

ORDINANCE NO. 23-02

ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE
FOR THE TOWN OF MIDWAY, NORTH CAROLINA
TO ADD REGULATIONS FOR KEEPING OF POULTRY OR SMALL FARM ANIMALS

BE IT ORDAINED by the Town Council of the Town of Midway, North Carolina that the Zoning Ordinance is hereby amended as follows:

Section 1. Article VI. Development Standards, Section 6.01 Standards for Permitted Uses is hereby amended to add the following text:

(Q) Poultry or Small Farm Animals, Keeping of

Section A. No person may keep within the Town limits any poultry or small farm animals except pursuant to the provisions of this section.

Section B. Definitions

- (1) "Poultry" includes, but is not limited to, live chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, turkeys, chicks, poult, and other species generally identified as poultry.
- (2) "Small farm animals" means live rabbits but shall not mean any size of any of the following: cattle, sheep, goats, swine, horses, or mules.
- (3) "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required.
- (4) "Bona fide farm" has the meaning given to "Farm - Bona Fide" in the Town's Zoning Ordinance.
- (5) "Micro farm" shall have the meaning given in the Town's Zoning Ordinance.

Section C. Requirements for Keeping Poultry and Small Animals

- (1) Control of Poultry and Small Farm Animals. It shall be unlawful for the owner or keeper of poultry or small farm animals:
 - (i) To permit any poultry or small farm animal to be or run at large within the Town; or
 - (ii) To be outside such animal's enclosure on a lot of less than five acres.

(2) Enclosures for Poultry and Small Farm Animals

- (i) All poultry or small farm animals kept on a lot of less than five acres must be contained at all times to a secure fenced or walled enclosure pursuant to the provisions of this Section C. (2).
- (ii) The enclosure and structure shall have a minimum of ten (10) square feet of area for each poultry or small farm animal.
- (iii) No enclosure shall be erected or maintained within the front or side yard (as defined by the Town of Midway Zoning Ordinance), within ten (10) feet of any property line, but in no event within fifty (50) feet of another residence.
- (iv) The enclosure shall be kept clean, sanitary, and free from unreasonable or unsanitary accumulations of excrement and objectionable odor; and
- (v) No more than twenty (20) poultry animals, including chicks and other baby animals, shall be kept, or maintained by a property owner. Roosters shall not be allowed at any time.

Section D. Subject to the provisions of N.C.G.S. §106-700, *et seq.*, the requirements of this ordinance apply to poultry and small farms animals that are present within the Town on the effective date of this ordinance as well as those brought within the Town thereafter. However, owners of the poultry or small farm animals that are within the Town on the effective date of this ordinance shall not be deemed in violation of this ordinance until they have been notified in writing of its requirements, have been given sixty (60) days to come into compliance with this ordinance, and have failed to do so.

Section E. A violation of any provision of this ordinance is hereby declared to be dangerous and prejudicial to the health or safety and to constitute a public nuisance. Such nuisances shall be abated as allowed by law, including but not limited to, the Town's ordinances and N.C.G.S. §§ 160A-174, 160A-175, 160A-193, and 160D.

Section F. Nothing in this ordinance shall preclude the keeping of service or therapy animals within the Town, provided a health care professional has provided proper documentation regarding such service or therapy animal.

Section G. Any person who keeps poultry or small farm animals shall, in addition to complying with the ordinance, comply with any and all applicable federal, state, and local standards, regulations, laws, statutes and ordinances, including but not limited to, any registration requirements of the North Carolina Department of Agriculture and Consumer Services.

Section H. This ordinance shall not apply to poultry or small farm animals kept on:

- (1) A bona fide farm of ten acres or more; or
- (2) A micro farm of not less than two acres and less than ten (10) acres.

Section I. Enforcement, Remedies and Penalties

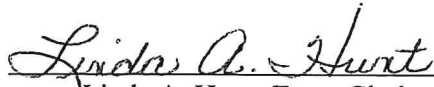
- (1) This ordinance shall be enforced by the Davidson County's Code Enforcement Officers on behalf of the Town.
- (2) The provisions of Articles VII. Administration and VIII. Compliance of the Town's Zoning Ordinance shall apply to this ordinance.

Section 2. Article III. Permitted and Conditional Zoning Districts, Section 3.09, Table of Permitted Uses, is hereby amended to add Poultry or Small Farm Animals, Keeping of as follows:

| Use | RA-1 | RA-2 | RA-3 | RS | RM-1 | RM-2 | RC | CS | OI | HC | LI | HI | MX-R | MX-C |
|---|------|------|------|----|------|------|----|----|----|----|----|----|------|------|
| Poultry or Small Farm Animals, Keeping of | D | D | D | D | D | D | D | D | D | D | D | D | D | D |

Section 3. This ordinance shall become effective on its adoption.

This the 1st day of August, 2022.


Linda A. Hunt, Town Clerk


John Byrum, Mayor

Section 3.09 TABLE OF PERMITTED USES

EXHIBIT A

| Use | RA-1 | RA-2 | RA-3 | RS | RM-1 | RM-2 | DC | CS | OI | HC | LI | HI | MX-R | MX-C |
|--|------|------|------|----|------|------|----|----|----|----|----|----|------|------|
| Manufactured Home, Class B/C Accessory (family hardship) | SB | SB | SB | SB | SB | SB | | | | | | | | |
| Manufactured Home Park, more than ten (10) Spaces | | | | | SA | | | | | | | | | |
| Manufactured Home Park, less than ten (10) Spaces | SB | SB | SB | | SB | | | | | | | | | |
| Manufactured Housing, Travel Trailer, Camper, Marine or Recreational Vehicle Sales | | | | | | | | | | X | X | | | X |
| Micro Farm | D | D | D | D | D | D | D | D | | | | | D | D |
| Microwave, Television or Radio Antenna Tower and Facilities (any size) | | | | | | | | SA | | SA | SA | SA | SA | SA |
| Motor Vehicle Maintenance & Repair | | | | | | | D | D | | D | D | D | D | D |
| Museums | | | | | | | X | X | X | X | | | X | X |
| Nursing and Rest Homes | | | | | X | X | X | X | X | X | | | X | X |
| Offices | | | | | | | X | X | X | X | X | X | X | X |
| Outdoor Advertising Sign | | | | | | | | D | | D | D | D | D | D |
| Outdoor Storage Yard | | | | | | | | | | D | D | D | | D |
| Parking, Principal Use | | | | | | | | D | D | D | D | D | D | D |
| Parcel Delivery Service | | | | | | | | X | | X | X | | X | X |
| Parks, Playing Fields (Non-profit) | X | X | X | X | X | X | X | | | X | | | X | X |
| Pharmacy and Drug Store | | | | | | | X | X | | X | | | X | X |
| Poultry or Small Farm Animals, Keeping of | D | D | D | D | D | D | D | D | D | D | D | D | D | D |