

AN ORDINANCE TO AMEND
THE SURRY COUNTY
ZONING ORDINANCE

WHEREAS, pursuant to N.C Gen. Statute 153A-342, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the County by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation, NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Surry that the Surry County Zoning Ordinance be amended as follows:

- 1) Amend Article 15, Section 2, to read as follows (changes highlighted):

Section 2. Continuation, Maintenance, and Repair of a Nonconformity Allowed Without Permit

Except as provided in Section 8 below, the continuation of any nonconformity and the normal maintenance and repair thereof is allowed without a general or conditional 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.

- 2) Amend Article 15, Section 8, to read as follows (inserting highlighted paragraph at the beginning of the Section):

Section 8. Exceptions and Modifications

A. Kennels

An existing kennel in any district other than MI for which a Conditional Use Permit has not been granted may continue as a nonconforming use only if the owner has held a Boarding Kennel license from the NC Department of Agriculture continuously since before original adoption of this Ordinance on September 17, 2001; or otherwise shall be brought into compliance with this Ordinance, either by discontinuing the use, or by the granting of a Conditional Use Permit as provided in Article 16 if applicable.

B. Other Exceptions

The following exceptions and modifications shall be allowed without the issuance of a Conditional Use Permit by the Planning Board [...remainder of this Section continuing as is]

- 3) Amend Article 16, Section 8, to read as follows (inserting highlighted provisions):

Kennel

Zoning Districts: RA, CB, HB

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 located in the front or side yard.

Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

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 Article 18 (Buffers and Screening).

- 4) Amend Article 30. Definitions, the Definition of KENNEL, as follows:

KENNEL. 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 twelve 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 ordinance, shall be defined as dogs, cats, and other generally accepted household pets. One litter refers here to the offspring produced from a single pregnancy.

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;
- (d) For protection or guarding of residences or commercial establishments;
- (e) To assist impaired or disabled persons.

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

Adopted this First day of November, 2010.

Paul M. Johnson
Chairman

ATTEST:

Conchita Atkins
Clerk to the Board