110	40	12	25	50
Corner lots abutting side street					25		
Accessory structures					12	15	
CB, CB-C	1 acre	75	110	40	20	25	50
Corner lots abutting side street					25		
Abutting property zoned residential					25		
Accessory structures					15	15	
HB, HB-C	1 acre	75	110	40	20	25	60
Corner lots abutting side street					25		
Abutting property zoned residential					25		

Accessory structures					15	15	
MI, MI-C	1 acre	100	150	65	25	30	60
Corner lots abutting side street					50		
Abutting property zoned residential					35	50	
Accessory structures					20	20	

B. Notes to the Dimensional Table

1) Accessory structures do not include walls or fences. Minimum dimensional requirements for private swimming pools/tennis courts shall be equal to those for accessory structures.
2) Minimum lot sizes are contingent upon approval of the Environmental Health Department in areas which do not have access to both municipal water and sewer systems. Larger lot sizes may be required based on site evaluations.
3) Any lot abutting a state-maintained road shall have at least 75 feet of road frontage; lots abutting a state-maintained road in a cul-de-sac shall have at least 45 feet of road frontage. Exception given to flag lots as provided in Ch. 153 of this code of ordinances.
4) Lot width shall be measured at the actual front setback line. Maximum building height shall be measured at the roof deck or the highest point of a pitched roof.
5) Minimum dimensional requirements are subject to more stringent requirements to any property within an overlay zoning district. In those cases, the most restrictive requirements shall apply.
6) Zero lot line developments are permitted as described in this Subchapter.
7) Lot sizes and dimensions for the PR-CD and RPD districts are listed in 154.006-19 and 154.006-20 respectively.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003.
Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-17-2006; Ord. passed - -2009); (Ord. passed 4-17-2023)

154.006-16 CONDITIONAL ZONING

A. Purpose

1) Pursuant to NCGS 160D-703(b), conditional zoning districts are zoning districts in which the development and the use of the property is subject to specific conditions proposed by the petitioner or the County, but only those conditions mutually approved by both the petitioner and the Board of Commissioners may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to County ordinances, adopted plans, or the impacts reasonably expected to be generated by the development or use of the site. Conditional zoning is considered as a legislative decision creating the district and applying it to the parcel or parcels.
2) Each Conditional Zoning District corresponds to each of the general districts

authorized in this ordinance and listed in 154.006-10 of this Subchapter. It is recognized that certain types of zoning districts would be inappropriate at locations in the absence of special conditions. Conditional Zoning Districts are a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance. Conditional Zoning Districts are intended to support firm plans for development. As a result, the Conditional Zoning District classification will be considered for rezoning only upon request of a property owner with the presentation of one or more of the following: limitations on allowed uses from those normally permitted in the requested zoning district; written conditions limiting how the property or buildings proposed are developed; and a major site plan.

3) Within a Conditional Zoning District, only those uses authorized as permitted or special uses in the zoning district with which the district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards unless the County Commissioners explicitly approves conditions reducing minimum standards. Additional limitations on use and other requirements may be added as conditions as agreed to mutually by the petitioner and by the County Commissioners.

B. Standards and Conditions. A conditional zoning district allows 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 Subchapter 154.009 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.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

C. Compliance with General Use District Provisions. Any petition to amend district boundaries to create a conditional zoning shall comply with procedures and provisions for general use district amendments set out in this Chapter especially Subchapter 154.009.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Conditions on Development Activities

1) 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 development plan, if included. These conditions shall be in addition to the limitation on uses as provided in this Subchapter.

2) 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 or more

specified uses. They might also propose to limit the number, size, location, and design of structures, exterior building materials, 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.

3) The Board of Commissioners may request 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 public. Only those conditions approved by the Board of Commissioners and consented to by the petitioner in writing may be incorporated into the zoning regulations.

4) 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.

5) A landowner must submit a development plan according to the requirements of Subchapter 154.009 and Subchapter 154.012, as a condition to regulate future development of the land.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-17 CONDITIONAL ZONING DISTRICTS SUPPLEMENT FOR ZONING PERMITS

In the event a petition to conditional zoning is approved, no zoning permit shall be issued until the Zoning Administrator has stamped a development plan and the approved rezoning petition with conditions.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-18 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. The approval of any use or uses in any conditional zoning district which would otherwise require a Special Use Permit in the corresponding general use zoning district shall preclude any requirements for obtaining a Special Use Permit.

C. If a petition is approved, the petitioner shall comply with all requirements established in Subchapter 154.005 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.

D. 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.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.006-19 PLANNED RESIDENTIAL CONDITIONAL DISTRICT (PR-CD)

A. Minimum size. A PR-CD shall be located on a site containing at least five contiguous acres.

B. PR-CDs do not have any inherent permitted or special 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 10% of the total land of the development may be utilized for multi-family or 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, location, and appropriateness of any multi-family or 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.

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

D. Maximum density. Proposed maximum residential density shall be indicated in the PR-CD application and the required site plan which is to be submitted. The proposed density shall compliment the adopted Land Use Plan and predominant density of the zoning districts abutting the subject property. All land proposed for non-residential development shall be excluded from density calculations. If all 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.

E. 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. The 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. The 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. The 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 buffer yard.

2) Required parking.

a) Off-street parking. Off-street parking shall be provided in compliance with Subchapter 154.014; 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 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 Subchapter 154.013.

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-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 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.

iii. 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.

iv. 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 16 feet to allow for fire lanes.

v. Front loaded garages. All front-loaded garages shall be set back no less than 20 feet from public rights-of-way or private access easements.

vi. Perimeter buffer. 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 canopy trees, ten 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 years of planting. Understory trees shall be a minimum of four feet high with a minimum caliper of one inch, measured six inches above grade when planted. Canopy trees shall be a minimum of eight feet in height and two 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 division (G)(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 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. Open space shall be held in common ownership by a homeowner's association or accepted by the county as public open space.

b) Limitations on flood hazard land as open space. Land within a floodway or floodway fringe, as defined by FEMA, may be used to provide not more than 50% of the required open space.

c) Qualification. 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 county'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 Subchapter.

8) Front yard canopy trees required. The front yard of each lot shall contain at least two trees, suitable for healthy growth in our climate. Each tree shall have a minimum caliper of one and one-half 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 outlined in the county's adopted land use plan, the developer may submit a list of minimum architectural standards to be incorporated throughout the PR-CD to Development Services 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-Subchapter 154.013 of this code of ordinances. 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.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-20-2009; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.006-20 RURAL PRESERVATION DISTRICT (RPD)

A. This district shall be allowed as a conditional zoning district.

B. Minimum size. An RPD shall be located on a site containing at least five contiguous acres.

C. Septic system and repair areas and water systems may be in common areas; provided that, appropriate measures are taken to ensure maintenance through a homeowner's association. System designs must be obtained and approved from the Surry County Environmental Health Department.

D. Design, lot, and density requirements. Notwithstanding the development standards set out in this Subchapter, RDP districts shall be exempt from the minimum lot size requirements and side property line setbacks of this Subchapter except for those within a watershed area and outstanding resource watershed area, provided the developmental standards and other requirements herein are met. The minimum lot size requirements of RPD shall be not less than 10,000 square feet provided that, the overall density of dwelling units shall not exceed 1 lot/acre and provided that, 25% of the total project remains in open space.

Lots in an RPD district shall either front upon a public street or a private street as described and conditioned in, above or common open space, which adjoins either, a public or private street as provided for above.

Subdivision within RPD shall be subject to the provisions and declarations of the North Carolina Unit Ownership Act, if applicable, and such documents shall be submitted as part of the plat review process.

Applications for an RPD shall include an acceptable open space preservation plan delineating areas to remain in open space.

E. Lot requirements. Each lot or space shall be subject to the lot sizes and overall density limits listed above. The following criteria shall be used to determine the location of each lot.

1) Development should be buffered from direct view by a vegetative buffer, or an earth berm constructed to reflect the topography of the surrounding area or located out of sight on slopes below existing ridge lines.
2) Each lot shall be located to minimize the visual impact of the development.
3) Each lot shall not include wetlands, transition areas and floodplains.
4) Each lot shall not include areas with excessive slopes of greater than 20%.
5) Roadways shall follow existing contours to minimize the extent of cuts and fills.
6) The minimum common open space shall be contiguous, with allowed breaks at roads/streets.

F. On-site inspection. Prior to the submission of a request for RPD, the developer shall schedule a mutually convenient time to walk the property with the Subdivision Administrator, Local Ordinance Officer, and Health Department representative.

1) The purpose of this visit is to familiarize staff with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the building lots, open space areas, buffering requirements and street locations.
2) Prior to scheduling the on-site visit, the applicant shall have prepared a preliminary site or sketch plan that shall show the basic concept of meeting the clustering and open space preservation section and other requirements set forth herein.

(Ord. passed 4-17-2023)

154.006-21 OVERLAY DISTRICTS

A. Thoroughfare Overlay District (TO).

To protect the rural character and natural environment of the area and to provide attractive highway corridors and gateways to our communities, the Thoroughfare Overlay District is created. It is the goal of this district to enhance the attractiveness of the area to visitors and residents alike. In all instances, coordination with the N.C. Department of Transportation will be encouraged and policies and recommendations of NCDOT will be taken into consideration when administering this section.

1) Thoroughfare corridor designation and underlying zoning.
    a) The Thoroughfare Overlay District is hereby established as a district which overlays the zoning in every district along and on either side of U.S. Highway 52/Interstate 74 from the northern point of the Town of Pilot Mountain's extraterritorial jurisdiction (ETJ), south to the Stokes County line.
    b) The development of any new off-premises sign and/or billboard within a designated Thoroughfare Overlay District shall be prohibited after the adoption of this Chapter.
2) The Thoroughfare Overlay District shall be measured beginning from the edge of the public right-of-way on both sides of the thoroughfare. The type of thoroughfare will determine the size of the district:
    a) Interstates: 660 feet.
    b) United States highways: 500 feet.
    c) North Carolina highways: 400 feet; and
    d) Other state-maintained roads: 300 feet.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

B. Scenic Byway Overlay (SBO).

To protect the rural character and natural environment of the area and to provide attractive highway corridors and gateways to our communities, the Scenic Byway Overlay is created pursuant to 160D-703(a)4. It is the goal of this district to establish physical design as an important factor in the approval of non-residential uses along the roadway to assure compatibility with neighboring properties; to provide recreational experiences, and to preserve

the exceptional intrinsic qualities of the route as described in the Sauratown Mountains Scenic Byway Corridor Management Plan.
In all instances, coordination with the N.C. Department of Transportation will be encouraged and policies and recommendations of NCDOT will be taken into consideration when administering this section.

1) Overlay designation and underlying zoning.
   a) The Scenic Byway Overlay is hereby established as a district which overlays the zoning in every district along and on either side of the Sauratown Mountains Scenic Byway within the jurisdiction of Surry County.
   b) The Scenic Byway Overlay District extends 600 feet on both sides of the centerline of the Byway.
   c) The boundary of the district is delineated on the Official Zoning Map of Surry County.
2) Land Use and Development.
   a) All non-residential land uses proposed for the Overlay after the effective date of this ordinance require the approval of a Special Use Permit. In addition to the site plan requirements of Subchapter 154.012, applications shall include proposed building elevations, building materials, and landscaping. Site plans shall be prepared in a way to respect and protect as much as possible the intrinsic qualities of the Byway in the area of the proposed land use.
   b) Principal and accessory residential uses are exempt from the requirements of this section.
   c) When there is a conflict between the underlying zoning and the requirements of the Scenic Byway Overlay the stricter shall apply.
3) **Design and Development Standards.** Design and Development Standards shall be consistent with the Sauratown Mountains Scenic Byway Corridor Management Plan.

(Ord. passed 4-17-2023)

C. Watershed Overlay District (WO)

The Watershed Overlay District is hereby established to identify on the zoning map those areas of the county that are in the district. Any parcel or lot that falls within a Watershed Overlay District, shall be required to adhere to the requirements of Subchapter 154.017 and this code of ordinances, as amended.
The following watersheds (which include their critical and protected areas, as well as the balance of the watershed areas) in Surry County are included in the Watershed Overlay District: The watershed areas are established and described in Subchapter 154.017.

1) Fisher River: WS-II.
2) Elkin Creek: WS-II.
3) Tom's Creek: WS-II.
4) Stewart's Creek: WS-IV.
5) Lovill's Creek: WS-IV.
6) Ararat River: WS-IV; and
7) Yadkin River-King: WS-IV.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Elkin Municipal Airport Overlay District (AO-1)

The Elkin Municipal Airport Overlay District (AO-1) is hereby established to identify on the zoning map areas in the vicinity of the Elkin Municipal Airport that are critical to air navigation. This section is adopted pursuant to the authority conferred by G.S. Ch. 63, Art. 4. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Elkin Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Elkin Municipal Airport; and that an obstruction may in effect reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Elkin Municipal Airport and the public investment therein, and is therefore not in the interest of the public safety or general welfare Chapter, there are hereby created and established certain zones which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Elkin Municipal Airport. Such zones are shown on the Elkin Municipal Airport height restriction zones map consisting of one sheet representing the current version on file in the Surry County Development Services Department and made a part hereof. An area located in more than one of the following zones is only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

a) Runways larger than utility with a visibility minimum greater than three-fourths mile non-precision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

b) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

c) Horizontal zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

d) Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the transitional zone.

1) Airport zone height limitations. Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

a) Runway larger than utility with a visibility minimum greater than a mile non-precision instrument approach zone: slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the

primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

b) Transitional zones: slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 100 feet above the airport elevation, or at an elevation of 1,168 feet above mean sea level.

c) Horizontal zone: established at 100 feet above the airport elevation, or at an elevation of 1,168 feet above mean sea level.

d) Conical zone: slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 100 feet above the airport elevation and extending to a height of 300 feet above the airport elevation.

e) Excepted height limitations: nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. Height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.

2) Use restriction. No use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

3) Non-conforming uses.

a) Regulations not retroactive. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter or any amendment thereto, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.

b) Marking and lighting. Notwithstanding the preceding provisions above, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the Town of Elkin.

4) Permits.

Except as specifically provided in 5(a), 5(b) and 5(c) below, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit

therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with Subchapter 154.010.

a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

d) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Subchapter, except as set forth in divisions C (2), C (3) and C (4) above. In the event a tree is allowed to grow in excess of the height limits established by this Subchapter, except as set forth in divisions C (2), C (3) and C (4) above, said tree shall be removed, topped, trimmed or otherwise modified to bring into compliance with this Subchapter. If the Zoning Administrator or his or her designee determines that the tree adversely affects the safe use of the airport, the Town of Elkin will pay for the direct cost to remove, top, trim or otherwise modify said tree to bring into compliance with this Subchapter.

6) Existing uses. No permit shall be granted that would allow the establishment or creation of an airport obstruction that is a hazard to air navigation or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

7) Non-conforming uses abandoned or destroyed. Whenever the Surry County Zoning Administrator determines that a non-conforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

8) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Zoning Administrator or his or her designee for advice as to the aeronautical effects of the variance. If the Zoning Administrator or his or her designee does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to deny said application. Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations or Subchapters of this Chapter applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. This division ~~(F)(4)~~, C (5), pertaining to variances that apply to all lands within the AO-1 overlay zoning district, shall not interfere or supersede those requirements found in Subchapter 154.010 but shall serve as an extension of those requirements.

9) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Town of Elkin at its own expense, to install, operate and maintain thereon such marking and lights as may be necessary.

10) Permits. The Zoning Administrator shall review all applications for development to ensure compliance with all regulations of this Chapter. All applications shall be complete prior to review by the Administrator. The Administrator, at his or her discretion, may request that additional information be submitted as necessary to ensure a thorough and complete review of the application. All applications shall be submitted with a non-refundable fee in accordance with a fee schedule adopted by the Surry County Board of Commissioners.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

E. Mount Airy/Surry County Airport Overlay District (AO-2)

The AO-2 District is established as an overlay district in the vicinity of the Mount Airy/Surry County Airport. The purpose of this district is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as

to persons residing or working in the airport vicinity. The regulations imposed in the AO-2 District are designed to place height restrictions on buildings, structures, and trees.
It is the intent of this section to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of the Mount Airy/Surry County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in a loss of life and property and to encourage development which is compatible with airport use characteristics.

1) Airport Zones. Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations herein established for each zone in question as follows:
   a) Approach zone. AHD-A:
      i. Runway 18: slopes 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
      ii. Runway 36: slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
   b) Transitional zones. AHD-T: slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation or 1,398 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface and extending to where they intersect the horizontal surface.
   c) Horizontal zone. AHD-H: established at 150 feet above the airport or at an elevation of 1,398 feet above mean sea level.
   d) Conical zones. AHD-C: slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 1,598 feet above mean sea level. There are four conical zones (AHD-C-A, AHD-C-B, AHD-C-C, and AHD-C-D), 1,000 feet horizontally each and rise 50 feet in elevation. The maximum height of any structure within the conical zone are as follows:
      i. AHD-C-A: 1,398 feet MSL.
      ii. AHD-C-B: 1,448 feet MSL.
      iii. AHD-C-C: 1,498 feet MSL; and
      iv. AHD-C-D: 1,548 feet MSL.
   e) Hazardous terrain zone. AHD-Z: any area in which the existing terrain encroaches into any of the previously described surfaces.
2) Use restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any district established by this section in such a manner as to create electrical interference with navigational signals or radio

communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

3) Non-conforming uses.

a) Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a non-conforming use.

b) Markings and lighting. Notwithstanding the preceding provision of this section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Mount Airy-Surry County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

4) Issuance of a building permit. The Development Services Department shall not issue a building permit within an AHD-A, AHD-T, AHD-H, AHD-C or AHD-Z area, or within the AWOS Critical Area, along with the surrounding area up to 1,000 feet from the AWOS, until it has been determined that the proposal upon which they are requested to act follows the terms of these regulations by the Zoning Administrator.

a) Except as specifically provided in divisions D.4)(a)i, D.4)(a)ii., and D.4)(a)iii. below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no trees shall be planted in any district hereby created unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information particularly to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

i. In the area lying within the limits of horizontal zone and conical zone, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

ii. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

iii. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structures less than 100 feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

iv. Amateur radio operators must comply with part 97 of FCC regulations.

v. The AWOS critical area, along with the surrounding area up to 1,000 feet from the AWOS shall be kept free of obstruction consistent with the following FAA standards (Siting Criteria for Automated Weather Observing Systems, Order JO6560.20C, effective 09/06/2017): "All obstructions (e.g., vegetation, buildings, etc.) must be at least 15 feet lower than the height of the sensor within the 500-foot radius and be at least 10 feet lower than the height of the sensor from 500 to 1000 feet."

b) Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure or growth of any tree in excess of any height limits established by this Chapter, except as set forth in this Subchapter.

c) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

5) Non-conforming uses abandoned or destroyed. Whenever the Zoning Administrator determines that a non-conforming tree or structure has been abandoned for 180 days, or more than 60% has been torn down, physically deteriorated or decayed, said structure or tree shall lose its non-conforming status and at such time shall be brought into compliance with this Subchapter.

6) Variances. Variances shall be administered in the AO-2 Overlay District as provided for the AO-1 Overlay District, herein.

(Ord. passed 7-20-2009; Ord. passed 5-21-2018; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.006-22 VILLAGE OF ROCKFORD ZONING DISTRICT

A. Village of Rockford (VR) Zoning District. The Village of Rockford (VR) District is a mixed-use historic 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 the Rockford National Register Historic District. It is the intent of this District to accomplish the following tasks:

1) To safeguard the integrity of the Village of Rockford by preserving those areas and individual properties therein.
2) To stabilize and improve property values within the district boundary.
3) To foster civic beauty; and

4) To promote the use and conservation of the Village of Rockford for the education, pleasure, and enrichment of County and State residents.

The Planning Board shall act as a Historic Preservation Commission as authorized by NCGS160D-303B for the purposes of making decisions. The boundary of the Village of Rockford Zoning District is based on the boundaries established by the National Register Historic District.

B. Table of Uses. All uses within the VR District are designated as special uses, as shown in Subchapter 154.007 "Table of Uses," and shall comply with regulations applicable to those uses found in Subchapter 154.008. Additionally, uses that qualify under sections 1-3 as found below, may be considered under special use procedures.

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

C. Site Plan Review for Permitted Uses. For those uses designated as Permitted Uses in the VR District, as found in Subchapter 154.007, "Table of Uses," the applicant shall prepare an application for review by the Zoning Administrator that complies with this section. The site plan shall show the following:

1) Boundaries of tract to be developed shown with bearings and distances as established by the boundary survey.
2) Proposed rights-of-ways or easements, location, widths, and purposes.
3) Proposed setback lines from property boundaries.
4) Title, date, north arrow, and graphic scale.
5) Watershed designation, if applicable.
6) Proof of ownership of the proposed site or authorization to utilize it.
7) Copies of the architectural renderings of the proposed building or structure; and
8) List of all building materials to be utilized in the construction of the building 's façade.

D. Special Use Permit Application and Review.

1) For those uses designated as Special Uses in the VR District, as found in Subchapter 154.007, "Table of Uses," the applicant for a use change shall prepare an application for review by the Planning Board and other applicable government agencies that complies with division A. Special Uses within the VR District are subject to the requirements of this division, rather than those found in Subchapter 154.010.
2) Land uses that were considered permitted uses prior to being included within the initial VR zoning district in 2006, and are now considered Special Uses, will be permitted to expand up to two times their size without receiving a Special Use Permit to expand; however, applicants will follow the requirements of division (C) above and are required to obtain a Certificate of Appropriateness from the Planning Board. The existing size used in this calculation shall be determined as the size of the land use when the initial VR district was adopted.
3) Area Map. The application for a Special Use Permit 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.

4) Detailed Development Plan. The application shall contain a detailed development plan showing the following information on a sheet or sheets (not less than 18 inches by 24 inches) 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, land planner and/or architect.
b) Scaled vicinity map inset showing the location of the property in relationship to nearby 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 NCDEQ, if applicable; and
k) Proof of ownership of the proposed site or authorization to utilize it.
l) The existing use of the site and the proposed use of the site.

5) 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.

6) Planning Board Action.

a) The applicant shall file 14 copies of the complete application 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 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 Special Use Permit is proposed shall be posted at least one week before the public hearing.

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

i. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved.
ii. That the use meets all required conditions and specifications.
iii. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
iv. 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.

c) In granting the Special 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 section and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting, at which the Special Use Permit is granted, on the Special 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 Special Use Permit, their heirs, successors, and assigns.

d) When deciding Special 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 Special 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.

7) Denial and Appeal.

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

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

8) 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 Special 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 Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Chapter. In such cases, owners of adjoining property shall be notified that the Special Use Permit is no longer in effect.

9) Modification of Permits and Site Plans. Where plans are required to be submitted and approved as part of the application for a Special 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 Subchapter 154.010.

E. Dimensional Requirements.

1) As provided below, the following exceptions shall apply to the Dimensional Requirements found in this Subchapter for the VR Zoning District. All buildings and structures in the VR District shall comply with Subchapter 154.06-014 of this as well as the following yard and height provisions:

a) 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 feet, and no building shall be required to set back more than 40 feet from the front street line.

b) 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.

2) In the event that the Development Services 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, following the approval of a Certificate of Appropriateness, as described in Section 6-11 (H) below.

3) 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.

F. Non-Conforming Uses. Alterations, expansions, changes, rebuilds, or resuming of a nonconforming use in this District are subject to the same requirements as other districts in Subchapter 154.008. The Planning Board shall hear and decide petitions for the continuance of non-conforming uses. The Planning Board may include conditions of approval for compliance to the Design and Development Standards below.

G. Design and Development Standards. In addition to development standards required elsewhere in this Chapter, permitted and special uses in the VR District shall be subject to the following site design and development criteria. These standards will ensure that new development and additions are compatible with the character of the village and protect the integrity of the village.

1) Residential Development.

a) Design of 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 division G.

b) 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.

c) 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.

d) 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.

e) The majority of roof areas shall have a minimum 8:12 pitch.

f) 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.

g) Accessory structures shall be constructed with like building materials of the primary dwelling/structure on the same property.

h) Existing structures /buildings located in the VR zoning district, which do not initially meet the minimum design and development standards for non-residential development as stated above in divisions a) through g), 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.

2) Non-Residential Development.

a) Design of new buildings /structures shall utilize 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 shall 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 division G.

b) 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.

c) 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.

d) 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.

e) The majority of roof areas shall have a minimum 8:12 pitch.

f) Accessory structures shall be constructed with like building materials of the primary building /structure on the same property.

g) 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 (Subchapter 154.014).

h) Buildings shall not be stylized or designed as advertising signage or corporate symbols.

i) 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.

j) 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.

k) Refuse enclosures shall be screened from view on all sides with an eight-foot-high opaque screen of coordinated building materials and landscaping.

l) Existing structures /buildings located in the VR zoning district, which do not initially meet the minimum design and development standards for non-residential development as stated above in through (a) through (k), 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.

H. Certificate of Appropriateness Requirements. No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premises sign shall be erected, altered, restored, moved, or demolished within the Village of Rockford District until and after an application for a Certificate of Appropriateness has been submitted to and approved by the Planning Board. "*Exterior features*" include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features refer to the style, material, size, color, size, and location of all such signs. A Certificate of Appropriateness **shall** be required whether or not a building or other permit is required.

1) **Authority.** Certificates of Appropriateness may be issued by the Planning Board as permitted by NCGS 160D-303(b)(ii) and 160D-947.

2) **Time for Review.** The Planning Board shall hold a quasi-judicial, evidentiary hearing and act upon all applications for Certificates of Appropriateness within a reasonable time, not to exceed 180 days from the date the complete application for a certificate of appropriateness is filed. Review and consideration of a Certificate of Appropriateness by the Planning Board may also run concurrently with consideration of a Special Use Permit for the same property. As part of its review process, the Board may view the premises and seek the advice of the N.C. Division of Archives and History or other such expert advice as it may deem necessary under the circumstances.

3) **Required Procedures.**

a) Applications. All applications for a Certificate of Appropriateness shall be submitted to the Zoning Administrator and shall be accompanied with the following documents and information:

i. A site plan drawn to scale showing the location of existing and proposed structures and property lines of such structures, parking, driveways, and landscaping.
ii. Scaled drawings showing all exterior architectural detailing for the proposed project.
iii. Building materials and color samples to be used.
iv. Photographs of the existing structure(s) and property.
v. Any other information specifically required showing adherence to the design guidelines established by the Commission.
vi. Application fee (as set by the fee schedule adopted by the Board of Commissioners).

The Planning Board may require additional information in order to evaluate the impact of the proposed development. The Planning Board may waive a particular requirement if in its opinion the inclusion is not essential to a proper decision of the project.

b) Public Notice. The Zoning Administrator shall cause to be mailed, to all property owners within the Village of Rockford (VR) District, 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. The

notice shall be mailed at least ten (10) days but not more than twenty-five (25) days before the evidentiary hearing. Within that same time period, the Zoning Administrator or designee shall also prominently post a notice of the evidentiary hearing on the site that is the subject of the hearing or on an abutting street or highway right-of-way, and also in the County Development Services Department. All notices shall indicate the nature of the evidentiary hearing and the date, time and place at which it is to occur. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

c) Administrative Materials. The Zoning Administrator shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be provided to the Board prior to the hearing, if at the same time they are distributed to the Board, a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unsolved objections shall be made by the Board at the hearing.

d) Action by the Planning Board. The Planning Board shall not take any action upon an application for a Certificate of Appropriateness until an evidentiary hearing has been held. The Board shall follow quasi-judicial procedures pursuant to NCGS 160D-406.

e) The applicant, the County, and any person who would have standing shall have the right to fully participate including presenting competent, material, and substantial evidence relevant to the case at the evidentiary hearing, cross-examining witnesses, objecting to evidence, and making legal arguments. Other witnesses may present competent, material, and substantial evidence that is <u>not</u> repetitive as allowed by the board. Opinion testimony from a lay witness shall not be considered evidence for technical matters such as property values and traffic impacts.

f) Pursuant to NCGS 160D-406, the Planning Board through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person withstanding under NCGS 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to

the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

g) The Planning Board shall consider the application and competent, material, and substantial evidence presented at the evidentiary hearing and may grant or deny the Certificate of Appropriateness requested within a reasonable time.

h) No vote greater than a majority vote shall be required for the Planning Board to issue such Certificates of Appropriateness. For the purpose of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. When deciding on a Certificate of Appropriateness, the Commission shall follow quasi-judicial procedures. The Chairman, Zoning Administrator or Clerk to the Board shall be authorized to administer the required oath prior to receiving testimony.

i) Decisions. The Planning Board's decision shall be reduced to writing, reflect the Board's determination of the facts and their application to the applicable standards and be approved by the Board and signed by the Chairman of the Board. The quasi-judicial decision shall be effective upon filing the written decision with the Clerk to the Board. The decision of the Planning Board shall be delivered within a reasonable time by personal deliver, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision become effective. The Zoning Administrator or Clerk to the Board shall certify that proper notice has been made.

4) **Minor Works.** The Zoning Administrator or designee shall have the authority to issue a Certificate of Appropriateness for the following types of minor works for pivotal and contributing structures, in accordance with design and review standards developed and adopted by the Planning Board, to include the following:

a) Storm Windows, Storm Doors, and Replacement Windows
b) Fences for Rear Yards
c) Shutters and Blinds
d) Installation of temporary handicapped facilities (including hand railing)
e) Paint Color (including main structure, roof, porch, decking, and porch ceiling)
f) Signage and Awnings
g) Minor Landscaping changes (including tree removal, tree planting, and screening of mechanical equipment) and Minor exterior alterations (including underpinning)
h) Rear Yard Decks
i) Paths, Walkways, and Driveways

However, no application for a Certificate of Appropriateness may be denied without formal action by the Planning Board.

5) **Appeals.**

a) All appeals to decisions of the Planning Board in granting or denying a Certificate of Appropriateness may be made to the Board of Adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in NCGS 160D-405(c) and Subchapter 154.010-04 of this ordinance. To the extent applicable, the provisions of NCGS 160D-1402 shall apply to appeals in the nature of certiorari to the Board of Adjustment.

b) Appeals from the Board of Adjustment may be made pursuant to NCGS 160D-1402.

c) Petitions for judicial review shall be taken within times prescribed for appeal of quasi-judicial decisions in NCGS 160D-1404. Appeals in any such case shall be heard by the Superior Court of Surry County.

I. Demolition within the Village of Rockford District. An application for a Certificate of Appropriateness authorizing the demolition of a building or structure within the Village of Rockford District may not be denied. The effective date of such a Certificate may be delayed for a period up to 365 days from the date of approval. The maximum period shall be reduced by the Planning Board where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of delay. During the period of delay, the Board may negotiate with the owner, County departments and any other parties involved in an effort to find a means of preserving the building. In the event that the Board finds that the building has no significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

J. Preservation of Historic Features in Public Rights-of-Way. In order to prevent destroying or seriously damaging the historic, architectural, or aesthetic values of the physical features lying within public rights-of-way, all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes to the character of streetscapes, paving materials, and sidewalks.

K. Additional Zoning Amendment Petition Criteria.

1) In addition to the requirements of Subchapter 154.009, all landowners in the VR Zoning District shall be notified by certified mail of petitions submitted to the County for Zoning Amendments pursuant to this Chapter.
2) In addition to the requirements of Subchapter 154.009, 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 45 days prior to the Planning Board meeting at which the petition or application is to be considered.

L. Applicability and conflict. Development activities within the VR zoning district are subject to all applicable requirements in this Chapter, as well as those found in division (A). If the provisions found in this division conflict with any other provisions of this Chapter, the provisions of this division shall govern.

(Ord. passed 4-17-2023); (Ord. passed 4-17-2023)

154.007 Table of Permitted Uses

154.007-01 TABLE OF PERMITTED USES

The Table of Permitted Uses describes those land uses that are allowed in each of Surry County's zoning districts.

A. Explanation of Table of Uses. Uses are identified according to the level of approval required before a zoning permit may be initiated. Letters within the appropriate columns of the table have the following meaning:

1) P = use permitted by right.
2) S = use permitted with the issuance of a Special Use Permit approved by the Board of Adjustment, or in the VR District by the Planning Board
3) All uses allowed in the VR District are also subject to the requirements of Subchapter 154.006.

The PR-CD (Planned Residential Conditional Development) is not listed in this table. Uses allowed in PR-CDs are not inherent to the district but are allowed through specific conditions approved by the Board of Commissioners. Uses are generally limited to residential uses with an allowable percentage of non-residential specified in Subchapter 154.006.

B. Formulation of Table of Uses. The North American Industry Classification System (NAICS) - 2022 revision was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Surry County Planning Board. NAICS codes are used to refer to NAICS Classifications.

1) If a land use does not appear in the Table then it is prohibited.
2) Uses with no entry in the NAICS Code column do not correspond to any classification in the NAICS.
3) If a building or property involves two (or more) uses with different NAICS codes on the same zone lot, the uses shall be permitted only in those zoning districts where the more restricted activity is permitted.

C. Uses restricted or prohibited within zoning overlay areas. Regardless of whether a particular use is identified in the table as a permitted use, permitted as a special use, or otherwise, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable overlay area provisions in Subchapter 154.006 Zoning Districts.

1) Watershed Overlays: All uses other than those listed are prohibited within the watershed overlay districts:
    a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
    b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
    c) Residential development.
    d) Non-residential development in WS-IV-PA watersheds. Non-residential development in other watersheds is restricted by Subchapter 154.017.
2) Airport Overlays No use may be made of land or water within the AO-1 or AO-2 zone in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or

otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

D. Special Requirements for Permitted Uses. Any permitted use listed in the table below that has a section reference in the "Special Requirements" column (far right column) shall comply with the standards listed in their applicable section of Subchapter 154.008 Development Standards for Individual Uses in addition to the other requirements of this ordinance. If the provisions of this division conflict with any other requirements of this section, these provisions shall prevail. This division provides for certain permitted uses that are distinct and unique which require additional considerations.

E. Uses located on Farms. These regulations do not affect property used for bona fide farm purposes per Subchapter 154.002. These regulations do apply to the use of farm property for nonfarm purposes.

(Ord. passed 4-17-2023)

154.007-02 TABLE

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
	RESIDENTIAL														
	Single Family Dwelling Site Built	P	P	P	P	P		P	P	S					
	Modular Home, conventional (off-frame)	P		P	P	P		P	P						
	Modular Home, on-frame	P		P	P	P		P	P						
	Manufactured Home, Class A on individual lots	P			P	P			P						154.019
	Manufactured Home, Class B on individual lots	P				P			P						154.019
	Manufactured Home Park								S						154.019
	Duplex	P					P		P						
	Family care home (6 residents or less)	P	P	P	P	P	P	P	P			P	P		154.008 (30)
	Mixed Residential Development							S							
	Multi-family (townhouses, condos, apartments)						P								154.008 (49)
	RESIDENTIAL ACCESSORY USES														
	Accessory Dwellings located above ground-floor businesses									S	P	P	P		
	Accessory Dwellings on same lot as principal dwelling	P	P	P	P	P		P	S	S					154.008 (1)
	Accessory Structures	P	P	P	P	P	P	P	S	S	P	P	P	P	
	Personal Storage Building as Principal Use	P						P							154.008 (51)
	Home Occupation of a residential nature	P	P	P	P	P		S							
	Home Occupation of a commercial nature	S													154.008 (39)
	Residential Development Sales Office	P	P	P	P	P	P	P	S		P	P	P	P	
	Rural Family (Commercial) Occupation	S													154.008 (60)
	Swimming Pool as accessory use	P	P	P	P	P	P	P	S	S	P	P	P	P	154.019
	Tennis Courts	P	P	P	P	P	P	P	S						
	Yard Sales	P	P	P	P	P	P	P	S						
11	**AGRICULTURE, FORESTRY, FISHING AND HUNTING (bona fide farm)**														
111	Crop Production	P	P	P	P	P	P	P	P	S	P	P	P	P	
11234	Poultry Hatcheries													P	
11291	Bee Keeping	P	P	P	P	P	P	P	P	S	P	P	P	P	
113	Forestry and Logging	P	P	P	P	P	P	P	P	S	P	P	P	P	
1114	Greenhouse, Nursery, and Floriculture Production	S								S	S	P	P	P	154.008 (21)
	Agriculture Culture Center	S						S		S		P	P	P	154.008 (3)
	Agritainment	S						S		S		P	P	P	154.008 (4)
	Farm-Based Tourism	S						S		S	P	P	P	P	

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
	Produce Roadside Stands	P						S		S	P	P	P		154.008 (58)
	Livestock Production and Sales non-farm	S						S			P		P		154.008 (42)
	Livestock Sale Barns	S									P				
	Stable	P									P	P	P	P	
212	MINING AND QUARRYING														
	Mining and Quarrying													P	154.008 **(46)**
22	UTILITIES														
2211	Electric Power Transmission, Control, and Distribution	P	P	P	P	P	P	P	P	S	P	P	P	P	
	Small Wireless Communication Facilities														
221112	Fossil Fuel Electric Power Generation													P	154.008 (54)
221114	Solar Electric Generation <6,000 sf accessory use only	P	P	P	P	P	P	P	P		P	P	P	P	154.008 (62)
221114	Solar Electric Generation >6,000 sf	S									S	S	S	S	154.008 (62)
221115	Wind Electric Power Generation	S	S	S	S	S	S	S	S	S	S	S	S	S	154.008 (66)
221117	Biomass Electric Power Generation													S	154.008 (54)
2212	Natural Gas Distribution	P	P	P	P	P	P	P	P	S	P	P	P	P	
2213	Water, Sewer and Other Systems	P	P	P	P	P	P	P	P	S	P	P	P	P	
23	GENERAL CONSTRUCTION Offices and Facilities														
	With Outside Storage											P	P	P	
	Without Outside Storage										P	P	P	P	
23822	Plumbing, Heating and Air Conditioning Contractors											P	P	P	
238	Specialty Trade Contractors										P	P	P	P	
31-33	MANUFACTURING														
311	Food Manufacturing													P	
31121	Flour and Feed Mills											P	P	P	
3116	Animal Slaughtering and Processing												S	P	154.008 (15)
3117	Seafood Product Preparation and Packaging												S	P	154.008 (61)
3118	Bakeries									S	P	P	P	P	
312	Beverage and Tobacco Manufacturing													P	
313	Textile Mills													P	
31491	Textile Bag and Canvas Mills													P	
315	Apparel Manufacturing													P	
316	Leather and Allied Product Manufacturing including Luggage													P	
321	Wood Product Manufacturing												S	P	154.008 (11)
321113	Sawmills												S	S	154.008 (11)
	Woodworking Plant												S	P	154.008 (15)

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
321991	Manufactured Home (Mobile Home) Manufacturing													P	154.008 (11)
321992	Prefabricated Wood Building Manufacturing including log homes										S			P	154.008 (11)
3222	Converted Paper Produce Manufacturing													P	
32221	Paperboard Container Manufacturing													P	
324	Petroleum Products Manufacturing													S	154.008 (11)
32412	Asphalt Paving, Roofing, and Saturated Materials Manufacturing													S	154.008 (11)
325	Chemical Manufacturing													S	154.008 (11)
32551	Paints and Varnishes Manufacturing													S	154.008 (11)
32592	Explosives Manufacturing													S	154.008 (11)
326	Plastics and Rubber Products Manufacturing													P	
326212	Tire Retreading												P	P	
327	Nonmetallic Mineral Product Manufacturing													P	
3271	Clay Product and Refractory Manufacturing												P	P	
32711	Pottery, Ceramics and Plumbing Fixture Manufacturing										P	P	P	P	
3273	Cement and Concrete Product Manufacturing													P	
327991	Cut Stone and Stone Products Manufacturing including Monuments												P	P	
331	Primary Metal Manufacturing													P	
332	Fabricated Metal Product Manufacturing												P	P	
333111	Farm Machinery Manufacturing													P	154.008 (11)
334	Computer and Electronic Product Manufacturing													P	
333517	Machine Tool Manufacturing													P	
3352	Household Appliance Manufacturing														
3353	Electrical Equipment Manufacturing													P	
336	Transportation Equipment Manufacturing													P	
3366	Boat manufacturing													P	
337	Furniture and Related Product Manufacturing													P	
3371	Cabinet Shop, Woodworking Shop									S	P	P	P	P	
3391	Medical Equipment and Supplies Manufacturing													P	
33995	Sign Painting and Manufacturing											P	P	P	

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
42	**WHOLESALE TRADE**														
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Wholesalers													**P**	154.008 (15)
4232	Furniture and Home Furnishing Wholesalers												**P**	**P**	154.008 (15)
4233	Lumber and Other Construction Materials Wholesalers												**P**	**P**	154.008 (15)
4235	Metal and Mineral Wholesalers												**P**	**P**	154.008 (15)
4236	Household Appliances, Electrical and Electronic Goods Wholesalers										**P**	**P**	**P**	**P**	154.008 (15)
4237	Hardware, and Plumbing and Heating Equipment and Supplies Wholesalers												**P**	**P**	154.008 (15)
42381	Construction and Mining Machinery and Equipment Wholesalers												**P**	**P**	154.008 (15)
42382	Farm and Garden Machinery and Equipment Wholesalers										**S**	**S**	**P**	**P**	154.008 (15)
42383	Industrial Machinery and Equipment Wholesalers											**P**	**P**	**P**	154.008 (15)
42391	Sporting and Recreational Goods and Supplies Wholesalers											**P**	**P**	**P**	154.008 (15)
42393	Recyclable Material Wholesalers												**S**	**S**	154.008 (15)
	Junkyard, Scrap Processor, Auto wrecking salvage yard													**S**	154.008 (12)
4241	Paper and Paper Product Wholesalers												**P**	**P**	154.008 (15)
4243	Apparel, Piece Goods, and Notions Wholesalers												**P**	**P**	154.008 (15)
4244	Grocery and Related Product Wholesalers												**P**	**P**	154.008 (15)
42452	Livestock (wholesale)												**P**	**P**	
4246	Chemical and Allied Products Wholesalers													**S**	154.008 (15)
4247	Petroleum and Petroleum Products Wholesalers													**S**	154.008 (15)
4248	Beer, Wine, and Distilled Alcoholic Beverage Wholesalers												**P**	**P**	154.008 (15)
42491	Farm Supplies Wholesalers (seed, fertilizer, chemicals)										**S**	**P**	**P**	**P**	154.008 (15)
42493	Flower, Nursery Stock, and Florists' Supplies Wholesalers												**P**	**P**	154.008 (15)
42494	Tobacco and Tobacco Product Wholesalers												**P**	**P**	154.008 (15)
42495	Paint, Varnish, and Supplies Wholesalers												**P**	**P**	154.008 (15)

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
44-45	**RETAIL TRADE**														
4411	Automobile Dealers										**P**	**P**	**P**	**P**	
44121	Recreational Vehicle Dealers										**P**	**P**	**P**	**P**	154.008 (43)
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers										**P**	**P**	**P**	**P**	154.008 (43)
4413	Automotive Parts, Accessories, and Tire Stores											**P**	**P**	**P**	
442	Furniture and Home Furnishings Stores										**P**	**P**	**P**		
	Pottery Store									**S**	**P**	**P**	**P**	**P**	
4442	Lawn and Garden Stores										**P**	**P**	**P**	**P**	
44221	Floor Covering Stores										**P**	**P**	**P**		
443	Electronics and Appliance Stores										**P**	**P**	**P**	**P**	
444	Building Material and Garden Equipment and Supplies Dealers										**P**	**S**	**P**	**P**	154.008 (15)
44412	Paint and Wallpaper Stores											**P**			
44413	Hardware Stores									**S**	**P**	**P**	**P**		
44511	Supermarkets and Other Grocery (except Convenience) Stores											**P**	**P**		154.008 (64)
4452	Specialty Food Stores									**S**	**P**	**P**	**P**		
4453	Beer, Wine, and Liquor Stores											**P**	**P**		154.008 (26)
446	Health (drug) and Personal Care Stores														
44613	Opticians and Optical Good											**P**	**P**		
447	Gasoline Stations with or without Convenience Stores										**S**	**P**	**P**	**P**	154.008 (10)
448	Clothing, Shoes and Accessories Stores										**S**	**P**	**P**		
4483	Jewelry, Luggage, and Leather Goods, including Furriers										**S**	**P**	**P**	**P**	
451	Sporting Goods, Hobby, Musical Instrument, and Book Stores									**S**	**P**	**P**	**P**		
4511	Sporting Goods including guns and ammunition											**S**	**S**		154.008 (26)
4512	Book Stores and News Dealers									**S**	**P**	**P**	**P**	**P**	
4522	Department Stores												**P**		
4522	Shopping Centers											**P**	**P**		154.008 (63)
	Farmers Markets (large)/Flea Markets	**P**								**S**	**P**	**P**	**P**	**P**	
	Pawn Shop											**P**	**P**		
	Antiques Store									**S**	**P**	**P**	**P**		
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters											**P**	**P**		154.008 (64)
4531	Florists									**S**	**P**	**P**	**P**		
	Fabric Stores											**P**	**P**		

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
4532	Office Supplies, Stationery, and Gift Stores, including Photocopying Services									S	P	P	P		
4533	Used Merchandise Stores (flea market)									S		P	P	P	
	Auction Sales Business									S	S	P	P		154.008 (10)
45391	Pet and Pet Supplies Stores									S	P	P	P		
45393	Manufactured (Mobile) Home Dealers								S						154.008 (42)
4542	Vending Machine Operators												S	P	154.008 (15)
48-49	**TRANSPORTATION & WAREHOUSING**														
484	Truck Transportation											S	S	P	154.008 (15)
4853	Taxi and Limousine Service											S	P	P	154.008 (15)
4854	School, Employee, Charter and Special Needs Bus Transportation												S	P	154.008 (15)
4812	Heliport, Helistop											S	S	P	154.008 (38)
48811	Airport Operations (public)													P	154.008 (5)
48811	Airport Operations (private)	S												S	154.008 (6)
4882	Support Activities for Rail Transportation													P	
48841	Motor Vehicle Towing												P	P	
488991	Packing and Crating										S	S	P	P	154.008 (15)
	Parking Lot, Commercial									S	P	P	P	P	
491	Postal Service	S								S	P	P	P	P	154.008 (22)
	Postal Processing Center													P	
4921	Couriers and Express Delivery Services (other than home occupation)											S	S	P	154.008 (15)
493	Warehousing and Storage												S	P	154.008 (15)
	Mini-warehouses										S	P	P	P	154.008 (45)
51	**COMMUNICATIONS**														
5111	Newspaper, Periodical, Book, and Directory Publishers												P	P	
512131	Motion Picture Theaters (except Drive-Ins)											P	P		
512132	Drive-In Motion Picture Theaters												S	P	154.008 (48)
5151	Radio, Television and Cable Broadcasting											P	P	P	
5173	Wired and Wireless Telecommunications Carriers (towers)	S										S	S	S	154.008 (68)
51912	Libraries and Archives	S								S	P	P	P		154.008 (22)
52	**FINANCE AND INSURANCE**														
	Finance and Insurance Offices										P	P	P		
53	**REAL ESTATE, RENTAL AND LEASING**														
5312	Real Estate Agent Offices										P	P	P		

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
5321	Automotive, Truck, RV and Trailer Rental and Leasing											P	P	P	
5322	Consumer Goods Rental											P	P		
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing											P	P	P	154.008 (43)
53249	Commercial and Industrial Equipment Rental and Leasing, including Sales												P	P	154.008 (43)
54	**PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES**														
541	Legal, Accounting, Architectural, Design, and Management Services									S	P	P	P	P	
54133	Engineering Services										P	P	P		
	Detective Agency											P	P		
54161	Management Consulting Services										S	P	P		
5417	Scientific Research and Development Services	S											S	P	154.008 (15)
5418	Advertising Agency											P	P		
54192	Photographic Services and Studios									S	P	P	P		
54194	Veterinary Services with Outside Runs											P	P		154.008 (53)
54194	Veterinary Services with No Outside Runs											P	P		154.008 (52)
54199	All Other Professional, Scientific and Technical Services										P	P	P		
561	**ADMINISTRATIVE AND SUPPORT SERVICES**														
5613	Employment Agencies											P	P		
56143	Private Mail Centers											P	P		
56151	Travel Agencies										P	P	P		
56152	Tour Operators											P	P		
561591	Convention and Visitors Bureaus											P	P		
561622	Locksmiths										P	P	P		
56171	Exterminating and Pest Control Services											P	P	P	
56172	Janitorial Services											P	P	P	
56173	Landscaping Services										P	P	P	P	
56179	Other Services to Buildings and Dwellings											P	P	P	
562	**WASTE MANAGEMENT AND REMEDIATION SERVICES**														
562211	Hazardous Waste Treatment and Disposal													S	154.008 (41)
562212	Solid Waste Landfill (MSW)													S	154.008 (41)
562991	Septic Tank and Related Services												S	P	154.008 (15)
	Construction and Demolition Debris Landfill (C&D)													S	154.008 (41)

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
	Land Clearing and Inert Debris Landfill (LCID)													S	154.008 (41)
	Scrap Processing													S	
61	**EDUCATIONAL FACILITIES**														
6111	Elementary and Secondary Schools	P										P	P		
6113	Colleges, Universities, Professional and Business Schools	S										P	P	P	
6115	Technical and Trade Schools											P	P	P	
611692	Automobile Driving Schools											P	P	P	
611699	Yoga Instruction Studios											P	P	P	
	Tutoring Services											P	P		
62	**HEALTH CARE AND PERSONAL SERVICES**														
6211	Offices of Physicians, Dentists, Outpatient Care and Home Health Care										P	P	P		
6215	Medical and Diagnostic Laboratories												S	P	
62191	Ambulance Services	S					P				S	P	P	P	154.008 (8)
622	Hospitals												P		
623	Nursing and Residential Care Facilities	S									P	P	P		154.008 (50)
623	Professional Recovery Facility											S	S		154.008 (56)
6242	Community Food and Housing, and Emergency and Other Relief Services										P	P	P		
	Children's Home	S									P	P	P		154.008 (20)
6244	**Child Day Care Services**														
	Child Care Center in Home	P	P	P	P	P		P							154.008 (19)
	Child Care Center	S										P	P		154.008 (18)
71	**ARTS, ENTERTAINMENT, AND RECREATION**														
	Adult Establishments													S	154.008 (1)
71112	Dance Companies											P	P		
711212	Racetracks										S	S	S	S	154.008 (25)
	Go-Cart Track										S	S	S	S	154.008 (33)
	Motocross Track										S	S	S	S	154.008 (47)
712	Museums, Historical Sites, and Similar Institutions									S	S	P	P		154.008 (22)
71212	Historical Sites (Ventures)	S	S	S	S	S	S	S	S	S	P	P	P	P	154.008 (37)
	Ecotourism	S						S		S	P	P	P	P	154.008 (27)
71213	Botanical Gardens	P	P	P	P	P	P	P	P	S	P	P	P	P	
	Aquarium											P	P		
7131	Amusement Parks and Arcades												S	S	154.008 (9)
	Golf Driving Ranges	S										P	P		154.008 (35)
	Firing Range, Indoor												P	P	154.008 (31)
7131	Firing Range, Outdoor	S													154.008 (31)
	Executive or Institutional Retreat	S						S		S		P	P	S	154.008 (29)

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
71391	Golf Courses and Country Clubs	P	P	P	P	P	P	P	P		P	P	P		154.008 (34)
71394	Fitness and Recreational Sports Centers (indoors)	S									P	P	P		154.008 (22)
	Parks, Athletic Fields and Public Pools	P	P	P	P	P	P	P	P	S	P	P	P		154.008 (22)
	Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	
71395	Bowling Centers												P		
	Electronic Gaming Establishments														154.008 (28)
	Event Center											P	P	P	
	Rodeo	S										P	P	P	154.008 (59)
	Wedding Chapel	S										P	P	P	154.008 (65)
72	**ACCOMMODATION AND FOOD SERVICES**														
72111	Hotels and Motels												P		154.008 (57)
721191	Bed-and-Breakfast Inns (9 guests or more)	S						S		S	S	P	P		154.008 (13)
721199	Bed-and-Breakfast Homes (8 guests or less)	S	S	S	S	S	S	S		S	S	P	P		154.008 (13)
	Country Inn	S						S		S	S	P	P		154.008 (24)
7212	RV (Recreational Vehicle) Parks and Recreational Camps	S						S					P		154.008 (16)
7213	Rooming and Boarding Houses, Dormitories, and Workers' Camps	S													
72232	Caterers										P	P	P	P	
7224	Drinking Places (Alcoholic Beverages)									S			P	P	154.008 (26)
7224	Craft Distilleries producing less than 15,000 gallons of craft spirits per year									S		S	P	P	154.008 (67)
7224	Micro-Breweries producing less than 15,000 barrels of malt beverages/year									S		S	P	P	154.008 (67)
7224	Wineries	S								S		S	P	P	154.008 (67)
	Ice Cream Parlor									S	P	P	P		
7225	Restaurants with drive-through												P		154.008 (10)
7225	Restaurants without drive-through									S	P	P	P	P	154.008 (10)
811	**REPAIR SERVICES**														
8111	Automotive Repair and Maintenance										S	P	P	P	154.008 (10)
811192	Car Washes										S	P	P	P	154.008 (10)
8112	Electronic and Precision Equipment Repair and Maintenance										P	P	P	P	
8113	Commercial and Industrial Machinery Repair and Maintenance										S	P	P	P	154.008 (10)
	Gunsmith											P	P		
8114	Personal and Household Goods Repair and Maintenance										P	P	P	P	
81142	Reupholstery and Furniture Repair									S	P	P	P	P	

2017 NAICS Code	Use	Residential						Nonresidential							Special Requirements
		RA	RE	RR	RL	RG	MR	CP	MHP	VR	RB	CB	HB	MI	
812	**PERSONAL SERVICES**														
81211	Hair, Nail, and Skin Care Services									**S**	**P**	**P**	**P**		
812191	Diet and Weight Reducing Centers									**S**	**P**	**P**	**P**		
81221	Funeral Homes, Funeral Services, and Crematories, including Monument Sales										**S**	**P**	**P**	**P**	154.008 (32)
81222	Cemeteries (primary use)	**P**								**S**	**P**	**P**	**P**	**P**	154.008 (17)
81222	Cemeteries (accessory use only)	**P**	**P**	**P**	**P**	**P**		**P**		**S**					154.008 (17)
8123	Dry-cleaning and Laundry Services											**P**	**P**	**P**	
81291	Pet Care (except Veterinary) Services without outdoor kennels	**S**										**S**	**S**	**P**	154.008 (52)
81291	Pet Care (except Veterinary) Services with outdoor kennels	**S**										**S**	**S**	**P**	154.008 (53)
813	**RELIGIOUS, CIVIC AND PROFESSIONAL ORGANIZATIONS**														
	Churches and House of Worship	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**S**	**P**	**P**	**P**	**P**	
	Civic/Professional Organizations	**S**									**P**	**P**	**P**	**P**	
921	**GENERAL GOVERNMENT**														
92211	Courts (Courthouses)											**P**	**P**		
92119	Other General Government Support including Maintenance Facilities	**S**										**S**	**S**	**P**	154.008 (15) maintenance facilities only
92212	Police Protection (Police Stations)	**S**					**P**								154.008 (8)
92214	Correctional Institutions (Jails and Prisons)													**S**	154.008 (23)
92216	Fire Protection (Fire Stations)	**S**					**P**				**P**	**P**	**P**	**P**	154.008 (8)
92314	Government Administrative Offices											**P**	**P**		
	Recycling Collection Center	**S**									**P**	**P**	**P**	**P**	154.008 (55)

(Ord. passed 4-17-2023)

154.007-03 TEMPORARY USES

A. Modular Offices.

1) Modular offices may be used on a temporary basis in districts where they are not listed as a permitted or conditional use for such purposes as construction offices, bloodmobiles, bookmobiles and traveling museums. However, such uses must obtain a temporary occupancy permit from the Zoning Administrator if the use is to last more than 48 hours at one site.
2) Modular offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained before the use of the mobile office is initiated. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six months and may be renewed no more than once.
3) Temporary construction equipment may be located on a construction or development site. However, a temporary occupancy permit must be obtained before locating such equipment. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six months and may be renewed.

B. Mobile Homes as Temporary Principal Residence. Temporary use of a mobile home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner. A temporary occupancy permit must be obtained from the Zoning Administrator before the use of the mobile home is initiated or at the same time as the building permit is applied for in the case of construction of a new permanent home on the same lot. This temporary occupancy permit shall be valid for a specified period of time not to exceed six months while reconstruction or construction takes place and may be renewed once for an additional six-month period by the Zoning Administrator. Applicable certifications from the Development Services Department must be obtained for new home construction at the same time a temporary occupancy permit is granted.

C. Mobile Homes as Temporary Accessory Dwelling in the Case of a Hardship. In a zoning district where manufactured homes are permitted, an individual may petition the Planning Board to place a manufactured home as a temporary second dwelling on a single parcel that does not meet minimum lot size requirements under conditions of hardship. However, prior to issuance of a mobile home permit for hardship, the Environmental Health Department must approve the additional septic system on the parcel in question. Permits must be renewed annually by the Zoning Administrator. If, for any reason, the conditions of the hardship cease to exist, the mobile home permit shall become null and void. Mobile home permits issued for hardship are for temporary situations only.

D. Yard Sales. Yard sales are permitted on a temporary basis in any residential district for a duration of no more than three days. Property owners shall be permitted no more than five yard sales per year.

E. Temporary Occupancy of Recreational Vehicles for Recreational Purposes on Private Land Located in an RA District. Recreational Use. ze located in an RA district, may use a single Recreational Vehicle ("RV") as their personal temporary living quarters for recreational purposes on said parcel when the following conditions are met:

1) A permit allowing temporary recreational placement of the RV on the parcel must be applied for, paid for, and issued prior to locating and occupying the RV. The permit fee is $500.
2) The parcel must be at least ten (10) acres in size, must be zoned RA, and must not have any stick-built homes, modular homes, mobile homes or any other type of

temporary or permanent dwelling located thereon. The parcel may not be used for any business purpose while an RV is occupied or under a permit issued under this ordinance or located on the parcel.

3) A permit under this section may only be issued to the owner of the parcel. It may not be issued to a person renting or leasing the parcel. The permit is only for personal use as temporary occupation for recreational purposes by the owner of the parcel. The RV may not be rented out or leased to any person. The owner may not charge or receive renumeration for the use of the RV on the parcel. The RV may not be used for any business use.
4) Only one permit may be issued for the parcel of land. No other RV's may be located on the parcel of land.
5) The RV must be screened by a natural vegetative buffer so that no part of the RV is visible from any public street or road and so that it is not visible from any adjoining or adjacent land.
6) Placement of the RV must conform to double (two times) the normal set back requirements for an RA District. Placement of the RV must not interfere with location or placement of any septic or water.
7) Placement of the driveway for the parcel must comply with all DOT requirements and the owner must obtain all DOT required permits and approvals.
8) The Owner must obtain an address in compliance with the Road Addressing Ordinance of Surry County.
9) The RV must be in compliance with registration requirements of the North Carolina Department of Transportation. The applicant for the permit must demonstrate that they own the RV or have sole possession of the RV under a valid written lease or rental agreement for the period the permit is requested.
10) The owner must submit a sketch plan showing that placement of the RV complies with all requirements of this section.
11) The placement of the RV will require Environmental Health Department's approval that septic disposal is provided by one of the following methods.
    a) Hooked into an inspected and approved septic tank and leach field.
    b) Emptied as needed by a professional service with receipts provided to the Environmental Health Department each month.
    c) Drained into external holding tank and emptied as needed by a professional service with receipts provided with receipts provided to the Environmental Health Department each month.
12) Electrical service will be permitted and inspected by Surry County Inspections Department. The electrical service may be pulled if any requirement of this section is not met.
13) The RV must have a functioning kitchen, and bathroom facilities.
14) The RV will be required to be anchored on all corners with an approved anchoring system that meets Surry County Inspections requirements.
15) The parcel must be kept clear of trash, junk and scrap.
16) No project or junk vehicles may be located on this parcel.

17) A permit under this section may not be used to temporarily occupy an RV during construction of a home.
18) Placement of the RV must comply with all floodplain, watershed and other restrictions of all Surry County Ordinances. In the event of a conflict with another Chapter, the stricter requirement shall control.
19) Occupancy of the unit shall at no time exceed the manufacturer's listed capacity. In the event of a dispute over whether occupancy exceeds the manufacturer's listed capacity, the burden shall be on the owner to demonstrate that occupancy is within the manufacture's listed capacity.
20) A permit for temporary recreational occupancy for the RV shall not be issued until the above requirements are met.
21) The RV will be allowed for no more than one period of no more than three (3) months during the calendar year in which the permit is issued. The RV must be removed from the parcel immediately upon expiration of the permit.
22) The permit may be renewed for another three month period in a subsequent calendar year by applying for a renewal permit, payment of an additional $500 fee and evidence of compliance with the requirements of this ordinance.
23) Failure to comply with any requirement of this section shall constitute a violation of this ordinance and be subject to zoning enforcement actions under Subchapter 154.005-11 Enforcement, including but not limited to revocation of the permit.
24) Development Services shall maintain a list of parcels which are issued a permit or renewal permit under this section and maintain a copy of the sketch plan submitted by the owner and the permits issued under this ordinance.

F. Temporary Occupancy of a Recreational Vehicle During Construction of a New Single Family Dwelling. A single Recreational Vehicle ("RV") will be allowed as temporary living quarters in all low and medium density residential zoning districts during construction of a new single family stick built or modular dwelling providing the following conditions are met:

1) A permit allowing placement of the RV on the parcel must be applied for, paid for, and issued prior to installation. The permit fee is $500. The permit may only be issued to the owner of record of the parcel.
2) A permit for the construction of a new home on the site must be issued and paid for prior to issuing the RV permit.
3) The RV must be in compliance with registration requirements of the North Carolina Department of Transportation. The applicant for the permit must demonstrate that they own the RV or have sole possession of the RV under a valid written lease or rental agreement for the period the permit issues.
4) The owner must submit a sketch plan showing that placement of the RV conforms to all set back and buffer requirements for the parcel which are required by the zoning district on which the RV is to be placed and does not interfere with the placement of septic and water.
5) Placement of the RV must comply with all floodplain, watershed and other restrictions of all Surry County Ordinances. In the event of a conflict with another Chapter, the stricter requirement shall control.
6) The placement of the RV will require Environmental Health Department's approval that septic disposal is provided by one of the following methods.

a) Connected into an inspected and approved septic tank and leach field.
b) Emptied as needed by a professional service with receipts provided to the Environmental Health Department each month.
c) Drained into an external holding tank and emptied as needed by a professional service with receipts provided with receipts provided to the Environmental Health Department each month.

7) Electrical service will be permitted and inspected by Surry County Inspections Department. The electrical service may be pulled if any requirement during construction is not met.
8) The RV must have a functioning kitchen, and bathroom facilities.
9) The RV will be required to be anchored on all corners with an approved anchoring system that meets Surry County Inspections requirements.
10) While an RV is being temporarily occupied on a parcel under a permit issued under this ordinance, no other RV's may be occupied, stored, parked or otherwise located on the parcel.
11) The parcel must be kept clear of trash, junk and scrap.
12) No project or junk vehicles may be located on this parcel during the period in which the RV is temporarily occupied.
13) Occupancy of the unit shall at no time exceed the manufacturer's listed capacity. In the event of a dispute over whether occupancy exceeds the manufacturer's listed capacity, the burden shall be on owner to demonstrate by that occupancy is within the manufacture's listed capacity.
14) During the temporary occupancy, reasonable progress shall be demonstrated in the construction of the permanent structure. Reasonable progress shall be defined as visible evidence that construction work is not interrupted for any period of more than 60 days, unless the interruption is beyond the owner's control. Lack of financial resources of owner shall not qualify as an interruption beyond the owner's control.
15) A permit for the temporary occupancy of the RV shall not be issued until the above requirements are met.
16) The permit shall permit temporary occupancy of a single RV for a period of 18 months during construction of the new home. If a longer period is needed, and the applicant can show good cause for an extension, the permit may only be renewed (2) times for (3) months each time, by way of a new application and fee of $200 for each 3-month period.
17) The Certificate of Occupancy for the new home will not be released until all fees associated with the project are paid, the RV has ceased being occupied, the RV is disconnected from all electric and septic connections and the RV is then stored as normally allowed under applicable Surry County Ordinances.
18) Failure to comply with any requirement of this section shall constitute a violation of this ordinance and be subject to zoning enforcement actions under Subchapter 154.005-11 Enforcement. Development Services shall maintain a list of parcels construction sites that have complied with this section and maintain a copy of the permit and certificate of temporary occupancy.

(Ord. passed 4-17-2023)

154.008 Special Requirements for Individual Uses

A. Purpose and Applicability. This Ordinance provides for several uses to be located by right in each general zoning district, subject to meeting certain area, height, yard, and off-street parking and loading requirements. Uses shown with references in the far-right column in the Table of Uses of Subchapter 154.007 shall also be subject to the requirements and review process in this Section. Some of those uses are also subject to the issuance of a Special Use Permit by the Board of Adjustment or Planning Board (for uses in the VR District) to ensure compatibility with surrounding development and in keeping with the purposes of the general zoning district in which they are located. Those uses that require a Special Use Permit are shown with an "S" in the Table of Uses. These development standards are supplementary to the general requirements of this Ordinance. They are designed to allow development of uses that may need extra buffering or attention to layout to make them compatible with surrounding uses.

B. Conditions Imposed. For uses that require a Special Use Permit, the Board of Adjustment , or, for the VR District the Planning Board, may impose reasonable conditions in addition to those given in this section and elsewhere in this Chapter. To do this, the approval body must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Chapter.

C. Requirements. Below are specific requirements for specific uses by name. They are as follows:

1) ACCESSORY DWELLING UNITS ON SAME LOT AS PRINCIPAL DWELLING
   a) Accessory Dwellings in non-residential districts: in zoning districts not otherwise permitting residential buildings: A watchman or caretaker may occupy a residential dwelling on the same premises where he or she is employed. The residential dwelling must clearly be incidental to the non-residential operation on the zoning lot.
   (Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 4-20-2015)
   b) Exemptions for mobile homes: In a zoning district where manufactured homes are permitted, an individual may petition the Planning Board to place a manufactured home as a temporary second dwelling on a single parcel that does not meet minimum lot size requirements. However, prior to issuance of a conditional use for hardship, the Environmental Health Department must approve the additional septic system on the parcel in question. Conditional uses for hardship must be renewed annually by the Planning Board. If, for any reason, the conditions of the hardship cease to exist, the conditional use shall become null and void. Conditional uses for hardship are for temporary situations only.

(Ord. passed 4-17-2023)

2) ADULT ENTERTAINMENT

See Permitted Use Table NAICS Classification Number 71

   a) It is and shall be unlawful for any person, firm, or corporation, as hereafter defined, to operate or allow to be operated adult live entertainment or an adult live entertainment business within the boundaries of Surry County outside the corporate limits of any city or town within the boundary of Surry County, except as otherwise permitted by this Chapter.

b) Adult live entertainment which permits less than completely or opaquely covered human genitals or pubic region of either males or females is expressly prohibited.

(Ord. passed 7-21-1997)

c) For definitions of Adult Entertainment and Establishments see Subchapter 154.003.

d) Locations

Adult live entertainment involving the display of less than completely or opaquely covered female breasts has been recognized by the State of North Carolina as a protected display of free speech which is subject to reasonable local regulation as to geographic location to serve a substantial governmental interest if such regulation allows for reasonable alternative areas for the regulated activity. Accordingly, adult live entertainment which includes the display of less than completely or opaquely covered female breasts, uncovered below a point immediately at the top of the areola is permitted only in an enclosed building, premises or structure where the activity is not visible from outside of the enclosed building or structure. Such enclosed building or structure must be located at least 2,000 feet from an **area of interest**. Furthermore, such adult live entertainment conducted within said enclosed building shall be conducted in such manner so that viewing, display, or sound from within the building cannot be experienced outside the walls of the building. Any building containing an adult live entertainment business must be 100 feet from the right of way of a publicly owned road and 50 feet from the neighboring side or rear property boundary. An adult live entertainment business shall be screened along all property lines with an opaque fence not less than seven feet in height or a solid landscaped area at least 15 feet in width and seven feet in height at time of initial planting. Landscaping shall always be maintained. Notwithstanding the foregoing, adult live entertainment businesses shall not be required to screen Department of Transportation (DOT) minimum driveway requirement to provide safe and suitable access from adult entertainment premises to and from state-maintained road.

"**Area of interest**" shall include all of the following: churches and other places of public organized worship; schools and educational facilities; parks; child care and day care facilities; retirement, rest or nursing homes; inns and bed and breakfasts; hotels or motels; cemeteries; public libraries; residential subdivisions; approved mobile home parks; public recreational facilities; residentially zoned districts (by county or municipality) and buildings included in the National Register of Historic Places. Surry County has substantial interests in protecting the public health, safety and morals of those areas, activities and individuals defined within area of interest.

However, should an activity, individual or use defined as an **area of interest** determine to locate within 2,000 feet of an existing enclosed adult live entertainment business, as defined by this Chapter, the prescribed minimum separation requirement shall not apply. Should an adult live entertainment business cease operation for a period of 60 consecutive days, it shall not constitute an existing adult live entertainment business as defined by this Ordinance.

e) Penalty see Subchapter 154.005 Administration and Enforcement.

(Ord. passed 7-21-1997)

3) AGRICULTURAL CULTURE CENTER.

See Permitted Use Table NAICS Classification Number 11

a) Site standards:

1. The minimum lot area for an agricultural cultural center shall be ten acres.
2. Structures, storage areas and parking areas associated with the agritainment enterprise shall be setback at least 75 feet from all property lines and public rights-of-way. The Planning Board may require greater setbacks on a case-by-case basis.

3. All storage areas associated with the enterprise shall not be visible from adjoining or nearby properties or any public rights-of-way.

b) Screening and fencing: the portion of the property utilized for the cultural center and its associated activities shall be screened from adjacent properties used or zoned for residential or agricultural purposes. These buffers must meet the requirements of Subchapter 154.015. However, if the cultural center is in a state or federally designated historic structure then screening and fencing devices shall not be required if it will injure the structure 's historic integrity as it relates to the property.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

d) Additional requirements:

1. Retail goods may be sold as an incidental option so that the items sold are related to the cultural center. This includes a gift shop, snack bar, etc.
2. Any activities associated with the cultural center shall be subject to the Surry County Noise Ordinance.
3. Festivals related to the cultural center may be held no more than four times per year on-site. Intent to convene festivals on-site shall be disclosed on the site plan and the owner shall submit documentation that complies with the Surry County Mass Gathering Ordinance with the application for a Special Use Permit.

4) AGRITAINMENT.

See Permitted Use Table NAICS Classification Number 11

a) Site standards:

1. The minimum lot size for this type of use shall be ten acres.
2. Structures associated with the agritainment enterprise shall be setback at least 75 feet from all property lines and public rights-of-way. The Planning Board may require greater setbacks on a case-by-case basis.
3. Shall only be permitted in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.
4. The agritainment enterprise shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment if they are considered a single farm entity.
5. The total square footage of all structures associated with the agritainment enterprise shall not exceed 2,000 square feet for lot sizes up to 50 acres. The total square footage of all structures associated with the agritainment enterprise shall not exceed 4,000 square feet for lot sizes over 50 acres. Use of an historic structure may be permitted in conjunction with the enterprise and may be exempt from the minimum square footage requirements. The structure must be listed as historically significant in the county's historic properties inventory, on file in the County Development Services Department.
6. All storage areas associated with the enterprise shall not be visible from adjoining or nearby properties or any public rights-of-way.

b) Screening and fencing: the portion of the property utilized for the enterprise and its associated activities shall be screened from adjacent properties used or zoned for residential or agricultural purposes. These buffers must meet the requirements of Subchapter 154.015.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

d) Additional requirements:

1. Retail goods may be sold as an incidental option so that the items sold are related to the agritainment enterprise. This includes a gift shop, snack bar, etc.
2. Any activities associated with the agritainment enterprise shall be subject to the Surry County Noise Ordinance.

5) AIRPORT, PUBLIC .

See Permitted Use Table NAICS Classification Number 48811

a) Site standards:
   1. Airport size and layout shall conform to current FAA design standards.
   2. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property used or zoned for residential purposes.
b) Screening and fencing: when located within 100 feet of the property line or street rights-of-way and abutting property used or zoned for residential uses, hangars, storage buildings, terminals, loading docks, parking lots and any other associated structure, shall be screened in accordance with Subchapter 154.015.
c) Required plan:
   1. Scaled drawings of location and size of landing strips and the location of landing lights.
   2. Map of all property within 500 feet of proposed airfield property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
   3. A map depicting the location, type, and height of any structure, including towers, over 200 feet in height and within a five-mile radius.
   4. A copy of the current FAA design, approach, and airspace obstruction standards.
   5. Documentation showing FAA permits and design approval.

6) AIRSTRIP, PRIVATE.

See Permitted Use Table NAICS Classification Number 48811

a) Site standards:
   1. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property used or zoned for residential purposes, except that a residence may be located on the same property as the airstrip.
   2. Airstrip shall be constructed of a natural vegetative material (i.e., grass)
   3. Scaled drawings of location and size of landing strips.
   4. Location of landing lights, if applicable.
   5. No signage shall be allowed in conjunction with an airstrip.
b) Screening and fencing: hangars, storage buildings and any other associated structure shall be buffered from any property used or zoned for residential purposes, in accordance with Subchapter 154.015.
c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Additional Requirements:
   i. Required plan: documentation showing applicable FAA permits and design approval.
   ii. Airstrip shall only be used by the property owner and members of their immediate family.
   iii. Operations related to the airstrip shall comply with the Surry County Noise Ordinance.

7) ALTERATION, EXPANSION, CHANGE, REBUILDING OR RESUMPTION OF A NON-CONFORMITY.

Refer to

8) AMBULANCE SERVICE/RESCUE SQUAD, POLICE AND FIRE STATION OPERATIONS.
   See Permitted Use Table NAICS Classification Number 62191
   a) Site standards: all structures and accessory structures associated with the use must be setback from all property lines a minimum of twice the applicable side and rear setbacks of the corresponding zoning districts, from all properties used or zoned for residential or agricultural purposes.
   b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
   c) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015 along all property lines abutting property used or zoned for residential or agricultural purposes.
9) AMUSEMENT PARK; ARCADE; CIRCUS, CARNIVAL, OR FAIR.
   See Permitted Use Table NAICS Classification Number 7131
   a) Site standards:
      1. The site must be located on a major roadway that can handle the anticipated traffic volume when the fairground is in use.
      2. All buildings, arenas, stadiums, exhibit areas, barns, and similar activity areas, shall be set back from all property lines and street rights-of-way a minimum of 100 feet.
      3. In addition to requirements of Subchapter 154.014, parking lots must be set back at least 20 feet from any property line or street right-of-way.
   b) Screening and fencing: a fence at least eight feet in height and shall enclose activity areas and buildings that will stay locked when the fairground is not in use. Additional buffering may be required by the Planning Board in the case of facilities for outdoor functions, such as outdoor arenas, to protect adjacent properties from noise, light and glare.
   c) Lighting: outdoor lighting shall be shielded to prevent light from directly hitting adjacent property or any public right-of-way.
10) AUCTION HOUSE; CAR WASH; FARM SUPPLIES; GAS OR SERVICE STATION; MACHINE AND WELDING SHOPS; MONUMENT SALES; MOTOR VEHICLE BODY AND PAINT SHOP; MOTOR VEHICLE REPAIR; COMMERCIAL AND INDUSTRIAL MACHINERY REPAIR AND MAINTENANCE; RESTAURANT (WALK-IN); TREE SERVICE; PARTS PACKAGING.
    See Permitted Use Table NAICS Classification Numbers 811192, 447, 8113, 327991, 8111, 7225, 113, 42491
    a) Site standards:
       1. Minimum setbacks of twice what is required by this Chapter.
       2. Site shall not create a greater nuisance than the existing or previous commercial use.
       3. Noise created by proposed use shall not be any greater than that which was created by the existing or proposed commercial use.
       4. Traffic flow and conditions created by the proposed use shall not be any greater than that created by the existing or previous commercial use.
       5. Applicant shall present evidence and support materials to the Planning Board that demonstrate compliance with above requirements.

6. Operations with drive-through service must be reviewed by NCDOT for a determination of the required number of stacking spaces.

b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015.

11) MANUFACTURING OF ASPHALT PRODUCTS; PETROLEUM PRODUCTS; EXPLOSIVES; CHEMICALS; EXPLOSIVES INCL STORAGE; FERTILIZERS INCL STORAGE; MANUFACTURED AND PREFABRICATED HOMES INCL LOT HOMES; VARNISHES, FINISHES; OIL AND GASOLINE BULK STORAGE; PAINTS PROCESSING PLANTS; RECYCLING PLANTS; REFINERIES; AND SAWMILLS.
See Permitted Use Table NAICS Classification Numbers 32113, 32412, 325, 32551

a) Site standards:
   1. The boundary of the property shall be a minimum of 200 feet from any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church. However, the Planning Board shall be authorized to increase this setback if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.
   2. All structures (except fences and walls), buildings, storage areas, etc. used in the operation shall be a minimum of 100 feet from all property lines or street rights-of-way.
   3. Buildings must meet all requirements for hazardous occupancy under the NC Building Code.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: the use shall be totally enclosed by a security fence or wall at least eight feet high or enclosed within a locked fire-proof building. A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within 400 feet of property used or zoned for residential purposes.

d) Operational requirements:
   1. The site shall be utilized in a manner that shall not pose a hazard off-site.
   2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
   3. Buildings must be maintained to meet all requirements for hazardous occupancy under NC building Code.
   4. The County Fire Marshal and local fire department shall be kept notified of the types of materials used, manufactured, or stored on site.

12) AUTOMOBILE SALVAGE YARDS See also Subchapter 154.005-12 G.
See Permitted Use Table NAICS Classification Number 42393

a) Site standards:
   1. Minimum setback of twice what is required by Subchapter 154.006.
   2. No automobile salvage yard or junkyard shall be permitted to locate or expand within one-half mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.
   3. Yards shall comply with Ch. 40 of the North Carolina Fire Prevention Code.

4. All parking and designated loading and unloading areas shall be provided within the buildable portion of the property in question. Loading and unloading shall be prohibited in any other location.
5. Yards shall not be permitted to locate or expand within the 100-year floodplain as shown on the latest Federal Emergency Management Agency maps of Surry County.
6. Yards shall not locate or expand within 500 feet of any watercourse such as a stream, river, reservoir, pond, or lake.
7. Yards shall not locate or expand within 1,000 feet of any water course such as a stream, river, reservoir, pond, or lake that is in any water supply watershed (WS-I through WS-IV) or any outstanding resource watershed.
8. Yards shall have their own deeded direct access to a state-maintained road, not to be shared with any other use.
9. Bona fide garages, repair shops and service stations where the short-term storage of not more than two junked vehicles is incidental to the business, shall not apply to these requirements.

b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: the use shall be totally enclosed by an opaque wood fence. In addition, a 50' vegetative buffer shall be planted along all property lines, leaving space for an ingress and egress location. Yards shall not be visible from any adjacent property or public right-of-way. The buffer shall be included as part of the required setbacks and shall meet the planting requirements of Subchapter 154.015.
d) Additional requirements: if the ownership of an approved auto salvage yard or junkyard is transferred to another individual, group, or entity, the new owner(s) shall complete a 'change of ownership' form with the Zoning Ordinance Officer.
e) Nonconforming automobile salvage yards. All nonconforming automobile salvage yards are subject to Subchapter 154.005-12 G.

13) BED AND BREAKFAST.
See Permitted Use Table NAICS Classification Numbers 721191, 721199

a) Site standards:
1. Guestrooms or guesthouses shall not be equipped with kitchen or cooking facilities.
2. If operation utilizes guesthouses, then maximum density requirements shall be two units per acre; however, the Surry County Health Department may revise minimum lot size requirements through site evaluations on a case-by-case basis.
3. There shall be no less than one bathroom, consisting of a bath or shower, water closet and lavatory for every two guestrooms.
4. Parking shall not be allowed in any front yard unless facility utilizes guest houses.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Subchapter 154.015.

14) BILLBOARDS. See Subchapter 154.016.
See Permitted Use Table NAICS Classification Number 51

15) BLACKSMITH; BUILDING SUPPLY AND MATERIALS; BUS TERMINAL; TAXI AND LIMOUSINE SERVICES; COURIERS AND EXPRESS DELIVERY SERVICES; DRY-

CLEANING PLANTS; GOVERNMENTAL MAINTENANCE FACILITY; LUMBER AND BUILDING MATERIALS SALES; RESEARCH ACTIVITIES; SLAUGHTERHOUSE; SEPTIC SERVICES; TRANSFER COMPANIES; PACKING AND CRATING COMPANIES; TRUCK/FREIGHT TERMINAL, UTILITY COMPANY OPERATION CENTER; VENDING COMPANIES; WAREHOUSING; WHOLESALE DISTRIBUTION; WOODWORKING PLANT.

See Permitted Use Table NAICS Classification Numbers 3116, 848, 4542, 493, 444, 3371

a) Site standards:
    1. All structures and associated uses, parking areas, loading areas, storage areas and outdoor assembly areas shall be setback a minimum of twice the applicable setbacks of the corresponding zoning districts, from all properties used or zoned for residential purposes.
    2. Considerations shall be made for additional traffic flow from state-maintained road into site in question to reduce the possibility of traffic congestion and hazards, if necessary.
b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015.
    1. The site shall be utilized in a manner that prevents noise and dust from adversely impacting adjacent properties.
    2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

16) CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.

See Permitted Use Table NAICS Classification Number 7212

a) Site standards:
    1. Minimum campground or RV park size is ten acres.
    2. Minimum lot space of 25 feet by 40 feet is required, however, the Surry County Health Department may revise minimum lot size or site requirements through site evaluations on a case-by-case basis.
    3. Maximum development density not to exceed 45% of total gross land area (excluding roads).
    4. No more than one recreational vehicle per lot site.
    5. Minimum 10% total gross land area dedication for recreational uses excluding maximum density development
    6. Property owner may dedicate a minimum of 5% total gross land area for the use of tent camping, excluding the use of recreational vehicles.
    7. No more than two vehicles per site allowed for parking.
    8. No site or lot shall have direct access to a public road.
    9. Minimum interior street widths of 20 feet of gravel with a six-inch gravel base, within the park or campground. Interior streets developed to only be open to one-way traffic shall be a minimum of 12 feet in width, with a six-inch gravel base.
    10. The park and/or campground shall be set back 50 feet from all public or private rights-of-way, side, and rear property lines.
    11. Minimum interior side setbacks of 20 feet and rear setbacks of ten feet between sites.
    12. Minimum 45 feet deeded, platted easement to a state-maintained road.
    13. All utilities must be provided through underground access, which may include water, sewer, power, phone, cable, natural gas, etc.

14. Adequate lighting shall be provided for all common areas, including the interior lighting of any building open after dusk.
15. Owner shall provide a refuse disposal plan satisfactory to the Zoning Ordinance Officer. The approved plan shall be noted on the site plan.
16. Separate sanitary facilities for both sexes (including showers), as well as drinking water, shall be available within 400 feet of each campsite.
17. Existing recreational vehicle parks and campgrounds shall have one year from the effective date of this Chapter to comply with these requirements. Consideration will be given to those parks and campgrounds that do not meet the minimum acreage requirements.
18. Campgrounds and recreational vehicle parks shall not be in a floodplain.

b) Lighting: outdoor lighting shall be designed to minimize light from directly lighting adjacent property or any public right-of-way.
c) Screening and fencing: a vegetative buffer shall be planted along all side and rear property lines, or around the boundary of the campground and recreational vehicle park. The buffer shall be included as part of the required setbacks and shall meet the requirements of Subchapter 154.015.
d) Required plan: proposed layout of the campground, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, and other service buildings.
e) Operational requirements:
    1. No recreational vehicle shall be used as a permanent dwelling within a recreational vehicle park.
    2. There shall be no removal of wheels or axles from any recreational vehicle to keep the residence temporary.
    3. Surry County, at any time, can request the owner to display vehicular mobility of any vehicle on the premises.
    4. All porches, decks and other attachments shall not be attached permanently to accommodate any request of mobility by the County of Surry.
    5. There shall be no manufactured homes or mobile homes allowed in any recreational vehicle park or campground other than the residence of the owner or caretaker of the facility.
    6. A fire extinguisher shall be available at each service building and at the office.
    7. Campgrounds and parks shall be maintained free of accumulations of debris, which may contribute to rodent harborage or distinct breeding grounds for flies, mosquitoes, insects, or other pests. The growth of brush, weeds, shrubbery, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Open areas shall be maintained free of heavy undergrowth and maintained to promote a pleasing aesthetic appearance.

17) CEMETERIES/MAUSOLEUMS
    a) Site Standards:
        1. Tombstones, crypts, monuments, and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way.
        2. Adequate off-street parking/circulation facilities for funeral procession shall be provided.
        3. Cemeteries shall have direct access to a major or minor thoroughfare.
18) CHILDCARE CENTER.

See Permitted Use Table NAICS Classification Number 6244

a) Site standards:
   1. Indoor activity areas shall be provided equivalent to at least 25 square feet per attendee.
   2. Access to the facility shall not create traffic flow problems on nearby streets. Road improvements may be required to ease traffic flow concerns.
b) Screening or fencing: play areas shall be enclosed by a chain link or solid fence or wall at least four feet high. Side and rear property lines must be screened from adjoining properties in accordance with Subchapter 154.015.
c) Operational requirements: the construction and operation shall comply with the provisions of the North Carolina General Statutes and any other applicable federal, state, or local standards.

19) CHILD CARE CENTER IN HOME

A Child Day Care Center in a home is an accessory use permitted for twelve (12) or fewer attendees, including after school attendees (see G.S. § 110-86).

See Permitted Use Table NAICS Classification Number 48811

a) Site Standards:
   1. The operator of the Day Care center shall reside in the facility.
   2. Outdoor activity areas, play space and open space requirements for a Child Daycare shall be provided in accordance with the regulations of the North Carolina Department of Health and Human Services (DHHS), Child Development Division.
b) Screening and Fencing: shall comply with the requirements in Subchapter 154.015 and shall be located outside the street setback.
c) Additional Requirements:
   1. No more than one (1) program, including after school care, may be operated at the same location during a twenty-four-hour period.
   2. After school care is separate from childcare.
   3. After school care is up to four hours of care per day on school days

20) CHILDREN'S HOME.

a) Site standards:
   1. The following minimum site sizes shall apply:
      a. Five acres for 25- to 75-child capacity.
      b. Ten acres for 76- to 125-child capacity.
      c. Fifteen acres for 126- to 175-child capacity; or
      d. Twenty acres for 176 or more children.
   2. Buildings, structures, recreation areas, places of assembly, dumpsters, etc. shall be setback at least 75 feet from any property line or right-of-way.
   3. Parking areas shall be placed completely within the minimum building area as required by the applicable zoning district.
b) Screening or fencing: parking areas shall be screened from adjoining properties used or zoned for agricultural or residential purposes in accordance with Subchapter 154.015 On a case-by-case basis, the Planning Board may require that the property be completely enclosed by a wall or fence for the protection of the home occupants and the surrounding community.
c) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Operational requirements:
   1. The construction and operation shall comply with the provisions of the North Carolina General Statutes and any other applicable federal, state, or local standards.

2. Proper licensing by federal, state, and local agencies shall be required by time of application.
3. Activities associated with the home shall comply with the Surry County Noise Ordinance.

21) COMMERCIAL GREENHOUSES AND NURSERIES.
See Permitted Use Table NAICS Classification Number 1114
a) Site standards: all commercial buildings, greenhouses, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way, a minimum of twice the required setbacks for the principal building in the zoning district in which the property is located.
b) Screening and fencing: parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Subchapter 154.015.

22) CLUBS AND LODGES, COMMUNITY CENTERS, LIBRARIES, MUSEUMS, OUTDOOR RECREATION, POST OFFICE, PRIVATE RECREATION CLUBS, PUBLIC SWIMMING POOLS.
See Permitted Use Table NAICS Classification Numbers 491, 51912, 712, 71394
a) Site standards: all commercial buildings, greenhouses, storage sheds and similar structures or uses shall meet twice the required setbacks for the applicable zoning district in which the proposed use is located.
b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: a vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, outbuildings, loading areas, places of assembly, outdoor display areas and other facilities associated with the use. The buffer shall comply with Subchapter 154.015. The Planning Board may require a solid fence or wall constructed of wood, stone, or masonry, up to eight feet in height in addition to the required screening if the conditions on the site and adjacent properties warrant it.

23) CORRECTIONAL FACILITIES.
See Permitted Use Table NAICS Classification Number 92214
a) Site standards:
1. No correctional facility shall be permitted to locate or expand within a one-mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school or church.
2. All structures, recreation areas, work areas, parking and loading areas and common areas associated with the correctional facility shall be required to maintain five times the applicable setbacks of the corresponding zoning district.
b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: as a part of the required setbacks, a buffer twice what is required in accordance with Subchapter 154.015 shall be installed.

24) COUNTRY INN.
See Permitted Use Table NAICS Classification Number 721191
a) Site standards
1. Minimum lot sizes are as follows:
a. Five acres: 15 guest rooms or less.

b. Ten acres: 16 to 30 guest rooms.
c. Twenty acres: 31 to 60 guest rooms; and
d. Forty acres: 61 or more guest rooms.

2. The structure, storage areas and parking areas shall be setback at least 75 feet from all property lines and rights-of-way.
3. The owner or manager shall always provide full-time management of the premises when guests occupy the establishment.
4. The establishment may contain a full-service restaurant, in addition to guestrooms, that provide meal service to guests and the public. The restaurant may not exceed 25% of the total floor area of the country inn.
5. Development of a country inn shall architecturally reflect the character of its surroundings; development should mesh well with surrounding properties.
6. There shall be no less than one bathroom, consisting of a bath or shower, water closet and lavatory for every two guestrooms.

b) Screening and fencing: the portion of the property utilized for the country inn and its associated activities shall be screened from adjacent properties used or zoned for residential or agricultural purposes. These buffers must meet the requirements of Subchapter 154.015 However, if the country inn is in a local, state or federally designated historic structure then screening and fencing devices shall not be required if it will injure the structure 's historic integrity as it relates to the property.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

d) Additional requirements:
1. If the country inn is proposed to be new construction, floor plans and renderings of the proposed facade shall be submitted with the application. If the country inn is proposed to locate in an existing structure, floor plans, pictures of the structure and renderings of any proposed facade improvements shall be submitted with the application.
2. Any activities associated with the country inn shall be subject to the Surry County Noise Ordinance.

25) DRAGSTRIP OR RACETRACK.

See Permitted Use Table NAICS Classification Number 711212

a) Site standards:
1. Minimum lot size of 40 acres.
2. The lot shall have its own direct access to a state-maintained road. The access shall serve only the drag strip or racetrack.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: a vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes from the effects of light and noise generated on the site, as well as parking areas and all structures, outbuildings, loading areas, places of assembly, outdoor display areas and other facilities associated with the use. The buffer shall comply with Subchapter 154.015. The Planning Board may require a solid fence or wall, made of wood, stone or masonry, up to eight feet in height, in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

26) DRINKING ESTABLISHMENTS; GUN AND AMMUNITION SALES; NIGHT CLUBS AND PLACES OF ENTERTAINMENT.

See Permitted Use Table NAICS Classification Numbers 7224, 4511

a) Site standards:
    1. No night club or place of entertainment shall be permitted to locate or expand within a 500-foot radius of any property used as a nursing or convalescent home, retirement home, life care community, school, or church.
    2. All structures shall be setback from all property lines a minimum of twice the applicable setbacks of the corresponding zoning district from all properties used or zoned for residential purposes.
b) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015.
c) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Operational requirements:
    1. The site shall be utilized in a manner that prevents noise from adversely impacting properties in the vicinity.
    2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

27) ECO-TOURISM ENTERPRISE.

See Permitted Use Table NAICS Classification Number 71

a) Site standards:
    1. All structures, accessory structures, assembly areas, parking areas, recreation areas, trails, etc., shall be setback 75 feet from all property lines and rights-of-way.
    2. Any outdoor storage areas shall be hidden from view from any adjoining or nearby properties and any public rights-of-way.
    3. Enterprise development site shall be near the natural feature or ecosystem to which it provides access.
    4. Enterprise development shall be designed to aesthetically compliment the natural feature/ecosystem it serves so that the impact on the natural feature/ecosystem is minimal.
b) Screening and fencing: the portion of the property utilized for the enterprise and its associated activities shall be screened from adjacent properties used or zoned for residential or agricultural purposes. These buffers must meet the requirements of Subchapter 154.015.
c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Additional requirements:
    1. Retail goods may be sold as an incidental option so that the items sold are related to the eco-tourism enterprise. This includes a gift shop, snack bar, etc.
    2. Any activities associated with the eco-tourism enterprise, whether on-site or off-site, shall be subject to the Surry County Noise Ordinance.

28) ELECTRONIC GAMING OPERATIONS

See Permitted Use Table NAICS Classification Number 71312

a) Site standards:
    1. Gaming Operations shall be located at a minimum distance of 500 feet, measured in a straight line in any direction from the structure of the proposed electronic gaming operation to the structure of any of the following: (a) A place of worship or other religious institution; (b) A day care center or facility; (c) A public or private school; (d) A public park, playground, library, community pool or any area where large numbers of minors

regularly travel or congregate including, but not limited to, public swimming pools; (e) A fire station, police station or other public safety facility; (f) A nursing home or assisted living facility or medical facility; (g) A funeral home; (h) Another electronic gaming operation.

2. All structures shall be set back from all property lines a minimum of twice the applicable setbacks of the corresponding zoning district from all properties used or zoned for residential purposes.

b) Screening and fencing. Buffers shall be installed which meet the requirements of this Ordinance.

c) Lighting. Outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.

d) Operational requirements.

1. The site shall be utilized in a manner that prevents noise from adversely impacting properties in the vicinity.
2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
3. ELECTRONIC GAMING OPERATIONS are not allowed as an accessory use.

29) EXECUTIVE OR INSTITUTIONAL RETREAT.

See Permitted Use Table NAICS Classification Number 7131

a) Site standards:

1. All structures, accessory structures, assembly areas, parking areas, recreation areas, etc., shall be setback twice the applicable setbacks for the corresponding zoning district.
2. Facility may consist of lodging, recreation facilities, assembly areas, dining facilities and meeting facilities.
3. Kitchen and dining facilities shall be in a single, centrally located building or buildings, and not located within individual lodging units.
4. Facility may be located on one parcel, or multiple parcels in the same ownership.
5. Institutional retreats that plan to utilize tent camping or open-air sleeping quarters, shall also comply with the special use requirements for "campgrounds" found in this section.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: the portion of the property/properties utilized for the retreat and its associated activities shall be screened from adjacent properties. These buffers must meet the requirements of Subchapter 154.015

d) Operational requirements:

1. Executive or institutional retreat activities shall comply with the Surry County Noise Ordinance.
2. Lodging facilities and kitchen and dining facilities shall not be open to the public.
3. Retreats shall only be utilized for professional, educational, or religious conclaves, meetings, conferences, seminars, or training.

30) FAMILY CARE HOME.

a) Site standards:

1. Shall not provide room and board to more than six individuals at one time.
2. Parking shall be in the rear of the home.
3. Principal structure, accessory structures, and the property itself shall be maintained as a residential property.

31) FIRING RANGE.

See Permitted Use Table NAICS Classification Number 7131

a) Site standards:
   1. Shall not be located within 3,000 feet of any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church.
   2. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, at least 20 feet high shall be erected and maintained behind all target areas.

b) Screening and fencing: a vegetative buffer must be provided which will screen adjoining residential uses from the effects of light and noise generated on the site, as well as parking areas and all structures, outbuildings, loading areas, places of assembly, outdoor display areas and other facilities associated with the use. The buffer shall comply with Subchapter 154.015. The Planning Board may require a solid fence or wall, made of wood, stone or masonry, up to eight feet in height, in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

c) Operational requirements:
   1. Shall not be open between the hours of 7:00 p.m. to 7:00 a.m. (Applies to outdoor ranges only).
   2. Shall comply with the Surry County Noise Ordinance, as amended, in addition to the above requirements.

32) FUNERAL HOMES/CREMATORIES

a) Site Standards: Separation from residential uses must be maximized to the greatest possible extent.

b) Screening and fencing: Type A vegetation must separate the site and specific features, such as the smoke stack, from adjoining residential areas, whether existing or zoned.

c) Additional Requirements: Stacking lanes must be shown on site plan, and should be distinct from employee and visitor parking.

33) GO CART TRACK.

See Permitted Use Table NAICS Classification Number 711212

a) Site standards: all structures and track areas must be setback from all property lines a minimum of twice the applicable setbacks of the corresponding zoning districts, from all properties used or zoned for residential purposes.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015 along all property lines abutting property used or zoned for residential or agricultural purposes.

34) GOLF COURSES, PAR 3 GOLF COURSES, MINIATURE GOLF.

See Permitted Use Table NAICS Classification Numbers 71391, 7131

(a) Site standards:
   1. No maintenance building, outbuilding, storage building, or clubhouse shall be closer than 100 feet from any property line.
   2. These uses shall be located so that adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.

(b) Screening and fencing: fencing, netting, trees, earth berms or other approved control measures shall be provided around the perimeter of the golf course to prevent golf balls from leaving the property.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Operational requirements: the volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.

35) GOLF DRIVING RANGES - INDEPENDENT.

See Permitted Use Table NAICS Classification Number 7131

a) Site standards:
   1. No maintenance building or clubhouse shall be closer than 100 feet from any property line.
   2. Driving ranges shall be located so that adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.
   3. Driving ranges shall have a minimum depth of 1,000 feet from the tees to the end of the driving area or the end shall be controlled with netting and/or earth berms to prevent golf balls from leaving the property.
b) Screening and fencing: fencing, netting, trees, earth berms or other approved control measures shall be provided around the perimeter of the driving area to prevent golf balls from leaving the property. Driving ranges shall be screened from adjacent properties used or zoned for residential purposes. These buffers must meet the requirements of Subchapter 154.015.
c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Operational requirements: the volume of any outdoors speakers or public address system must be kept low enough to not be heard off the premises.

36) GROUP DEVELOPMENT.

See Permitted Use Table NAICS Classification Number 4522

Development where two or more structures are to be constructed on a single parcel, which is not intended to be subdivided. These include, but are not limited to, manufactured home parks, mini-warehousing, multi-family developments and shopping centers. Processes for the approval of group developments are in Subchapter 154.011.

37) HISTORIC PROPERTY VENTURES.

See Permitted Use Table NAICS Classification Number 71212

a) Site standards:
   1. Structure or property shall be designated a historic property or located in a designated historic district by the State of North Carolina State Historic Preservation Office or the United States Department of the Interior.
   2. All parking areas and new structures shall be located within the principal building setback area for the corresponding zoning district.
   3. Gift shops located outside the confines of any historic structure shall be allowed if they minimize negative visual and noise impacts on adjoining properties used or zoned for residential or agricultural uses.
b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: the Planning Board may require buffers to be installed that will screen new structures and/or parking areas, which meet the requirements of Subchapter 154.015 along all property lines abutting property used or zoned for residential or agricultural purposes. Historic structures shall not be required to be screened from adjoining properties.

d) Operational requirements: an associated small-scale restaurant or like use, which may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Planning Board. Associated uses are subject to the above requirements as well.

38) HELIPORT/HELISTOP

See Permitted Use Table NAICS Classification Number 48811

a) Site Standards:
   1. Heliports/helistops shall be so located and designed as to minimize disturbance of residential areas.
   2. There shall be a minimum five hundred (500) feet between the helipad and the nearest existing residence.
   3. No structures, runways, taxiways, tiedown areas, parking lots, towers, beacons, etc., shall be located within 50 feet of any property line.
   4. No petroleum storage tanks or refueling facilities shall be located within 100 feet of any property line.

b) Lighting: All outdoor lighting except navigational, safety, and other lighting related to aircraft operations, shall be so designed as to not disturb adjoining properties.

c) Additional Requirements:
   1. The design and construction of heliport/helistops shall follow FAA guidelines.
   2. In addition to site plans required, a full master plan including plans or information detailing flight approach patterns and noise cones shall be presented.
   3. All plans shall be drawn by a registered professional qualified to design airports.

39) HOME OCCUPATION OF A COMMERCIAL NATURE.

a) Site standards:
   1. Unlike the usual home occupation, accessory buildings or structures may be used in connection with the home occupation of a commercial nature, with a minimum setback of twice what is required by this Chapter.
   2. All uses associated with the home occupation of a commercial nature must be in the side or rear yard of the property.
   3. All storage associated with the home occupation of a commercial nature must be stored indoors; outdoor storage shall not be permitted.
   4. The Planning Board will determine if the proposed use fits the definition of home occupation of a commercial nature.

b) Screening: all structures associated with the home occupation of a commercial nature shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Subchapter 154.015.

c) Operational requirements:
   1. The owner of the business must reside on the property on which the business is located.
   2. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.

40) KENNEL (as a principal use)

See Permitted Use Table NAICS Classification Number 54194

a) Site standards:
   1. The Planning Board shall determine case-by-case the minimum lot size and total facility capacity, defined as the maximum number of animals that may be housed or kept on the property; provided that, if a lesser capacity is required by state or federal licensing requirements existing or as amended, the lesser capacity shall apply.

2. All buildings or other structures pertaining to the operation, including outdoor runs and pens, shall maintain required setbacks from all property lines the same as required for the principal structure on the property.
3. No accessory building, outdoor run, or other animal holding or exercising facility shall be in the front or side yard.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening: all kennel buildings, runs, pens or other facilities shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Subchapter 154.015.

41) LANDFILL SANITARY AND DEMOLITION INCL HAZARDOUS AND NONHAZARDOUS WASTE.

See Permitted Use Table NAICS Classification Number 562212

a) Site standards: no landfill, whether sanitary or demolition, shall be permitted to locate within one-half mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.

b) Screening and fencing: the entire property, or portion of it being used for the landfill and all supporting functions, shall be fenced with a security fence at least eight feet high and screened meeting the requirements of Subchapter 154.015.

c) Additional requirements; all landfill uses are subject to the requirements of the State of North Carolina and Surry County.

42) LIVESTOCK PRODUCTION AND SALES, LIVESTOCK SALE BARNS (NON-BONA FIDE FARM).

See Permitted Use Table NAICS Classification Number 1114

a) Site standards:
1. All structures and associated uses, parking areas, loading areas, storage areas, and outdoor assembly areas shall be setback a minimum of75-feet from all properties used or zoned for residential or agricultural purposes.
2. Livestock waste shall be managed to prevent from spreading to adjacent properties.
3. In the area where animals are kept, 80% of the existing vegetation must be maintained.
4. Considerations shall be made for additional traffic flow from state-maintained roads into the site in question, to reduce the possibility of traffic congestion and hazards, if necessary.

b) Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing:
1. Buffers shall be installed which meet the requirements of Subchapter 154.018.
2. The portion of the property being used to keep the livestock shall be fenced with a security fence at least five feet high, as to keep livestock confined and off adjoining properties.

d) Operational Requirements:
1. The site shall be utilized in a manner that prevents noise and dust from adversely impacting adjacent properties.
2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

43) MANUFACTURED HOME AND RECREATIONAL VEHICLE SALES; FARM/HEAVY EQUIPMENT SALES.

See Permitted Use Table NAICS Classification Numbers 45393, 42382

a) Site standards:
   1. Minimum lot size of two acres.
   2. Minimum setbacks of two times the applicable setbacks of the corresponding zoning district.
   3. Site shall not create a greater nuisance than the existing or previous commercial use.
   4. Noise created by proposed use shall not be any greater than that which was created by the existing or proposed commercial use.
   5. Traffic flow and conditions created by the proposed use shall not be any greater than that created by the existing or previous commercial use.
   6. Applicant shall present evidence and support materials to the Planning Board that demonstrate compliance with above requirements (3., 4., 5.).

b) Screening and fencing: buffers shall be installed which meet the requirements of Subchapter 154.015.

c) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.

44) MANUFACTURED HOME PARKS.

Refer to Subchapter 154.019.

45) MINI-WAREHOUSING.

See Permitted Use Table NAICS Classification Number 493

a) Buildings and accessory structures shall be located a minimum of 50 feet from any street right-of-way and 30 feet from any side or rear property lines.

b) Buildings and accessory structures shall be located no closer than 20 feet from one another, providing adequate access for loading, unloading, ingress and egress.

c) The total ground cover of all principal buildings and all accessory structures shall not exceed 70% of the total site.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

46) MINING AND QUARRYING.

See Permitted Use Table NAICS Classification Number 212

a) Site standards:
   1. Submit a copy of a completed application as required by the State of North Carolina for a mining permit.
   2. A letter or other certification of approval must be submitted from the NCDOT, as to the safety and design of the access or entrance on to a state-maintained road from the mine.
   3. Access to a mine or mining operation must be from a state-maintained road. The access leading from the state-maintained road to the said operation must be 45 feet in width, with a cleared drivable area of not less than 20 feet All interior access roads on the said property must also have a right-of-way of 45 feet with a cleared drivable area of not less than 20 feet. All accesses shall always be maintained to ensure smooth traffic flow.
   4. The boundary of the property shall be located at least 500 feet from any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church.

b) Screening and fencing: an area of land, which shall not be less than 50 feet in width, shall be provided along all boundaries of the affected land. This buffer area must be always left in a natural vegetative state or planted with trees, shrubs, plants that create a visual screen. Trees and plants must be native to the area and trees shall not be less than six feet in height in three years.

47) MOTOCROSS track.

See Permitted Use Table NAICS Classification Number 711212

a) Site standards:
   1. Minimum lot size of 40 acres.
   2. The lot shall have its own direct access to a state-maintained road. The access shall serve only the motocross track.
   3. All structures and accessory structures shall be located at least 100 feet from any adjoining property lines.
   4. No portion of the riding course shall be located within 200 feet of any adjoining property line.
   5. Hours of operation shall be no earlier than 9:00 a.m. and no later than 30 minutes before dusk.
   6. Ancillary support activities, such as the provision of food, beverages, and other concessions or vending operations may be permitted on a temporary basis and only during the operation of the use; and shall meet all applicable state health codes.

b) Screening and fencing: a vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes from the effects of light and noise generated on the site, as well as parking areas and all structures, outbuildings, loading areas, places of assembly, outdoor display areas and other facilities associated with the use. The buffer shall comply with Subchapter 154.015. The Planning Board may require a solid fence or wall as deemed necessary to screen from noise, in addition to the required buffer.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

48) MOVIE DRIVE-IN; STADIUM, COLISEUM, EXHIBITION BUILDING.

See Permitted Use Table NAICS Classification Number 512132

a) Site standards:
   1. All buildings and structures, accessory structures and places of assembly shall be set back at least 75 feet from all property lines.
   2. All parking areas shall be set back 25 feet from all properties used or zoned for residential or agricultural purposes.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: a vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, outbuildings, loading areas, places of assembly, outdoor display areas and other facilities associated with the use. The buffer shall comply with Subchapter 154.015. The Planning Board may require a fence or wall made of wood, stone or masonry, up to eight feet in height in addition to the required screening if the conditions on the site and adjacent properties warrant it.

49) MULTI-FAMILY DEVELOPMENT.

a) Minimum density requirements shall be two units per acre; however, the Environmental Health Department may increase lot size requirements through site evaluations on a case-by-case basis. A developer shall be permitted to develop up to 16 units per acre if access to public water and sewer systems is available.
b) A minimum of 15% of the gross acreage shall be preserved as open space.
c) Parking spaces and internal streets shall not be located closer than 25 feet from the front, side, or rear of any building.

50) NURSING, CONVALESCENT, ASSISTED LIVING FACILITY.
See Permitted Use Table NAICS Classification Number 623
a) Site standards:
1. Minimum lot size of two acres.
2. Minimum setback from any street right-of-way shall be at least 25 feet greater than is required for the district said use is located.
3. Minimum side and rear setbacks shall be 50 feet.
4. Service facilities, such as gift shops, snack bars and personal service shops may be provided if the facilities are completely within the building and designed to serve patrons of the facility and their visitors only.
b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: any parking area, common space or outdoor gathering place shall be screened from adjacent properties used or zoned for residential purposes. This buffer must meet the requirements of Subchapter 154.015.

51) PERSONAL STORAGE BUILDINGS IN THE RURAL AGRICULTURAL (RA) AND CONSERVATION PROTECTED (CP) DISTRICTS
A personal storage building shall be permitted as a principle or stand-alone use in the Rural Agricultural District or Conservation Protected District, under the following conditions:
1) The permit shall certify, and the owner shall ensure while such permit is valid, that the structure is to be used only for non-commercial storage purposes;
2) Intermittent garage sales may be held; however, permanent outdoor storage area shall at no time exceed 20% of the floor area of the structure;
3) Hazardous Materials as defined by OSHA, 29 Code of Federal Regulations (CFR) 1910.1200.) shall not be stored in a personal storage building as permitted by this ordinance.
4) The floor area of the structure shall be limited to 1,000 square feet for any zoning lot less than or equal to one acre, and 1,000 square feet per acre, prorated, for any zoning lot greater than one acre.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-17-2006; Ord. passed 7-20-2009; Ord. passed 4-20-2015; Ord. passed 3-7-2016; Ord. passed 9-19-2016; Ord. passed 8-21-2017)

52) PET CARE WITHOUT KENNELS
a) Site Standards: No outdoor containment of animals shall be located less than 250 feet from any residentially zoned property and 50 feet from any other adjacent property line.

53) PET CARE WITH KENNELS
a) Site Standards: No outdoor containment of animals shall be located less than 250 feet from any residentially zoned property and 50 feet from any other adjacent property line.

b) Screening and Fencing: Kennel areas must be surrounded by an opaque fence not less than six (6) feet in height and enclosed as to prevent escape.
c) Additional Requirements:
    1. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.
    2. The kennel and surrounding area shall be cleaned of pet waste, uneaten feed, and other waste, and shall be always kept in a neat and sanitary condition to preclude odors and aesthetic nuisances.
    3. One (1) on-premises sign shall be permitted. The sign shall be no larger than nine (9) sq. ft. unless approved by the Zoning Administrator.

54) PUBLIC UTILITY FACILIITY (LARGE-SCALE).
See Permitted Use Table NAICS Classification Number 2211
a) Site standards:
    1. The following uses and structures shall be set back at a minimum, as follows, from all property lines and public rights-of-way:
        a) Power plants: 100 feet.
        b) Large-scale buildings/structures: 75 feet.
        c) Small-scale buildings/structures: 40 feet.
        d) Telephone exchanges: 15 feet.
        e) Switching boxes, pump stations, collectors: may be located in the public right-of-way.
        f) Any equipment producing noise or sound shall be set back 100 feet from any property line.
    2. All storage must be located indoors; no outdoor storage shall be allowed.
b) Screening and fencing: Screening and fencing: utility facilities and all associated structures and equipment shall be enclosed with a security fence with a minimum height of eight feet and screened with either a minimum three-foot wide strip planted with dense evergreen vegetation or a 20-foot-wide strip of a natural wooded area. The vegetative buffer shall be located adjacent to the property line and between the property line and fence. Transmission line rights-of-way shall be exempt from the buffer requirements. Large-scale buildings /structures , small-scale buildings /structures , and telephone exchanges shall comply with the screening requirements found in Subchapter 154.015.
c) Exemptions:
    1. Exemptions to the dimensional standards Subchapter 154.006 do not apply to any proposed appurtenances or other structures. Proposed appurtenances or other structures that exceed the maximum allowed height of the applicable zoning district must be issued a Special Use Permit, as described in Subchapter 154.010, prior to construction.
    2. Lines for the transportation, transmission, and distribution of utility commodities are exempt from the provisions of this division (D) are This category includes, but is not limited to, electricity, telephone sewer, water, oil, steam, gas, and railroad track.

55) RECYCLING COLLECTION CENTER.
See Permitted Use Table NAICS Classification Number 921
a) Site standards:
    1. All structures associated with collection centers shall maintain standard setbacks applicable in the zoning district from street rights-of-way and twice the standard setbacks from any other property line.
    2. All equipment producing noise or sound and waste or recyclable material containers shall be set back 100 feet from any property line.

3. All storage must be located indoors, no outdoor storage shall be allowed, other than waste containers.

b) Screening and fencing: collection centers and all associated structures and equipment shall be enclosed and screened in accordance with Subchapter 154.015 The buffer shall be located adjacent to the property line and between the property line and fence.

56) REHABILITATION FACILITY; SANITARIUM AND MENTAL INSTITUTIONS.

See Permitted Use Table NAICS Classification Number 623

a) Site standards:
   1. No facility or institution shall be permitted to locate or expand within one-half mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.
   2. Minimum lot size of five acres.
   3. Minimum setbacks of two times the applicable setbacks of the corresponding zoning district.

d) Screening and fencing: the use shall be totally enclosed by an opaque fence along all side and rear property lines. In addition, a vegetative buffer shall be planted along all side and rear property lines, leaving space for an ingress and egress location. The buffer shall be included as part of the required setbacks and shall meet the requirements of Subchapter 154.015.

57) RESORT, HOTEL, MOTEL.

See Permitted Use Table NAICS Classification Number 72

a) Site standards:
   1. All structures, accessory structures, parking areas, recreation areas, etc., shall be set back twice the applicable setbacks for the corresponding zoning district.
   2. Facility may consist of lodging, recreation facilities, assembly areas, convention areas and restaurants, which all contribute to the resort facility.
   3. Facility may be located on one parcel, or multiple parcels in the same ownership.
   4. If a resort is developed within a RE, RR, RL or RG zoning district, the resort must be developed concurrently with a residential subdivision. Intermingling a resort with an established/ existing residential subdivision is not desirable.

b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing; the portion of the property / properties utilized for the resort and its associated activities shall be screened from adjacent properties. These buffers must meet the requirements of Subchapter 154.015

d) Operational requirements: resort activities shall comply with the Surry County Noise Ordinance.

58) ROADSIDE STANDS

a) Site Standards: Adequate off-street parking shall be provided.

b) Additional Requirements:
   1. Roadside stands require a zoning permit signed by the operator and by the owner of the property.
   2. Produce and/or flowers shall be sold directly to consumers on a temporary and/or seasonal basis.
   3. The sale of items other than fresh produce or flowers shall be limited to items associated with the products and shall not be allowed as a principal use.

4. Roadside Stands may be permitted for a maximum of six (6) months but may be re-permitted upon submission of a new application.

59) RODEO.

See Permitted Use Table NAICS Classification Number 71

a) Site standards:
   1. All structures, accessory structures, parking areas, bleachers, stables, arenas, and like uses, shall be set back at least 75 feet from all property lines.
   2. There shall be one parking space for every three seats in the largest arena area associated with the rodeo.

b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: all parking areas, structures, accessory structures, bleachers, stables, arenas, storage areas and like uses associated with the rodeo shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Subchapter 154.015

d) Operational requirements:
   1. Rodeo shall only hold events on Saturdays and Sundays.
   2. Events shall be held between the hours of 7:00 a.m. and 11:00 p.m.

61) SEAFOOD PRODUCT PREPARATION AND PACKAGING

a) Site Standards: The area surrounding the facility shall be kept clean of waste, and shall be always kept in a neat and sanitary condition to preclude odors and aesthetic nuisances.

b) Additional Requirements: The Zoning Administrator must receive proof of approval from the Environmental Health Division of the Surry County Health and Nutrition Center prior to permitting.

62) SOLAR ENERGY SYSTEM, LEVEL 2.

See Permitted Use Table NAICS Classification Number 221114

a) Site standards:
   1. The minimum lot size for this type of use shall be five acres.
   2. Structures and fixed equipment shall be setback at least 50 feet from all property lines and public rights-of-way. The Planning Board may require greater setbacks on a case-by-case basis.
   3. Height: Structures including mounted solar collection systems, shall not exceed a height of 25 feet (excludes utility poles and antenna constructed for project). The Planning Board may lower the maximum height on a case-by-case basis as site conditions warrant.
   4. Electric solar collection system components must have a UL listing.
   5. All solar collection systems shall meet state building code requirements and National Electric Code and shall be inspected by a county building inspector.
   6. If proposed SES is within one mile of an existing airport, the FAA must be notified using FAA Form 7460-1. This can be sent to their regional ADO in Memphis, Tennessee.
   7. Placement is not allowed in historical districts, such as the Village of Rockford.

b) Screening: the portion of the property utilized for the facility shall be screened from adjacent properties and from road rights-of-way. These buffers must meet the requirements of Subchapter 154.015. Additionally, the Planning Board may require more extensive buffering and/or screening on a case-by-case basis.

c) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
d) Additional requirements: decommissioning. A decommissioning plan should be recorded with Register of Deeds and signed by party responsible for SES addressing:
    1. Conditions leading to decommissioning (i.e., lease ends, no power produced in 12 months, etc.).
    2. Removal of non-utility owned equipment, conduit, structures, fencing, and foundations.
    3. Restoration of property to condition prior to installation of SES.
    4. Name or Address of person responsible for decommissioning.

63) SHOPPING CENTERS.

See Permitted Use Table NAICS Classification Number 4522

a) Minimum lot size of two acres.
b) Buildings and accessory structures shall be located a minimum of 50 feet from any street right-of-way and 30 feet from any side or rear property lines.
c) Buffers shall be installed meeting the requirements of Subchapter 154.015.
d) A plan for solid waste storage, collection and disposal shall be approved by the Zoning Ordinance Officer.
e) The total ground cover of all principal buildings and all accessory structures shall not exceed 30% of the total site.
f) Ten percent of all parking areas shall be comprised of landscaped medians.

64) SUPERMARKETS.

See Permitted Use Table NAICS Classification Number 44511

a) Site standards:
    1. All structures and accessory structures shall be set back twice the applicable side and rear setbacks for the corresponding zoning district.
    2. The proposed structures shall be designed to complement the community in which it is located, with an emphasis on blending with the surrounding rural framework.
b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: buffers must meet the requirements of Subchapter 154.015.

65) WEDDING CHAPEL.

See Permitted Use Table NAICS Classification Number 813

a) Site standards:
    1. All structures, accessory structures, parking areas, assembly areas, etc., shall be set back twice the applicable setbacks for the corresponding zoning district.
    2. Facility may consist of the wedding chapel and banquet rooms for receptions only.
b) Lighting: outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.
c) Screening and fencing: the property utilized for the wedding chapel and its associated activities shall be screened from adjacent properties. These buffers must meet the requirements of Subchapter 154.015.
d) Operational requirements:
    1. Outdoor assembly areas shall be designed to soften noise related to on-site activities from negatively affecting adjoining or nearby properties.
    2. Receptions such as wedding/baby showers, church-related events, etc. shall also be permitted within the facility. Owner should consult with the Zoning Administrator on

proposed events not associated with a wedding for compliance with this Chapter before holding said event.

66) WIND ENERGY FACILITIES.

See Permitted Use Table NAICS Classification Number 221115

a) Compliance with other county ordinances: proposed wind energy facilities and additions of wind turbines to existing wind energy facilities reaching a total height from ground level of 40 feet or higher shall be considered as tall buildings or structures as defined in Subchapter 154.018; and shall not be construed as any one of the provided exceptions listed in that definition, if such development is proposed to be located on a protected mountain ridge as defined in Subchapter 154.018.

b) Additional site plan requirements:

1. Engineer's certification that the facility as proposed will meet all industry standards for safety and durability.
2. A narrative describing the proposed wind energy facility, including an overview of the project.
3. The proposed total rated capacity of the wind energy facility.
4. The proposed number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
5. Identification and location of the properties on which the proposed wind energy facility will be located; and of all adjacent properties, including information regarding owners and any leases or other agreements pertaining to the proposed wind energy facility.
6. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and properties, demonstrating compliance of the setbacks, location of all electrical metering points and associated equipment.
7. Certification of compliance with applicable local, state, and federal regulations, such as FAA and FCC regulations.
8. An environmental assessment for large wind energy facilities, which shall be provided for review by the applicant to the Zoning Administrator and to NCDEQ. The applicant must also present a certification of distribution of the environmental assessment.
9. Other relevant information as may be reasonably requested by Surry County to ensure compliance with the requirements of this Chapter.
10. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated way the wind power project will be decommissioned, and the site restored.
11. Throughout the permit process, the applicant shall promptly notify the Zoning Administrator of any proposed changes to the information contained in the permit application that would alter the impact of the project.
12. Changes to the approved application that do not materially alter the initial site plan in the estimation of the Zoning Administrator may be adopted administratively. The Zoning Administrator may waive this provision at his or her discretion.

e) Height and setback requirements: maximum height of a wind energy facility shall be determined by application of the setback standards below. The following setback requirements shall apply for wind energy facilities, in any proposal where such a setback would exceed the general district requirements of Chapter 154.006, Zoning:
   1. Small wind energy systems shall be set back a minimum distance of twice the wind turbine height as measured from the center of the proposed facility base to all property lines.
   2. Large wind energy systems shall be set back a minimum distance of three times the wind turbine height as measured from the center of the proposed facility base to all property lines.

f) Noise and shadow flicker: this provision shall only apply to large wind energy facilities.
   1. Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at any property line.
   2. Shadow flicker at any building on surrounding property caused by a wind energy facility located within 2,500 feet of the building shall not exceed 30 hours per year.

g) Installation and design:
   1. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
   2. All structural, electrical, and mechanical components of the wind energy facility shall conform to relevant and applicable local, state, and national codes.
   3. Any on-site collector system shall be placed underground.
   4. The visual appearance of wind energy facilities shall at a minimum:
      a. Be a non-obtrusive color such as white, off-white, or gray.
      b. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
      c. Not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner and operator.
   5. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than two-thirds the height of the tower to the center of the turbine; or 15 feet, whichever is greater.

h) Decommissioning:
   1. The wind energy facility owner shall have six months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.
   2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
   3. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

67) WINERY; CRAFT DISTILLERY INCLUDING TASTING ROOMS (less than 15,000 gallons of craft spirits per year); MICRO-BREWERY (less than 15,000 gallons of malt beverages per year). See Permitted Use Table NAICS Classification Number 7224

a) Site standards:
   1. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal,
   2. All structures, buildings, storage areas, etc. (except fences or walls) associated with the operation must be set back a minimum of 75 feet from all property lines or street rights-of-

way. The Planning Board may require greater setbacks on a case-by-case basis for large-scale wineries.

3. A facility serving as an established cooperative winery may be permitted without the presence of an on-site vineyard, if in the Board's estimation, the facility will benefit, cater to, and serve the independent vineyards of Surry County and surrounding areas. Cooperative wineries shall be allowed in commercial zoning districts regardless of the existence of an on-site vineyard.

b) Lighting: outdoor lighting shall be so designed to minimize light from directly hitting adjacent property or any public right-of-way.

c) Screening and fencing: all parking and storage areas, as well as the operation itself, shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Subchapter 154.015.

d) Additional requirements:

1. Festivals to be held in conjunction with the operation may occur no more than four times per year on-site. Intent to convene festivals on-site shall be disclosed on the site plan and the owner shall submit documentation that complies with Subchapter 154.010 with the application for a Special Use Permit. Maximum occupancy for any on-site festival shall also be disclosed.
2. The maximum number of bottles to be produced and/or total volume of wine, beer or spirits to be produced on-site shall be disclosed on the site plan.

68) WIRELESS COMMUNICATION TOWERS.

See Permitted Use Table NAICS Classification Number 5173

These requirements are intended to promote and protect the public health, welfare, and safety by regulating existing and proposed wireless communication towers. They are intended to protect property values, create a more attractive economic and business climate and to enhance and protect the scenic and natural beauty of designated areas.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

a) Development Application.

Before developing a tower, the tower owner must apply for and receive a Special Use Permit, unless otherwise stated in this Subchapter. The tower owner shall prepare an application for review by the Planning Board and other applicable government agencies.

1. Area map. The application shall contain an area map prepared by a registered land surveyor on a full sheet or full sheets of the Surry County tax maps showing 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.
   e. Name of the applicable fire district.

f. Topography, proximity to streams, susceptibility to flooding as determined from available flood maps, soil characteristics and other natural features which may impose restrictions on the development of the site; and
g. Distance to airports in Elkin and Mount Airy.

2. Detailed development plan. The application shall contain a detailed development plan showing the following information on a sheet or sheet not less than 18 inches by 24 inches drawn at a scale of sufficient size to show all required information including additional information accurately and clearly 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.
   a. Name and address of owner and surveyor, engineer, and land planner.
   b. Scaled vicinity map inset showing the location of the tower in relationship to nearby 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 total square footage of lease or purchase site, 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.
3. Additional Information. In addition to the detailed development plan, the application shall contain the following:
   a. A letter from the N.C. Division of Highway Engineers indicating that his or her 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.
   b. A letter stating approval of a sedimentation and erosion control plan from NCDEQ.
   c. Identification of the intended wireless user(s) of the tower. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.
   d. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
   e. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant.
   f. Proof of ownership of the proposed site or authorization to utilize it.
   g. Landscape and lighting plan; and
   h. FAA certification that the tower is not a hazard to air navigation.
4. Additional requirements. The application shall also be accompanied by the following items:
   i. Written indemnity document from the property owner and the applicant; and
   j. Certificate of insurance to the county showing applicant's liability arrangements.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

b) Development Standards.

Towers and associated equipment shall be subject to the following development standards:

1. Towers shall not interfere with normal radio and television reception in the vicinity. Commercial messages or signage shall not be displayed on any tower. Violations shall be corrected under the enforcement provisions of this Chapter.
2. All towers regardless of height must be registered with the FAA to ensure that such towers are appropriately constructed, marked, painted and lighted so that they do not create a hazard to air navigation. Lighting shall meet the Federal Aviation Administration (FAA) minimum lighting requirements. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
3. Towers shall be constructed and maintained in conformance with all applicable Building Code requirements.
4. In order to protect the public from unnecessary exposure to radio frequency emissions, the tower owner shall provide accurate documentation certifying that the power output levels do not exceed FCC federally approved levels.
5. Towers may be constructed to a height of 199 feet. If the Board of Adjustment grants a variance, it shall not permit a tower to exceed a height of 300 feet.
6. All towers shall be self-supporting, of either monopole or lattice construction.
7. No new tower shall be located within two miles of an existing tower. The Planning Board may allow a tower to be placed within two miles of an existing tower upon being presented written documentation that supports one of the following:
    a. Appropriate space on the tower is not available.
    b. The new sponsor has made good faith efforts to negotiate an agreement with the owner of the current tower and submit documents outlining those negotiations.
    c. Equipment currently on the tower is not compatible with the proposed equipment; or
    d. The coverage objective cannot be met at that location with the provisions set forth herein.
8. All new towers shall be engineered and constructed in such a manner as to be able to accommodate at least two or more antennas so that future co-location may be possible. In addition, reasonable accommodation for public service uses such as, but not limited to, local or state government wireless communications systems, is suggested.
9. No outdoor storage yards shall be permitted on tower sites.
10. Towers must comply with the requirements of the National Environmental Policy Act (NEPA) which addresses such things as wilderness areas, wildfire preserves, endangered species, historical sites, Indian religious sites, floodplain, wetlands, high intensity white lights in residential neighborhoods, and excess radio frequency emissions. Prior to final application, the applicant shall be required to submit documentation that all the requirements of the NEPA have been met.
11. Towers must meet the ANSI/EIA/TIA-222.E standards and the North Carolina Department of Insurance, Building Code Standards.
12. Towers that are located within the viewshed of Pilot Mountain State Park, Raven Knob Scout Reservation, and Cumberland Knob Recreation Area must not detract from surrounding said viewsheds. Applicants shall provide a viewshed visibility analysis depicting how the tower will appear from multiple given points within Pilot Mountain State Park, Raven Knob Scout Reservation, and Cumberland Knob Recreation Area, as applicable. The applicant shall determine these points with the Zoning Administrator prior to submission of the viewshed visibility analysis. The Zoning Administrator shall consult

with the appropriate staff at Pilot Mountain State Park, Raven Knob Scout Reservation, and Cumberland Knob Recreation Area for their comments regarding viewshed impacts. The Planning Board shall consider the impact of the tower on the applicable viewshed when determining its suitability.

13. Towers shall comply with Subchapter 154.018, Mountain Ridge Protection.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 2-7-2022),

c) Dimensional Requirements.

Towers shall conform to the following dimensional requirements:

1. Towers shall be set back two and one-half times the height of the tower from any residential or non-residential structure on the same parcel or on parcels in the vicinity of the tower site.
2. Towers shall be set back the height of the tower from all property lines.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006);

d) Buffers.

To prevent a clear view of the base of the tower, the setback area shall contain an established forested area with a depth of at least 100 feet. When the 100-foot forested area requirement cannot be met because of the lack of the sufficient natural vegetation, a planted buffer shall be planted as required below:

1. The base of the tower, and any associated structures, walls or fences shall be surrounded by a landscaped buffer. The developer shall:
   a. Provide the landscape buffer around the tower base; or
   b. Provide a buffer around the perimeter of the entire site.
2. For safety purposes, all towers shall be screened in the form of a wall or fence, such wall or fence shall be opaque and shall be composed of materials such as wood, brick, or metal with a height of no less than eight feet.
3. The planting shall consist of deciduous or evergreen trees and evergreen shrubs. Trees shall be planted along the full length of the buffer strip in a triangular pattern with a maximum spacing of 25 feet on centers. The minimum height at planting for trees shall be six feet, and they shall have an expected minimum maturity height of 35 feet under normal growing conditions. There shall also be one row of dense shrubs, spaced not more than eight feet on centers. Shrubs shall be a minimum of two feet in height at planting and shall have a minimum expected maturity height of eight feet under normal growing conditions. It is the intent of this section to encourage the use of existing vegetation, in whole or in part, to substantially meet this requirement. The tower owner is responsible for maintaining the buffer at all times.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006);

e) Road Requirements.

Access to the tower site shall be provided by a deeded easement of no less than 30 feet in width. The road base shall be no less than eight feet in width with a three-inch gravel base. Unless the easement is a common use easement, it shall be gated for security purposes. Each site shall have two signs composed of night reflective material two inch by two inch, which

state the name of the owner and an emergency contact number. Each sign shall be in a conspicuous place.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006);

f) Co-Location.

To further encourage co-location, additional users, and associated equipment, which do not add to the tower height, may be added without additional approval from the respective county boards; all zoning approvals for co-locations as provided in this section shall be finalized within 45 days after the date of application. However, additional Building Code regulations may apply, and a site plan in accordance with this Subchapter, must be submitted to the Zoning Administrator. The Zoning Administrator shall review and approve or disapprove the application based on the provisions provided herein.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-4-2013);

g) Removal of Towers.

Towers which are not used for transmission or relay for a period of six months or more shall be removed by the owner within 180 days after receiving notice from the county to remove said tower. The tower users shall notify the Zoning Administrator within 30 days after discontinuing the tower use and submit its removal plans. Furthermore, a form of surety equal to one hundred percent (100%) of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer (under seal), and approved by the Zoning Administrator and County Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, shall be provided at the time of application approval, either with the County or in escrow with a financial institution designated as an official depository of the County. This surety shall be retained by the County to cover all cost of the decommissioning requirements.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006);

h) Modification of Permits and Site Plans.

Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the originally approved plans may be authorized by the appropriate approval authority for major or minor modifications.

Major modifications of the site plan, which is a part of the permit, are permitted following a quasi-judicial hearing consistent with Subchapter 154.010 of this Ordinance. Minor modifications, defined as those involving addition of no more than ten feet to the tower height, no more than one additional antenna, addition of no more than 20 feet to the width of the support structure, or addition of no more than 2,500 square feet to the existing equipment compound, may be permitted without additional approval from the respective county boards; all zoning approvals for minor modifications as provided in this Section shall be finalized within 45 days after the date of application. Additional building code regulations may apply.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-4-2013);

i) Low Cover Stealth Wireless Systems.

1. This provision is designed to assist the development of wireless coverage in rural areas that will not benefit from the construction of a wireless communication tower. Wireless communication antennae and supporting equipment that are developed in a small-scale, stealth manner to be located on existing structures (i.e., utility poles or rooftops) that were constructed for purposes other than supporting wireless communication equipment, shall be permitted administratively.
2. Application shall be made to the Zoning Administrator meeting the following requirements:
    a. Maximum height of the wireless antennae shall be determined by the height of the existing structure, not to exceed 100 feet above ground level. The existing structure shall only be replaced if the structural integrity will not support the proposed wireless system. The height of the new structure shall not exceed the height of the existing structure. If the wireless antenna is placed on a rooftop, the height of the antenna shall not exceed six feet above the rooftop.
    b. Minimum distance between two structures with antennas shall be 2,000 feet.
    c. Antenna size shall be no greater than six square feet: no more than three antennas per structure.
    d. Equipment cabinet/shelter shall be no larger than 12 square feet and shall be guarded from tampering by the public.
    e. Application shall comply with Section (57) (a) of this Chapter as well as other sections of this Chapter as the Zoning Administrator deems necessary. However, the following sections of this code shall not apply to low coverage stealth wireless systems: Sections (57) c) through (57) e) of this Subchapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-20-2009; Ord. passed 11-1-2010; Ord. passed 9-19-2016; Ord. passed 8-21-2017; Ord. passed 12-7-2020)
(Ord. passed 4-17-2023)

154.009 Amendments

154.009-01 AMENDMENTS IN GENERAL

The Surry County Board of Commissioners may, on their own motion or upon petition, initiate the process to amend, change, modify or repeal this Ordinance including the Zoning Maps subject to the procedures and rules established by law and in this Chapter.

154.009-02 AMENDMENT PROCEDURES FOR MAP AND TEXT AMENDMENTS

A. Initiation of Request

1) Except in the case of a conditional zoning request, any property owner or his/her agent, or citizen or his/her agent may initiate the process to amend this Ordinance including the Zoning Maps by submitting an application at least thirty (30) days prior to the regularly scheduled meeting.
2) A petition for any map change or amendment shall contain a description of the property as recorded with the Surry County Register of Deeds, or a metes and bounds description of a portion of the property identified on the petition, a statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such petition shall be filed no later than 21 days prior to the Planning Board meeting at which the petition is to be considered. There must be a separate petition prepared for each parcel of land that has different ownership.
3) 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.
4) A statement of reasonableness of the proposed request shall be prepared for each application for a rezoning. Pursuant to NCGS 160D-601, no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
    a) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
    b) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
5) There shall be a fee payable to Surry County for each application for rezoning. The amount of said fee shall be fixed by the Commissioners and shall be sufficient to defray all administrative costs incurred in processing the application, notifying abutting property owners, obtaining technical assistance, and publishing the notice of public hearing.
6) If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the

rezoning more in accordance with principles underlying the Surry County Land Use Plan, he/she shall apply for rezoning to the appropriate Conditional Zoning District specifying the nature of his proposed development. Procedures for amendments to conditional zoning districts are found in this Subchapter.

B. Public Notice

1) No amendments may be adopted to this Ordinance until a public hearing has been held on such an ordinance by both the Planning Board and by the Board of Commissioners.

2) The Zoning Administrator shall publish a notice of each public hearing on any amendments to this Ordinance once a week for two (2) successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of hearing shall be included.

3) In addition to the public notice, above, where the proposed amendment involves a change in the designation of any parcel of land, the Zoning Administrator shall, by first class mail, give notice of the public hearing to the owner(s) of parcel(s) involved in the proposed amendment, if the owner(s) are different from the applicant(s), as well as the owners, as shown on the tax rolls of Surry County, of all land abutting the parcel(s) involved in the proposed amendment. For this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice shall be mailed at least ten (10) but not more than twenty-five (25) days prior to the public hearing. The person mailing such notice shall certify that such notices have been mailed. Certification shall be included in the report prepared by the Zoning Administrator that such notice has been made.

4) When a zoning map amendment is proposed, the County shall prominently post a notice of the public hearing on the site proposed for rezoning or on an abutting public street right-of-way. This notice shall be posted continuously no more than twenty-five (25) days and not less than ten (10) days prior to the hearing date. Such notice shall be readable to passersby and able to withstand rain and light wind. In computing such period, the day the notice is posted is not to be included but the day of hearing shall be included. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons.

C. Planning Board Consideration of Proposed Amendments

1) Every proposed amendment (text and map), supplement, change, modification, or repeal of this Chapter shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public hearing, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires.

2) The Planning Board shall advise and comment on whether the proposed amendment is consistent with any officially adopted comprehensive plan, land use plan, small area plan, community plan, community development plan, corridor plan, thoroughfare or transportation plan, and capital improvements plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board.

3) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

a) The proposal will place all property similarly situated in the area in the same category or in appropriate complementary categories.

b) There is convincing demonstration that all uses permitted under the proposed district classification would be in the public interest and not merely in the interest of an individual or small group.

c) There is convincing demonstration that all uses permitted under the proposed zoning district classification would be appropriate in the area included in the proposed change since under a new district designation, any use permitted in the district is allowable, so long as it meets district requirements.

d) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change; and

e) The proposed change is in accord with the land use plan and sound planning principles, and in the opinion of the Planning Board the request is reasonable and in the public interest.

4) The Planning Board shall be prohibited from allowing any testimony or evidence concerning the specific manner an applicant/property owner intends to use or develop the property, except in the case of a request for a Conditional Zoning District.

5) The Planning Board shall render its decision on any properly filed application within 30 days after the introduction of such application. The Planning Board and the petitioner may agree to a continuance to a date certain to allow time for the petitioner to address issues that arose during the public hearing.

6) Determination of Consistency and Statement of Reasonableness. The Planning Board shall adopt one of the following statements in their recommendation to the Board of Commissioners:

a) A statement recommending approval of the zoning amendment and describing its consistency with the Surry County Land Use Plan and explaining why the action taken is reasonable and in the public interest.

b) A statement recommending rejection of the zoning amendment and describing its inconsistency with the adopted plan and explaining why the action taken is or is not reasonable and in the public interest.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Board of Commissioners Consideration of Proposed Amendments

1) Following Planning Board consideration, the Board of Commissioners shall call a public hearing for the next available regular evening meeting date, allowing time for advertising.

2) Before taking such lawful action as it may deem advisable, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that Board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board's report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

3) The Board of Commissioners shall be prohibited from allowing any testimony or evidence concerning the specific manner an applicant/property owner intends to use or develop the property, except in the case of a request for a Conditional Zoning District.

4) A report from the Planning Board that a proposed amendment is inconsistent with an officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

5) At the conclusion of the public hearing on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed amendment, refer it for further study or take any other action consistent with its usual rules of procedure.

6) Determination of Consistency and Statement of Reasonableness. As required by NCGS 160D-605(a), prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review:

   a) A statement approving the zoning amendment and describing its consistency with the Surry County Land Use Plan and explaining why the action taken is reasonable and in the public interest.

   b) A statement rejecting the zoning amendment and describing its inconsistency with the adopted plan and explaining why the action taken is or is not reasonable and in the public interest.

   If the amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment shall be considered concurrently.

7) The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time.

8) The applicant, the Planning Board and the Zoning Administrator shall be given written copies of the Board of County Commissioners' decision and the reasons therefor.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

E. Resubmittal of a Zoning Change Request. With the exception of requests originating with the Planning Board, Board of Adjustment or County Administration, a petition for any rezoning of the same property or any petition for the same amendment to this Chapter's text shall be permitted only once within any one-year period. The Board of County Commissioners, by 80% affirmative vote of its total membership, may waive this restriction if it finds any emergency or hardship exists.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

F. Withdrawal of an Application. Any application submitted in accordance with the provisions of this Chapter for the purpose of amending the regulations or district boundaries established by this Chapter may be withdrawn at any time, but fees are non-refundable.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.009-03 ADDITIONAL AMENDMENT PROCEDURES FOR CONDITIONAL ZONING

This section applies to petitions for a conditional zoning districts including Planned Residential Conditional District (PR-CD) or PD. 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 as required by this Subchapter, with the additional requirements of this Section.

A. Initiation of Request

1) Property may be placed in a conditional district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the county, but only those conditions mutually approved by the county and the petitioner may be incorporated into approval and permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development, use of the site to county ordinances and any officially adopted plans, and compatibility with neighboring properties. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition to a conditional district. 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 Subchapter 154.006. 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 the requirements of the corresponding general use zoning district.

2) Petition to include site-specific development plan. The purpose of a site-specific development plan for conditional zoning is to illustrate the uses and layout of the site, as well as other aspects of a proposal describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property pursuant to NCGS 160D-108.1. An approved site-specific development plan submitted as part of a conditional zoning request will become a part of the approval for the district and will run with the land.

3) Petitions for conditional zoning districts must be submitted at least 21 days before the next regularly scheduled Planning Board meeting and shall include one or more of the following:

a) A site-specific development plan meeting the requirements of Subchapter 154.012 F. A major site plan meeting the requirements of Subchapter 154.012 E. is required for any petition for rezoning to PR-CD (Planned Residential Conditional District)

b) 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. The uses specified must be selected from among those allowed in the corresponding general use zoning district.

c) If desired, any written conditions beyond the requirements of the corresponding general use zoning district which further limit how the property may be developed, such as additional setbacks, buffers, landscaping, building height, building materials, roof type, ingress, or egress points.

4) In addition, if the district does not otherwise require it, the petitioner may elect to request vested rights as referenced in Subchapter 154.005. In the event of an approval, the site-specific development plan shall be binding as to the location and extent of all proposed development activities on the parcel.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

B. Planning Board Review of Conditional Zoning Petitions. Following the review and consideration of the petition for conditional zoning during a public hearing according to the provisions of this Subchapter, the Planning Board shall take one of the following actions in making its recommendation:

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 proposed buildings 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.

3) Recommend denial. Recommend denial to the Board of Commissioners of the petition.

4) The Planning Board shall make a determination of consistency and statement of reasonableness according to this Subchapter. The statement shall include the conditions proposed by the petitioner as well as conditions recommended by the Planning Board.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

C. Board of Commissioners Review of Conditional Zoning Petitions. After receiving the Planning Board's recommendation and reviewing the petition for conditional zoning the Board of Commissioners shall conduct a hearing according to the provisions of this Subchapter. Following the hearing, the Board of Commissioners shall take one of the following actions:

1) Approve. Approve the petition as submitted.

2) Approve with conditions. Approve the petition with the proposed conditions and additional reasonable conditions as agreed upon in writing by both the Board and the petitioner. The Board of Commissioners may, with mutual agreement of the petitioner, impose such additional reasonable and appropriate safeguards upon such petition as it may deem necessary in order that the purpose and intent of this Chapter is served and the health, safety and general welfare of the surrounding community and the public is protected. The Board of Commissioners may amend or delete those conditions recommended by the Planning Board. The Board of Commissioners may consider the following types of revisions to conditions or the site plan:

a) Reduction or limitation in the uses requested.

b) Location and extent of supporting facilities such as buildings, 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. Specific conditions may be proposed by the petitioner County agencies or the Planning Board, but only those conditions approved by the Board of Commissioners and consented to by the petitioner in writing may be incorporated into the zoning regulations.

3) Deny. Deny the petition, with reasons stated.

The Board of Commissioners shall approve a determination of consistency and statement of reasonableness according to this Subchapter. The statement shall include all conditions agreed upon by the petitioner. 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.

(Ord. passed 4-17-2023)

D. Effect of Approval. If the petition for rezoning to a conditional zoning district is approved, the conditions submitted by the applicant and approved by the Board of Commissioners and the 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.

E. Site Plan Required. A Major Site Plan meeting the requirements of Subchapter 154.012-E and consistent with the approved development plan shall be reviewed and approved prior to the issuance of any building permits.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

154.010 Special Use Permits, Variances and Appeals

154.010-01 SPECIAL USE PERMIT PROCEDURES

A. Purpose and Applicability. This Ordinance provides for several uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard, and off-street parking and loading requirements. In addition to these uses, the Ordinance allows some uses in districts subject to the issuance of a Special Use Permit by the Board of Adjustment. In the VR District, all Special Use Permits are assigned to the Planning Board to consider and decide upon. The purpose of having such uses being "Special" is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located. Those uses shown as Special in the Permitted Uses Table of Section 3.14 shall be subject the requirements and review process of in this Section.

B. Approval Process. Special Use Permits considered by either the Board of Adjustment or the Planning Board shall follow the Board of Adjustment process as described in both Subchapter 154.004 and in this Subchapter, conducting an evidentiary hearing in accordance with all relevant provisions of NCGS 160D-406. An application shall be filed with the Zoning Administrator and shall be accompanied by a plan meeting the requirements of a major site plan in Subchapter 154.012. The Zoning Administrator shall submit the site plan to the Technical Review Committee for Review. The Technical Review Committee may, in its review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other appropriate conditions. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Conditions and safeguards imposed under this subsection shall not include requirements for which the County does not have authority under statute to regulate; nor requirements for which the courts have held to be unenforceable if imposed directly by the County, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Following Technical Review Committee review and recommendation, the Board of Adjustment shall hold an evidentiary hearing and consider the application in accordance with the findings-of-fact in Section D. below.

C. Notice of Hearing. Notice of evidentiary hearings conducted pursuant to this Section shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing, and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the County may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time the County shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. Such notice shall be readable to passersby and able to withstand rain and light wind. The Board of Adjustment may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

D. Conditions, Evidence, & Findings-of-Fact. In approving an application for a Special Use Permit, the Board of Adjustment may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustment. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that development found elsewhere in a similar zoning district. The applicant shall provide consent in writing to the conditions before the Special Use Permit will be issued. The applicant has the burden of producing competent, material, and substantial evidence to establish the facts and conditions.

The Board of Adjustment shall issue a Special Use Permit if it has evaluated an application and determined that:

1) The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and;
2) The use meets all required conditions and specifications, and;
3) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and;
4) 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 will be in general conformity with the adopted land use plans and other plans for physical development of Surry County as adopted by the Board of Commissioners.

E. Effect of Approval & Expiration of Approval. If an application for a Special Use Permit is approved by the Board of Adjustment, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the Special Use Permit or develop any other use listed as a "permitted use" for the general zoning district in which it is located. Any Special Use Permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Adjustment. Unless the Board of Adjustment issues a Special Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a two (2) years period from date of issuance of the Special Use Permit. In addition, if the project for which a Special Use Permit was issued is not complete and a valid building permit is not in place at the end of said two (2) year period, the Zoning Administrator shall notify the applicant of either such finding, and within 60 days of said notification, shall make a recommendation concerning the rescission of the Special Use Permit. The Board of Adjustment, after having conducted a public hearing to consider the rescission, may then rescind the Special Use Permit, or extend the life of the Special Use Permit for a specified period.

F. Alterations to Site & Amendments to Special Use Permit. Amendments to Special Use Permits shall follow the process used to consider the Special Use Permit.

G. Reapplication Following Denial. If a request for Special Use Permit is denied by the Board of Adjustment, a similar application for the same property or any portion thereof shall be barred by *res judicata* unless there has been a material change in the facts or circumstances. When used herein, the phrase “material change” shall mean a change of sufficient materiality that a decision on the new petition would not be barred by application of North Carolina law on *res judicata*. See, for example, Mount Ulla Historical Pres. Soc., Inc. v. Rowan Cnty.,232 N.C. App. 436, 444 (2014).

H. Denial and Appeal of Special Use Permits.

1) **Denial.** If the Planning Board or Board of Adjustment denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

2) **Appeal** No appeal may be taken from the action of the Planning Board or Board of Adjustment in granting or denying a Special Use Permit, except through the Surry County Superior Court within 30 days of the decision or forever be barred.

3) (Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006)

(Ord. passed 4-17-2023)

154.010-02 STANDARDS FOR GRANTING A SPECIAL USE PERMIT FOR ANY PROPOSED ALTERATION, EXPANSION, CHANGE, REBUILDING OR RESUMPTION OF A NON-CONFORMITY

Procedures for the granting of a Special Use Permit for the alteration, expansion, change, rebuilding or resumption of a non-conformity are the same as for other Special Use Permits above.

A. Decision Authority. The Board of Adjustment shall be the decision authority for all such petitions regarding property in Surry County with the exception that the Planning Board shall hear and decide such petitions for property located within the VR district.

B. Evidence and Testimony

1) After taking evidence and testimony, the Planning Board or Board of Adjustment shall find whether the proposed alteration, expansion, change, rebuilding or resumption of the non-conformity will have a substantial adverse impact upon adjacent properties, the neighborhood, or the public. the Planning Board or Board of Adjustment may consider any relevant factor, but no petition shall be granted unless it complies with the criteria of divisions (A)(2)(a) through (A)(2)(g) below. If it finds that a petition will not have a substantial adverse impact, the Planning Board or Board of Adjustment shall grant a Special Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit.

2) Adequate provision and arrangement have been made or will be made concerning the following, where applicable:

a) Access roads or entrance or exit drives with respect to such matters as automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire and other emergency.

b) Off-street parking and loading areas where required and refuse and other service areas with respect to their impact upon the considerations in division (A)(2)(a) above and their economic, noise, glare, odor and other impacts on adjoining properties and properties in the general neighborhood.

c) Utilities, water, sewerage, schools, fire and police protection and other necessary public and private services and facilities with respect to their location, availability, and compatibility.

d) Landscaping, screening, and fencing with respect to the effectiveness of their type, dimensions, and character in minimizing the economic, noise,

glare, odor and other impacts on and harmonizing the conditional use with adjoining properties and properties in the general neighborhood.

e) Signs, if any, proposed exterior lighting with reference to glare, traffic safety, economic effect compatibility and harmony with adjoining properties and properties in the general neighborhood.

f) The type, size, and intensity of the proposed special use, including such consideration as the size of the site, the location of the use upon it, the hours of operation, and numbers of people who are likely to utilize or be attached to the use, with respect to the impact upon adjoining properties or properties within the general neighborhood, and the purposes of the use district; and

g) Changes in surface drainage characteristics with respect to erosion, siltation, pollution, flooding, or other detrimental effects both on the site and other properties.

C. Substantial Adverse Impact. If the Planning Board or Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

1) The possible detriment or benefit to the owner of the non-conformity from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the non-conformity be brought into compliance, or from issuing it as requested.

2) The possible detriment or benefit to the owners of adjacent or neighboring properties from refusing to issue the permit, from issuing it, but requiring, either wholly or partially, that the non- conformity be brought into compliance, or from issuing it as requested; and

3) The possible detriment or benefit to the public:

a) From refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the non-conformity be brought into compliance, or from issuing it as requested; and

b) From allowing and/or refusing to allow other non-conformities of the same type or within the same neighborhood to continue as is, to be altered, expanded, changed, rebuilt, or resumed, or to be brought into compliance.

D. Standard of Reasonableness. The Planning Board or Board of Adjustment shall not approve a petition which fails to comply with the criteria in divisions (A)(2)(a) through (A)(2)(g) above or any other relevant factor unless it finds that the detriment to the owner from denying the permit will be so great as to prohibit any reasonable opportunity to recoup his or her investment in the non-conformity while the benefit to adjacent and neighboring owners and the public from denying the permit will be minimal. The Planning Board or Board of Adjustment may deny the petition or approve it in whole or in part. If the Planning Board or Board of Adjustment grants a Special Use Permit, it may impose reasonable conditions and safeguards to mitigate any potential hazards or problems or to bring the non-conformity into compliance to the extent necessary to protect the rights and interests of adjacent and neighboring owners and the public.

(Ord. passed 4-17-2023)

154.010-03 ZONING VARIANCES.

A. The Board of Adjustment may authorize a variance from the Zoning regulations of this Ordinance, such as setbacks and lot dimensions, when, in its opinion, undue hardship may result upon a showing of all of the following:

1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship, and;.
4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

B. In considering and granting any request for a variance, the Board of Adjustment shall make findings A(1) through (4) stated above as required by NCGS 160D-705(d), and shall likewise follow all quasi-judicial procedures required in NCGS 160D-406 concerning notice, materials, presentation of evidence, the conduct of hearings, and voting.
(Ord. passed 12-7-2007; Ord. passed 11-4-2013); (Ord. passed 4-17-2023)

C. Additional Variance Requirements

Additional requirements and stipulations for variances may be found in other Subchapters of this ordinance. It will be the responsibility of the Zoning Administrator to ensure that all variance requirements found in this Chapter are strictly followed. Examples include:

1) Variances to subdivision standards, Subchapter 154.013
2) Variances to floodplain regulations, Subchapter 154.017
3) Variances to watershed protection regulations, Subchapter 154.017
4) Variances for property located within the VR District

(Ord. passed 4-17-2023)

154.010-04 APPEALS

All appeals shall be filed with the County by notice specifying the grounds for appeal. Appeals shall be effective upon receipt.

1) Schedule. Appeals shall be filed within 30 Days from the date of the action being appealed.

2) **Process of Appeal.**

a) An administrative appeal is taken by filing a written notice of appeal with the Development Services Director or the Board of Adjustment which specifies the grounds for the appeal. A notice of appeal shall be

considered filed when delivered to the Zoning Administrator or Development Services Director. The Zoning Administrator or Development Services Director shall transmit to the Board of Adjustment all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing. The board shall follow quasi-judicial procedures pursuant to NCGS 160D-406 in determining appeals of administrative decisions. The Board of Adjustment may, after a public hearing, so long as such action is in conformity with the terms of this Chapter, reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination as ought to be made and, to that end, shall have the powers of the administrative official from whom the appeal is taken.

b) The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness.

c) An appeal stays all actions by the Zoning Administrator or Development Services Director enforcing the requirements of this Ordinance unless the Zoning Administrator or Development Services Director certifies to the Board reason of facts that that a stay would in their opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the Ordinance. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a Court of Record on application, on notice to the Zoning Administrator or Development Services Director and on due cause shown.

3) **Further appeals** from the Board of Adjustment, quasi-judicial decisions of the Planning Board, or from any action of the Board of County Commissioners shall be taken directly to the courts as provided by law.

4) **Fees**. Each applicant for an appeal shall pay a fee, according to the fee schedule available in the Development Services Department, to Surry County to cover the costs of advertising and administration. A receipt for this fee shall be issued by the county. However, this fee shall not apply to requests originating with any Surry County department, board or agency.

5) **County Appeals.** In all cases, the Board of County Commissioners reserves the right to appeal any decision of the Zoning Administrator to the Board of Adjustment and any decision of the Board of Adjustment to the courts.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5- 2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005;

Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.011 Development Review Processes

154.011-01 DEVELOPMENT REVIEW RESPONSIBILITIES. This chart identifies the advisory or decision-making responsibilities of the various bodies that have specific review and approval roles under this Ordinance. Certain decisions require approvals by more than one decision-making body. This Subchapter describes procedures for subdivisions and site plans. Subchapter 154.009 describes procedures for map and text amendments. Subchapter 154.010 describes procedures for special use permits, variances and appeals.

The submittal requirements for all plan types is in Subchapter 154.012.

REVIEW AND APPROVAL RESPONSIBILITIES

SR = STAFF REPORT R = RECOMMENDATION D = DECISION A = APPEAL

< PUBLIC HEARING > << QUASI-JUDICIAL PUBLIC HEARING >> 〔 PUBLIC MEETING 〕

	Review and Decision-Making Bodies							
Permit or Procedure	**Administrator**	**Development Services Director**	**TRC**	**Planning Board**	**County Commissioners**	**Board of Adjustment**	**Courts**	
Administrative Determination or Development Approval	D					<< A >>	A	
Zoning Permit	D					<< A >>	A	
Minor or Exempt Subdivision	D					<< A >>	A	
Major Subdivision	SR		〔 R 〕	〔 D 〕		<< A >>	A	
Minor Site Plan	D					<< A >>	A	
Minor Deviations to Site Plans and Subdivisions per 154.011.05	D					<< A >>	A	
Group Development; Non-residential over 2,500 sf with Major Site Plan	SR		〔 R 〕	〔 D 〕		<<A>>	A	
General Zoning and Text Amendments	SR			< R >	< D >		A	
Conditional Zoning with Development Plan	SR		〔 R 〕	< R >	< D >		A	
Special Use Permit with Major Site Plan (all but VR Districts)	SR		〔 R 〕			<< D >>	A	
Special Use Permit with Major Site Plan (VR District)	SR		〔 R 〕	<< D >>			A	
Certificate of Appropriateness (VR Districts)	SR		〔 R 〕	<< D >>			A	
Zoning Variance	SR					<< D >>	A	

(Ord. passed 4-17-2023)

154.011-02 FEES

The Board of Commissioners shall set a fee schedule for the administration of this Chapter. The Subdivision Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the subdivider and be paid directly to the Register of Deeds.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.011-03 SUBDIVISIONS

A. Plan and Plat Requirements.

1) Plans, plats, supporting documents and material for the levels of subdivision approval shall be submitted as provided for by NCGS 160D-801 through 808, as amended, and this Ordinance.
2) This Subchapter shall require that a plat be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place within the jurisdiction of Surry County. This Ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, easement boundary line and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformity with good surveying practice.
3) Although not required, it is recommended that the subdivider hold a pre-submittal conference with the Subdivision Administrator to determine the subdivision approval track and supporting document requirements for the case.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

B. Subdivision General Requirements. All plans, plats and supporting documents to be submitted in connection with the procedures set forth in this Subchapter shall be submitted first to the Subdivision Administrator. A Preliminary Plat shall be required before the final plat can be approved. Preliminary Plats may include construction drawing approvals prior to submission of the final plat. The submittal schedule and approval authority for subdivisions depends on the classification as minor, major, or exempt and can be found in B, Subdivision Types Distinguished below. All subdivisions shall meet the standards provided in Subchapter 154.013. The decision to approve or deny a subdivision shall be based upon whether the application complies with the regulations of the zoning district and the standards provided in Subchapter 154.013. Although not required, it is recommended that the subdivider hold a pre-submittal conference with the Subdivision Administrator to determine the subdivision approval track and supporting document requirements for the case.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

1) **Standards of Submittal.** The application shall include a completed application form, two copies of the plat, and supporting documentation deemed necessary by the Zoning Administrator.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

2) **Watershed Review.** The applicant for a subdivision shall submit a vicinity map to the Zoning Administrator to determine whether the property is located within the designated Public Water Supply Watershed, as established in Subchapter 154.006,

Zoning---Watershed Overlay (WO). Subdivisions located within a Watershed Overlay shall meet the requirements of Subchapter 154.017 in addition to those of this Subchapter.

3) **Erosion and Sedimentation Control.** The application shall, where required, be accompanied by a written statement that a sedimentation and erosion control plan has been submitted to and approved by the North Carolina Department of Environmental Quality (NCDEQ).

4) **Final Plats.** After all required improvements of a subdivision are complete, the final plat/plan shall be submitted to the Subdivision Administrator for final review and approval for recording.

Final plats shall be submitted within one year (12 months) of the preliminary plat approval unless an extension is requested and approved by the Subdivision Administrator.

The plat shall be recorded within 14 days of approval. The subdivider shall provide the Zoning Administrator with evidence the plat has been recorded with the Register of Deeds within five working days.

All subdivision plats shall comply with the requirements for recording of the Surry County Register of Deeds.

C. Subdivision Review Procedure Subdivisions in Surry County shall consist of three types of subdivisions: minor subdivisions, major subdivisions, and exempt subdivisions. The approval schedule and authority for the levels and types of subdivision approvals shall be as follows:

1) **Minor Subdivision**. A minor subdivision is a subdivision which contains five or fewer lots, each lot fronting with access on a state-maintained street or road.

a) The Subdivision Administrator shall review and approve all minor subdivisions. (If the Subdivision Administrator and/or the owner-developer-surveyor cannot resolve all issues, any final plat shall be taken to the Development Services Director for review and approval or disapproval.)

b) The Subdivision Administrator may, at their discretion, allow agency members of the Technical Review Committee (TRC) an opportunity to make recommendations concerning an individual subdivision before the plat is approved.

c) Minor subdivisions may be submitted at any time. The Subdivision Administrator shall approve, approve conditionally, or deny the approval of the preliminary plans within 15 days of receipt and authorize submittal to the Surry County Environmental Health Department for water and septic evaluations. Approval, conditional approval, or denial shall be in written and/or drawn form and dated.

2) **Major Subdivision**. A major subdivision is any subdivision that is not a minor or exempt subdivision.

a) All major subdivisions shall be reviewed by the Technical Review Committee (TRC), as established in Subchapter 154.004.

b) Major subdivisions require a preliminary and final plat meeting the requirements of Subchapter 154.012.

c) The Planning Board shall review and approve the preliminary plats for all major subdivisions.

d) Preliminary plats for Major Subdivisions may be submitted at any time provided, however, to be eligible to be placed on an agenda of a Planning Board meeting, such submittal shall have been filed by noon with the Subdivision Administrator at least 30 calendar days, or by noon of the previous business day (if the date falls on a weekend or holiday) prior to that meeting. The schedule shall allow time for consideration by the TRC.

e) The Planning Board shall approve, approve conditionally, or deny the approval of the preliminary plans within 15 days of receipt. The recommendation shall be in written and/or drawn form and dated.

3) **Exempt Subdivision.** Divisions of land that meet one or more of the following criteria are not subject to the subdivision regulations of this Ordinance, but are required to comply with the zoning regulations of the district.

a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.

b) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

c) The public acquisition by purchase of strips of land for the widening or opening of the streets or for public transportation system corridors.

d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots are equal to or exceed the standards of this Ordinance.

e) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

Exempt subdivisions may be submitted at any time to the Subdivision Administrator who shall determine their eligibility for recording.

The Subdivision Administrator may require only a plat of recordation for the division of a tract or parcel of land in single ownership if all the following criteria are met:

a) The tract or parcel to be divided is in not exempted in subsections a) through e) above.

b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to this division.

c) The entire area of the tract or parcel to be divided is greater than 5 acres.

d) After division, no more than three lots result from the division.

e) After division, all resultant lots comply with the following:

i. All lot dimension size requirements of the applicable land-use regulation, if any.

ii. The use of the lots is in conformity with the applicable zoning requirements, if any.

iii. A permanent means of ingress and egress is recorded for each lot.

(Ord. passed 12-7-2007; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

D. Appeals. An aggrieved person may appeal any decision of the Subdivision Administrator to the Development Services Director by filing written notice with the Development Services

Director within 30 days of the Subdivision Administrator's action, or the Administrator's failure to act, if the Administrator failed to act within the allotted time. If said person is unsatisfied with the decision of the Development Services Director, the appeal shall be taken to the Board of Adjustment by filing written notice according to Subchapter 154.010-04 of this ordinance and shall have the same authority as the Subdivision Administrator regarding the subject level of subdivision review and approval.

E. Effects of Approvals; Prerequisites

1) Preliminary plat. This approval shall constitute tentative approval of the subdivision plat/plan if the final subdivision plat/plan is in substantive agreement with the preliminary plat/plan and shall entitle the subdivider to proceed to prepare street, storm drainage, flood control, erosion control and utility construction plans, if applicable, and/or to proceed to prepare the final plat/plan. Approval of construction plans shall entitle the subdivider to proceed with construction of subdivision improvements for the preliminary plat/plan. Preliminary plats/plans for proposed subdivisions that will utilize public water and/or sewer shall include detailed construction plans from a certified engineer.
2) Final plat. This approval shall entitle the subdivider to record the final subdivision plat. A final subdivision plat must be recorded in the office of the Register of Deeds within 14 working days of its approval. Three recorded copies must be submitted to the Development Services Department by the owner, developer, surveyor or representative, before any building permits are issued. No final subdivision plat shall be regarded as finally approved until such plat has been signed and dated by the Subdivision Administrator and the plat meets the requirements for recording as defined in NCGS 47-30, as amended. The subdivider shall pay all recording costs.
3) No final subdivision plat shall be approved for recording until all required subdivision improvements have been installed, inspected, and approved by the Subdivision Administrator and the Local Ordinance Officer unless a performance guarantee has been furnished to the County in compliance with Subchapter 154.013. In addition, no final subdivision plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Subdivision Administrator, with the approved preliminary plan. Final subdivision plats not in substantial agreement shall be resubmitted as preliminary plans as provided for herein.
4) After the final subdivision plat is recorded and recorded copies returned to the Surry County Development Services Department, lots, as shown on the plat, may be sold or otherwise conveyed by reference to the recorded plat.
5) Approval and recording of the final subdivision plat shall constitute dedication by the subdivider of the right-of-way of each public street, and utility and drainage easement shown on such plat. Such dedication, however, does not constitute acceptance by the public of such right- of-way, nor does it constitute acceptance for maintenance, or for other purposes of the improvements within such rights-of-way and easements such as pavements, sidewalk, drainage facilities and other utility lines. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be offered for dedication until Surry County has by resolution accepted such dedication, and such land is deeded

to Surry County. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or their designees, and Surry County shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the Board of Commissioners of Surry County.
(Ord. passed 12-7-2007; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.011-04 SITE PLAN PROCEDURES

A. Plan Requirements. This Subchapter shall require that a site plan be prepared and approved pursuant to the provisions of this Ordinance whenever any development of land takes place within the jurisdiction of Surry County. This Ordinance may include requirements that the final site plan show sufficient data to determine readily and reproduce accurately on the ground the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

B. Submittal Standards. The application shall include a completed application form, two copies of the site plan meeting the requirements of Subchapter 154.012, and supporting documentation described for each type of site plan approval below. However, it is recognized that each development is unique, and therefore, the Zoning Administrator may exercise judgment in requiring less or more information, and submittals according to the needs of the case.

C. Administrative Fee. The Board of Commissioners shall set a fee schedule for the administration of this Chapter. The Zoning Administrator shall be responsible for collecting such fees.

D. Site Plan Review Procedures. All plans and supporting documents to be submitted in connection with the procedures set forth in this Chapter shall be submitted first to the Zoning Administrator in accordance with Subchapter 154.012, Development Plan Requirements. The approval authority for site plans depends on the classification as minor or major and can be found in F, Site Plan Types Distinguished below. All sites shall meet the standards provided in the appropriate Subchapters of this Chapter. Although not required, it is recommended that the applicant hold a pre-submittal conference with the Zoning Administrator to determine the development approval track and supporting document requirements for the case.

1) **Preapplication Conference.** It is highly recommended that an applicant schedule a pre-application meeting with the Zoning Administrator with a sketch plan of the proposed site and information about the intended development. The sketch plan and/or information should show the tax map number(s) and boundary of the property, the total acreage, general layout and use of proposed buildings and roads, density and intensity of proposed uses, connections with existing roads, and the location of utility connections. The Zoning Administrator will advise the applicant of all applicable County regulations and policies, suggest development alternatives, application procedures, and fees. The preapplication meeting is an opportunity for the applicant to receive an informal review of a development proposal prior to the submittal of a complete application.

2) **TRC Review.** The Zoning Administrator shall present plans and drawing to the Technical Review Committee. The plans and drawings will be reviewed for compliance with this Ordinance and all related planning documents and county policies.

3) **Watershed Review.** The applicant for a site plan shall submit a vicinity map to the Zoning Administrator to determine whether the property is located within the designated Public Water Supply Watershed, as established in Subchapter 154.006, Zoning---Watershed Overlay (WO). Sites located within a Watershed Overlay shall meet the requirements of Subchapter 154.017 in addition to those of this Subchapter.

4) **Certifications.** The applicant shall submit to the Zoning Administrator, where required, certifications from the following staff and agencies prior to final approval.

a) A North Carolina Department of Environmental Quality (NCDEQ) approved sedimentation and erosion control plan

b) A Driveway Permit approved by the local NCDOT district engineer.

c) Approvals from the NC Department of Health or municipal utility provider that adequate water and sewer utilities to serve the site are available or have been installed.

d) Watershed permit from the Watershed Administrator if required.

e) Floodplain Permit form the Floodplain Administrator if required.

5) **Other Plans and Permits.** All required plans and permits shall be submitted and approved, or conditionally approved, by the Zoning Administrator prior to final site plan approval. Examples include floodplain and watershed permits, landscaping plans, lighting plans, signage plans, and other plans as required for the type of development.

6) Building permits for development according to an approved site plan shall be submitted within 1 year of final site plan approval unless vesting rights have been established in accordance with Subchapter 154.005.

E. Site Plan Types Distinguished. Site Plans in Surry County shall be classified as residential site plans, minor site plans or major site plans.

1) **Residential Site Plan.** A residential site plan meeting the requirements of Subchapter 154.012 shall be required for any residential development that adds new structures or changes the footprint of existing structures.

2) **Minor Site Plan**. A minor site plan meeting the requirements of Subchapter 154.012 shall be required for new single-building, non-residential development, or additions of less than 2,500 square feet in gross floor area; and new multi-family development.

a) The Zoning Administrator shall review and approve all minor site plans.

b) Minor subdivisions may be submitted at any time. The Zoning Administrator shall approve, approve conditionally, or deny the approval of plans within 15 days of receipt and authorize submittal to appropriate review staff and agencies for evaluation. Approval, conditional approval, or denial shall be in written and/or drawn form and dated.

c) The Zoning Administrator shall determine the detail and breadth of plans and drawings required with an application, based on the size and complexity of the site and its impact to neighboring properties. The Zoning Administrator may also request review of individual minor site plans or minor subdivisions by members of the TRC, if desired.

3) **Major Site Plan. A** major site plan meeting the requirements of Subchapter 154.012 shall be required for the approval of development that does not qualify for minor site plan approval. A major site plan is also required for the approval of Group Development.

a) A pre-application conference with the Development Services Department is highly recommended with a preliminary sketch to be reviewed for feasibility

b) All major site plans shall be reviewed by the TRC and approved by the Planning Board.

c) Major site plans may be submitted at any time provided, however, to be eligible to be placed on an agenda of a Planning Board meeting, such submittal shall have been filed by noon with the Zoning Administrator at least 30 calendar days, or by noon of the previous business day (if the date falls on a weekend or holiday) prior to that meeting. The schedule shall allow time for consideration by the Technical Review Committee. The Planning Board shall approve, approve with conditions, or deny the site plan within 60 days of its first consideration. The recommendation shall be in written and/or drawn form and dated.

d) Applications for the approval of major site plans must include a set of drawings that include:

i. Site Plan according to the requirements of Subchapter 154.012
ii. Existing Conditions
iii. Grading Plan
iv. Soil and Erosion Control Plan
v. Landscaping and Lighting Plan
vi. Street details
vii. Infrastructure details

F. Appeals. An aggrieved person may appeal a decision of the Zoning Administrator to the Board of Adjustment by filing written notice according to Subchapter 154.010-04 of this ordinance.

G. No building permit shall be issued for development approved by a site plan until all required improvements have been installed, inspected, and approved by the appropriate agency as well as the Subdivision Administrator and the Local Ordinance Officer, unless provisions are made with the Development Services Department.

H. The following certifications shall be received by the Zoning Administrator unless provisions are made with the Development Services Department prior to building permitting:

1) Approvals from the Environmental Health Department and the Fire Marshal.
2) Approved NCDOT driveway permit
3) Evidence of coordination with the NCDOT about the proposed development and any arrangements to handle added traffic volume at the proposed site.

4) Plans for waste and refuse disposal equipment and method of disposal such as compactors, or dumpsters
5) Construction plans for infrastructure (public and private) approved by the appropriate agency
6) Certification of completion of all improvements including utilities drainage, curbing, stone base and street signs
7) Infrastructure record drawings "as constructed" approved by the applicable service provider.
8) Certification that private water or septic systems are installed in conformance with the standards of the Public Health Department
9) The dedication of streets or roads offered for public use
10) Street traffic signs (e.g., stop signs, etc.) and street name signs must be installed in accordance with the specifications of either the Public Works Department or the North Carolina Department of Transportation, or provisions made with Planning Staff for the installation
11) The site plan shall represent the full plan of development, or the site plan may be developed in phases or sections. If developed in phases or sections, each site plan shall denote phase or section numbers in numerical order as the site is developed.

(Ord. passed 4-17-2023)

154.011.05 MINOR DEVIATIONS FROM SUBDIVISION AND SITE PLANS. The Zoning Administrator shall have the authority to approve certain minor deviations to site plans associated with development approvals to include Special Use Permits, Certificate of Appropriateness, Conditional Zoning, and other like development plans. Plans and permits for development under an approved Site Plan may include minor deviations from the Site Plan or its conditions, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the site plan approval process or any other change that has no material effect on the character of the approved Site Plan or any of its approved conditions. The following are examples of minor deviations:

A. Minor shifts in parking, building size or location;

B. Minor facility design modifications for amenities and the like; and

C. Minor changes in ingress and egress but shall not include changes that move ingress or egress closer to a neighboring property.

Changes that materially affect the basic concept of the Site Plan or basic parameters set by the site plan conditions are not considered minor deviations, and shall only be changed as amendments to the Site Plan according to the original approval.

(Ord. passed 4-17-2023)

154.012 Development Plan Requirements

Zoning amendments and development approval processes require the submittal of a development plan to facilitate the review of a proposal for conformity with the provisions of this ordinance and to promote orderly development in the County.

The requirements for each type of development plan are described below. These requirements are established to address the level of intensity and complexity of various types of development approvals.

Plans for development proposals may be/should be submitted digitally for initial review.

It is recognized that each development is unique, and therefore, the Zoning Administrator may exercise judgment in requiring less or more information, and submittals according to the needs of the case.

154.012-01 SUBDIVISION

A. Subdivision, Exempt Plat. Exempt subdivisions must include sufficient detail to enable the Zoning Administrator to ascertain whether the proposal meets the definition for an exempt subdivision and meets the mapping requirements of NCGS 47-30.

B. Subdivision, Preliminary Plat. Preliminary subdivision plats must include the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance:

1) Tax map number(s) of the property proposed for subdivision;
2) Scale not smaller than (1" =100') unless approved by Development Services staff;
3) North arrow;
4) Location map with north arrow indicating the location of the site and showing the intersection of at least two (2) public streets nearest to the property;
5) Title block with:
    a. Development name;
    b. Name and address of owner and petitioner; and
    c. Name, address, and seal of the licensed professional land surveyor or engineer who prepared the preliminary plat;
6) Existing zoning;
7) Total acreage;
8) Number of lots;
9) Acreage of each proposed lot in acres, or square feet if less than an acre;
10) Lot lines, dimensions, and lot numbers with lot lines to be vacated clearly marked;
11) Property boundaries of resulting lots with bearings and distances;
12) Adjacent property ownership;
13) Natural and cultural features including (streams, lakes, ponds, drainage ways, floodway fringe boundaries and elevations, watershed boundaries and labels, rocky outcrops, wooded areas, marshes, floodplains, areas delineated by the United States Army Corps of Engineers as Wetlands, historic sites and cemeteries, and any other site of interest;
14) Existing structures with setbacks from proposed property lines;
15) Proposed open space;

16) Proposed access for all lots to include existing and proposed rights-of-way with widths and centerlines indicating private or public. State Road (SR) number if public;
17) Proposed subdivision name and street names;
18) Method of water and sewer provision;
19) All major public utility lines visible on the site including water, sewer, power, telephone, gas, cable, or any other public utility; and
20) Road construction plans and/or utility construction plans if required by the Subdivision Administrator.

Development Services Staff may require any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the subdivision regulations are being observed; and information of sufficient detail to review a proposal for compliance with an overlay zoning district, general or conditional zoning district.

C. Subdivision, Final Plat. Final plats will not be signed by the Subdivision Administrator until all of the following information or certifications are received, if applicable:

1) Construction plans for infrastructure (public and private) approved by the appropriate agency;
2) Completion of all improvements as required by Subchapter 154.013 such as utilities drainage, curbing, stone base and street signs to be in place and functioning;
3) Certification of complete utilities;
4) Surety for incomplete improvements as required by Subchapter 154.013;
5) Infrastructure record drawings "as constructed" approved by _____ ;
6) Certification that private water or septic systems are installed in conformance with the standards of the Public Health Department;
7) The dedication of streets or roads offered for public use;
8) All public or private easements with bearings and distances for utilities, drainage, sight distance, sign easements for subdivision markers;
9) Street traffic signs (e.g., stop signs, etc.) and street name signs must be installed in accordance with the specifications of either the Public Works Department or the North Carolina Department of Transportation, or provisions made with Development Services Staff for the installation;
10) Approved street names and addresses;
11) Zoning conditions if applicable;
12) Required certifications;
13) The final plat shall represent the full plan of development for the subdivision, or the subdivision may be developed in phases or sections. If developed in phases or sections, each plat shall denote phase or section numbers in numerical order as the subdivision is developed; and
14) All information included in subsection B above.

154.012-02 SITE PLANS

A. Site Plan, Residential. A Residential Site Plan processed according to this Subchapter is required for any residential development that adds new structures or changes the footprint of existing structures.

B. Residential site plans must include the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance:

1) An approximate scale and orientation indicated on the plan;
2) The shape, location, and dimensions of the lot;
3) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot;
4) For new homes only: Location and certification of availability of public water and sewer utilities. OR location and Public Health approval of private water and sewer. The permit applicant is responsible for the location of existing above ground and underground infrastructure and ensuring new development does not violate water or sewer regulations;
5) Zoning and total acreage of the site; and
6) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

C. Site Plan, Minor. A minor site plan processed in accordance with this Subchapter is required for new single-building, non-residential development or additions of less than 2,500 square feet in gross floor area; and new multi-family development.

Minor site plans must include the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance:

1) The plan must be drawn to scale. The Zoning Administrator may require some plans to be certified by a professional surveyor and/or design engineer as required for subsequent permits;
2) The actual shape, location, and dimensions of the lot;
3) The existing and intended use(s) of the property and adjacent properties;
4) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot;
5) Location and certification of availability of public water and sewer utilities. OR location and Public Health approval of private water and sewer;
6) Zoning and total acreage of the site;
7) Information required by the provisions of an overlay zoning district, general or conditional zoning district or other development guidelines dictated within this ordinance;
8) Source of property boundaries (plat or deed reference);
9) Landscaping buffers identified, and planting plan, if appropriate;
10) Locations of existing and proposed parking areas with numbers of spaces required and proposed;
11) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed; and
12) Proposed ingress/egress for the site with approved driveway permits from NCDOT.

D. Site Plan, Major. A Major Site Plan processed in accordance with this Subchapter is required for the approval of development that does not qualify for minor site plan approval. A major site plan is also required for the approval of Group Development.

Major site plans shall be prepared by a registered surveyor, architect, landscape architect, draftsman or engineer. In addition to the submittal requirements of a minor site plan, major site

plans must include the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance:

1) Title block with:
   a. Development name;
   b. Name and address of owner and petitioner; and
   c. Name, address, and seal of architect, landscape architect, land planner, engineer, or land surveyor;
2) Adjacent property owner names, parcel numbers, and zoning;
3) Zoning conditions if appropriate;
4) Density per acre;
5) Building setbacks in table format and building envelopes shown on lots;
6) Location, arrangement, and dimensions of loading and unloading areas;
7) The shape, dimensions, height, use, and location of all buildings, outbuildings, loading areas, places of assembly, outdoor display areas, storage areas (indoors and outdoors) and other facilities associated with the use; existing and proposed;
8) Location and dimensions of outdoor activity areas including outdoor storage, location, and type of outdoor lighting;
9) General drainage systems;
10) Location and material of fences and walls;
11) Location of proposed sanitary sewers, storm sewers, wells or water distribution lines and utilities (items must be flagged on property for inspection);
12) Topography of the site (contour line intervals no greater than 20 feet), ground cover, slopes, banks, and ditches;
13) Natural and cultural features including streams, lakes, ponds, drainage ways, floodway fringe boundaries and elevations, watershed boundaries and labels, rocky outcrops, wooded areas, marshes, floodplains, areas delineated by the United States Army Corps of Engineers as Wetlands, historic sites and cemeteries, and any other site of interest;
14) Streams, drainage ways, floodway and floodway fringe boundaries and elevations, watershed boundaries;
15) The square feet and percentage of site as built upon area if the site is located in a watershed;
16) The location and type of all required buffers;
17) Sedimentation and erosion control plan to be approved by NCDEQ;
18) Delineation of areas to be constructed in phases and sequential order;
19) Boundaries of floodplains and watersheds or note stating that property is not within one;
20) All public or private easements with bearings and distances for utilities, drainage, sight distance, sign easements for subdivision markers;
21) Approved street names and addresses; and
22) Zoning conditions if applicable.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

E. Site Specific Development Plan for Conditional Zoning and Special Use Permit Applications.

A site-specific development plan (with 25 copies) submitted with a petition for conditional zoning or a Special Use Permit must be received by the Zoning Administrator at least 21 days before the next regularly scheduled Planning Board meeting and shall show at least the following:

1) Tax parcel identification number(s) and total acreage;
2) Vicinity map and township;
3) Owner's name, address and telephone number, adjoining properties and owners, as well as the location of structures on adjoining properties; name, address, contact information, and seal of professional who prepared the development plan;
4) The shape and dimensions of the lot proposed for conditional zoning along with north reference and graphic scale;
5) The location of said lot with respect to adjacent rights-of-way;
6) Proposed extent of development expressed by: (This information must be given for each area of a mixed-use development.)
    a) Proposed use(s) of the building(s) or land, including the extent and location of the use;
    b) Maximum and Minimum lot dimensions and standards;
    c) Max building heights;
    d) Max building coverage for residential;
    e) Max building size and height for non-residential; and
    f) Max number of dwelling types and units, or gross floor area;
7) The location of proposed roadways, building areas, common area, utility connections, and open space designated as private or public;
8) Natural and cultural features including streams, lakes, floodplain boundaries, watershed boundaries and labels, areas delineated by the United States Army Corps of Engineers as Wetlands, historic sites and cemeteries, and any other site of interest. The petitioner is encouraged to identify and protect other resources such as rocky outcrops, wooded areas, marshes, farmland, and other representations of the character of the area;
9) The petitioner's proposed conditions stated on the plan and/or included as an attachment with the physical locations of said conditions (if applicable) drawn on the plan; and
10) Any other information which the Development Services staff may deem necessary for consideration in enforcing all provisions of this Chapter. The petitioner will need to submit conditions providing the reasons for any proposed deviations from this ordinance for Conditional Zoning requests.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.12-03 DETAILED DEVELOPMENT PLAN

A detailed development plan prepared by a registered surveyor, architect, landscape architect, draftsman or engineer is required when seeking a Special Use Permit for wireless communication towers and manufactured home parks. Submittal requirements for detailed

development plans are listed within the standards for wireless communication towers (Subchapter 154.008) and manufactured home parks (Subchapter 154.019).
(Ord. passed 4-17-2023)

154.13 Subdivisions

154.013-01 SUBDIVISIONS GENERALLY

A. Interpretation, Conflict and Applicability. All proposed Minor and Major Subdivisions shall comply with this Subchapter. The Planning Board shall deny approval of any subdivision, which the Board finds, does not meet one or more of the stated provisions of this Chapter, and shall approve any subdivision which the Board finds meets all the stated purposes and provisions of this Chapter. Provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Subchapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this Subchapter imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Subchapter shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

B. Repeal and Reenactment of Existing Ordinance. The rewriting of this Subchapter in part carries forth by reenactment some of the provisions of the existing Subdivision Ordinance of Surry County and it is not intended to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Subdivision Ordinance adopted on 11-1-1999, as amended, which are not reenacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Subdivision Ordinance in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Subchapter, but shall be prosecuted to their finality the same as if this Subchapter had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Subchapter shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

C. The general design of the subdivision shall take advantage of and be adjusted to the contour of the land to produce usable building sites and streets of reasonable gradients. Subdivision plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as water supply watershed requirements, outstanding resource waters, topography, rock outcrops, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, (including cemeteries as referenced in G.S. §§ 14-148, 14-149, 70-27, 70-29, 70-30 and other such statutes that may relate as amended) and land use relationships in addition to other factors including those prescribed by this Chapter.

D. The subdivider shall be required to reference the North Carolina State Environmental Policy Act, found in the North Carolina Administrative Codes through the Department of Administration for any development which deals with an environmental analysis. This document can be referenced through the Office of the North Carolina Department of Environmental

Quality (NCDEQ) when the development pertains to land use, water quality, waste-water disposal and/or any other environmental issues as dealt with through this state agency.

E. G.S. § 136-102.6, "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers", requires that new public streets outside of city limits be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the state highway system.

It is the intent of this Subchapter to complement, and not to conflict with the requirements of NCDOT as stated in G.S. § 136-102.6. In all cases, the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

F. This Chapter provides that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

G. This Chapter provides for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

H. Effect Upon New Territory Added to Jurisdiction

1) At any time when new territory is added to the jurisdiction of this Chapter, such new territory shall immediately become subject to the provisions of this Subchapter.

2) Any proposed subdivision or any subdivision in progress within such new territory shall proceed only in accordance with the following.

(a) Any subdivision for which a final plat has been recorded in the Register of Deeds office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of subdivision improvements, shall remain under the subdivision control of such local government until such time as such subdivision shall have been prosecuted to completion.

(b) All other subdivisions shall meet all of the requirements of this Chapter and it shall be the responsibility of the subdivider of any proposed subdivision or subdivision in progress to receive approval as provided for in this Chapter before proceeding with any development. The subdivider shall arrange a conference with the Subdivision Administrator who shall determine the level and type of approval required and provides the subdivider with an approval track for the particular case.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

I. Validity

1) If any section, division, sentence, clause or phrase of this Subchapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Subchapter.

2) The Board of Commissioners hereby declares that it would have passed this Subchapter and each section, division, clause and phrase thereof irrespective of the fact that any one or more sections, divisions, sentences, clauses or phrases be declared invalid.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

J. Appeals of the Subdivision Administrator. An aggrieved person may appeal any decision of the Subdivision Administrator to the Development Services Director by filing written notice with the Development Services Director within 30 days of the Subdivision Administrator's action, or the Administrator's failure to act, if the Administrator failed to act within the allotted time. If said person is unsatisfied with the decision of the Development Services Director, the appeal shall be taken to the Board of Adjustment by filing written notice according to Subchapter 154.010-04 of this ordinance and shall have the same authority as the Subdivision Administrator regarding the subject level of subdivision review and approval.
(Ord. passed 12-7-2007; Ord. passed 12-7-2020)
(Ord. passed 4-17-2023)

154.013-02 SUBDIVISION NAMES, STREET NAMES AND ADDRESSING

A. In no case shall the name of a proposed subdivision duplicate or be phonetically like an existing subdivision name within the jurisdiction unless the proposed subdivision lies adjacent to or is near the existing subdivision.

B. Proposed streets, which are obviously in alignment with others already existing or proposed and named shall bear the names of the existing or proposed ones. In no case shall the names of proposed streets duplicate or be phonetically like other existing street names in the jurisdiction irrespective of the addition of a prefix, suffix, or word such as street, avenue, place, drive, or court. Private streets or drives shall use the suffixes of lane, way, or trail. All proposed street names shall be reviewed and approved by the Surry County Tax Office.

C. Road/street signs costs shall be the responsibility of the subdivider who must contact the Surry County Public Works Department on road/street sign issues. Installation of road signs shall be the responsibility of the Surry County Public Works Department.

D. Upon receiving a building permit the subdivision lot number and future E-911 addressing number shall be posted and visible.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-03 STREETS

The proposed street system shall extend existing and projected streets at not less than the required minimum width and shall be in conformance with the following criteria.

A. Conformance with thoroughfare and transportation plans. The location and design of streets shall be in conformance with any applicable thoroughfare or transportation plans. Where conditions warrant, right-of-way width and pavement width more than the minimum street standards may be required. In any case where any part of a subdivision lies within the corridor of a thoroughfare shown on a NCDOT Roadway Corridor Official Map adopted pursuant to G.S. Ch. 136, Art. 2E, no subdivision approval shall be granted with respect to the property in the Roadway Corridor; provided, however, no subdivision plat approval shall be delayed by the provision of the roadway corridor official map procedure for more than three years from the date of its original submittal.

B. Street classification. The final determination of the classification of streets in a proposed subdivision shall be made by the NCDOT. All streets shall be planned, designed, and dedicated as public streets unless otherwise specifically provided for in this Subchapter.

C. Conformance with adjoining street system. The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

D. Reserve strips and half streets. Reserve strips adjoining street rights-of-ways for the purpose of preventing access to or from adjacent property (except those required to prevent access to major thoroughfares) and half-streets shall not be permitted under any condition.

E. Intersections. Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 75 degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections must be avoided.

F. Cul-de-sacs.

1) Cul-de-sacs shall be provided with a turn-around meeting NCDOT standards. Cul-de-sacs may be designed to utilize circular, T, L and Y shapes by following the diagrams in the appendix or to meet NCDOT standards. A temporary cul-de-sac maybe installed within 18 months as part of the plat approval if the subdivider intends to phase the development.
2) Cul-de-sacs should not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property.

G. Marginal access streets. Where a tract of land to be subdivided adjoins a thoroughfare, the subdivider may be required to provide a marginal access street parallel to the thoroughfare or provide for through lots on a local street for the lots to be developed adjacent to the thoroughfare. Where through lots are established, such lots may be prevented from having direct access to the thoroughfare by driveways.

H. Utilities, streetlights, and storm drainage. Street utilities, streetlights, sidewalks, storm drainage and other such facilities are to be placed within the street right-of-way and shall be placed in accordance with NCDOT Standards for Construction in public rights-of-way. This section is also applicable to private streets.

I. Pavement, curb, and gutter pavement. Curb and gutter to be placed in public streets shall be placed in accordance with NCDOT Standards for Construction in public rights-of-way. This section is also applicable to private streets.

J. Street design criteria. All street designs and construction, whether public or private, shall conform to the following standards.

1) All roads declared public or private shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Roads", as published by the NC Department of Transportation, Division of Highways.
2) As an option, private driveways may be constructed meeting the design and construction criteria as follows:

a) Private driveway. A private drive serving up to four lots, with a deeded 45-foot right-of-way, which will be maintained by the property owner, and not intended for public ingress and egress. Each private driveway shall have access to a state-maintained road. Only one private driveway is allowed per subdivision.

b) Existing easements less than 45 feet. Legal easements with a right of way of less than 45 feet established before the effective date of this ordinance shall be allowed to serve up to three lots with approval by the Subdivision Administrator. New easements with less than 45 feet of right of way are prohibited.

b) Easement minimum. A minimum of 20 feet shall be required for all easements serving private, family cemeteries that do not front along a state-maintained road.

K. Water and sewer design criteria. All public systems shall be approved for construction by the appropriate agency of the State of North Carolina. The Subdivision Administrator shall coordinate review with the appropriate personnel.
(Ord. passed 12-7-2007; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.013-04 LOTS; MINIMUM DIMENSIONAL REQUIREMENTS

A.

1) The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision, for the type of development contemplated and in consideration of the method of providing water and sewer facilities to the lots. In addition, all lots must meet the dimensional requirements of the zoning district in which the subdivision is located.
2) The configuration of lots in subdivisions designed for non-residential purposes may be omitted on plans and plats. The final lot sizes may be determined and platted on a lot-by-lot basis provided each meet the minimum requirements.
3) Every lot shall have sufficient area, dimensions, and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions. Such buildable area shall comply with Subchapter 154.017. Lots shall be designed to provide positive drainage away from building sites. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage-ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage-ways. Lotting arrangements shall be made with due consideration given to not disturbing wetlands, rock outcrops and other such natural features. Sidelines of lots should be at or near right angles or radial to street lines. All lots must have public street access and frontage meeting the requirements set forth in Subchapter 154.006. Parcels created through the subdivision process which are not intended for building purposes shall be so designated and perpetually bound as "non-buildable" unless subsequently released through the subdivision process. Lots shall only be labeled as "non-buildable" if so designated by the Environmental Health Department.

B.

1) All required minimum yard setbacks and dimensional requirements shall comply with Subchapter 154.006 of this code of ordinances.
2) All building lots within a designated watershed area shall comply with the requirements of this code of ordinances.
3) No lot or building area in an outstanding resource water watershed (ORW) shall be less than the minimum required lot size or built-upon area for the watershed.
4)

a) Lots shall have a minimum area as required by Subchapter 154.006 of this code of ordinances or as required by Health Department regulations to ensure proper septic system and water supply maintenance plans are feasible.

b) Lots must meet the cumulative minimum lot requirements for accessory buildings and dwellings located on the same lot-requiring water and sewage disposal as if they were located on a separate lot.

c) Private and/or family cemeteries do not have minimum lot requirements.

5) Zero lot line developments are permitted as provided in Subchapter 154.006.

6) Flag lots are permitted subject to the following conditions:

a) The minimum flagpole width shall be 25 feet and the maximum depth of the flagpole shall be 300 feet;

b) The lot area, lot width, setbacks and other dimensional requirements of the lot shall be met by the flag portion of the lot;

c) No more than two flag lots will be allowed per subdivision. Additional lots may be approved if no acceptable alternative is available; and

d) Where the two flag lots are contiguous a private 45-foot recorded easement and road shall be shared by each lot. The private street shall be built according to the standards of this Subchapter. A driveway permit shall be obtained from the NCDOT and submitted as documentation.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-05 MODIFICATIONS

Based on a recommendation from the Technical Review Committee the Planning Board may modify the requirements of this Subchapter as applicable to a proposed subdivision where, because of the size or shape of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Subchapter would cause an unusual and unnecessary hardship on the subdivider, or where in the opinion of the Planning Board, a modification will result in equal or better performance. In granting modifications, the Board may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. In no case, however, shall the Board, acting pursuant to this section, modify the terms or requirements of Subchapter 154.006 of this code of ordinances, or any other ordinance. Violation of any condition shall constitute a violation of this Chapter. A modification granted as part of a plan approval is to be reviewed annually to ensure that the conditions are being met. Each condition goes with the land.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-06 EASEMENTS

To provide for electric, telephone, gas service, community antenna television distribution systems, water and sewer lines and other such facilities within the subdivision, appropriate utility easements not to exceed 30 feet shall be provided on the final plat. In addition, storm drainage easements may be required to carry out the storm drainage improvements as required in this Subchapter.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-07 PHASING

Subdivisions may be constructed, planned, and platted in phases; provided, however, that, the Planning Board shall not approve a phasing plan when such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall subdivision plan. In approving phases, the Planning Board shall require that additional streets,

water and sewer facilities or other required public facilities be platted and sized as part of the phase or phases to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future subdivision development.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-08 SUBDIVISION ENTRANCE MARKERS AND LANDSCAPED MEDIANS
Subdivision entrance markers and landscaped medians shall be subject to the approval of NCDOT. Subdivision entrance markers are subject to the requirements of Subchapter 154.016.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-09 CONNECTION TO STATE STREETS
An approved NCDOT driveway permit is required to connect a public or private street to any state-maintained street.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-10 REQUIRED DEDICATION OF LANDS
Dedication of lands shall be required in the following situations:
A. In coordination with the Surry County Greenway Master Plan, developments along all streams and rivers located within a designated greenway corridor shall be required to dedicate a 50-foot area along both sides of streams and a 100-foot area along both sides of rivers that shall be dedicated as common area for the development of greenway corridors and be available for use by the public.
B. The county may require the reservation of school sites in accordance with land use plans approved by the Board of Commissioners. For the authorization to reserve school sites to be effective, the Board of Commissioners, before approving a land use plan, shall determine jointly with the Board of Education with jurisdiction over the area the specific location and size of each school site to be reserved, and this information shall appear in the plan. Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the Planning Board shall immediately notify the Board of Education. The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Board of Commissioners or Planning Board of its decision. If the Board of Education does not wish the site to be reserved, no site may be reserved. If the Board of Education does wish a site to be reserved, the subdivision may not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed from reservation.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

154.013-11 REQUIRED IMPROVEMENTS
A. General. The subdivider shall install the following improvements and such improvements shall be at no cost to Surry County. No improvements shall be installed until construction plans have been approved by such agency as may be appropriate or as required by law. The subdivider shall furnish to the Subdivision Administrator a written statement certifying that all required improvements have been installed and have been inspected and approved by the appropriate agency prior to final plat approval. The Subdivision Administrator shall not approve any final plat for recording without receiving the written certificate from the subdivider. Written

statements from the appropriate regulatory agency, or a certification from the subdivider's engineer or professional land surveyor, as appropriate, may serve as the written certification of required improvements.
(Ord. passed 12-7-2007)

B. Street Improvements

1) All subdivision streets to be developed under this Chapter shall meet NCDOT standards for subdivision streets so that they may be accepted into the state's street system when all conditions of acceptance have been met. Until such time that the state accepts a subdivision street, the maintenance of the street shall be the responsibility of the property owners or the developers and shall not be the responsibility of Surry County. Streets shall be maintained as provided herein or be subject to penalties set forth in this Chapter.
2) All proposed streets shall be cleared and developed to the full width of the right-of-way and improved with a pavement width and side ditch section as required for the classification of street in accordance with NCDOT standards. All grading and pavement (curb and gutter, if provided) shall be designed and installed in accordance with NCDOT standards, and the approved construction plan referenced in the North Carolina Department of Transportation Division of Highways Subdivision Roads: Minimum Construction Standards, as amended.
3) In addition, street paving, in accordance with the above conditions, shall be installed in the following situations.
    a) Any existing street segment that has not been accepted for maintenance by NCDOT, and that is to serve as the required frontage for one or more lots created pursuant to this Chapter shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of this Chapter for the classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street maintained by the NCDOT. No subdivision shall be permitted on any street that is isolated by not being connected directly to the public street system.
    b) NCDOT or the county may require pavement and widening for turning lanes along any existing or proposed street that forms a significant entrance to a proposed subdivision, where in the opinion of the Board such improvements are necessary for safe vehicular movement into and out of the proposed subdivision.
    c) In cases where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Planning Board may require the pavement of a temporary turn-around in a form similar to a cul-de-sac or L, Y and T intersection turn-around on such street where in their opinion such turn-around is necessary for the public convenience, safety and service. Temporary easements for such purposes may be required.
4) The subdivision developer, and the NCDOT shall submit a joint notarized statement to the Planning Board through the Subdivision Administrator, stating the road meets required construction compliance as stated in this Subchapter, in

compliance with Subdivision Roads: Minimum Construction Standards, as amended.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

C. Storm Drainage Improvements

1) A comprehensive storm drainage system shall be planned and implemented for each subdivision. The general storm drainage plan shall be shown on the preliminary plan. Detailed plans where required shall be submitted as part of the construction plan requirement. Where easements are required, they shall be noted on the final plat. The Subdivision Administrator shall be responsible for reviewing the storm drainage plans and referring them to other County staff members and agencies as required.

2) Storm drainage plans shall be considered on an individual basis depending upon the situation within a given subdivision. The requirements of Subchapter 154.017 of this code of ordinances shall apply to storm drainage design where applicable. Generally, the following standards shall apply:

a) Types of drainage ways requiring treatment;

b) Those draining one acre of land or more;

c) Those carrying storm water runoff from public streets whether existing or proposed; and

d) Those carrying storm water runoff from large impervious surfaces other than streets.

3) Design storms:

a) Open drainage channel: 25-year storm.

b) Enclosed systems: ten-year storm for collectors and 25-year storm for street crossing conduits and immediate downstream areas; and

c) One-hundred-year storm where required by Subchapter 154.017 of this code of ordinances.

4) Types of treatment:

a) Enclosed subsurface drains

b) Open, unimproved channel; and

c) Open, improved channel.

5) Easements. Maintenance easements may be required depending upon the size of the drainage way and the maintenance responsibility.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

D. Drinking Water Improvements. In any case where a public drinking water system and/or supply system is proposed to be installed in a subdivision as part of the plan approval process, such system shall be a "required improvement" within the context of this Subchapter, and such system shall be required to be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities, which are essential to providing the service to the property.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

E. Sanitary Sewerage Improvements. In any case where a public sanitary sewerage system and/or treatment system is proposed to be installed in a subdivision as part of the plan approval process, such system shall be a "required improvement" within the context of this Subchapter, and such system shall be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities, which are essential to providing the service to the property.

(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

F. Septic Tanks. In any case where septic tanks are proposed to be installed in a subdivision as part of the plan approval process, such system shall be a "required improvement" within the context of this Subchapter. Permits must be submitted as a portion of the construction improvement plan before final plat approval can occur.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

G. Utilities. Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the subdivision, and which are required to be shown on construction plans are not "required improvements" within the context of this Subchapter. Since the installation of such improvements are by agreement between the subdivider and the appropriate utility company, the execution of such agreements between the subdivider and the utility companies are deemed to satisfy the construction and installation requirements of this Subchapter if they are installed in the public right-of-way or easement in accordance with NCDOT standards for such installations.
(Ord. passed 12-7-2007); (Ord. passed 4-17-2023)

H. Street Signs. The subdivider shall purchase street name signs from the Surry County Public Works Department. The county will install the signs at appropriate locations in accordance with the standards and specifications of Surry County and the NCDOT. The subdivider may, however, with the approval of the Subdivision Administrator of design and material, install a different street name sign type at no cost to the county. In such case, the subdivider or his or her successors or assignees shall be responsible for replacing such signs in instances of loss, damage, or deterioration; otherwise, the county will replace such signs with its standard sign.
(Ord. passed 12-7-2007)

I. Traffic Control Signs and Signals. The subdivider shall install traffic-control signs and pavement markings in accordance with the standards and specifications of the North Carolina Department of Transportation.
(Ord. passed 12-7-2007)

J. Monuments. The subdivider shall install such monuments and other property markers as are required by G.S. Ch. 39, Art. 5A, and as are specified by the "Standards of Practice for Land Surveying" in North Carolina.
(Ord. passed 12-7-2007)

154.013-12 PERFORMANCE GUARANTEES

A. Purpose. As provided for under NCGS 160D-804 (g), a performance guarantee in accordance with the standards of this section shall be furnished to the County prior to Engineering Plan Approval in the following circumstances:

1) To ensure completion of public infrastructure improvements (e.g. streets, alleys, bike lanes, curb and gutter, sidewalks, bike paths, crosswalks, traffic signs and controls, street lights, fire lanes, bus shelters, and greenway paths) that are required as part of Engineering Plan Approval; and

2) To ensure completion of required plantings of replacement trees, buffer screening, and landscaping.

B. Term of Performance Guarantee. The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the Engineering Plan Approval in a condition deemed acceptable by the Zoning Administrator. In any case the term shall not exceed three years. The Zoning Administrator may, for good cause

shown and with approval of the provider of the guarantee, grant extensions of the term for up to a total extended period of two years.

C. Form of Performance Guarantee

1) Where required, the owner or developer shall furnish a performance guarantee in any of the following forms with terms and conditions acceptable by the County Attorney:
    a) Surety bond issued by any company authorized to do business in this state;
    b) Letter of credit issued by any financial institution licensed to do business in this state; or.
    c) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
2) The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantees shall provide that in case of the owner's or developer's failure to complete the guaranteed improvements, the town shall be able to immediately obtain the funds necessary to complete installation of the improvements.

D. Amount of Performance Guarantee

1) Performance guarantees for required improvements shall be in an amount equal to 125 percent of the estimated full cost of completing the installation of the required improvements within the term of the guarantee, including the costs of engineering, labor, materials, and project management.
2) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed Professional Engineer, and subject to approval by the Zoning Administrator.
3) Estimated costs for completing installation of replacement trees, buffer screening, and landscaping shall be itemized and certified by the owner's or developer's register landscape architect or licensed Professional Engineer and are subject to approval by the Zoning Administrator.
4) If the guarantee is renewed, the Zoning Administrator may require the amount of the guarantee be updated to reflect cost increases overtime.
5) The amount of the performance guarantee may be waived or reduced by the Town Council where the improvements are being installed with federal funds or in other circumstances where similar third-party assurances of their completion.

E. Release or Reduction of Performance Guarantees

1) Requirements for Release or Reduction. The Zoning Administrator shall release or reduce a performance guarantee only after:
    a) The owner or developer has submitted to the Zoning Administrator an application for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or landscape architect, as appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
    b) The Zoning Administrator has performed a final inspection of the improvements for which a release or reduction is requested and certified in

writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

c) The owner or developer has reimbursed the County for all costs associated with conducting an inspection that finds the guaranteed improvements for which a release or reduction is requested have not been installed in accordance with approved plans and specifications;

d) The owner or developer has provided the Zoning Administrator assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the County (e.g., through affidavits, releases, as waivers of liens from all contractors and subcontractors); and

e) The owner or developer has provided the Zoning Administrator any required maintenance guarantee for the same improvements.

2) Limits on Reductions

a) No performance guarantee for public infrastructure improvements shall be reduced to less than 30 percent of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer.

b) No performance guarantee for required site improvements such as replacement trees, buffer screening, and landscaping shall be reduced to less than 75 percent of the full amount of the performance guarantee until all guaranteed site improvements have been completed by the owner or developer.

F. Default and Forfeiture of Performance Guarantee

1) Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended) the Zoning Administrator shall give the owner or developer 30 day written notice of default by certified mail.

2) County Completion of Improvements

After the 30-day notice period expires, the County may:

a) Issue a Stop Work Order and/or;

b) Draw on the security and use the funds to perform work necessary to complete the installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited without interest.

G. Penalty

1) As provided for under NCGS 160D-803 (d), from the effective date of this Chapter that is adopted by the county, no subdivision plat of land within the county's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate board, administrator, or agency, as specified in this Chapter, and until this approval is entered in writing on the face of the plat by an authorized representative of the county.

2) The Review Officer, pursuant to NCGS 160D-803 (d), shall not certify a plat of a subdivision of land located within the territorial jurisdiction of the County of

Surry that has not been approved in accordance with these provisions, and the Clerk of Superior Court may not order or direct the recording of a plat if the recording would conflict with this section.

3) If a person who is the owner or agent of the owner of any land within the territorial jurisdiction of Surry County subdivides their land in violation of this Subchapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Subchapter and recorded in the Office of the Register of Deeds, this person shall be guilty of a violation these requirements and subject to civil penalties. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

4) The county may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Subchapter. Building permits required pursuant to NCGS 160D-1110 shall be denied for lots that have been illegally subdivided. In addition to other remedies, the county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation, or to prevent any illegal act or conduct.

5) Additionally, violation of this Subchapter subjects offenders to a civil penalty that may be enforced through the issuance of citations by the Surry County Local Ordinance Officer. The county may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation.

6) The following civil penalties are established for violations under this section:
    a) Warning citation: correct violation within ten days;
    b) First citation: $25;
    c) Second citation for same offense: $50; and
    d) Third and sequential citations for same offense: $50.

7) All monetary civil penalties must be paid to the Surry County Development Services Department through the Subdivision Administrator and forwarded to the Surry County Finance Department.

(Ord. passed 12-7-2007; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.014 Parking and Loading Development Standards

154.014-01 OFF-STREET PARKING REQUIRED

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Subchapter. Such parking space may be provided in a parking garage or properly guarded open space.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-02 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a zoning permit (except for dwellings) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Subchapter are met.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-03 COMBINATION OF REQUIRED PARKING SPACE

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to the one use may not be assigned to another use, with one exception. One-half of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-04 REMOTE PARKING SPACE

If the off-street parking space required by this Subchapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use; provided, such land is in the same ownership as the principal use and in the same zoning district. Said land shall be used for no other purposes so long as no other adequate provisions of parking space meeting the requirements of this Subchapter have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his or her application for a zoning permit or a certificate of occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the zoning permit or certificate of occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Subchapter is provided for the principal use, the certificate of occupancy or zoning permit for such principal use shall become void.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-05 REQUIREMENTS FOR PARKING LOTS.

Where parking lots for more than five cars are permitted or required, the following provisions shall be complied with in addition to the requirements of Subchapter 154.014.

A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.

B. All entrances, exits, barricades at sidewalks and drainage plans shall be approved and constructed before occupancy.

C. Any parking lot of more than five cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in Subchapter 154.015.

D. Only one entrance and one exit sign, no larger than two square feet prescribing parking regulations, may be erected at each entrance or exit.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-06 VEHICLE STORAGE.

A. Rural agricultural, residential, conservation and mixed-use districts.

1) Only motor vehicles intended for personal use shall be parked or stored on any property zoned for residential use. Licensed personal motor vehicles in good running condition and project motor vehicles inside permanent conforming structures, shall not be subject to the provisions of this section. Project motor vehicles stored outdoors or stored in any way other than inside permanent conforming structures, shall be treated as equal to junked motor vehicles as provided below.

2) The Zoning Administrator shall enforce the following, intended to maintain a pleasant neighborhood appearance; to discourage potential health and safety hazards; and to mitigate negative impact on property values and quality of life resulting from excessive or inappropriate motor vehicle storage in these districts.

a) No storage of commercial inventory whatsoever shall be permitted. However, commercial trucks or vans driven home from the workplace by employees shall be allowed to be parked or stored in these districts.

b) No more than one junked motor vehicle per acre, up to a maximum of five junked motor vehicles on larger properties, may be stored on any lot in these districts.

c) No junked vehicle may be parked or stored in these districts at a distance closer to any road than the distance from any dwelling to that road.

d) Junked motor vehicles may be parked or stored in these districts as limited in divisions (A)(2)(b) and (A)(2)(c) above; provided that, no part of a junked motor vehicle shall be visible from a publicly maintained road

or right-of-way. In such cases, the vehicles shall be screened year-round from public view in a manner consistent with the purpose and visual character of these districts. The following methods of screening may be utilized: existing structures and appurtenances built or installed for customary residential use; topographic and other natural features; dense wooded areas; and/or other naturally occurring dense vegetation, excluding weeds and high grass. The Zoning Administrator or his or her designee may approve other similar means of screening the vehicles if it is determined that the intent of this section would not be violated.

e) On any residential lot in these districts, one unlicensed motor vehicle in good running condition, per occupied dwelling, may be stored on a graveled or paved driveway that is provided for customary residential use in the estimation of the Zoning Administrator or his or her designee. Otherwise, unlicensed motor vehicles may be stored in these districts only where they cannot be seen from any publicly maintained road or right-of-way.

B. Public, office, and professional, business, and industrial districts. Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles in any public and conservation, office and professional, business, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored (1) at a commercial garage or automobile service station while the vehicles are actively undergoing repairs for a customer, for a reasonable time necessary to effect the repairs; or (2) if stored as permitted in a grandfathered junkyard or auto salvage yard, or an approved junk or wrecking yard in an industrial district.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 7-20-2009); (Ord. passed 4-14-2023)

154.014-07 MINIMUM PARKING REQUIREMENTS

The number of off-street spaces required by this Subchapter shall be provided on the same lot with the principal use except as provided in this Subchapter and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer may determine that the parking needs are greater than the minimum specified by this Subchapter. For purposes of this Subchapter, an off-street parking space shall be no less than 160 square feet in area, plus adequate ingress and egress provided for each off-street parking space.

Land Use	Required Parking
Air, motor, and rail freight terminals	2 parking spaces for each 3 employees, plus 1 space for each vehicle in the operation.
Airports, railroad passenger stations and bus terminals	1 parking space for each 4 seats for waiting passengers, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in the operation.
Auditoriums	1 parking space for each 4 seals in the largest assembly room.
Banks	1 parking space for each 200 square feet of gross floor space, plus 1 space for each 2 employees.

Beauty and barber shops	1 parking space for each service chair, plus 1 additional parking space for each employee.
Bed and breakfast operations	1 parking space for each room to be rented, plus residential requirements.
Bowling alleys	2 parking spaces for each alley, plus 1 space for each 200 square feet of gross floor space for affiliated uses such as restaurants and bars.
Camp or care center	1 parking space for each employee and one parking space for each 5 beds.
Cemeteries	1 parking space for each employee.
Churches	1 parking space for each 4 seats.
Civic clubs, fraternal lodges, or community centers	1 parking space for each 200 square feet of gross floor space.
Clinics	5 parking spaces for each doctor, plus 1 parking space for each employee.
Day care facilities and preschools	1 parking space for each employee, plus 1 parking space for every 5 students.
Dwellings, duplex	2 parking spaces per dwelling unit.
Dwellings, multi-family	2 parking spaces per dwelling unit.
Dwellings, single-family	2 parking spaces per dwelling unit.
Fire stations	1-1/2 parking spaces per employee or fireman on duty at one time.
Funeral homes	1 parking space for each 4 seats in the chapel or parlor.
Golf courses	4 parking spaces for each hole and 1 space for each employee.
Greenhouse and nursery operations (without retail sales on premises)	1 parking space for each employee.
Home occupations	1 parking space per home occupation in addition to residence requirements.
Hospitals and sanitariums	1 parking space for each employee on the longest shift, plus 1 parking space for each 2 beds.
Hotels	1 parking space for each 2 rooms to be rented, plus 1 additional parking space for each 2 employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial and manufacturing uses	1 parking space per 2 employees.
Libraries	1 parking space for each 4 seats provided for patron use.
Motels, tourist homes and guest houses	1 parking space for each room to be rented, plus 1 space for each employee.
Nursing, retirement, and convalescent homes	1 parking space for each 5 beds intended for patient use.
Offices	1 parking space for each employee.
Private clubs and lounges	1 parking space for each 2 seats at bars and 1 parking space for each 4 seats at tables.

Public buildings	1 parking space for each employee, plus 1 space for every 200 square feet.
Public utility buildings	1 parking space for each employee.
Recreational facilities, not otherwise listed (without facilities for spectators)	1 parking space for each employee, plus 1 parking space for every 2 participants at full capacity.
Recreational facilities, not otherwise listed (with facilities for spectators)	Same as recreational facilities without spectators, plus 1 parking space for every 4 spectator seats.
Restaurants and cafeterias	1 parking space for each 4 seats at tables and 1 parking space for each 2 seats at counters or bars, plus 1 parking space for each 2 employees.
Retail uses not otherwise listed	1 parking space for each 400 square feet of gross floor area.
Riding stables and academies	1 parking space for each employee, plus 1 parking space for every 3 stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or boarding houses	1 parking space for each room to be rented, plus 1 parking space for each employee.
Schools, elementary and junior high or middle school	1 parking space for each classroom and administrative office, plus 1 parking space for each employee and 1 large space for each bus.
Schools, senior high	1 parking space for each 15 students for which the building was designed, plus 1 parking space for each classroom and administrative office, plus 1 parking space for each employee, plus 1 large space for each bus.
Schools, colleges, technical and trade	1 parking space for every 6 students, based upon the maximum number of students attending classes at any one time, plus 1 space for each administrative office, plus 1 space for each professor or teacher.
Service stations	5 parking spaces for each service bay.
Services not otherwise listed	1 parking space for every 200 square feet of floor space.
Shopping centers	6 parking spaces for each 1,000 square feet of gross floor space in the center, plus 1 space per business, provided collectively.
Stadiums and arenas	1 parking space for each 4 seats in the stadium or arena.
Stores, department	1 parking space for each 150 square feet of gross floor area.
Stores, retail food	1 parking space for each 150 square feet of gross floor area.
Theater, indoor	1 parking space for each 4 seats up to 400 seats, plus 1 space for each 6 seats above 400.
Wholesale uses	1 parking space for each employee on the longest shift.
Services not otherwise listed	1 parking space for each 200 square feet of gross floor area.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-08 DESIGN STANDARDS FOR OFF-STREET PARKING

All off-street areas required by this Subchapter shall conform with the following design standards.

A. All parking spaces shall have minimum dimensions of nine feet in width and 18 feet in length. All access or backup aisles shall conform to the following minimum dimensions:

Parking Angle	Aisle Dimension
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

C. The use of streets, sidewalks, alleys, or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.

D. Off-street parking areas shall have an eight-foot wide landscaped strip planted along its periphery, which shall be located between the street right-of-way and/or property lines and the parking area. The area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, the planting shall consist of five trees and ten shrubs per 100 linear feet. In addition, one landscaped "island" shall be installed for every 20 parking spaces, within the parking areas themselves.

E. Parking area edges shall be protected by suitable curbing, wheel guards or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.

E. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding 25 feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

F. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.

G. No driveway shall be located closer than 25 feet to any street intersection.

H. Any lighting of parking areas shall be shielded to cast no light upon adjacent properties and streets.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-09 OFF-STREET LOADING; PURPOSE AND GENERAL REQUIREMENTS

A. Off-street loading requirements are established to ensure the proper and uniform development of loading areas throughout the county, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

B. Each application for a zoning permit shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Subchapter have been met. Plans for off-street loading areas shall include information as to:

1) The location and dimensions of driveway entrances, access aisles and loading spaces;
2) The provisions for vehicular and pedestrian circulation; and
3) The location of sidewalks and curbs.

C. The zoning permit for the construction or use of any building, structure, or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this section have been met if at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-10 DESIGN STANDARDS FOR OFF-STREET LOADING SPACE

The off-street loading space required by this Subchapter shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of 15 feet in width and 30 feet in length.

B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be 15 feet in width and 45 feet in length as a minimum.

C. All off-street loading spaces shall have a minimum vertical clearance of 15 feet.

D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.

E. Required off-street loading areas including drives and access aisles shall be constructed with a hard surface material.

F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

G. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.

H. Driveways shall be provided as required herein.

I. Any lighting of loading areas shall be shielded to cast no light upon adjacent properties and streets.

J. Any off- street loading areas and access ways adjacent along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Subchapter 154.015.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.014-11 MINIMUM OFF-STREET LOADING REQUIREMENTS

Off-street loading shall be provided and maintained as specified in the following.

A. Uses which normally handle large quantities of goods, including, but not limited to, industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	**Minimum Number of Spaces Required**
5,000 - 20,000	1
20,001 - 80,000	2
80,001 - 170,000	3
170,001 -260,000	4
For each additional 45,000	1 - additional

B. Uses which do not handle large quantities of goods, including, but not limited to, office buildings, restaurants, funeral homes, hotels, motels, apartment buildings and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	**Minimum Number of Spaces Required**
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1 - additional

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-14-2023)

154.015 Buffers and Screening Development Standards

154.015-01 PURPOSE OF BUFFERS

Buffers, or screens, are required to protect one class of use from adverse impacts caused by a use in another class by helping the principle use to blend into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise. This regulation benefits both the developer and the adjoining property owners because it allows the developer several options from which to choose in developing the property, while ensuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved. Buffers are also used to protect waterways and streams from excess pollution due to unfiltered runoff.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.015-02 BUFFERS REQUIRED

A. In all districts, other than RA, RE, RR RL, RG, MR and CP, a buffer or screen is automatically required on the side and rear lot lines that abut a residential or rural agricultural district. Information shall be submitted to the Zoning Administrator showing details of the proposed barrier as to the location and type of buffer. Buffers may also be required under this code of ordinances, as well as any regulations for buffers by the State of North Carolina.
B. A 50-foot, undisturbed natural buffer, from each shoreline, is required along all perennial streams in Surry County, except for the Mitchell River from Kapp's Mill upstream to the county line, where a 75-foot buffer is required from each shoreline. In addition, a 50-foot, undisturbed natural buffer, is required along all property that adjoins Pilot Mountain State Park, Raven Knob Scout Reservation and Cumberland Knob National Park. Also, a 50-foot, undisturbed natural buffer, is required along all interior property lines belonging to Pilot Mountain State Park, Raven Knob Scout Reservation and Cumberland Knob National Park.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-2-2009); (Ord. passed 4-17-2023)

154.015-03 BUFFER SPECIFICATIONS

A. Unless specified elsewhere in this Chapter, a buffer shall be one of the following:
1) An eight-foot-high opaque barrier made of masonry, stone, or solid wood;
2) A buffer that is eight feet wide, which includes two rows, staggered, of eight-foot high, dense evergreen trees or large shrubs on 10-foot centers; or
3) A 20-foot wide natural wooded or planted strip.

Approval of the choice by the Zoning Administrator is required.
B. If a buffer is an eight-foot-high attractive opaque barrier, it shall not permit visibility from one side to the other and it must also dampen noise where needed. Such barrier may be a decorative masonry wall or wood plank fence which is planted facing adjoining property. Metal or sheet metal shall not be utilized in the construction of an opaque barrier.
C. Where evergreens (native trees and shrubs) are used, a species and size shall be planted which will normally be expected to reach eight feet in three years' time.

D. A buffer may also be a minimum of 20 feet wide natural vegetative or planted strip. The natural vegetative or planted strip shall be undisturbed, natural low brushes, shrubs, and trees. The natural buffer must provide reasonable screening in the estimation of the Zoning Administrator. If not, the developer may be required to provide a dense evergreen screen as stated above, in addition to what natural vegetation exists.
E. Acceptable vegetative screening devices (buffers) shall include the following: American Holly, Arborvites, Burford Holly, Eastern Red Cedar, Hetz Juniper, Japanese Black Pine, Leyland Cypress, Nellie Stevens Holly, Wax Myrtle.
F. Buffer requirements may be greater for uses with special requirements as specified in Subchapter 154.008, or as determined through the Special Use Permit or Conditional Zoning processes.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.015-04 LOCATION OF BUFFER

The width of the buffer, or screen, shall be included as part of the required setbacks. A fence may also be installed, in addition to the required buffer, at the discretion of the property owner. However, vegetative buffers shall be located adjacent to the property line and between the property line and any fence.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.015-05 CONSTRUCTION AND MAINTENANCE

A. A buffer must be installed or constructed, as appropriate, prior to the issuance of a certificate of occupancy.
B. Once erected, a buffer shall be properly maintained.
C. The construction and maintenance of a buffer shall be the responsibility of the landowner or developer, except as provided below in 154.015-006 of this Subchapter.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.015-06 DEFERRING REQUIREMENTS

The required buffering may be deferred for up to five months after approval of the deferment by the Zoning Administrator, upon the receipt of a buffering guarantee security payable to Surry County and meeting the following requirements.
A. The developer may deposit cash, cashier's check, or an irrevocable letter of credit, either Surry County or in escrow with a financial institution designated as an official depository of Surry County.
B. The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
C. The bond shall equal one and one-half times the entire cost of installing all required landscaping, based on the average of three landscaper's bid.

D. Any bond of $9,999 or less must be in the form of a cashier's check, or similar bank check, payable to the County of Surry and valid for a minimum period of six months.
E. Any bond of $10,000 or more may be a cashier's check, cash, or irrevocable letter of credit.
F. In the case of a failure on the part of the property owner or developer to complete the landscaping, if any funds are not spent in completing the work, the county will complete the work and the county shall retain, as a service charge, 25% of its total cost and return the balance to the property owner or developer.
G. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Development Services Director an agreement between the financial institution and himself or herself guaranteeing the following:

1) Said escrow account shall be held in trust until released by the Development Services Director and may not be used or pledged by the developer in any other manner during the term of the escrow; and
2) In the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the Development Services Director and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Surry County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the county any other instruments fully endorsed or otherwise made payable in full to the county.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.015-07 ENCLOSURE REQUIREMENTS

A. In the residential and rural agricultural districts, all outdoor storage of governmental, commercial, industrial, or utility inventory or equipment or any other use, which may represent a public hazard, must be enclosed with a fence or wall at least eight feet in height.
B. In commercial and industrial districts all Outdoor Storage related to business, servicing and processing uses, except off-street parking and loading, shall be within completely enclosed buildings or enclosed on all sides by a wall or fence (including gates for ingress and egress) not less than eight feet in height. (See definition for Outdoor Storage)
C. These requirements may be increased for a special use as described in Subchapter 154.010 Special Use Permits, Variances, and Appeals; uses with special requirements as specified in Subchapter 154.008; uses as determined through the Conditional Zoning process; or by the Planning Board when it deems appropriate, based on the situation at the site in question and nearby properties.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016 Signs

154.016-01 STATEMENT OF PURPOSE

A. Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.

B. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs.

C. Regarding sign content, noncommercial messages are allowed in substitution for any commercial message on any sign permitted under these regulations.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-02 SIGNS MUST MEET REQUIREMENTS OF SUBCHAPTER

A. Administration.

1) It is the duty of the Zoning Administrator to refuse a permit for the erection or construction of any sign or structure that does not meet the requirements of this Subchapter.
2) The Zoning Administrator shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this Subchapter.

B. Permit required. To ensure compliance with this section, a zoning permit must be obtained prior to the construction or erection of all signs which are not otherwise exempt. Applications for permits shall be submitted on forms obtained at the County Development Services Department.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.016-03 MORE THAN ONE PRINCIPAL USE PER LOT

Where a zoning lot contains more than one principal use or establishment, the provisions of this Subchapter shall apply to the lot as a whole and the owner(s) of the lot shall be responsible for allocating permitted signs and display surface area among the individual uses or establishments. The sign plan submitted for such a zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other. Such a sign plan shall be referred to as a unified sign plan for the zoning lot. A unified sign plan is an overall plan for the placement and design of multiple signs for a building or group of buildings on a single lot.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-04 PLAN APPROVAL REQUIRED

In a case where a freestanding sign is to be installed (including a portable sign), where multiple signs are expected to be used, or where there are multiple users or establishments on a single lot, a unified sign plan, depicting the information indicated in 154.016-02 and 154.016-03 of this Subchapter, is required to be submitted and approved by the Development Services staff before a certificate of occupancy can be issued.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)

154.016-05 EXEMPTIONS

The following types of signs are exempted from the application of the regulations herein:

A. Unlighted signs, bearing only property identification numbers and names, mailbox numbers, the name of the occupant of the premises or other identification of premises not of a commercial nature.

B. Signs on private property for non-commercial purposes, such as private parking signs, signs on newspaper tubes, “no trespassing” signs and signs warning of animals.

C. Governmental flags and insignia.

D. Holiday decorations.

E. Local notices and warnings, regulatory, informational, or directional signs.

F. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number.

G. Signs directing and guiding traffic and parking on private property.

H. Signs which cannot be seen from a public street or right-of-way.

I. The act of changing advertising copy of messages or any sign designed for the use of replaceable copy.

J. Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline.

K. Signs announcing the location of self-service or full-service gasoline pumps at any establishment engaged in the retail sale of gasoline.

L. Signs painted on or permanently attached to a currently licensed motor vehicle.

M. Private “for sale” signs temporarily attached to items or vehicles for sale.

N. Off- premises identification signs located in the RA and RB Zoning Districts are exempted from the prohibition contained in this Subchapter if they meet the following standards: off- premises signs, not including billboards, that identify a business or industry (including home occupations) are allowed on a premises other than the premises a business or industry (including home occupations) is located on, provided such sign shall not exceed one sign per lot, shall be located at an intersection of two or more streets or at the driveway entrance to the business or industry, and shall not exceed six feet in height and 16 square feet per display surface. These signs shall be independently freestanding signs (not attached to a tree or other living plant material, utility pole or building), shall not be in NCDOT or utility rights-of-way and shall be located so as not to infringe upon proper sight distance for traffic, E-911 road signs, and NCDOT road signs. An off- premises sign displaying multiple businesses may be used as the allowed sign (s) per lot, if the sign does not exceed ten feet in height, and 35 square feet in total display area. A multiple business off- premises sign shall not be in NCDOT or utility rights-of-way nor shall it

infringe upon proper sight distance for traffic, 911 road signs and NCDOT road signs. These exemptions shall apply only when the off-premises sign user holds an ownership interest in the land; or when written agreement is made for use of the land between the sign user and the owner of the land, and a notarized copy of said agreement is signed by both parties and filed with the Zoning Administrator. When such agreement expires or is invalidated, the off-premises sign shall comply with all other provisions of this Subchapter or shall be removed.

O. Off premise signs, either in a public right-of-way or on private easements, that are a part of the regional Yadkin Valley wayfinding program. Such signs are allowed when a need is determined by County staff in conjunction with the Tourism Development Authority.

P. On-premises signs that identify bona fide farming operations (up to 48 square feet); and

Q. The repair or replacement of all existing NCDOT-permitted signs, including billboards, so long as the surface area is not increased.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 5-17-2010; Ord. passed 11-4-2013); (Ord. passed 4-17-2023)

154.016-06 PROHIBITED SIGNS

Unless otherwise permitted as a temporary or conditional use, the following signs are prohibited:

A. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.

B. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.

C. Off- premises advertising signs, not including billboards, except as specifically exempted in this Subchapter.

D. Roof signs; and

E. Projecting signs and freestanding signs located within a public right-of-way, except when erected by the county, state, or federal government.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 5-17-2010); (Ord. passed 4-17-2023)

154.016-07 TEMPORARY SIGNS

A. The following are permitted temporary signs:

1) Real estate signs;
2) Construction site identification signs;
3) Yard or garage sale signs and off-premises directional signs;
4) Signs announcing the grand opening of new businesses;
5) Campaign signs; and
6) Auction signs, no greater than 24 square feet and five feet in height.

B. Temporary signs shall be removed within seven days from the day the use or event the sign was intended for ceases.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-08 PORTABLE SIGNS

A. A portable sign is any which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place.

B. No more than one lighted portable sign, with or without changeable copy, shall be allowed on a single premises in any institutional, commercial, or industrial zoning district and the sign must be placed no closer than ten feet to any property line or street right-of-way. In no case shall a portable sign be used to advertise any activity, event service or place other than on the premises where the sign is located.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-09 SHOPPING CENTER SIGNS

For shopping centers in single ownership or under unified control, one freestanding identification sign at each entrance, not counting toward the total allowable sign area, shall be permitted, subject to the following.

A. Identification. Such signs identify the name and location of such center and the name and type of business of one or more occupants thereof.

B. Height and location.

1) This freestanding sign shall not project higher than 20 feet above ground level if it is located less than 50 feet from the street right-of-way, not higher than 25 feet if it is between 50 and 100 feet from the street and not higher than 30 feet above ground level if the sign is located more than 100 feet from the street right-of-way.
2) No freestanding sign shall be closer than 20 feet to any street right-of-way or 30 feet to any other property line.

C. Multiple entrances. If a shopping center has additional entrances, one freestanding identification sign, meeting the same minimum setbacks, is allowed per additional street entrance. This sign shall not exceed 32 square feet in display surface and six feet in height.

D. Individual tenant signs. Individual tenants of a shopping center are not permitted a freestanding sign of any kind. Wall signs are permitted, based on the total allowable sign area, based on the requirements of the zoning district the shopping center is located within.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-10 BILLBOARDS

A. Location.

1) Billboards shall only be permitted along the following roadways in the jurisdiction of Surry County: I-77, I-74, US 52, US 601, US 21, NC 268, NC 89, NC 103, and NC 104, within a permitted zoning district. Billboards are not permitted in the Thoroughfare Overlay (TO) Zoning District, the Scenic Byway Overlay (SBO) District; or on any portion of other roadways that are designated a North Carolina Scenic Byway by the North Carolina Department of Transportation.

2) No billboard shall be erected in an RA, RE, RR, RG, RL, RI, CP, MHP, RB or TO zoning district. New billboards are only permitted as a special use in the CB, HB, and MI zoning districts.

3) In the special use permitting process for billboards, the Board of Adjustment may deny the installation of an electronic-messaging billboard based on its required findings per Subchapter 154.010 or may require conditions limiting message brightness, message time intervals or other factors consistent with the intent of this Subchapter. Applications for a Special Use Permit for an electronic messaging billboard shall include proposed brightness settings, message change time interval rate, and adjustment ranges for brightness and message time interval rate if applicable, along with other required dimensional information. In addition to proposed new billboard sites, this permitting process is also required in any case where an electronic messaging billboard is proposed to replace an existing non-electronic billboard.

4) No billboard shall project closer than 100 feet to any residential dwelling and no closer than 30 feet to any property line, or to any street right-of-way. Also, no billboards shall be located within 2,000 feet along the same road frontage of another billboard as measured from the poles.

B. Size, height, and design.

1) Billboards along I-77, I-74 and US 52 shall not exceed 600 square feet in gross area. Billboards along US 601, US 21, NC 268, NC 89, NC 103, and NC 104 shall not exceed 300 square feet in gross area.

2) Billboards shall not exceed 35 feet in height from ground level, not to exceed 50 feet from street level, whichever is lower. A billboard may have two display sides, including an acute "V" shaped sign of 45 degrees or less.

3) Required plan

a. The required site plan shall depict the location of any other billboards along both sides of the street within 2,000 feet of the proposed site.

b. The plan must show the location of all dwellings, buildings, and structures on the property on which it is to be constructed, on adjacent properties that are applicable, across the street, for 500 feet in both directions from the proposed sign.

4) Operational considerations: the sign shall be kept in good repair and clear of overgrown vegetation.

5) Additional requirements: approval from NCDOT for any billboard shall be received prior to submittal of application for a conditional use permit. Application shall be deemed incomplete unless a copy of said approval is submitted with application.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 3-7-2016); (Ord. passed 4-17-2023)

154.016-11 LOCATION OF SIGNS

All signs, including the supports, frames, and embellishments thereto, shall be located on-premises, on private property and not located within ten feet of any public right-of-way nor shall

any sign be attached, affixed, or painted on any light standard or other utility pole, any tree or other natural object. Signs shall not be located any closer than 15 feet to any property line. (Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-12 NON-CONFORMING SIGNS

A. All non-conforming signs existing on the effective date of this Chapter may remain in place, subject to the following requirements.

1) No non-conforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change or message. However, this Chapter shall not prohibit the normal maintenance of signs to keep them neat.
2) No non-conforming sign shall be structurally altered to change the shape, size, or type of design of the sign, nor shall any non-conforming sign be relocated.
3) No non-conforming sign shall be allowed to remain after the activity, business or use to which it is related has been discontinued.

B. Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any non-conforming signs as hereafter provided.

C. The Zoning Administrator shall give the owner of the non-conforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this Subchapter is violated and the way such violation is to be remedied.

D. Failure to correct such violation within 30 days shall constitute a violation of this Chapter and is punishable under the provisions of Subchapter 154.005.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-13 MAINTENANCE AND REMOVAL OF UNSAFE OR ABANDONED SIGNS

A. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Building Inspector or his or her designated agent shall order the sign to be made safe or removed, subject to the following provisions.

1) The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator, forthwith in the case of immediate danger and in any case within ten days, secure or repair the sign or structure in a manner approved by the Building Inspector or his or her designated agent, or remove the same.
2) If such order is not complied with within ten days, the Building Inspector or his or her designated agent shall remove the sign at the expense of the owner or lessee thereof. No sign shall be created or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use or access to

any fire escape, exit or standpipe, or to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

B. Whenever a sign has been abandoned or advertises an activity, business, product, or service no longer conducted on the premises, such sign, including all of its attendant supports, frames and hardware, shall be removed within two months of the cessation or vacating of the use or establishment, unless such sign is utilized by a new use or establishment on the premises in conformance with all current regulations of this Subchapter. If such sign is not removed, or a sign is erected in violation of the provisions of this section, the Building Inspector shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for non-conforming signs in this Subchapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-14 SIGNS PERMITTED IN RA, RE, RR, RL, RG, CP, MHP AND MR DISTRICTS

A. Permanent freestanding monument identification signs for residential subdivisions, multi-family and planned developments shall be limited to two signs at each major entrance(s) to the development, not exceeding 32 square feet in display surface area, located no closer than 15 feet to any property line or street right-of-way, not exceeding six feet in height above ground level, and illumination shall be restricted to indirect white lighting.

B. Permanent freestanding identification signs for manufactured home parks, bed and breakfast inns and campgrounds shall be limited to one sign at each major entrance to the park or campground, not exceeding 24 square feet in display surface area, located on private property no closer than 15 feet to any property line or street right-of-way, not exceeding six feet in height above ground level and illumination shall be restricted to indirect white lighting.

C. Schools and churches are permitted one freestanding sign, not exceeding 12 feet in height above ground level and not exceeding 42 square feet in display surface area. Schools and churches are also allowed one additional freestanding changeable copy sign, not to exceed 42 square feet in display surface area and not exceeding 12 feet in height above ground level.

D. Non-residential and/or institutional uses are permitted one permanent freestanding identification sign provided the sign is located on private property at least 15 feet from any property line or street right-of-way. The sign shall not exceed six feet in height above ground level, the display surface area shall not exceed 42 square feet, and illumination shall be restricted to indirect white lighting.

E. One identification sign for each home occupation shall be permitted but shall not be closer than 15 feet to any property line or street right-of-way, shall not project higher than five feet above ground level, and shall not exceed eight square feet in area.

F. No other signs are permitted.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-15 SIGNS PERMITTED IN RB DISTRICT

A. One freestanding sign is allowed per lot. On corner lots, businesses fronting on more than one public street shall be permitted one freestanding identification sign for each frontage. Freestanding signs shall not exceed 15 feet in height, the display surface shall not exceed 80 square feet per side. Freestanding signs shall be limited to the name, trademark and service mark of the establishment located on the lot.

B. Projecting and canopy signs may be placed on all walls with road frontage. Projecting signs shall not exceed 20 square feet and shall maintain a clear distance of eight feet from ground level. One projecting sign is permitted per wall fronting a public street. Projecting or canopy signs shall be limited to the name, trademark and service mark of the establishment located on the lot.

C. Wall signs shall not exceed 20% of the exterior building wall on which it is mounted with a 200 square foot maximum on the display area. Wall signs shall not protrude more than 12 inches from the wall to which it is attached. It shall not extend above the eave line of the building to which it is attached. If the building consists of two or more stories, the top of the sign shall not extend more than 20 feet above ground level. Wall signs shall be limited to the name, trademark and service mark of the establishment located on the lot. One wall sign is permitted per wall fronting a public street.

D. Illumination of signs is permitted. Illumination shall be designed as to minimize light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.

E. No other signs are permitted.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-16 SIGNS PERMITTED IN CB DISTRICT

A. One freestanding sign is allowed per lot. On corner lots, businesses fronting on more than one public street shall be permitted one freestanding identification sign for each frontage. Freestanding signs shall not exceed 20 feet in height, the display surface shall not exceed 80 square feet per side. Freestanding signs shall be limited to the name, trademark and service mark of the establishment located on the lot.

B. Projecting and canopy signs may be placed on all walls with road frontage. Projecting signs shall not exceed 20 square feet and shall maintain a clear distance of eight feet from ground level. One projecting sign is permitted per wall fronting a public street. Projecting or canopy signs shall be limited to the name, trademark and service mark of the establishment located on the lot.

C. Wall signs shall not exceed 20% of the exterior building wall on which it is mounted with a 200 square foot maximum on the display area. Wall signs shall not protrude more than 12 inches from the wall to which it is attached. It shall not extend above the eave line of the building to which it is attached. If the building consists of two or more stories, the top of the sign shall not extend more than 20 feet above ground level. Wall signs shall be limited to the name, trademark and service mark of the establishment located on the lot. One wall sign is permitted per wall fronting a public street.

D. Illumination of signs is permitted. Illumination shall be designed as to minimize light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.

E. No other signs are permitted.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-17 SIGNS PERMITTED IN HB AND MI DISTRICTS

A. One freestanding sign is allowed per lot. On corner lots, businesses fronting on more than one public street shall be permitted one freestanding identification sign for each frontage. Freestanding signs shall not exceed 30 feet in height, the display surface shall not exceed 120 square feet per side. Freestanding signs shall be limited to the name, trademark and service mark of the establishment located on the lot.
B. Projecting and canopy signs may be placed on all walls with road frontage. Projecting signs shall not exceed 30 square feet and shall maintain a clear distance of eight feet from ground level. One projecting sign is permitted per wall fronting a public street. Projecting or canopy signs shall be limited to the name, trademark and service mark of the establishment located on the lot.
C. Wall signs shall not exceed 20% of the exterior building wall on which it is mounted with a 200 square foot maximum on the display area. Wall signs shall not protrude more than 12 inches from the wall to which it is attached. It shall not extend above the eave line of the building to which it is attached. If the building consists of two or more stories, the top of the sign shall not extend more than 20 feet above ground level. Wall signs shall be limited to the name, trademark and service mark of the establishment located on the lot. One wall sign is permitted per wall fronting a public street.
D. Illumination of signs is permitted. Illumination shall be designed as to minimize light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.
E. No other signs are permitted.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.016-18 COMPUTATION OF SIGN AREA

A. Area.

1) In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) shall be included.
2) Structural parts, which are not intended for advertising purposes, shall not be included as part of this measurement.
3) In computing the total sign area, the smallest rectangle that can encompass the sign face shall be used to determine the height and width of the sign. The height and width shall then be multiplied to determine the total area of the sign.

B. Height. The height of a sign shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.017 Flood Hazard Areas and Water Supply Watershed Protection

154.017-01 FLOOD HAZARD AREAS

Statutory Authorization. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; and Part 2 of Article 9 of Chapter 160D; of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

A. Findings of Fact.

1) The flood prone areas within the jurisdiction of Surry County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

B. Statement of Purpose. It is the purpose of this Subchapter is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
4) Control filling, grading, dredging and all other development that may increase erosion or flood damage; and
5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters, or which may increase flood hazards to other lands.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

C. Objectives. The objectives of this Subchapter are:

1) To protect human life and health;
2) To minimize expenditure of public money for costly flood control projects;
3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
4) To minimize prolonged business losses and interruptions;
5) To minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are in flood prone areas;
6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

7) To ensure that potential buyers are aware that property is in a special flood hazard area.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Lands to Which Subchapter Applies. This Subchapter shall apply to all special flood hazard areas within the land use jurisdiction of Surry County.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

E. Basis for Establishing Special Flood Hazard Areas.

1) The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Map(s) (FIRM) for Surry County, dated November 18, 2016, which are adopted by reference and declared to be a part of this Chapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM.
2) This includes, but is not limited to:
    a) Detailed flood data generated as a requirement of 154.017-01 of this Subchapter;
    b) Preliminary FIRMs were more stringent than the effective FIRM; or
    c) Post-disaster flood recovery maps.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 11-7-2016); (Ord. passed 4-17-2023)

F. Compliance. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without the compliance with the terms of this Subchapter and other applicable regulations.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

G. Abrogation and Greater Restrictions. This Subchapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Subchapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

H. Interpretation. In the interpretation and application of this Subchapter, all provisions shall be:

1) Considered as minimum requirements;
2) Liberally construed in favor of the governing body; and
3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

I. Warning and Disclaimer of Liability. The degree of flood protection required by this Subchapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by human-made or natural causes. This Subchapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Subchapter shall not create liability on the part of Surry County or by any officer or employee thereof for any flood damages that result from reliance on this Subchapter, or any administrative decision lawfully made hereunder.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-02 FLOOD HAZARD AREA APPLICATION REQUIREMENTS

A. Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas.

B. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
    a) The nature, location, dimensions and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development;
    b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section D of this Chapter or a statement that the entire lot is within the special flood hazard area;
    c) Flood zone (s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 154.017.01 of this Subchapter;
    d) The boundary of the floodway (s) or non-encroachment area (s) as determined in 154.017-01 of this Subchapter;
    e) The base flood elevation (BFE) where provided as set forth in 154.017-01 of this Subchapter;
    f) The old and new location of any watercourse that will be altered or relocated because of proposed development; and
    g) Certification of the plot plan by a registered land surveyor or professional engineer;
2) Proposed elevation and method thereof, of all development within a special flood hazard area including, but not limited to:
    a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
    c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood proofed;
3) If flood-proofing, a flood-proofing certificate (FEMA Form 81-65) along with detailed back-up computations and operational plans that specify the location on a FIRM panel of flood-proofing measures, the entity responsible for transportation

and installation according to the design within the warning time available, and maintenance of flood-proofing measures assuring their effectiveness when installed. Flood-proofing certificate and back-up computations and operational plans shall be certified by a registered professional engineer or architect to ensure that the non-residential flood-proofed development will meet the flood-proofing criteria in 154.017-8 D of this Subchapter;

4) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this Subchapter are met. These details include, but are not limited to:
    a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
    b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with 154.017-07 of this Subchapter. when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
5) Usage details of any enclosed areas below the regulatory flood protection elevation;
6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;
7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.);
8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure 154.017-07 of this Subchapter are met; and
9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood -carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-03 FLOODPLAIN DEVELOPMENT PERMIT, ZONING PERMIT, CERTIFICATION REQUIREMENTS

A. Floodplain Development Permit. The floodplain development permit shall include, but not be limited to:

1) A description of the development to be permitted under the floodplain development permit;
2) The special flood hazard area determination for the proposed development per available data specified in 154.017-01 of this Subchapter;
3) The regulatory flood protection elevation required for the reference level and all attendant utilities;
4) The regulatory flood protection elevation required for the protection of all public utilities;
5) All certification submittal requirements with timelines;

6) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;
7) The minimum opening requirements, if in Zone A, AO, AE or A1-30; and
8) Limitations of below BFE enclosure uses (if applicable) (i.e., parking, building access and limited storage only).

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

The Floodplain Administrator shall make as many inspections of the work pursuant to a floodplain development permit as may be necessary to ensure that the work is being done according to the provisions of this Subchapter and the terms of the permit. In exercising this power, the Floodplain Administrator has a right upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

B. Issuance of Zoning Permits. A zoning permit, hereinafter referred to as the "floodplain development permit" shall be required in conformance with the provisions of this Subchapter prior to the commencement of any development activities within special flood hazard areas as determined in 154.017-01 of this Subchapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

C. Elevation Certification Requirements

1) An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
2) An elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
3) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain

Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

4) Flood-proofing certificate. If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a flood-proofing certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

5) Engineered foundation certification. If a manufactured home is placed within Zone A, AO, AE or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per 154.017-07 of this Subchapter.

6) Engineering report. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

7) Certification exemptions. The following structures, if located within Zone A, AO, AE, or A1-30, are exempt from the elevation/flood-proofing certification requirements specified in divisions (A) and (B) above:

    a) Recreational vehicles meeting requirements of 154.017-07 of this Subchapter;

    b) Temporary structures meeting requirements of 154.017-07 of this Subchapter; and

    c) Accessory structures less than 150 square feet meeting requirements of 154.017-07 of this Subchapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

D. Floodplain Administrator Authority to Revoke Permits or Stop Work. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Subchapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked. (Ord. Passed 4-17-2023)

154.017-04 CORRECTIVE PROCEDURES

A. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to his, her or its property.

B. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1) The building or property is in violation of this Subchapter;
2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.

a) Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this Subchapter, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time, not less than 60 days, nor more than 120 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

b) Appeal. Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the Clerk within 30

days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify, and affirm or revoke the order.

c) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-05 VARIANCE PROCEDURES

A. Variances May be Issued For:

1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure ’s continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
2) Functionally dependent facilities if determined to meet the definition as stated in Subchapter 154.003.
3) Solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities that are in special flood hazard areas; provided that, all the following conditions are met in addition to those included in B below:
    a) The use serves a critical need in the community;
    b) No feasible location exists for the use outside the special flood hazard area;
    c) The reference level of any structure is elevated or flood-proofed to at least the regulatory flood;
    d) The use complies with all other applicable federal, state and local laws; and
    e) Surry County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.
4) Any other type of development, provided it meets the requirements stated in this section.

B. Board of Adjustment

1) The Board of Adjustment as established by Surry County shall hear and decide requests for variances from the requirements of this Subchapter as provided in NCGS 160D-705(d).
2) Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in N.C.G.S. Ch. 7A and Article 14 of NCGS 160D.
3) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, and:

a) The danger that materials may be swept onto other lands to the injury of others;
b) The danger to life and property due to flooding or erosion damage;
c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
d) The importance of the services provided by the proposed facility to the community;
e) The necessity to the facility of a waterfront location as defined under Subchapter 154.003 as a functionally dependent facility, where applicable;
f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
g) The compatibility of the proposed use with existing and anticipated development;
h) The relationship of the proposed use to the comprehensive plan and floodplain;
i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4) A written report addressing each of the above factors shall be submitted with the application for a variance.

5) Upon consideration of the factors listed above and the purposes of this Chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

C. Variance Conditions of Approval

1) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

2) Variances shall not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Variances shall only be issued upon:
a) A showing of good and sufficient cause;
b) A determination that failure to grant the variance would result in exceptional hardship; and
c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

D. Notice and Appeals

1) Any applicant to whom a variance from this Subchapter is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

2) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-06 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

In all special flood hazard areas, the following provisions are required:

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

B. All new construction and substantial improvements below the regulatory flood protection elevation shall be constructed with materials and utility equipment resistant to flood damage.

C. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

D. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters and electric outlets/switches.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

H. Any alteration, repair, reconstruction, or improvements to a structure, which complies with the provisions of this Subchapter, shall meet the requirements of "new construction" as contained in this Chapter.

I. Nothing in this Subchapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this Chapter and located totally or partially within the floodway, non-encroachment area or stream setback; provided that, the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased; and, provided that, such repair, reconstruction or replacement meets all of the other requirements of this Chapter.

J. New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas, except by variance as specified in 154.017-06 of this Subchapter. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be in a special flood hazard area only if the structure or tank is either

elevated or flood-proofed to at least the regulatory flood protection elevation and certified according to 154.017-03 of this Subchapter.

K. All development proposals shall be consistent with the need to minimize flood damage.

L. All development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

M. All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-07 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in 154.017-01 of this Subchapter, the following provisions, in addition to 154.017-07 of this Subchapter, are required.

A. Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Subchapter 154.003.

B. Non-Residential Construction.

1) New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Subchapter 154.003.
2) Structures located in A, AO, AE, and A1-30 Zones may be flood-proofed to the regulatory flood protection elevation in lieu of elevation; provided that, all areas of the structure below the required flood protection elevation are water-tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
3) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
4) Such certification shall be provided to the official as set forth in 154.017-03 of this Subchapter, along with the operational and maintenance plans.

C. Manufactured Homes.

1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Subchapter 154.003.
2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

3) All foundation enclosures or skirting shall be in accordance with division (D) below.

4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

5) Elevated building. Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation:

a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

b) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and

c) Shall include, in Zones A, AO, AE, AH and A99, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

ii. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each area must have openings to allow flood waters to automatically enter and exit;

iv. The bottom of all required openings shall be no higher than one foot above the adjacent grade;

v. Openings may be equipped with screens, louvers or other opening coverings or devices; provided, they permit the automatic flow of flood waters in both directions; and

vi. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or

structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

E. Recreational Vehicles. Recreational vehicles placed on sites within a special flood hazard area shall either:

1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

2) Meet all the requirements for new construction, including anchoring and elevation requirements of 154.017-7 C. 1) and 2) of this Subchapter above and 154.017-03 and 154.017-07 of this Subchapter.

F. Temporary Non-residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1) A specified time for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

4) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and

5) Designation, accompanied by documentation of a location outside the special flood hazard area, to which the temporary structure will be moved.

G. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

2) Accessory structures shall not be temperature controlled;

3) Accessory structures shall be designed to have low flood damage potential;

4) Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of flood waters;

5) Accessory structures shall be firmly anchored in accordance with 154.017-07 of this Subchapter;

6) All service facilities such as electrical shall be installed in accordance with 154.017-07 of this Subchapter;
7) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with 154.017-07 of this Subchapter; and
8) An accessory structure with a footprint less than 150 square feet or that is a minimal investment of $3,000 or less that satisfies the criteria outlined above does not require an elevation or flood-proofing certificate. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with 154.017-03 of this Subchapter.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

H. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
2) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions; and
4) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
    a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

I. Other Development.

1) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 154.017-11 of this Subchapter.
2) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 154.017-11 of this Subchapter.
3) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and

similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 154.017-11 of this Subchapter.

(Ord. Passed 4-17-2023)

154.017-08 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (BFE)

A. Within the special flood hazard areas established in 154.017-01 of this Subchapter, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to 154.017-07 of this Subchapter, shall apply:

1) No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

2) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

a) If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Chapter and shall be elevated or flood-proofed in accordance with standards in 154.017-09 of this Subchapter;

b) All subdivision, manufactured home park and other development proposals located within special flood hazard areas shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots / manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference per 154.017-01 of this Subchapter to be utilized in implementing this Subchapter; or

c) When base flood elevation (BFE) data is not available from a federal, state or other source as outlined above, the reference level shall be elevated above the highest adjacent grade as required in the regulatory flood protection elevation definition.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-09 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

A. Standards outlined in 154.017-07 and 154.017-08 of this Subchapter; and

B. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will

not increase the water surface elevation of the base flood more than one foot at any point within the community.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-10 FLOODWAYS AND NON-ENCROACHMENT AREAS

A. Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in 154.017-01 of this Subchapter. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters that have erosion potential and carry debris and potential projectiles.

B. The following provisions, in addition to standards outlined in 154.017-07 and 154.017-08 of this Subchapter, shall apply to all development within such areas:

1) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit;
2) If division (A) above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Subchapter; and
3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision; provided, the following provisions are met:
    a) The anchoring and the elevation standards of 154.017-07 of this Subchapter; and
    b) The no encroachment standard of division (A) above are met.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-11 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

A. Located within the special flood hazard areas established in 154.017-07 of this Subchapter are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.
In addition to 154.017-06 of this Subchapter, all new construction and substantial improvements of all structures shall have the reference level elevated to:

1) At least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) , in feet, plus a freeboard of one foot, above the highest adjacent grade ; or
2) At least two feet above the highest adjacent grade, plus a freeboard of one foot if no depth number is specified.

B. All new construction and substantial improvements of non- residential structures may, in lieu of elevation, flood-proof to the same depths as listed above so that any space below that level shall be watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per 154.017-03 of this Subchapter.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-12 WATER SUPPLY WATERSHED PROTECTION

A. Authority and Enactment. The Legislature of the State of North Carolina has, in G.S. 153A-121, General Ordinance Authority; in G.S. Ch. 143, Art. 21, Watershed Protection Rules, and in NCGS 160D, Art. 9, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Surry County Board of Commissioners does hereby ordain and enact into law section for the purposes of Watershed Protection within the jurisdiction of Surry County and the Town of Dobson.

B. Jurisdiction. The provisions of this section shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and their boundary shall be defined and established as a Watershed Overlay Zoning District on the "Official Zoning Map of Surry County, North Carolina" (or the "Zoning Map"), and in Subchapter 154.006. The provisions of this section shall also apply within the land use jurisdiction of the Town of Dobson, as shown on their official zoning map.

C. Exceptions to Applicability.

1) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Chapter amend, modify, or restrict any provisions of the Code of Ordinances of Surry County; however, the adoption of this section shall and does amend any and all ordinances, resolutions, and regulations in effect in Surry County at the time of the adoption of this section that may be construed to impair or reduce the effectiveness of this section or to conflict with any of its provisions.
2) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of this section impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
3) Existing development, as defined in Subchapter 154.003, is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density calculations.
4) If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this section, if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from the Subdivision Ordinance. Any lot or parcel created as part of any other type of subdivision that is exempt from the Subdivision Ordinance shall be subject to the land use requirements (including impervious surface requirements) of this section, except

that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

D. Repeal of Previous Watershed Protection Ordinance. This section in part carries forward by re-enactment, some of the Watershed Protection Ordinance of Surry County, North Carolina (originally adopted by the Board of Commissioners on October 4, 1993, as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Watershed Protection Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this section, but shall be prosecuted to their finality the same as if this section had not been adopted; and any and all violations of the existing Watershed Protection Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this section shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

E. Remedies. In addition to the remedies found in NCGS 160D-404, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

F. Additional Subdivision Regulations in Watershed Areas.

1) General provisions.

a) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this section. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would conflict with this section.

b) The approval of a plat does not constitute or effect the acceptance by Surry County or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

c) All subdivisions shall conform to the mapping requirements contained in G.S.47-30.

d) All subdivisions of land within the jurisdiction of Surry County after the effective date of this section require a plat to be prepared, approved, and recorded pursuant to this section.

2) Subdivision application and review procedures.

a) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Zoning Administrator to determine whether the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this section and may be recorded provided the Zoning Administrator initials the vicinity map. In addition, subdivisions within a WS-IV watershed are subject to the provisions of this section only when an erosion and sedimentation plan is required under the provisions of state law or approved local program. Subdivisions within the designated

watershed area shall comply with the provisions of this section and all other State and local requirements that may apply.

b) Subdivision applications shall be filed with the Subdivision Administrator. The application shall include a completed application form, two copies of the plat and supporting documentation deemed necessary by the Zoning Administrator or the Planning Board.

c) The Zoning Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Zoning Administrator shall take final action within 60 days of submission of the application. The Zoning Administrator or the Planning Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

i. The district highway engineer regarding proposed streets and highways.
ii. The Director of the Health Department regarding proposed private water system or sewer systems normally approved by the Health Department.
iii. The state Division of Water Resources regarding proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general; and
iv. Any other agency or official designated by the Zoning Administrator or Planning Board.

d) If the Zoning Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Zoning Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with Subchapter 154.017, "Flood Hazard Areas and Water Supply Watershed Protection" of the Surry County Development Ordinance and is approved by the Planning Board for recording in the Register of Deeds office.

_____ _____

Date Subdivision Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

e) If the Zoning Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.

f) All subdivision plats shall comply with the requirements for recording of the Surry County Register of Deeds.

g) The plat shall be recorded within 14 days of approval. The subdivider shall provide the Zoning Administrator with evidence the plat has been recorded with the Register of Deeds within five working days.

3) Subdivision standards and required improvements.

a) All lots shall provide adequate building space in accordance with the development standards contained in division (G) of this section. Lots which are smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with division (G).

b) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

c) Storm water drainage facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates Best Management Practices to minimize water quality impacts.

d) Erosion and sedimentation control. The application shall, where required, be accompanied by a written statement that a sedimentation and erosion control plan has been submitted to and approved by the North Carolina Department of Environmental Quality (NCDEQ).

e) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

4) Construction procedures.

a) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved.

b) No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this section until all requirements of this section have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Zoning Administrator to provide for adequate inspection.

5) Penalties for transferring lots in unapproved subdivisions in a public water supply watershed. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of Surry County, thereafter, subdivides his land in violation of this section or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this section and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. Surry County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this section.

G. Establishment and Description of Watershed Areas. The following watershed areas are adopted for Surry County. See Subchapter 154.006 for rules governing the interpretation of boundaries on the "Official Zoning Map".

1) Watersheds classified as WS-II-CA (Critical Area) are intended to maintain predominantly undeveloped land use intensity in WS-II and include:
   Fisher River Watershed Area (FRWS-CA)
   Tom's Creek Watershed Area (TCWS-CA)
2) Watersheds classified as WS-IV-CA (Critical Area) are intended to address a moderate to high land use intensity pattern and include:
   Stewart's Creek Watershed Area (SCWS-CA)
3) Watersheds classified as WS-IV-PA (Protected Area) are intended to accommodate moderate to high land use intensity and include:
   Ararat River Watershed Area (ARWS-PA)
   Stewart's Creek Watershed Area (SCWS-PA)
   Yadkin River Watershed Area - King (YRWS-K-PA)
   Lovill's Creek Watershed Area (LCWS-PA)
   Stewart's Creek Watershed Area (SCWS-PA)
4) Watershed areas classified as WS-II-BW (Balance of Watershed) are intended to maintain predominantly undeveloped land use intensity and include:
   Elkin Creek Watershed Area (ECWS-BW).
   Fisher River Watershed Area (FRWS-BW)
   Tom's Creek Watershed Area (TCWS-BW)

H. Watershed Development Regulations.

1) Applicability
   a) WS-II Development Regulations apply to all development activities when located in a WS-II watershed.
   b) WS-IV Development Regulations apply only to new development activities that require an erosion /sedimentation control plan under state law or approved local government program when located in a WS-IV watershed.
2) Allowed Uses
   a) The following uses are allowed in watershed areas:
      i. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
      ii. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
      iii. Residential development.
      iv. Non-Residential development within WS-IV-PA watersheds.
3) Restricted Uses for Particular Watersheds
   a) All critical watersheds and WS-II-BW: Discharging landfills and sites for land application of residuals or petroleum contaminated soils are specifically prohibited. New residuals application sites and landfills are specifically prohibited.
   b) WS-II-BW: Non-Residential development **excluding** discharging landfills is allowed in the watersheds. Non-discharging landfills and residuals application sites are allowed subject to built-upon area restrictions.
4) Table of Development Regulations. The Minimum Lot Sizes, Density, and Built-Upon Area for each watershed area are indicated in the table below. All

calculations of density (DU/A) and built-upon area (BUA) are defined on a project-by-project basis. The required minimum lot size for any property in the watershed shall be established by the following table or the minimum lot size for the zoning district, whichever is most restrictive.

Watershed Title and Classification	Minimum Permitted Lot Size in Acres and; Square Feet (Excluding Roadway Right of Way)	Single Family Residential Density in Dwelling Units Per Acre (DU/AC)	Maximum Allowed Built-Upon Area (BUA) For Residential Other Than Single Family, Non-Residential
WS-II-CA (Critical Area) Fisher River Watershed Area (FRWS-CA) Tom's Creek Watershed Area (TCWS-CA)	2 acres / 80,000 square feet, except within an approved cluster development.	**one dwelling unit per two (2) acres**	**6%**
WS-II-BW (Balance of Watershed) Elkin Creek Watershed Area (ECWS-BW). Fisher River Watershed Area (FRWS-BW) Tom's Creek Watershed Area (TCWS-BW)	1 acre / 40,000 square feet, except within an approved cluster development.	**one dwelling unit per acre (1 du/ac)**	**12%**
WS-IV-CA (Critical Area) Stewart's Creek Watershed Area (SCWS-CA)	1/2 acre, or 20,000 square feet	**1. 2 DU/AC or;** **2. 3 DU/AC is allowed for projects without a curb and gutter street system.**	**24%**
WS-IV-PA (Protected Area) Ararat River Watershed Area (ARWS-PA) Stewart's Creek Watershed Area (SCWS-PA) Yadkin River Watershed Area - King (YRWS-K-PA) Lovill's Creek Watershed Area (LCWS-PA) Stewart's Creek Watershed Area (SCWS-PA)	1/2 acre, or 20,000 square feet or; 1/3 acre for projects without a curb and gutter street system, except within an approved cluster development.	**1. two dwelling units per acre (2 du/ac) or;** **2. three dwelling units per acre (3 du/ac) is allowed for projects without a curb and gutter street system.**	**1. 24% or;** **2. 36% for projects without a curb and gutter street system.**

(Ord. passed 4-17-2023)

I. 10/70 Rule. In addition to the development allowed under the table above, new development and expansions to existing development in non-critical watersheds may occupy up to 10% of the protected area with up to 70% built-upon area on a project-by-project basis, when approved as a special intensity allocation (SIA). The Zoning Administrator is authorized to approve SIA's consistent with the provisions of this section. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

J. Cluster development. Cluster development is allowed in all Watershed Areas under the following conditions:

1) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in this division (G). Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies;
2) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;
3) Areas of concentrated density development shall be in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;

4) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowner's association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds; and

5) Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

K. Buffer area requirements in watershed areas.

1) A minimum 100-foot undisturbed natural buffer from each shoreline is required for all new development activities that exceed the low-density option. However, a minimum 50-foot undisturbed natural buffer from each shoreline for all development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps, as is required in Subchapter 154.015, regardless of the density option chosen. Desirable artificial streambank or shoreline stabilization is permitted.

2) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

L. Application of regulations.

1) No building or land shall hereafter be used, and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

2) No area required for the purpose of complying with the provisions of this division (G) shall be included in the area required for another building.

3) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

M. Existing development. Existing development as defined in this Chapter may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this division (N); however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

1) **Existing Uses of land.** This category consists of uses existing at the time of adoption of this section where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

a) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use;

b) Such use of land shall be changed only to an allowed use; and

c) When such use ceases for a period of at least one year, it shall not be reestablished, unless allowed under the provisions of Subchapter 154.005 et seq.

2) **Reconstruction of buildings or built-upon areas.** Any existing building or built-upon area not in conformance with the restrictions of this division (G) that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

a) Repair or reconstruction is initiated within 12 months and completed within two years of such damage; and

b) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

N. Watershed Protection Permit.

1) Except where a single-family residence is constructed on a lot deeded prior to the effective date of this section, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a watershed protection permit has been issued by the Zoning Administrator. No watershed protection permit shall be issued except in conformity with the provisions of this division (G) and section.

2) Watershed protection permit applications shall be filed with the Zoning Administrator. The application shall include a completed application form and a site plan showing all existing and/or proposed impervious surfaces (structures, driveways, etc.) along with built-upon calculations and drainage plans that divert stormwater runoff away from surface waters and incorporate Best Management Practices to minimize water quality impacts. The Zoning Administrator may waive the plan requirements of this section if deemed appropriate.

3) Prior to issuance of a watershed protection permit, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Chapter.

4) A Watershed Protection Permit shall expire if a building permit or watershed protection occupancy permit for such use is not obtained by the applicant within 12 months from the date of issuance.

O. Building Permit Required. No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

P. Watershed Protection Occupancy Permit.

1) The Zoning Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this division (G) have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

2) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for concurrently with the application for a Watershed Protection Permit and shall be issued or denied within ten days following the erection or structural alterations of the building.

3) When only a change in the use of land or existing building occurs, the Zoning Administrator shall issue a watershed protection occupancy permit certifying that all requirements of this section have been met coincident with the Watershed Protection Permit.

4) If the Watershed Protection Occupancy Permit is denied, the Zoning Administrator shall notify the applicant in writing stating the reasons for denial.
5) No building or structure which has been erected, moved, or structurally altered may be occupied until the Zoning Administrator has approved and issued a Watershed Protection Occupancy Permit.

Q. Public Health and Water Quality Regulations. No activity, situation, structure, or land use shall be allowed within a watershed area which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality. Abatement:

1) The Zoning Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to public health or water quality.
2) The Zoning Administrator shall report all findings to the Planning Board. The Zoning Administrator may consult with any public agency or official and request recommendations.
3) Where the Planning Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

R. Administration, enforcement, and appeals.

1) Zoning administrator duties for watershed protection. It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this section as follows:
    a) The Zoning Administrator shall issue watershed protection permits and watershed protection occupancy permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator;
    b) The Zoning Administrator shall serve as clerk to the Planning Board;
    c) The Zoning Administrator shall keep records of all amendments to the local water supply watershed protection ordinance and shall provide copies of all amendments upon adoption to the water quality section of the division of water resources;
    d) The Zoning Administrator shall keep records of the jurisdiction's use of the provision that a maximum of 10% of the non-critical area of WS-II and WS-III watersheds and, for local governments that do not choose to incorporate the high-density option, 10% of the protected area of WS-IV watersheds may be developed with new development at a maximum of 70% built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable);
    e) The Zoning Administrator is granted the authority to administer and enforce the provisions of this section, exercising in the fulfillment of his responsibility the full police power of Surry County. The Zoning

Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this section; and

f) The Zoning Administrator shall keep a record of variances to this section. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1 of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

2) Appeal from the Zoning Administrator. Any order, requirement, decision or determination made by the Zoning Administrator may be appealed to and decided by the Board of Adjustment as described in Subchapter 154.010 and NCGS 160D-705 (b).

S. Changes and amendments to this section. Under no circumstances shall the Board of Commissioners adopt such amendments, supplements, or changes that would cause this section to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Environmental Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

T. Environmental Management Commission review of variances. If a variance application is submitted, and if following a public hearing the Board of Adjustment concurs that it is in favor of granting the variance, the Board shall prepare a preliminary record of the hearing for the Environmental Management Commission with all deliberate speed prior to holding a vote.

1) The preliminary record of the hearing shall include:
   a) The variance application;
   b) The hearing notices;
   c) The evidence presented;
   d) Motions, offers of proof, objections to evidence, and rulings on them;
   e) Proposed findings and exceptions; and
   f) The proposed decision, including all conditions proposed to be added to the permit.

2) The preliminary record shall be sent to the Environmental Management Commission for its review and a decision as follows, which the Board of Adjustment shall adhere to. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:
   a) The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and
   b) The variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

   The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

a) The property owner can secure a reasonable return from or make a practical use of the property without the variance; or

b) The variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

(Ord. Passed 4-17-2023)

154.017-13 STATE ENFORCEMENT AUTHORITY FOR WATER SUPPLY WATERSHED

The Environmental Management Commission may take any appropriate preventive or remedial enforcement action authorized under G.S. § 143-214.5 against any person who violates any minimum statewide water supply watershed management requirement.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. Passed 4-17-2023)

154.017-14 WATERSHED PROTECTION APPEALS AND VARIANCES

A. Appeal from the Zoning Administrator. Any order, requirement, decision, or determination made by the Zoning Administrator, acting as the Watershed Administrator, may be appealed to and decided by the Board of Adjustment as described in Subchapter 154.010.

B. Changes and Amendments to this Section. Under no circumstances shall the Board of Commissioners adopt such amendments, supplements, or changes that would cause this section to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Environmental Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

C. Environmental Management Commission Review.

1) If a variance application is submitted, and if following a public hearing the Board of Adjustment concurs that it is in favor of granting the variance, the Board shall prepare a preliminary record of the hearing for the Environmental Management Commission with all deliberate speed prior to holding a vote. The preliminary record of the hearing shall include:
   a) The variance application.
   b) The hearing notices.
   c) The evidence presented.
   d) Motions, offers of proof, objections to evidence, and rulings on them.
   e) Proposed findings and exceptions; and
   f) The proposed decision, including all conditions proposed to be added to the permit.
2) The preliminary record shall be sent to the Environmental Management Commission for its review and a decision as follows, which the Board of Adjustment shall adhere to:
   a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

b) The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and

c) The variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

3) The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

4) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

a) The property owner can secure a reasonable return from or make a practical use of the property without the variance; or

b) The variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

(Ord. Passed 4-17-2023)

154.018 Mountain Ridge Protection

154.018-01 TITLE

This Subchapter shall be known and may be cited as “The Mountain Ridge Protection Ordinance of the County of Surry, North Carolina”.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-02 PURPOSE

The Board of Commissioners of Surry County finds that the construction of tall buildings or structures on mountain ridges may cause unusual problems and hazards to the residents of and visitors to the mountains. The purpose of this Subchapter therefore is to regulate the construction of tall buildings or structures on mountain ridges to ensure that: adequate water supply is available to such building or structure, the disposing of sewage will not infringe on the ground water rights or endanger the health of those persons living at lower elevations, adequate fire protection can be made available, such buildings or structures will not be hazards to air navigation or to persons on the ground, and such tall buildings will not detract from the natural beauty of the mountains.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-03 AUTHORITY AND ENACTMENT

In pursuance of the authority conferred by N.C.G.S. Ch. 113A, Art. 14 and NCGS 160D-924, the Board of Commissioners of the County of Surry, North Carolina, hereby ordains and enacts into law these sections.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-04 JURISDICTION

The provisions of this Subchapter shall apply to the construction of tall buildings or structures, as defined in Subchapter 154.003 of this ordinance, on protected mountain ridges within Surry County and outside the territorial jurisdiction of any municipality within Surry County. This Subchapter may also apply to any or all areas lying within the territorial jurisdiction of any municipality within Surry County if the municipality, by resolution, requests such application. Protected mountain ridges are further identified by the map entitled “Identification of Protected Mountain Ridges in the County of Surry” and is on file in the office of the enforcement officer and with the Register of Deeds of Surry County.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-05 INTERPRETATION AND DEFINITIONS See Subchapter 154.003 Definitions

154.018-06 VIOLATIONS

Whenever, by the provisions of this Subchapter, the performance of any act is prohibited, or whenever any regulation, dimension or limitation is imposed on the construction, reconstruction, alteration or expansion of any building or structure, a failure to comply with such provisions of this Subchapter shall constitute a separate violation and a separate offense.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-07 SEVERABILITY

Should any section or provision of this Subchapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part as declared to the unconstitutional or invalid.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-08 CONFLICT WITH OTHER LAWS

In interpreting and applying the provisions of this Subchapter, said provisions shall be held to be the minimum requirements for promoting the intent of this Subchapter. This Subchapter is not intended to interfere with, abrogate or annul other rules, regulations, or ordinances of the county. However, if the requirements of this Subchapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Surry, the more restrictive or that imposing the higher standards shall govern.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-09 EFFECTIVE DATE

This Chapter first took effect and was in force on 12-19-1983.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

154.018-10 ADMINISTRATION AND ENFORCEMENT

A. Permits. No tall building or structure as defined by Subchapter 154.003 of this ordinance, shall be constructed, altered, reconstructed, or expanded on any protected mountain ridge until a permit for such construction, alteration, reconstruction or expansion has been obtained as provided in this Subchapter. No permit shall be issued that would not comply with the provisions of this Subchapter.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

B. Rezoning Required. Any property proposed for development subject to the provisions of this Subchapter shall be rezoned to an appropriate conditional zoning district meeting or exceeding the standards below. The approval of the conditional zoning district shall constitute a Mountain Ridge Protection Permit. In addition to the application requirements below, conditional zoning requests for properties subject to the provisions of this Subchapter shall meet the application, notice and approval requirements for Conditional Zoning in accordance with Subchapter 154.009.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

C. Additional Requirements for Conditional Zoning. Application. The following shall be submitted in addition to the submittal requirements for conditional zoning in Subchapter 154.009:

1) Title block containing the name of the development, name of owner, name of developer, scale and north arrow;
2) Existing site conditions, including contours, water courses, any unique natural or man-made features such as vegetation and ground cover;

3) Exact boundary lines of the property containing the proposed construction;
4) Specific location and use of all existing and proposed buildings or structures;
5) Plans of proposed water and sewer layouts (excluding individual wells and septic systems) shall show the location of lines, line sizes, approximate location of manholes, pumps, hydrants, force mains and the connection of the proposed system with existing systems;
6) Location of existing and proposed easements and rights-of-way;
7) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;
8) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;
9) Existing and proposed road access to and within the development, showing rights-of-way and pavement widths. Notation of the proposed ownership of the street system (public or private); and
10) A front and side elevation profile, drawn to scale, of all existing and proposed buildings.

In addition to the development plan, all applications for permits shall be accompanied by the following documentation:

1) If a street is to be dedicated for public use, a letter of approval for the proposed street plan shall be submitted indicating that street plans have been reviewed and approved in the following manner:
    a) Street plans shall be reviewed and approved by the North Carolina Department of Transportation (or whatever public agency is to accept the dedication and assume maintenance of the streets).
    b) Street plans shall contain all data, calculations, and information as required by the North Carolina Department of Transportation (or other appropriate public agency).
    c) The developer shall meet all other requirements of G.S. § 136-102.6 if the development constitutes a subdivision;
2) If the proposed water and/or sewer system is to connect onto an existing system, a letter of approval from the owner of said existing system for such connection shall be submitted. In addition, a letter of approval from the appropriate regulatory agency shall be submitted indicating that the proposed connection will not cause any problems related to overloads, discharges, or shortages on said existing system;
3) If individual wells and/or septic tanks are to be utilized, a written statement from the Surry County Health Department indicating approval of wells and/or septic tanks for use in the development shall be submitted;
4) If an on-site package water and/or sewer treatment system is to be utilized, a letter of approval from the North Carolina Department of Human Resources and/or the North Carolina Department of Natural Resources and Community Development shall be submitted;
5) Documentation of an approved sedimentation and erosion control plan shall be submitted where required;

6) A letter of approval from the Surry County Department of Emergency Medical Services and appropriate fire department indicating the adequacy of the development facilities for emergency medical and fire services. Such determination shall take into consideration the street access, water pressure and availability, building height and any other relevant factors; and

7) A letter from the applicant indicating the land in the proposed development is under single ownership or management by the applicant or proper assurances (legal title or execution of a binding sales agreement) shall be provided indicating that the development can be successfully completed by the applicant.

Sufficient copies of all application materials shall be submitted in quantities as may be required by the enforcement officer for his or her review procedures.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

D. Additional Considerations and Procedures for Conditional Zoning Application. The following shall be taken into account in addition to the considerations for conditional zoning in Subchapter 154.009:

1) The Zoning Administrator shall review the application for compliance with the provisions of this Subchapter. Any application not containing all information required in this Subchapter shall be returned to the applicant for correction and resubmission. After the Zoning Administrator has determined the application contains all information required in this Subchapter, he or she shall have 30 days to recommend to the Planning Board either approval or disapproval of the application. In making his or her recommendation, the Zoning Administrator may include any appropriate conditions he or she feels should be placed on the issuance of the permit.

2) First consideration of the application shall be at the next regularly scheduled meeting of the Planning Board after receiving the recommendations of the Zoning Administrator. The Planning Board shall act on the application at its first consideration or within 30 days of its first consideration.

3) The Board of Commissioners shall not approve an application until it has determined that the intent of this Subchapter has not been violated. In making such determination, the Board of Commissioners shall not approve the issuance of a permit if the application for said permit fails to provide for:

a) Sewage treatment that meets the requirements of a public wastewater disposal system that it discharges into, or that is a part of a separate system that meets applicable local, state, and federal standards;

b) A water supply system that is adequate for fire protection, drinking water and other projected system needs; that meets the requirements of any public water supply system that it interconnects with; and that meets any applicable local, state, and federal standards, requirements and approvals;

c) Compliance with applicable local, state, and federal sedimentation control regulations and requirements; and

d) Adequate consideration to protecting the natural beauty of the mountains as determined by the Board of Commissioners including such considerations as:

i. Protection of existing vegetation;
ii. Limitations on grading to prevent erosion or major scarring of the land;
iii. Preservation of scenic views; and
iv. Landscaping the site to restore the natural setting.

In making such determination, the Board of Commissioners may impose any additional conditions on the permit it deems necessary. Pursuant to NCGS 113(A)-208(c), permits may be conditioned to ensure proper operation, to avoid or mitigate any of the problems or hazards recited in the findings of NCGS 113A-207, to protect natural areas or the public health, and to prevent badly designed, unsafe or inappropriate construction.

4) If the application is approved by the Board of Commissioners, such approval shall be provided to the applicant in the form of a letter referencing the approved conditional zoning case and including all conditions specified with the approval of the zoning. A copy of the approved permit shall be filed with the Register of Deeds of Surry County. One copy of said letter shall be sent to the applicant, one copy shall be sent to the Zoning Administrator and one copy shall be retained by the Board of Commissioners. Said letter shall be sent within five days of approval of the application. Upon receipt of the letter indicating approval, the Zoning Administrator shall issue a permit for construction. Said letter shall contain a listing of all conditions imposed on the issuance of the permit.

5) If The Board of Commissioners Determination of Consistency and Statement of Reasonableness given with the conditional rezoning denial shall be prepared. One copy of said letter shall be sent to the applicant, one copy shall be sent to the Zoning Administrator and one copy shall be retained by the Board of Commissioners. Said letter shall be sent within five days of disapproval of the conditional rezoning application.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

E. Development permits. The issuance of any development permits subsequent to the conditional rezoning approval shall be subject to the conditions imposed by the Board of Commissioners as authorized in this Subchapter and as stated in the letter approving the application. If no construction has begun within 12 months after the date of approval of the zoning, the subsequent development permits shall expire. Construction shall be deemed to have begun when any grading or excavation has commenced. If a permit expires, it shall not be reissued, except under the provisions outlined in this Subchapter for all permits.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

F. Application to Existing Buildings. The provision of this Subchapter shall apply to buildings that existed upon the effective date of this Subchapter as follows:

1) No reconstruction, alteration or expansion may aggravate or intensify a violation by an existing building or structure that did not comply with this Subchapter upon its effective date.

2) No reconstruction, alteration or expansion may cause or create a violation by an existing building or structure that did comply with this Subchapter upon its effective date.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

G. Enforcement and Penalties. (Pursuant to NCGS 113A-211)

1) **Enforcement Officer.** The Zoning Administrator shall be the enforcement officer for the requirements of this Subchapter.

(Ord. passed 12-19-1983); (Ord. passed 4-17-2023)

2) Violations of this Subchapter shall be subject to the same civil penalties and equitable remedies as provided by NCGS 160D-404.

3) Any person injured by a violation of this Subchapter or any person who resides in the county in which the violation occurred may bring a civil action against the person alleged to be in violation. The action may seek:
   a) Injunctive relief; or
   b) An order enforcing the provision violated; or
   c) Damages caused by the violation; or
   d) Both damages and injunctive relief; or
   e) Both damages and an enforcement order; or
   f) Both an enforcement order and injunctive relief.

4) If actual damages as found by the court or jury in suits brought under this subsection are five hundred dollars ($500.00) or less, the plaintiff shall be awarded double the amount of actual damages; if the amount of actual damages as found by the court or jury is greater than five hundred dollars ($500.00), the plaintiff shall receive damages in the amount so found. Injunctive relief or an enforcement order under this subsection may be based upon a threatened injury, an actual injury, or both.

5) Civil actions under this subsection shall be brought in the General Court of Justice of the county in which the alleged violation occurred. The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation, including reasonable attorney and expert-witness fees, to any party, whenever it determines that such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security, the amount of such bond or security to be determined by the court. Nothing in this section shall restrict any right which any person or class of persons may have under the common law or under any statute to seek injunctive or other relief.

154.019 Manufactured Homes and Manufactured Home Parks

154.019-01 PURPOSE

The purpose of this Subchapter is to provide minimum standards of planning, design, construction, operation and maintenance of manufactured homes and manufactured home parks to provide for the health, safety, and welfare of the citizens of Surry County.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006); (Ord. passed 4-17-2023)

154.019-02 GENERAL MANUFACTURED HOME DEVELOPMENT STANDARDS

The following shall apply to all manufactured homes, whether located on individual parcels or located within a manufactured home park. See Subchapter 154.017 for standards for flood hazard reduction applicable to manufactured homes.

A. Skirting.

1) All manufactured homes shall be skirted, to completely conceal the space between the floor elevation and the grade beneath the unit.
2) In the RA and MHP Zoning Districts, the type of skirting material required shall be:
    a) Masonry; or
    b) A non-flammable material commercially fabricated for specific use as manufactured home skirting or for general use as an external building siding material.
3) The enclosed space shall be ventilated in accordance with State of North Carolina Regulations for Manufactured Homes recommendations for skirting.
4) Skirting shall always be maintained and kept in compliance. The continued use with normal repair and maintenance of non-conforming skirting is allowable under these provisions; however, when non-conforming skirting is replaced, the new skirting material shall comply with this section.
5) All skirting, porches, and decks shall be completed and inspected before a certificate of occupancy is issued by the Inspections Department. Therefore, until the certificate of occupancy is issued, occupancy of a manufactured home and electrical connections shall not be permitted.

B. Abandoned manufactured home removal requirements. An abandoned manufactured home is defined as one that has not been occupied within six months and is valued at below 50% of its tax value. In such cases, these homes shall be removed from the lot or park and disposed of, unless the owner takes corrective action immediately so that the definition of "abandoned manufactured home" no longer applies to the manufactured home in question. Corrective action shall be taken consistent with Subchapter 154.005. This section shall apply to all manufactured homes located in the county's jurisdiction, even those in existence prior to 12-19-2005.

C. Manufactured homes utilized as accessory structures prohibited. Manufactured homes proposed to be used as an accessory structure, storage building, private workshop, or the like, is expressly prohibited. According to North Carolina Building Code, the only appropriate use of a manufactured home is as a residential dwelling.
(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 1-6-2014); (Ord. passed 4-17-2023)

154.019-03 MANUFACTURED HOME PARKS, APPLICATION, MEETINGS AND PLAN

A. General. Before developing a manufactured home park, the applicant must apply for and receive a Special Use Permit. The applicant shall prepare an application for review by the Board of Adjustment and other applicable government agencies that complies with division B. below, rather than the requirements found in Subchapter 154.010. Before developing or expanding a manufactured home park, the property or parcel shall be zoned MHP (Manufactured Home Park), as this is the only zoning district in which this type of use is allowed. Manufactured home parks shall comply with the provisions set forth in this Subchapter, whether the subject is new development, expansion, operational or maintenance.

B. Manufactured home park development application. The following shall be adhered to when preparing and applying for a Special Use Permit for a manufactured home park:

1) Required meeting with Zoning Administrator. Prior to submittal of an application for a Special Use Permit to develop a manufactured home park, the owner and/or developer shall schedule a meeting with the Zoning Administrator to discuss the proposed development. The Zoning Administrator shall have discretion to invite additional county officials to the meeting.
2) Boundary survey. The developer shall have prepared by a registered land surveyor a boundary survey, which shall meet all requirements for recordation in the office of the Register of Deeds.
3) Detailed development plan. The application shall contain a detailed development plan meeting the requirements of this division 3 on a sheet not less than 18 inches by 24 inches drawn at a scale of sufficient size to accurately and clearly show all required information dictated by this Subchapter including additional information as required by division B. 4) below. The plan shall be recorded, with, or as part of, the boundary survey as required by division C. below. Approved detailed development plans for manufactured home parks must be recorded in the Office of the Register of Deeds within six months following approval or lose approval status. The detailed development plan shall include:
    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 of the property;
    d) Municipal boundaries, extraterritorial boundary lines, township lines, zoning district classifications;
    e) The name of the fire district serving the property;
    f) Basic geographic information about the site, including general topography, proximity to streams, susceptibility to flooding as determined from available floodplain maps, soil characteristics and other characteristics which may impose restrictions on the development of the site;
    g) If the park is to be developed in stages, this should be designated on the area map;
    h) Name of owner, surveyor, and land planner;

i) Scaled vicinity map inset showing location of park in relationship to nearby towns, communities, and roads;
j) Boundaries of tract to be developed shown with bearings and distances as established by the boundary survey;
k) Site data table, including total square feet in common recreation area, total number of home sites, lineal and square feet of streets, and total acreage;
l) Proposed streets, street names, sidewalks, rights-of-way, pavement widths and approximate grades. There shall be one unrestricted access to a state road for each manufactured home park and said road shall only serve one manufactured home park, as shown on the application. The Board of Adjustment may allow multiple accesses to the park upon being presented with evidence supporting this need;
m) The location of proposed utilities showing connections to existing systems or plans for individual or public water supply, sewage disposal, storm drainage, and park lighting. An alternative well site as determined by North Carolina Department of Environmental Quality (NCDEQ) and room for repair of the septic tank system as specified by the Health Department shall be designated;
n) Other proposed rights-of-way or easements - location, widths, and purposes;
o) Proposed setback lines from property boundaries;
p) Proposed manufactured home spaces. All spaces shall have boundary dimensions shown and shall have permanently assigned site numbers placed at the driveway or parking area for each lot. All spaces shall have the proposed location of the manufactured home pads which are designed to turn water flow underneath the building as defined in the North Carolina State Building Code;
q) Proposed common recreational areas;
r) Title, date, north arrow, and graphic scale. If proceeding under cluster development option, title shall so indicate;
s) Proposed storm water drainage system, as needed;
t) Watershed designation;
u) Proposed plan for park lighting; and
v) Any additional requirements found elsewhere in this Chapter.

4) Additional information. In addition to the detailed development plan, the application shall contain the following:
a) A copy of any park regulations which the owner proposes to use;
b) A letter from the N.C. Division of Highways Engineer indicating that his or her office has reviewed the area map and development 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;
c) A copy of the Health Department's septic system permits, or other evidence that the proposed septic systems have been approved;

d) A letter from the Surry County Fire Marshall indicating that he has reviewed the project with the chief of the volunteer fire department serving the project area, and the Director of Emergency Medical Services and stating any problems which need to be resolved prior to approval of the application;

e) Proposed sedimentation control measures approved by the NCDEQ;

f) Proposed landscaping and garbage containment plans; and

g) Certificates or letters of approval from appropriate state agencies if the developer is proposing to install a package waste treatment plant or a public or community water system.

5) Submission of application to the Board of Adjustment. The owner shall submit the following to the Board of Adjustment:

a) One copy of the complete application, including the area map, the boundary survey, the detailed development plan and required letters and documents; and

b) Fourteen additional copies of the detailed development plan and any other requested copies.

6) Board of Adjustment action.

a) The Development Services Director shall set and advertise a date and time for a quasi-judicial public hearing before the Board of Adjustment as provided by NCGS 160D-406. Notice of such hearing shall be published in a newspaper of general local circulation at least 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. At least 10 days, but not more than 25 days, prior to the hearing, all adjacent property owners and others required by NCGS 160D-406 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 through fees set by the Board of County Commissioners. In addition, the property for which the conditional use is proposed shall be posted at least 10 days, but not more than 25 days before the public hearing.

b) The Board of Adjustment shall consider the application and comments at the public hearing and may grant or deny the Special Use Permit for the manufactured home park. If the Special Use Permit is granted, the Board of Adjustment shall use as a guide, the specific conditions outlined in this Subchapter for each use proposed, in addition, the Board of Adjustment shall find:

i. The use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
ii. The use meets all required conditions and specifications;
iii. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
iv. 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.

c) In granting the Special Use Permit, the Board of Adjustment may designate only those conditions, in addition to those stated herein, which, in its opinion and with the written consent of the applicant or landowner, assure that the use and its proposed location will be harmonious with the area and with the spirit of this Chapter and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special 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 Special Use Permit, their heirs, successors, and assigns.

d) When deciding Special Use Permits, the Board of Adjustment shall follow quasi-judicial procedures. No vote greater than a majority vote of the entire Board membership shall be required for the Board of Adjustment to issue a Special 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.

C. Filing of documents.

1) Following approval of the Special Use Permit by the Board of Adjustment, the owner shall record the boundary survey along with the detailed development plan with the Register of Deeds. Both documents must contain the signature block of the Board of Adjustment Chairperson.
2) A copy of the complete application shall be kept on file, as a public record, in the Development Services Department.

D. Manufactured home park dimensional requirements.

1) Each manufactured home park shall be developed on a tract not less than two acres in size and shall contain at least two manufactured home spaces available at first occupancy.
2) Manufactured home parks shall not exceed one manufactured home space per 30,000 square feet or 0.69 acres of land area. This limitation shall apply without regard to the method of providing water and sewer service to the individual manufactured home units. In some cases, the method of providing water and sewer service to the individual manufactured home units may require a space greater than that provided for in this subsection by the Surry County Health Department.
3) Notwithstanding the above, in no case shall the built-upon requirements of a manufactured home park located in a designated water supply watershed exceed the built-upon limitations for the watershed as shown in that ordinance. For manufactured home parks, when calculating lot size and built upon limitations, the most restrictive shall apply.
4) Likewise, in no case shall the development of a manufactured home park located in the Mitchell River Outstanding Resource Water (ORW) area exceed the standards for the ORW as promulgated by the NC Environmental Management Commission. For manufactured home parks, when calculating lot size and built

upon limitations, the most restrictive shall apply. Unless otherwise set out in this Chapter, these are the minimum development standards.

5) Each manufactured home lot or space shall consist of a minimum of 30,000 square feet or 0.69 acres and shall have a minimum mean lot width of 100 feet. Each manufactured home space shall be occupied by only one manufactured home at any time. Each manufactured home shall have its street address mounted on the manufactured home in accordance with Ch. 151 of the Surry County Code of Ordinances.
6) No manufactured home shall be located closer than:
    a) Fifty feet to a public street right-of-way;
    b) Thirty feet to the exterior boundary of the park;
    c) Thirty feet to another manufactured home or dwelling; and
    d) Twenty-five feet to the travel way of an internal street in the park.
7) Distances shall be measured from the outermost part of the unit including tongue or towing apparatus, porches, steps, or other attachments.
8) The developer shall grade each manufactured home space to provide proper drainage from the home site as defined in the North Carolina State Building Code.
9) Each manufactured home unit shall be secured by adequate foundations, tiedowns and anchors to conform to the State of North Carolina Regulations for Manufactured Homes.
10) All manufactured homes shall have steps and porches constructed at all required exits from the manufactured home to conform to the State of North Carolina Regulations for Manufactured Homes.

E. Cluster manufactured home park dimensional requirements. Clustering shall be permitted upon submission of an acceptable open space preservation plan as physically indicated on the detailed development plan. Notwithstanding the development standards set out in this ~~sub~~ Subchapter, the cluster development shall be exempt from the minimum lot size requirements of division D. above, except for the Watershed and Outstanding Resource Water sections; provided that, a lot size of 6,000 square feet with a park wide density ratio of 30,000 square feet per lot, and the developmental standards in divisions J. through R. below, and other requirements herein are met.

1) Each manufactured home park cluster development shall be developed on a tract not less than five acres in size and shall contain at least manufactured home spaces available at first occupancy.
2) Each manufactured home space shall consist of 6,000 square feet with a park wide density ratio of 30,000 square feet per home. The 6,000 square foot space shall have a lot width of 60 feet, and a lot depth of 100 feet or vice versa. The following criteria shall be used to determine the location of each lot.
3) Development should be buffered from direct view by a vegetative buffer, or an earth berm constructed to reflect the topography of the surrounding area or located out of sight on slopes below existing ridge lines.
4) Each lot shall be located to minimize the visual impact of the development.
5) Each lot shall not include wetlands, transition areas and floodplains.
6) Each lot shall not include areas with excessive slopes of greater than 35%.
7) Roadways shall follow existing contours to minimize the extent of cuts and fills.
8) The minimum common open space shall be contiguous.

9) No manufactured home or manufactured home in a cluster development shall be located closer than:
    a) Fifty feet to a public street right-of-way;
    b) Thirty feet to the exterior boundary of the park;
    c) Thirty feet to another manufactured home or dwelling; and
    d) Twenty-five feet to the travel way of an internal street in the park.

Distances shall be measured from the outermost part of the unit including tongue or towing apparatus, porches, steps, oil tank or other attachment.

10) Prior to the submission of the detailed development plan, the developer shall schedule a mutually convenient time to walk the property with the Zoning Administrator. The purpose of this visit is to familiarize staff with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the building lots, open space areas, buffering requirements, and street locations. Prior to scheduling the on-site visit, the applicant shall have prepared a preliminary site or sketch plan that shall show the basic concept of meeting the clustering and open space preservation section and other requirements set forth herein.

F. Streets and parking. All streets within the manufactured home park, and all streets or easements providing access to the manufactured home park, shall be paved with concrete or asphalt, or provided with an all-weather surface of at least four inches of crushed stone on a well compacted sub-base to a continuous width of 20 feet. Such streets shall be continuously maintained in good condition. The interior street that provides ingress and egress into the park from a public street shall require a driveway permit issued by NCDOT. The street area can be calculated as part of the 30,000 square feet lot or 0.69 acres of land area.

1) Off-street parking. Each manufactured home space shall have two off-street parking spaces surfaced with pavement or a minimum of four inches of crushed stone or gravel, extending to the internal street serving the space. At his option, the developer may install ten-foot-wide shoulders on one or both sides of interior streets, using those for off-street parking instead of individual spaces for each manufactured home.
2) Cul-de-sac. Dead-end streets shall be provided with cul-de-sacs with a minimum of 45 feet in diameter or alternative T, Y, L or U-shaped cul-de-sacs (standard design and dimensions will be provided by the Development Services Department).
3) Access. No manufactured home space in a park may have direct access to any public road. Each lot shall have direct access to an internal street of the park.
4) Street names and street signs. Permanent street names shall be assigned to all internal streets. Said street names shall comply with Ch. 151 of the Surry County code of ordinances. Permanent street name signs shall be purchased from Surry County by the manufactured home park developer and shall be installed by Surry County at the appropriate locations.

G. Buffers and screening requirements. All manufactured home parks shall be screened on all sides, except at approved entrances and exits. The screen or buffer shall comply with the specifications found in Subchapter 154.015.

H. Refuse disposal.

1) The owner shall provide a dumpster installed on a concrete pad and made accessible and available to residents.
2) The owner shall provide a refuse disposal plan satisfactory to the Local Ordinance Officer. The term "waste disposal containers" shall be interpreted to be dumpsters. The approved refuse disposal plan shall be noted on the manufactured home park detailed development plan.

I. Accessory buildings and structures. Any attachment to a manufactured home within a manufactured home park shall meet the setback requirement of divisions D. or E. above. No more than one freestanding accessory building or structure shall be permitted on an individual manufactured home space. Such freestanding building or structure shall observe the setback requirements of Subchapter 154.008 and shall be located no closer than ten feet to the manufactured home that it serves.

J. Grounds maintenance.

1) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Open areas shall be maintained free of heavy undergrowth.
2) No junked or nuisance vehicle of any type and/or size shall be parked or stored within any manufactured home park.

K. Infrastructure requirements for parks.

1) Following the issuance of a Special Use Permit by the Board of Adjustment, the owner may proceed to install manufactured home park improvements as specified in the approved plans. The intent of this permit is to authorize the construction of the park according to the approved plans and shall not be construed to entitle the owner to offer spaces for rent or lease, or to operate a manufactured home park as defined in this Chapter until construction has been completed and has been inspected by the Surry County Inspections Department, the Surry County Health Department, and the Local Ordinance Officer. Improvements may be installed in stages, if this was specified in the park development application and subsequently approved.
2) Required improvements shall include the following: installation of roads, on-site water and sewer systems, screening, or buffering, waste disposal containers and parking areas.
3) The Surry County Inspections Department shall not issue a permit to connect electricity to a manufactured home until the park or specified stage of the park has been completed in compliance with this Chapter and the approved plan has been approved as specified above. Likewise, no permit to connect electricity shall be issued until a registered professional engineer furnished by the owner has certified that the water system and any public sewer system meet the appropriate state agency standards for such systems.

L. Maintenance of parks. Continuing maintenance and upkeep of the park are responsibilities of the owner. If the owner fails to maintain the park and allows it to fall below the development standards specified herein, the Local Ordinance Officer may recommend to the Zoning Administrator that the Special Use Permit, or a previously approved manufactured home park permit under a previous ordinance, be revoked.

M. Revocation of park permits.

1) If the Zoning Administrator finds sufficient evidence to justify the revocation of the Special Use Permit or manufactured home park compliance permit, based on the recommendation of the Local Ordinance Officer, he or she shall schedule a quasi-judicial hearing before the Board of Adjustment according to the process for the original approval to allow the manufactured home park owner to officially respond to the recommendation of the Local Ordinance Officer.
2) After hearing the testimony of the Local Ordinance Officer, manufactured home park owner and other persons who have information pertinent to the case, the Board of Adjustment may:
    a) Overrule the Local Ordinance Officer's recommendation;
    b) Prepare a list of corrective actions which the owner shall make within a time specified by the Zoning Administrator; and/or
    c) Revoke the owner's permit.
3) In the event that a permit is revoked, the Zoning Administrator and the Inspections Department shall issue no permits for the placement of manufactured homes in the park, and the county may seek other relief as permitted by this Chapter.
4) Notwithstanding the foregoing provisions of division H. above, if, for any reason, a sewage treatment and disposal system falls into disrepair, no new manufactured home can locate in the park until all systems meet the provisions enforced by Surry County Environmental Health Department and NCDEQ.

N. Existing manufactured home parks.

1) Manufactured home parks existing at the time of adoption of this Subchapter are not required to comply with the regulations and minimum standards of this Subchapter, with the exception that all existing manufactured home parks shall be subject to the grounds maintenance requirements of this section and to the street maintenance requirements of division F. above.
2) Manufactured home parks existing at the time of adoption of this Subchapter shall continue to comply with the ordinance in which their parks were approved. Any alteration to an existing manufactured home park shall result in the owner complying in full with this Subchapter. Manufactured home parks who are unoccupied for a continuous period of one year shall be required to meet the minimum standards of this Subchapter before reopening.

O. Modification of permits and site plans. Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the originally approved plans may be authorized by the Board of Adjustment. Modifications of the site plan, which is a part of the permit, are permitted following a quasi-judicial hearing consistent with Subchapter 154.010 and with NCGS 160D-705(c).

P. Required signature blocks and statements for boundary survey and detailed development plan. The following certificates, notes and approval blocks shall appear on the appropriate plans and plats in substantially the formats set by the County Board of Commissioners.

(Ord. passed 9-17-2001; Ord. passed 3-17-2003; Ord. passed 5-5-2003; Ord. passed 5-29-2003; Ord. passed 12-1-2003; Ord. passed 5-17-2004; Ord. passed 8-16-2004; Ord. passed 2-21-2005; Ord. passed 4-18-2005; Ord. passed 1-17-2006; Ord. passed 12-7-2020); (Ord. passed 4-17-2023)