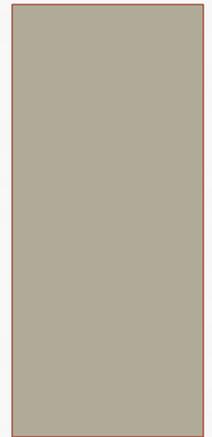


LOCATION OF BARNES

CODE TEXT AMENDMENT

















CODE AMENDMENT

- Clarify language regarding barns and other animal related facilities and setbacks
- Historically, the 100' setback has applied to corrals, coops, pens, and barns housing animals (as opposed to hay storage or other non-animal use)
- Because the Code does not define "Barn" for purposes of this provision, it arguably could be applied to any structure that looks like a barn, even if not used to house animals.
- There are structures that some would define as a barn and others would define as a shed or other accessory structure.
- The purpose of this proposal is to clarify the interpretation that has been used in Midway for decades.

CURRENT LANGUAGE

- No barn, corral, or coop shall be constructed closer than 100 feet from any existing dwelling on an adjacent lot or parcel or public street, nor shall any corral, pen, or coop be constructed or maintained closer than 30 feet to any open waterway that drains into a natural stream. Surface drainage from corrals, or coops shall not be permitted to drain into a waterway that drains into a natural stream.

PROPOSED LANGUAGE

- No corral, pen, coop, or barn (used to house animals) shall be constructed closer than 100 feet from any existing dwelling on an adjacent lot or parcel or public street, nor shall any corral, pen, coop, or barn (used to house animals) be constructed or maintained closer than 30 feet to any open waterway that drains into a natural stream. Surface drainage from corrals, pens, or coops shall not be permitted to drain into a waterway that drains into a natural stream.

DISCUSSION

- Language has been added to restrict application to barns used for purposes of housing animals, as opposed to storage of hay or other non-animal use. This is consistent with the historic application of this provision, as issues related to animals, such as noise, excrement, odor, etc., prompt setback requirements.
- Use of barns or barn-like structures for non-animal storage do not raise the same issues as animals.
- Restricting application to barns used to house animals makes the provision more internally consistent as corrals, pens, and coops are all associated with animal use.

DISCUSSION

- Ease of application: restricting application to structures used to house animals is a much simpler use to identify than trying to distinguish barns or barn-appearing structures based upon appearance or other less defined usages.
- The word “pen” appears in some places in the provision but not all. The proposed revision uses the word “pen” more consistently throughout the provision to make the language more uniform and even.
- The language continues to reflect the longstanding intent and importance of separating animals and associated noise, odor, excrement, etc., from neighboring dwellings and waterways.

POSSIBLE FINDINGS

- The proposed amendment clarifies the language of Section 16.16.130 by restricting application to barns used for purposes of housing animals, as opposed to storage of hay or other non-animal use. This is consistent with the historic application of this provision.
- Use of barns or barn-like structures for non-animal storage do not raise the same issues of noise, odor, waste, etc., as animals.
- Restricting application to barns used to house animals makes the provision more consistent internally as corrals, pens and coops are all associated with animal use.
- Restricting application to structures used to house animals is a much simpler use to identify than trying to distinguish barns or barn-appearing structures based upon appearance or other less defined usages.
- The language continues to reflect the longstanding intent and importance of separating animals and associated noise, odor, excrement, etc., from neighboring dwellings and waterways.