

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Text Amendment proposed by City-County Planning Board staff to amend various sections of the UDO to comply with changes to the City of Winston-Salem Code relating to animals. (UDO-105).
- B. Ordinance amending the Forsyth County Zoning Ordinance.

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning petition.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** September 24, 2003  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by the City-County Planning Board

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by City-County Planning Board staff to amend various sections of the UDO to comply with changes to the City of Winston-Salem Code relating to animals. (UDO-105).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## STAFF REPORT

**DOCKET #:** UDO 105

**STAFF:** David Reed

### **REQUEST**

Text Amendment proposed by the City-County Planning Board staff to delete Sections 3-11.3 and 4-6.1 (D) of the *Unified Development Ordinances* (UDO) from the Winston-Salem and Forsyth County requirements. The amendment would eliminate any reference to the keeping of animals from the UDO and thereby avoid conflicts with existing City and County codes which address the keeping of animals.

### **BACKGROUND**

The City of Winston Salem recently amended the City Code relating to animals. The language in the UDO relating to the keeping of animals such as swine, goats, geese and peafowl is an old provision originally adopted in the 1967 County Zoning Ordinance and was carried over into the UDO. In reviewing the UDO to see if there were any conflicts with the amended City Code, Inspections Division staff noticed there is a conflict. After discussing the subject with both the City Attorney and County Attorney, it became apparent that there are conflicts with both the City and County Codes which should be resolved by eliminating all references to the keeping of animals of Section 3-11.3 of Chapter B of the UDO. The other jurisdictions which use the UDO are encouraged to review this issue as it relates to their respective codes.

### **ANALYSIS**

Because the City and County codes already deal with all types of animals, there is no additional need for the UDO to regulate the keeping of animals through zoning regulations. As demonstrated by the recent amendment to the City Code, there would be the potential for conflict any time the City or County Code was amended. Staff recommends deleting these sections from the UDO for the City and County and encourages the other jurisdictions which use the UDO to review this issue.

### **RECOMMENDATION**

Staff recommendation: **APPROVAL**.

Glenn Simmons presented the text amendment.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Jerry Clark moved approval of the zoning text amendment.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.3 KEEPING OF SWINE, GOATS, GEESE, OR PEAFAWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (1) Within the AG District;
  - (2) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (~~C, L~~, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.4 KEEPING OF SWINE, GOATS, GEESE, OR PEAFOWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (3) Within the AG District;
  - (4) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (C, L, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.5 KEEPING OF SWINE, GOATS, GEESE, OR PEAFAWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (5) Within the AG District;
  - (6) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (C, L, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.6 KEEPING OF SWINE, GOATS, GEESE, OR PEAFOWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (7) Within the AG District;
  - (8) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (~~C, L~~, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.



**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.7 KEEPING OF SWINE, GOATS, GEESE, OR PEAFAWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (9) Within the AG District;
  - (10) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (C, L, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

**UDO-105**  
**AN ORDINANCE AMENDING CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING THE KEEPING OF ANIMALS**

Be it resolved, by the Town Council of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-11.3 is hereby amended as follows:

3-11.8 KEEPING OF SWINE, GOATS, GEESE, OR PEAFAWL

- (A) (~~F,W,C,L~~, WA) Except on bona fide farms and in the AG and H Districts, the keeping of swine, goats, geese, or peafowl is prohibited.
- (B) (K) Swine, goats, geese, and peafowl are prohibited, except upon property:
  - (11) Within the AG District;
  - (12) Qualifying as a “bona fide farm”; or,
  - (3) Where they are maintained as domestic pets.

Section 2. Chapter B Zoning Ordinance: Article III – Section 4-6.1 (D) is hereby amended as follows:

- (D) (C, L, WA) Animals

In the H Districts, the keeping of swine, goats, geese, or peafowl is allowed.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.