

**AN ORDINANCE TO REPEAL SURRY COUNTY ORDINANCE  
CHAPTER 50: ELKIN AREA WATER SYSTEM; CROSS-CONNECTION,  
BACKFLOW, AND BACK-SIPHONAGE CONTROL**

**WHEREAS**, the County originally adopted the Elkin Area Water System; Cross-Connection, Backflow, and Back-Siphonage Control Ordinance, Chapter 50, of the Surry County Code of Ordinances, on September 18, 2017; and

**WHEREAS**, guidance regarding Water and Sewer Systems is provided in N.C Gen. Statute 162A; and

**WHEREAS**, the County successfully managed the water system for the benefit of citizens near Elkin; and

**WHEREAS**, ownership of the Elkin Area Water System was transferred to the Town of Elkin, which allows Surry County to repeal the Chapter 50 Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the County of Surry that **CHAPTER 50** of the **CODE OF ORDINANCES IN SURRY COUNTY, NORTH CAROLINA** be repealed in its entirety.

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

Repealed this Seventh day of December, 2020.

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Mark Marion, Chairman

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Nathan Walls, Clerk to the Board

**AN ORDINANCE TO AMEND SURRY COUNTY ORDINANCE  
CHAPTER 30: EMERGENCY MANAGEMENT, STATES OF EMERGENCY**

**WHEREAS**, the County originally adopted the Emergency Management, States of Emergency Ordinance, Chapter 30, of the Surry County Code of Ordinances, on November 3, 1986; and

**WHEREAS**, guidance regarding States of Emergency is provided in N.C Gen. Statute 166A, the North Carolina Emergency Management Act; and

**WHEREAS**, the Chapter 30 Ordinance required text amendments for States of Emergency to cover longer periods of time, since the previous text in the Chapter 30 Ordinance only allowed States of Emergency to cover a five-day time period.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the County of Surry that **CHAPTER 30** of the **CODE OF ORDINANCES IN SURRY COUNTY, NORTH CAROLINA** be amended as follows:

**§ 30.20 RESTRICTIONS AUTHORIZED.**

(A) An emergency is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural, man-made, accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related, or technical failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

(B) A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar emergency, for any reason, public safety authorities are unable or are likely to be unable to maintain public order or afford adequate protection for lives, safety or property.

(C) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within Surry County or any part thereof, or threatening damages to or destruction of property, the Chairman of the Board of Commissioners of Surry County (Chairman) is hereby authorized and empowered, pursuant to G.S.166A-19.22, to issue a Declaration of State of Emergency declaring to all persons the existence of such a State of Emergency and, in order to more effectively protect the lives and property of people within the County, to place in effect any or all of the restrictions hereinafter authorized. The emergency area shall not exceed the area over which the County has jurisdiction to enact police-powered ordinances. The State of Emergency shall expire when it is terminated by the Chairman.

(D) The Chairman is authorized and empowered to enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during the State of Emergency declared pursuant to G.S. 166A-19.22. Prohibitions and restrictions authorized herein, more fully discussed below, include, but are not limited to:

- (1) Prohibition and restriction of movements of people in public places including any of the following:
  - a) Imposing a curfew.
  - b) Directing and compelling the voluntary or mandatory evacuation of all or any part of the population from any stricken or threatened area within the governing body's jurisdiction.
  - c) Prescribing routes, modes of transportation and destinations in connection with evacuations.
  - d) Controlling ingress and egress of an emergency area and the movement of persons within that area.
  - e) Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovering from the emergency. The Sheriff is authorized to assist in the implementation of the emergency plan.
- (2) Prohibit or restrict the operation of offices, businesses, and other places to or from which people may travel or which they may congregate.
- (3) Prohibit or restrict possession, transportation, sale, purchase and consumption of alcoholic beverages.
- (4) Prohibit or restrict the possession, transportation, sale, purchase, storage, and use of gasoline, dangerous weapons and substances, except that this ordinance does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition.
- (5) Restrict other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the State of Emergency.

### **§30.21 PROCLAMATIONS IMPOSING PROHIBITIONS AND RESTRICTIONS.**

(A) The Chairman, by written Declaration, may impose the prohibitions and restrictions specified in sections 30.20-30.31 of this chapter in the manner described in those sections. The Chairman may impose as many of those specified prohibitions and restrictions as he finds necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Chairman shall recite his findings in the Declaration.

(B) The Declaration shall be in writing. The Chairman shall take reasonable steps to give notice of the terms of the Declaration to those affected by it and shall post a copy of it in the County Courthouse. The Chairman shall send copies of the Declaration to the mass

communications media which serve the affected area. The Chairman shall maintain the written Declaration and furnish upon request certified copies of it for use as evidence. The Declaration shall be posted conspicuously on the County website and a written, signed copy of the Declaration shall be forwarded to North Carolina's WebEOC, critical incident management system before the Declaration becomes effective.

### **§30.2 EVACUATION.**

The Chairman is empowered to direct and compel the evacuation of all or part of the population of the County of Surry; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent Declaration which shall be well publicized.

### **§30.23 CURFEW.**

(A) The ordinance may impose a curfew prohibiting in certain areas during certain periods of time the appearance in public of anyone who is not a member of an exempted class. The ordinance shall specify the geographical area and the period during each 24 hour day to which the curfew applies. The Chairman may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairman finds necessary for the preservation of public health, safety and welfare. The ordinance shall state the exempted classes and restrictions from which each is exempted.

(b) Unless otherwise specified in the ordinance, the curfew shall apply during the specified period, each day until the Chairman declares the curfew to have expired.

### **§30.24 ALCOHOLIC BEVERAGES; RESTRICTIONS.**

The ordinance may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the emergency area. The prohibition, if imposed, may apply to transfer of alcoholic beverages by employees of Alcoholic Beverage Control stores or by anyone else within the emergency area.

### **§30.25 DANGEROUS WEAPON AND SUBSTANCE; RESTRICTIONS.**

(A) The ordinance may prohibit the transportation or possession off one's own premises, or the sale of any dangerous weapon, or substance. **This section does not apply to lawfully possessed firearms or ammunition.** The Chairman may exempt from some or all of the restrictions classes of people whose possession transfer, transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety or welfare. The ordinance shall state the exempted classes and restrictions from which each is exempted.

(B) Dangerous weapon or substance means:

- (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device, gasoline or other instrument or substance designed for use that carries a threat of serious bodily injury or destruction property;
- (2) Any other instrument or substance will be so that is capable of being used to inflict serious bodily harm or injury/destruction to property.
- (3) Any part or ingredient in any substance included above when the circumstances indicate probability that such a part or ingredient will be so used.

(C) If imposed, the ordinance shall apply throughout the jurisdiction of the County or such part thereof as is designated in the ordinance.

### **§30.26 ACCESS TO AREAS; RESTRICTIONS.**

(A) The ordinance may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this section, in violation of any order, clearly posted notice indicating that access is denied or restricted.

(B) Areas to which access is denied shall be designated by the sheriff or his designee when directed in the ordinance to do so by the Chairman. In acting under this authority, the sheriff or his designee may restrict or deny access to any area, street, highway or location within the County if that restriction or denial of access is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

### **§30.27 REMOVAL OF PROHIBITIONS AND RESTRICTIONS.**

The Chairman shall terminate the Declaration of State of Emergency or remove prohibitions or restrictions when the emergency no longer requires. Any ordinance issued under this chapter shall expire at the time directed by the Chairman.

**(1) Superseding an amendatory proclamation.** The Chairman, in his discretion, may revoke the restrictions authorized by this chapter in separate ordinances, and may amend any ordinance by means of a superseding ordinance in accordance with the procedures outlined herein.

In case of the absence or disability of the Chairman, the Vice-Chairman of the Board of Commissioners, or such other persons as designated by the Board of Commissioners, shall have and exercise all of the powers herein given to the Chairman.

### **§30.28 PENALTY.**

Any person violating any ordinance or declaration authorized by this chapter shall be guilty of a misdemeanor in Class 2 in accordance with G.S. §14-288.20A.

**§30.29 SUPERSEDES Pervious Ordinance.**

This ordinance shall supersede the previous ordinance applying to States Of Emergency.

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

Amended this Seventh day of December, 2020.

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Mark Marion, Chairman

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Nathan Walls, Clerk to the Board

**AN ORDINANCE TO AMEND SURRY COUNTY ORDINANCES TEXT REGARDING THE DEVELOPMENT SERVICES DEPARTMENT**

**WHEREAS**, Surry County’s Planning and Development Department was renamed the Development Services Department in 2017; and

**WHEREAS**, the department’s name change and other related language should be reflected throughout the Surry County Code of Ordinances; and

**WHEREAS**, the text amendments will make the Surry County Code of Ordinances more up-to-date.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the County of Surry that **DEVELOPMENT SERVICES DEPARTMENT AND OTHER RELATED LANGUAGE** of the **CODE OF ORDINANCES IN SURRY COUNTY, NORTH CAROLINA** be amended as follows (items to be deleted have a strikethrough and items to be added have an underline):

**§ 91.02 DEFINITIONS.**

**~~PLANNING- DEVELOPMENT SERVICES DIRECTOR~~**. The ~~Planning~~ Development Services Director of Surry County or his or her authorized representative.

(Ord. passed 5-3-1982)

**§ 91.03 PERMITS REQUIRED.**

No person shall organize, sponsor or conduct any large gathering unless a permit has been issued to such person by the ~~Planning~~ Development Services Director under the provisions of this chapter. A permit shall be required for each large gathering and is not transferable to other persons. The permit shall be issued by the ~~Planning~~ Development Services Director upon the written reports of the Health Director, Sheriff, Fire Marshal and Electrical Inspector, whose inspections and reports shall be to determine whether the provisions of this chapter have been complied with by the applicant.

(Ord. passed 5-3-1982)

**§ 91.04 PERMIT APPLICATION.**

(A) Application for a permit for a large gathering shall be made to the ~~Planning~~ Development Services Director, on a form and in a manner prescribed by him or her, by the person who will organize, sponsor or hold the large gathering. The application shall be filed with the ~~Planning~~ Development Services Director at least 30 days prior to the commencement of the large gathering. A fee of \$100 shall accompany the application.

(B) The application shall contain the following information: identification of the applicant; identification of any other person(s) responsible for organizing, sponsoring or holding the large gathering; the location of the proposed large gathering; the estimated maximum number of persons reasonably expected to be in attendance at any one time; the date or dates and the hours during which the large gathering is to be conducted; and a statement as to the total time period involved.

(C) The application shall be accompanied by an outline map of the area to be used, to approximate scale, showing the location of all proposed and existing privies and toilets; lavatory and bathing facilities; all water supply sources including lakes, ponds, streams, wells, storage tanks, etc.; all areas of assemblage; all camping areas; all food service areas; all garbage and refuse storage and disposal areas; all entrances and exits to public highways; and emergency ingress and egress roads.

(D) The application shall be accompanied by such plans, reports and information required by the Planning Development Services Director as he or she shall deem necessary to carry out the provisions of this chapter.

(E) In addition to requirements provided in divisions (A) through (D) above, the application shall contain a written plan for adequate surveillance and security to ensure compliance of those in attendance at such large gatherings with applicable laws relating to traffic regulations, trespass and crimes against persons and property within the activity area. The application shall include a written statement by the Sheriff approving said plan.

(F) Prior instances of violations of this chapter, as evidenced by final judgements of courts of this county or courts hearing cases arising out of this county shall be considered by the Planning Development Services Director along with the information required to be set forth in the application provided for herein and other evidence in determining whether or not to grant the requested permit, and such violations within one year of the date of such application shall be grounds for denying such permit.

(Ord. passed 5-3-1982)

#### **§ 91.05 PROVISIONAL PERMIT AND BOND.**

(A) Within ten days after the receipt of the application, the Planning Development Services Director and the County Health Director shall review the application and inspect the proposed site for the large gathering. If it reasonably appears that the requirements of this chapter can be met by the applicant, a provisional permit shall be issued.

(B) The Planning Development Services Director shall require the permittee, within five days after issuance of the provisional permit, to file with the Planning Development Services Director a performance bond or other surety to be executed to the county in the amount of \$1,000. The bond shall be conditioned on full compliance with this chapter and shall be forfeitable upon non-compliance and a showing by the Planning Development Services Director of any injury, damage or other loss to the state or local governmental agencies caused by the non-compliance,

(Ord. passed 5-3-1982)

**§ 91.06 ISSUANCE OR REVOCATION; FORFEITURE OF BOND; CANCELLATION.**

(A) If, upon inspection by the Planning Development Services Director three days prior to the starting date of the large gathering, or earlier upon request of the permittee, the required facilities are found to be in place and satisfactory arrangements are found to have been made of required services, and other applicable provisions of this chapter are found to have been met, the Planning Development Services Director shall issue a permit for the large gathering. If, upon such inspection the facilities, arrangements or other provisions are not in compliance with this chapter, the provisional permit shall be revoked and no permit issued.

(C) If the provisional permit or the permit is revoked prior to or during the large gathering, the Planning Development Services Director may order the permittee to install such facilities and make arrangements as may be necessary to accommodate those persons who may nevertheless attend or be present at the large gathering despite the cancellation and to restore the site to a safe and sanitary condition. In the event the permittee fails to comply with the order of the Planning Development Services Director, the Planning Development Services Director may immediately proceed to install such facilities and make such other arrangements and provisions for clean-up as may be minimally required in interest of public health and safety, utilizing such state and local funds and resources as may be available to him or her. Prior to and within 60 days after such action, the Planning Development Services Director may apply to a court of competent jurisdiction to order forfeiture of the permittee's performance bond or surety for violation of this chapter. The court may order that the proceeds shall be applied to the extent necessary to reimburse the state and local governmental agencies for expenditures made pursuant to the action taken by the Planning Development Services Director upon the permittee's failure to comply with his or her order. Any excess proceeds shall be returned to the insurer of the bond or to the surety after deducting costs.

(Ord. passed 5-3-1982)

**§ 91.07 RIGHT OF ENTRY.**

Authorized representatives of the Planning Development Services Director and the County Health Director shall have, at all times, the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this chapter, or the rules and regulations adopted under the authority of this chapter; and it shall be unlawful for any person to resist a proper entry by such authorized representatives of the Planning Development Services Director or County Health Department.

(Ord. passed 5-3-1982)

**§ 91.08 APPEAL.**

Any person, firm, corporation or other organization of any kind adversely affected by the decision of the Planning Development Services Director and administration of this chapter would have the right to appeal to the Surry County Board of Health; such appeal to be heard within 15

days of the written notification of adverse decision by the Planning Development Services Director.

(Ord. passed 5-3-1982)

**§ 91.99 PENALTY.**

(B) If any person shall violate or threaten to violate the provisions of this chapter or any rules and regulations adopted pursuant thereto and such violation, if continued, or such threatened violation, if committed, is or may be dangerous to the public health, safety or welfare, or if any person shall hinder or interfere with the proper performance of duty of the Planning Development Services Director or the Health Director for Surry County and such hindrance or interference is or may be dangerous to the public health, the Planning Development Services Director may institute an action in the Superior Court of the county in which such violation, threatened violation, hindrance or interference occurred for injunctive relief against such continued violation, hindrance or interference, irrespective of all other remedies at law and, upon the institution of such an action, the procedure shall be in accordance with the provisions of G.S. Ch. 1, Art. 37.

(Ord. passed 5-3-1982)

**[Solid Waste]**

**§ 110.02 ENFORCEMENT.**

The Local Ordinance Officer, the Planning Development Services Director, the Sheriff of the County, his or her authorized representatives, and the authorized inspections personnel of the Environmental Health Department are hereby empowered to enforce the provisions of this chapter.

(Ord. passed 8-17-2009)

**§ 110.99 PENALTY.**

(B) A civil citation may be issued directly to the violator(s) of this chapter, or mailed to the violator by certified mail. If such person does not claim citation by certified mail, a copy may be posted conspicuously at the last known or present address of the violator. A cited violator shall respond to the citation within 72 hours of service or mailed notice acceptance, or within ten days of lawful posting of the citation on the property. The civil citation shall be paid in full to the Surry County Planning Development Services Department on or before the specified date and time described on the citation. The authorized agent may order the violator to remedy the violation in addition to paying the civil citation. If such an order is issued, the violator(s) shall present evidence that such remedy has been or is being executed as ordered and according to any time allowances given in such order, along with the payment of any civil citations issued.

(Ord. passed 8-17-2009)

**[Subdivisions]**

**§ 153.005 "SUBDIVISION" DEFINED.**

(A) For the purposes of this chapter, *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 ~~Planning~~ 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.

(Ord. passed 12-7-2007)

**§ 153.007 LOCAL ORDINANCE OFFICER.**

A Subdivision Administrator, who shall be appointed by the Board of County Commissioners, shall administer this chapter. The Subdivision Administrator shall be a full-time employee of the ~~Department of Planning and Development~~ Development Services Department, and shall administer and enforce the provision of this chapter, and have such other specific powers and duties as are set forth in this chapter. The ~~Director of Planning and Development~~ Development Services Director shall also be appointed by the Board of County Commissioners for the purpose of an appeal process, if a disagreement is reached by the owner, survey or developer and the primary Subdivision Administrator. To ensure proper chapter administration, the Subdivision Administrator will employ enforcement assistance from the Surry County Local Ordinance Officer.

(Ord. passed 12-7-2007)

**§ 153.032 APPROVAL AUTHORITY.**

The approval authority for the levels and types of subdivision approvals shall be as follows:

(A) *Minor subdivisions.*

- (1) 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 ~~Director of Planning and Development~~

Development Services Director for review and approval or disapproval.) (See§ [153.034](#) of this chapter.)

(Ord. passed 12-7-2007)

**§ 153.034 APPEALS.**

- (2) An aggrieved person may appeal any decision of the Subdivision Administrator to the ~~Director of Planning and Development~~ Development Services Director by filing written notice with the ~~Planning Director~~ 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 ~~Director of Planning and Development~~ Development Services Director, the appeal shall be taken to the Board of Adjustment at its next regularly scheduled meeting and shall have the same authority as the Subdivision Administrator in regard to the subject level of subdivision review and approval.

(Ord. passed 12-7-2007)

**§ 153.035 EFFECTS OF APPROVALS; PREREQUISITES.**

(A) *Preliminary plan.* 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.

(B) *Final plat.*

- (1) 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 by the Board of County Commissioners. Three recorded copies must be submitted to the Planning 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, dated by the Subdivision Administrator or Chairperson of the Board of County Commissioners, and the plat meets the requirements for recording as defined in G.S. § 47-30, as amended. The subdivider shall pay all recording costs.

(2) 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. 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.

(3) After the final subdivision plat is recorded and recorded copies returned to the Surry County Planning Development Services Department, lots, as shown on the plat, may be sold or otherwise conveyed by reference to the recorded plat.

(4) 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 considered to 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)

**§ 153.052 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.

(2) As an option, private roads may be constructed meeting the design and construction criteria as follows:

(b) *Family subdivision option (minor subdivision)*. Subdivisions in which the owner of the parent tract is conveying property to a family member (father, mother, brother, sister, son, daughter, grandfather, grandmother, grandson, granddaughter, nephew, niece), the parcel(s) shall have access to a state-maintained road by way of a 45-foot right-of-way. A notarized statement provided by the ~~Department of Planning and Development~~ Development Services Department shall be submitted by the subdivider, with the final plat of the subdivision, to the Planning Board, to ensure family lineage as stated above. Should a lot created under this exemption be conveyed to persons outside the family, as defined by this chapter, the right-of-way shall then conform to current minimum NCDOT standards for a subdivision street.

(Ord. passed 12-7-2007)

**§ 153.059 OPEN SPACE SUBDIVISION DESIGN OPTION.**

The open space subdivision design option shall be developed in accordance with the following provisions.

(A) *Procedures*. The developer may elect to proceed with their subdivision development under the open space subdivision design option. Written notice of intent to proceed under the open space subdivision design option shall be directed to the Subdivision Administrator on a preprinted form provided by the Surry County ~~Planning and Development Department~~ Development Services Department indicating the developer's willingness to meet those objectives and to abide by other ordinance requirements set forth herein. The completed form together with any supporting documentation and the developer's application shall be delivered to the secretary of the Subdivision Administrator. The application document shall clearly indicate developer's intention to proceed under the open space subdivision design option. The developer's detailed development plan must be consistent with the objectives outlined in this chapter.

(Ord. passed 12-7-2007)

**§ 153.999 PENALTY.**

(I) All monetary civil penalties must be paid to the Surry County ~~Planning and Development~~ Development Services Department through the Subdivision Administrator, and forwarded to the Surry County Finance Department.

(Ord. passed 12-7-2007)

**[Zoning]**

**§ 154.003 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". The official zoning map shall be maintained in the County ~~Planning and Development~~ Development Services Department, shall bear the adoption date of this chapter and the date of any subsequent map amendments and may consist of a series of maps.

(Ord. passed 1-17-2006)

**§ 154.004 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. The official zoning map(s) will be on file in the ~~Planning and Development~~ Development Services Department.

(Ord. passed 1-17-2006)

**§ 154.011 DEFINITIONS.**

~~**DIRECTOR OF PLANNING-DEVELOPMENT SERVICES DIRECTOR.**~~ *The Director of the Surry County ~~Planning and Development~~ Development Services Department.*

~~**PLANNING-DEVELOPMENT SERVICES STAFF.**~~ The Zoning Administrator or appointed authorized official(s) in the Surry County ~~Planning and Development~~ Development Services Department.

**LOCAL ORDINANCE OFFICER.** Designee or such other person in the ~~Planning and Development~~ Development Services Department as the adopting jurisdiction may designate as the officer principally responsible for the enforcement of this chapter.

**ZONING ADMINISTRATOR.** Individual, or individuals, appointed by the ~~Planning and Development~~ Development Services Director, charged with the administration of this chapter to the general public. The ~~**PLANNING DEVELOPMENT SERVICES DIRECTOR**~~ shall also be considered a **ZONING ADMINISTRATOR**.

(Ord. passed 8-21-2017)

**§ 154.039 PUBLIC HEARINGS; REVOCATION OF PERMITS AND VARIANCES; APPEALS; FEES.**

(D) *Fees.* Each applicant for an appeal from an administrative decision or decision of the Planning Board, for a variance or conditional use permit, or with a request for rezoning or other change in this chapter, shall pay a fee, according to the fee schedule available in the Planning 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.

(Ord. passed 1-17-2006)

**§ 154.076 ACTION BY APPLICANT.**

(C) *Fees.* A non-refundable fee, according to the schedule posted in the Planning Development Services Department, shall be paid to Surry County for each application for an amendment, to cover costs of advertising and other administrative expenses involved.

(Ord. passed 1-17-2006)

**§ 154.106 DISTRICT BOUNDARIES SHOWN ON ZONING MAP.**

(C) The zoning map, properly attested, is posted at the County Planning Development Services Department in Dobson and is available for inspection and review by the public.

(Ord. passed 1-17-2006)

**§ 154.130 PLANNED RESIDENTIAL CONDITIONAL DISTRICTS.**

(C) Pre-application conference required.

(1) Prior to the formal submission of a proposed PR-CD, the petitioner or their representative shall attend a pre-application conference with the county Planning Development Services staff concerning the proposed development of the site.

(2) The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic and physical features of the site for review by the Planning Development Services staff, as well as conditions the developer proposes to incorporate into the development as provided in § 154.123 of this chapter. Staff may ask for additional

information such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of “unique” features on the site, and the location and general specifications of any existing and proposed water/sewer infrastructure.

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

(9) Architectural standards for residential dwellings. In order to improve and maintain the quality of residential neighborhoods, protect the investments of residents and promote the interests of the community as a whole as outlined in the county’s adopted land use plan, the developer shall submit a list of minimum architectural standards to be incorporated throughout the PR-CD to the 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.

(Ord. passed 7-20-2009)

**§ 154.147 ELKIN MUNICIPAL AIRPORT OVERLAY DISTRICT (AO-1).**

(B) Airport zones. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of 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 ~~Planning and Development~~ Development Services Department and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

(Ord. passed 1-17-2006)

**§ 154.148 MOUNT AIRY/SURRY COUNTY AIRPORT OVERLAY DISTRICT (AO-2).**

(F) *Issuance of a building permit.* The ~~Inspections~~ 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 is in compliance with the terms of these regulations by the Zoning Administrator.

(Ord. passed 5-21-2018)

#### **§ 154.162 TEMPORARY USES**

(B) *Mobile homes.* 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 ~~Planning~~ Development Services Department must be obtained for new home construction at the same time a temporary occupancy permit is granted.

(b) A property owner, who wishes to utilize the owner occupied or the family cluster exemptions, must submit a pre-printed notarized statement to the ~~Department of Planning and Development~~ Development Services Department. If an individual fails to comply with the above requirements of the owner occupied exemption, family cluster exemption, or the conditional use for hardship, their permit shall be revoked immediately and adjoining property owners shall be notified by first class mail of the revoked permit.

(Ord. passed 4-20-2015)

#### **§ 154.178 CONDITIONAL USE PERMIT REQUIRED FOR ANY PROPOSED ALTERATION, EXPANSION, CHANGE, REBUILDING OR RESUMPTION OF A NON-CONFORMITY.**

(B) A petition for a conditional use permit shall be filed with the Surry County ~~Planning~~ Development Services Department.  
(Ord. passed 1-17-2006)

#### **§ 154.196 PROCEDURES.**

(B) The owner or owners of all property included in the petition for a conditional use permit shall submit required application information to the County ~~Planning~~ Development Services

Department at least 21 days prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this chapter.

(C) Applications shall include a site plan as outlined in § 154.202 of this chapter and be accompanied by a fee according to the Planning Development Services Department fee schedule.

(D) All requests for conditional use permits shall be reviewed by the Planning Board within 90 days from the submission to the Planning Development Services Department. However, this requirement is not intended to prevent the Planning Board from delaying action after review.

(Ord. passed 1-17-2006)

#### **§ 154.202 SUPPLEMENTAL REQUIREMENTS FOR SPECIFIC CONDITIONAL USES.**

(14) Any other information, which the Planning Development Services staff may deem necessary for consideration in enforcing all provisions of this chapter.

(B) Also, the conditional use site plan shall indicate the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting and areas of environmental concern such as floodplains, surface water and drainage ways. Prior to approval of the site plan, the Planning Development Services staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this chapter. Approval from the Environmental Health Department and Fire Marshal's office shall be required before any conditional use permit is issued. Individual conditional uses may require more information, as given in this section or elsewhere in this chapter. In addition, the Planning Board may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

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 Planning Development Services Department.

(Ord. passed 8-21-2017)

**§ 154.245 DEFERRING REQUIREMENTS.**

(G) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Planning 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 Planning 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 Planning 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 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 1-17-2006)

**§ 154.261 SIGNS MUST MEET REQUIREMENTS OF SUBCHAPTER.**

(B) *Permit required.* In order 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 Planning Development Services Department.

(Ord. passed 1-17-2006)

**§ 154.263 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 §§ [154.261](#) and [154.262](#) of this chapter, is required to be submitted and approved by the Planning Development Services staff before a certificate of occupancy can be issued.

(Ord. passed 1-17-2006)

**§ 154.372 MANUFACTURED HOME PARKS; APPLICATION; MEETINGS; PLAN.**

(C) *Filing of documents.*

(1) Following approval of the conditional use permit by the Planning Board, 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 Planning Board Chairperson, found in division (N) below.

(2) A copy of the complete application shall be kept on file, as a public record, in the ~~Planning and Development~~ Development Services Department.

(Ord. passed 1-17-2006)

### **§ 154.373 VESTED RIGHTS.**

(7) Continuation of an approved vested right after the two year expiration must be determined based on the project status as determined by the ~~Planning~~ Development Services staff and Board of County Commissioners.

(Ord. passed 1-17-2006)

### **§ 155.10 NOTIFICATION.**

(1) *Procedure.* The following offices have been provided signage detailing the VAD and instructing landowners to check the locations of all Voluntary Agriculture Districts: Surry Soil and Water, Surry County Cooperative Extension, Surry County Tax Office, Surry County ~~Planning~~ Development Services and Surry County Register of Deeds. The Surry County Tax Office will update new VADs as they are approved, the VAD tracts will be highlighted and a one-half-mile radius around each one will be available on Surry County GIS website.

(C) *Maps.* Maps identifying approved agricultural districts shall be provided to the following agencies or offices:

(1) ~~Planning~~ Development Services Department;

(Ord. passed 3-16-2015)

### **[Voluntary Agricultural Districts]**

### **§ 155.11 SUBDIVISION AND ZONING ORDINANCE REVIEW.**

Applicants to the ~~Planning and Development~~ Development Services Department for approval of major and minor subdivisions, planned unit developments, conditional or general zoning map amendments or conditional use permits shall designate on preliminary and final development plans the existence of the districts within one-half aerial mile(s) of the proposed development.

(Ord. passed 3-16-2015)

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

Amended this Seventh day of December, 2020.

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Mark Marion, Chairman

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Nathan Walls, Clerk to the Board