



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, FEBRUARY 22, 2022**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
FEBRUARY 22, 2022 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD,
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Chairman James Smith called the meeting to order.

Planning & Zoning Board members present were: James Smith, Jamie Hester, Carl Tuttle, Paula Hill, and alternate member Richard Miller. Absent: Charles Waddell.

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, and Davidson County Zoning Administrator Lee Crook were present.

APPROVAL OF MINUTES

On motion by Board member Paula Hill, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the January 25, 2022 minutes as presented.

ADOPT AGENDA

On motion by Board member Carl Tuttle, seconded by Board member Jamie Hester, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

DISCUSSION – DEVELOPMENT OF ORDINANCE REGARDING FREE RANGE FOWL

At the Planning Board meeting held on January 25, 2022, Planning Board members discussed developing and ordinance for review and adoption by Town Council adopting an ordinance regarding free range fowl for the Town of Midway. Board members were presented with examples of ordinances relating to free range fowl that other municipalities had adopted for their cities and towns.

After discussion, Board members decided to take more time to review the ordinances presented to them and bring back their ideas of what to include in the Town's ordinance at the February 22, 2022 Planning Board meeting.

Planning Board Chairman James Smith stated that Midway is a farm community and the purpose of adopting an ordinance regarding free range fowl is not to deter residents from owning fowl and other small farm animals, but only to be responsible owners by not allowing fowl to roam freely. There have been a couple of complaints from residents where this has and is occurring.

The Planning Board members discussed many options and potential regulations to be included in an ordinance preventing free range fowl. Davidson County Zoning Administrator Lee Crook provided insight on regulations tied to residential districts (RA-1, RA-3, RS, and RM-1) versus regulations tied to acreage. If the ordinance preventing free range fowl is tied to residential districts, lots smaller than two acres would not be permitted to contain fowl.

Town staff would be responsible for administering the ordinance if it were written as a standalone ordinance, otherwise, the ordinance could be included in the Town's Zoning Ordinance and administered by Davidson County Planning and Zoning.

After discussion, the Planning Board considered the following regulations to be included in the Town of Midway Free Range Fowl Ordinance:

- No free range fowl, chickens, pigeons and/or other small farm animals allowed on tracts of land less than five acres.
- Fowl, chickens, rabbits, pigeons and/or other small farm animals must be in a fully enclosed structure/coop/pen with a run, in the backyard containing at least a fifty-foot setback from an adjoining occupied residence as defined by the Town of Midway Zoning Ordinance.
- Owner(s) not allowed to maintain more than twenty fowl, chickens, pigeons, rabbits and/or other small farm animals at any one time. No discounting for chicks. No roosters allowed.
- A reasonable time will be established for owner(s) of fowl, chickens, rabbits, pigeons and/or other small farm animals to come into compliance with the new ordinance.
- The maintenance of any structure/coop/pen or other structure for fowl chickens, rabbits, pigeons and/or other small farm animals shall be kept clean, sanitary, and free from accumulation of excrement and objectionable odors.
- Bona fide farms of ten acres or more, and micro farms of two to ten acres are exempt from any regulations in the keeping of fowl, chickens, rabbits, pigeons and/or other small farm animals.

The list of potential regulations to be included the Town of Midway Free Range Fowl Ordinance will be forwarded to Town Attorney Jim Lanik for review.

DISCUSSION – DEVELOPMENT OF ORDINANCE REGARDING EXOTIC ANIMALS

It was the consensus of the Planning Board to delay discussion on the development of an ordinance regarding exotic animals until the next Planning Board meeting on Tuesday, March 29, 2022.

ADJOURNMENT

On motion by Board member Paula Hill, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn at 6:25 p.m.

James W. Smith, Chairperson

Tammy H. Robertson, Deputy Clerk