

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 485
SENATE BILL 861

AN ACT RELATING TO ZONING BY SURRY COUNTY AND THE
MUNICIPALITIES LOCATED THEREIN.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Surry County and the governing boards of municipalities located in Surry County are hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate within their respective lawful jurisdictions the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes.

For any or all these purposes, the County and municipalities located therein may divide their territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the County and municipalities located therein may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit Surry County and the municipalities located therein to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Board of County Commissioners or municipal governing board of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request special use district zoning for said tract.

If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Board of County Commissioners or municipal governing board may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Board of County Commissioners or municipal governing board is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Board of County Commissioners or municipal governing board shall issue a special use permit authorizing the requested use with such suggestions as the respective Board determines to be desirable.

The suggestions contained in a special use permit issued by the Board of County Commissioners or municipal governing board may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Board of County Commissioners or municipal governing board may find appropriate, but not to include architectural review or controls.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done.

Sec. 2. This act shall apply only to Surry County and the municipalities located therein within their respective lawful jurisdictions.

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1973.