

STATE OF SOUTH CAROLINA)
)
 NEWBERRY COUNTY)

ORDINANCE NO. 02-04-2025

AN ORDINANCE TO AMEND THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA, TO ESTABLISH REGULATIONS FOR THE ISSUANCE OF PERMITS FOR THE KEEPING OF CHICKENS ON A NON-COMMERCIAL BASIS ON RESIDENTIAL PROPERTIES IN NEWBERRY COUNTY AS AN ACCESSORY USE.

WHEREAS, there is increased interest in Newberry County for small-scale, subsistence food production to include chicken keeping; and

WHEREAS, the raising and keeping of chickens on a non-commercial basis on a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and

WHEREAS, the County permits various accessory structures and land uses; and

WHEREAS, the County desires to ensure that the keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Newberry County, and to not create a public nuisance; and

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 19th day of March 2025 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

ZONING DISTRICT REGULATIONS

§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) *Zoning district table of permitted uses.*

FILED
 NEWBERRY COUNTY
 25 MAR 20 AM 8:45
 ELIZABETH P. FOLK
 CLERK OF COURT

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	2017 NAICS	R2	RS	RSV	RSM	RG	LT	GC	DNI	C/SE Reference
ACCESSORY USES TO RESIDENTIAL USES										
Keeping of Chickens, Accessory to Residential	NA	P	C	C	C	C	-	-	-	§ 153.129

CONDITIONAL USE REGULATIONS

§ 153.129 Keeping of Chickens, Accessory to Residential

The keeping of chickens as an accessory use to a single-family detached dwelling as detailed in the following subsections shall meet the following requirements where conditionally permitted. Such use shall be an accessory use to a single-family residential use.

(A) *Keeping of Chickens.* The following are requirements for the keeping of chickens as an accessory use to single-family detached dwellings.

- (1) Chickens shall only be allowed as accessory uses to single-family detached dwellings and manufactured homes on individual properties. They shall not be allowed in manufactured home parks.
- (2) Roosters are prohibited.
- (3) No more than 18 hens are permitted.
- (4) On-site slaughter of chickens is prohibited.
- (5) Chickens shall not be allowed to roam free.
- (6) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards.
- (7) Chickens must have adequate access to feed, clean water, and shelter at all times.
- (8) Feed must be stored in secure containers to prevent rats, mice, insects, and other vermin from infesting.
- (9) Chickens must be housed in a designated coop, pen, or enclosure, separate from any portion of residential structures or garages.
- (10) Chicken enclosures must be properly designed to provide adequate security from rodents, wild birds, and other predators and must provide sufficient ventilation and protection from the elements for the animals.
- (11) All chicken enclosures must adhere to the requirements for Accessory Structures as provided in § 153.049.
- (12) Chicken enclosures of any type shall not individually or collectively exceed two-hundred (200) square feet in size.
- (13) Chicken enclosures of any type must be in the rear yard of the property. All enclosures must be located on the same property as the residential use. Such enclosures shall be separate from any portion of residential structures or garages.

- (14) When the number of chickens kept is less than or equals 6 hens, chicken enclosures of any type shall be located no closer than:
- a. Twenty-five (25) feet to the side or rear property lines
 - b. Fifty (50) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 50 feet, whichever is greater.
- (15) When the number of chickens kept is greater than 6 hens, but less than or equal to 12 hens, chicken enclosures of any type shall be located no closer than:
- a. Fifty (50) feet to the side or rear property lines
 - b. Seventy-five (75) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 75 feet, whichever is greater.
- (16) When the number of chickens kept is greater than 12 hens, but less than the maximum allowance of 18 hens, chicken enclosures of any type shall be located no closer than:
- a. Seventy-five (75) feet to the side or rear property lines
 - b. One hundred (100) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 100 feet, whichever is greater.
- (17) When the side or rear property line is shared with a property zoned R2 – Rural, the standard side and rear yard setback for accessory structures, as provided in § 153.172, is applicable to the setback of the chicken enclosures from the shared property line.
- (18) Chicken enclosures must be designed so that waste, wastewater, and all by-products of the keeping of chickens remain within the footprint of the enclosures and do not impact adjoining properties, drainage systems and receiving waters.
- (19) Chicken enclosures must be cleaned regularly and maintained in a healthy and sanitary manner to avoid potential health hazards and minimize odors.
- (20) Manure must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or health risks. Waste shall not be stored in the front yard and must be stored no closer than 50 feet from the side and rear property lines or no closer than the applicable setback for chicken enclosures, whichever is greater.

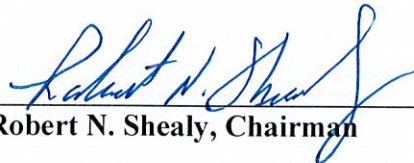
- (21) There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.
- (22) Noise associated with the keeping of chickens shall meet the standards of Chapter 90, Section 04 of the Newberry County Code of Ordinances.

IT IS FURTHER ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 19th day of March 2025 that applicable zoning permit fees shall not be imposed on conditional use permits for chicken enclosures issued in accordance with the provisions of this ordinance until March 19, 2026 at which point in time such fees shall apply thenceforth.

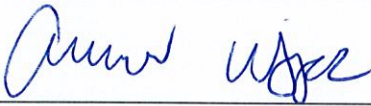
NEWBERRY COUNTY COUNCIL

(SEAL)

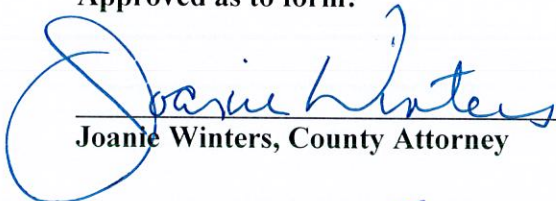
BY:


Robert N. Shealy, Chairman

ATTEST:


Andrew Wigger, Clerk to Council

Approved as to form:


Joanie Winters, County Attorney


Jeff Shacker, County Administrator

1 st Reading:	February 19, 2025
2 nd Reading:	March 5, 2025
Public Hearing:	March 5, 2025
3 rd Reading:	March 19, 2025