



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

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ORD #13-11-04-003

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING THE KEEPING OF CHICKENS IN RESIDENTIAL YARDS

WHEREAS, the Town of Knightdale has received a petition to amend Section 4.6 (Accessory Buildings) of the Unified Development Ordinance by adding regulations for the keeping of chicken (hens only) in residential yards as recently enabled by an amendment of the Town Code; and

WHEREAS, the application includes the amendment of other remaining chapters of the Unified Development Ordinance that may be affected by the proposed amendment to Section 4.6, such as updating code section references and locations, the ordinance table of contents and index, as well as adding/amending definitions in Chapter 19 for consistency; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.6B establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes are reasonable in that they provide specific regulatory language that allows for a more rural activity in a suburban backyard environment while safeguarding against potential violations of the Town's nuisance ordinances; and

WHEREAS, the proposed zoning text changes are also consistent with the Comprehensive Plan's stated goal of maintaining a respect for the existing relationship between rural and urban Knightdale by permitting a residential accessory use associated with the traditional family farm which was the predominant land use at the time of Knightdale's incorporation;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows (*editing notes in parenthetical italics*):

4.6 Accessory Buildings

An accessory building is a roofed structure supported by columns or walls; is built, erected and framed of component structural parts; is designed for the housing, shelter, enclosure and/or support of persons, animals or property of any kind; and is subordinate in height and bulk to the principal building located on the same lot.

- A. Principal Building Required:** The construction of an accessory building is not permitted unless a principal building is located on the lot. Accessory and principal buildings may be constructed concurrently.
- B. Customary Uses (Residential):** The following uses are considered customary incidental uses of residential accessory buildings:
- Home Occupations
 - Conservatory
 - Artist Studio

- Secondary Dwelling
- Storage
- Workshop
- Leisure Activities
- Animal Shelter*
- Pool House
- Equipment Enclosure
- Parking

* Subject to any provisions of the Town Code, as may apply.

C. General Requirements

1. Maximum Allowance

- a. **Districts Permitting Residential Uses:** Accessory buildings on a single lot in a district permitting a residential use (*Section 2.3C(1)*) shall not:
 - i. individually exceed a building footprint of 800 square feet;
 - ii. collectively cover more than 20 percent (20%) of any rear or side yard; nor
 - iii. individually exceed the height of the principal building (*Section 4.4*).
 - b. **Districts Not Permitting Residential Uses:** Accessory buildings on a single lot in a district not permitting a residential use (*Section 2.3C(1)*) shall not:
 - i. collectively cover more than 30 percent (30%) or any rear or side yard; nor
 - ii. individually exceed the height of the principal building (*Section 4.4*).
 - c. **Exceptions:** Property located in the OSP (Open Space Preservation) or RR-1 (Rural Residential) districts along with certain farmland meeting the exemption requirements of Section 1.5B are not subject to the maximum allowance restrictions stated herein.
2. **Location:** Unless otherwise specified, accessory buildings are restricted to the side or rear yards and shall meet the district-specific setback requirements for accessory structures as specified in Chapter 2.
 3. **Separation:** To ensure proper maintenance of building exteriors, accessory buildings shall be located, if otherwise permitted, a minimum of five (5) feet from any principal building or other accessory building.

D. Specific Requirements for Certain Animal Shelters

1. **Dog House:** All dog houses shall be located in the rear yard.
2. **Chicken Coop:** The keeping of chickens (*hens only*) is permitted as an accessory use in conjunction with single-family dwellings (*Section 2.3C(1)a*) in the GR, UR, RMX, NMX, TC, MHD and TND districts subject to the regulations stated herein.
 - a. **Permit Required:** An application for a Livestock, Chicken and Other Domestic Fowl Permit must be filed and approved by the Administrator prior to the keeping of chickens in any area authorized by this subsection. Said permit application shall require the submission of a plot plan showing coop (*hen house and pen*) location, dimensions and distances from property lines.
 - b. **Number and Type of Chickens:** Up to five (5) female domesticated chickens (*no roosters, peafowl, guineafowl or other domestic fowl are permitted*) are allowed per lot.
 - c. **Coop Design:** Each single-family lot permitted and engaged in the keeping of domestic chickens shall:
 - i. provide an enclosed chicken coop of sufficient size to allow for adequate exercise (*minimum ten square feet per chicken*) and room for nesting (*minimum four [4] square feet per chicken*) and all covered by a roof;

- ii. construct a coop from permitted materials (*see Section 5.7C(5) and (6)*), including hardware cloth (*chicken wire not permitted*) with adequate ventilation; and
 - iii. construct a coop designed to prevent the entry of rodents and predators including an elevated hen house or hen house placed on a hard surface such as concrete slab or patio block.
- d. **Location:** Coops shall be located in the rear yard only and setback at least five (5) feet from the rear property line. The minimum side setback for coops shall be 15 feet or the existing setback of the principal building on the lot, whichever is less. However, under no circumstance shall any coop be located closer than five (5) feet to any side property line.
 - e. **Maximum Size:** Coops shall not exceed 100 square feet in area or 12 feet in any dimension.
 - f. **Rear Yard Fence Required:** The rear yard in which a coop is located shall be enclosed by an opaque wall or fence. In addition to meeting the requirements of Section 4.7, the wall or fence shall be a minimum of six (6) feet tall.
 - g. **Chickens Secured:** Chickens shall be secured within the coop at all times and within the hen house from dusk until dawn.
 - h. **Commercial Sale Prohibited:** All products resulting from the keeping of domestic chickens (*chicks, eggs, manure, compost, etc.*) are for personal use only.
 - i. **Maintenance:** All areas within the coop shall be kept in a neat and sanitary condition at all times so as to preclude offensive odor and other nuisance violations.

19.3 Definitions

Chicken Coop: A single accessory building for the housing of female chickens consisting of a hen house for sleeping and the laying of eggs in conjunction with an open air pen or run.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 4th day of November, 2013.

ATTEST:

Russell B. Killen, Mayor

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney