

PROPOSED AMENDMENT: PUBLIC HEARING DRAFT – (04-11-2023)

The following text is proposed to replace the existing section 13.25 in its entirety.

Revisions from March 22 PC meeting are noted in blue

SECTION 13.25 **KEEPING OF ANIMALS**

A. Intent

It is the intent of this section to allow for the keeping of animals in such a way that does not adversely affect the public health, safety and general welfare and does not create a nuisance to the subject property or neighboring properties.

B. Applicability

- (1) Except as explicitly indicated in Section 13.25.B.2, this section regulates the keeping of animals for solely non-commercial production purposes, including but not limited to the keeping of animals for companionship or caring purposes, in certain agricultural and residential districts within the township. For purposes of this section, the keeping of animals for non-commercial purposes excludes the keeping of animals for the purpose of producing or manufacturing an item therefrom intended to be marketed and sold at a profit.
- (2) Commercial uses that fall under the following categories, as defined in Article 2, are subject to the general conditions listed in [Section 13.25.C](#) of this section in addition to regulations assigned to those uses elsewhere in this ordinance.
 - i. Hobby Kennels (specific use regulations in sec. 12.72)
 - ii. Commercial Kennels (specific use regulations in sec. 12.70)
 - iii. Stables (specific use regulations in sec. 12.100)
 - iv. Petting farms (sec.2.10 definitions)
 - v. Intensive livestock operations (sec.2.10 definitions)
 - ~~vi. Farm Operation: Animals (sec.2.10 definitions)~~
- (3) Commercial farming operations that are protected under Michigan Right to Farm Act, Act 93 of 1981 (“RTFA”), are not subject to this Section 13.25.

C. General Conditions

Keeping of animals shall comply with general standards and best practices listed below.

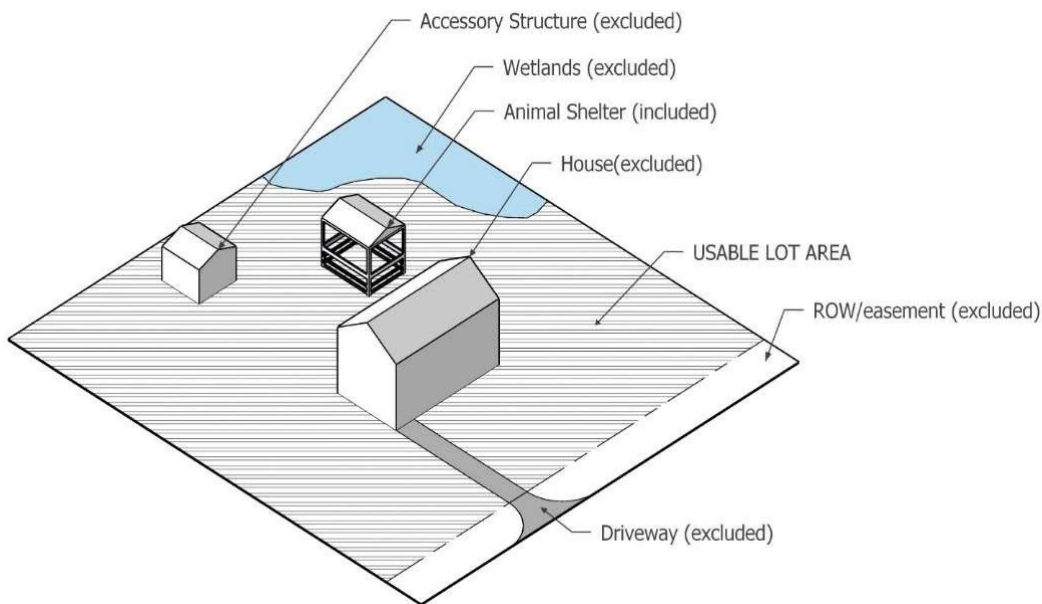
- (1) **Conformance to Law.** Residents keeping animals shall comply with applicable federal, state and local laws and applicable regulations to include, but not limited to the Michigan Right to Farm Act (MRTFA) and Michigan Department of Agricultural and Rural Development (MDARD)’s Generally Accepted Agricultural Management Practices (GAAMPs). Alleged violations of MRTFA or GAAMPs may be referred to MDARD for investigation.
- (2) **Care of Animals.** Keeping of livestock and domestic animals shall comply with the State of Michigan’s GAAMPs for the Care of Farm Animals.
- (3) **Manure Management.** Manure management shall comply with the GAAMPs requirements.
- (4) **Nuisance.** All facilities shall be constructed and maintained such that odor, dust, noise, rodents, storage of food, and drainage shall not constitute a nuisance or hazard to the subject property or adjoining or neighboring premises. All sites shall comply with the standards of the Webster Township Public Nuisance Ordinance.

- (5) **Disposal.** Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the County and the State.
- (6) **Care of Household Pets.** Animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance.

D. General Standards

General Use Standards: The keeping of animals is permitted in the residential and agricultural districts of the Township subject to standards noted below:

- (1) **Single-family Lots:** For single-family lots that are included in a subdivision or a site condominium:
 - i. The keeping of animals shall also conform to any provisions of a master deed, by-laws or similar document.
 - ii. The keeping of animals shall be clearly incidental to a principal use of the property as a single- family dwelling.
- (2) **Keeping of Bees:** Bee keeping is permitted but is not regulated by this section. The keepers shall follow the best practices for bee keeping purposes.
- (3) **Usable Area:**
 - i. Usable area for the purpose of calculating animal density or number is the gross lot area after excluding area used for residential dwelling units, accessory structures that are not used for animal keeping purposes, driveways, rights-of-way, access easements and wetlands from the total lot area. See image below.
 - ii. Land from an adjacent lot(s) can be counted towards usable area, provided necessary easements or a notarized authorization to use the property is provided.
 - iii. The area counted towards usable area for the keeping of animals has to be ~~reserved~~ used for the proposed/intended use.



Usable Area = Gross lot area – (ROW or access easements + Dwellings + Driveways + Wetlands + Accessory structures that are not used for keeping of animals)

Fig.13.25. D. (4) Method of Calculation – Usable Area

E. Keeping of Animals

(1) The maximum number of animals kept or used for non-commercial production purposes in all agricultural and residential districts are regulated as noted in the table below. Keeping of animals is not permitted in other districts not listed in the table below, unless otherwise noted elsewhere in the zoning ordinance.

(2) The maximum total number of animals allowed on a lot/usable area is the cumulative total of individual maximums of each animal category noted below in subsection 13.25.E.(3).

(3) Animal Categories:

i. **Livestock.** Those species of animals used for human food and fiber, or those species of animals used for service to humans. For purposes of this Section 13.25, this section’s definition for “livestock” shall control over Article 2’s definition of livestock.

a. Small Livestock includes livestock animals that typically weigh less than 250 pounds at maturity. Small livestock include animals of a similar size and resource intensity such as, but not limited to, sheep, goats, and aquaculture.

Zoning	Min. Lot Area (See 2.2. definitions)	Maximum Number/ Density
AG, AB, R-1, R-2, R-3	0 to 1.99 acre	Not permitted
AG, AB, R-1	2 to 4.99 acres	5 per one acre of usable area. See D. (4) for usable area calculation.
AG, AB, R-1	5 or more acres	Shall comply with GAAMPs by MDARD

b. Large Livestock includes livestock animals that typically weigh more than 250 pounds at maturity. Large livestock include animals of a similar size and resource intensity such as, but not limited to, cattle, bison, llama, and pigs.

Zoning	Min. Lot Area (See 2.2. definitions)	Maximum Number/ Density
AG, AB, R-1, R-2, R-3	0 to 1.99 acres	Not permitted
AG, AB, R-1	2 to 4.99 acres	5 per one acre of usable area. See D. (4) for usable area calculation.
AG, AB, R-1	5 or more acres	Shall comply with GAAMPs by MDARD

ii. **Domestic Animals.** A small bird, such as but not limited to chicken, duck, goose, turkey, peacocks, guinea hen kept for production of animal products such as eggs and meat, for personal use or enjoyment.

Zoning	Min. Lot Area (See 2.2. definitions)	Maximum Number/ Density
AG, AB, R-1, R-2, R-3	0 to 1.99 acres	10 animals per acre of usable area. See D. (4) for usable area calculation.
AG, AB, R-1, R-2, R-3	2 or more acres	Shall comply with GAAMPs by MDARD

iii. **Roosters**

Zoning	Min. Lot Area	Maximum Number/ Density
AG, AB, R-1	See 13.25.E.(3). ii.	Permitted only when kept for meat production or reproduction. <u>Lot area and maximum number</u> is <u>are</u> subject to maximum densities for 'Domestic Animals' listed in subsection 12.25. E. (3).ii.
AG	N/A	For all other purposes, 1 per lot

iv. **HOUSEHOLD PETS.** Animals that are customarily kept for personal use or enjoyment. Household pets shall include animals such as rabbits, dogs, cats, tropical birds, tropical fish, and rodents, but excluding venomous snakes and animals.

Zoning	Min. Lot Area	Maximum Number/ Density
All agricultural and residential districts	N/A	Permitted, no limit

v. **4-H OR OTHER SIMILAR ANIMALS.** Animals or birds that are accepted as a 4-H type or similar projects that involve engaging in projects with their pet and learning to feed, train and care for the animal.

Zoning	Min. Lot Area	Maximum Number/ Density
AG, AB, R-1	0 to 1.99 acre	1 large livestock maximum; <u>2 maximum – small or large livestock</u> Other animals as noted in section 13.25.E. (3). i thru iv
AG, AB, R-1	2 or more acres	As noted in section 13.25.E. (3). i thru iv
R-2, R-3	2 or more acres	As noted in section 13.25.E. (3). i thru iv

vi. **HORSE.** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

Zoning	Min. Lot Area	Maximum Number/ Density
AG, AB, R-1	5 acres	Five (5) acres for the first two horses Additional One (1) acre for each additional horse

vii. **WILD OR EXOTIC ANIMALS.** Any animal not native to, nor commonly found in the wild, in the temperate continental climate of North America or any animal not domesticated by humans or an animal that a person is prohibited from possessing by law.

Zoning	Min. Lot Area	Maximum Number/ Density
All Districts	N/A	Not permitted, unless as noted below
AG, AB, R-1	N/A	Permitted for a specific use such as rehabilitation, subject to issuance of a license by county, state or federal agency.

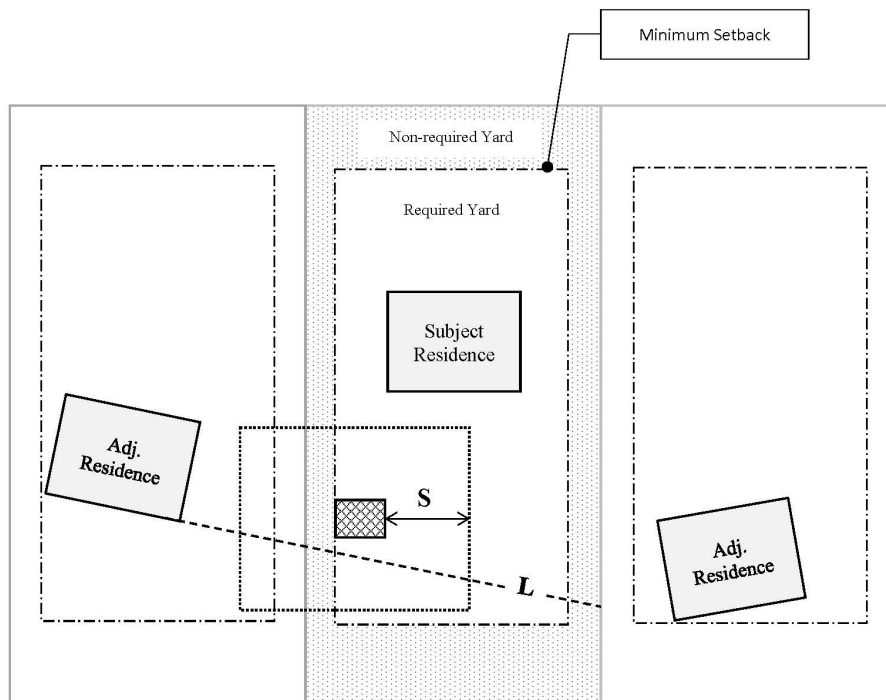
F. Site Design Standards

Keeping of animals shall be subject to the following site standards:

- (1) **Animal Shelter.** All animals shall be provided with coop, cage, barn, pen or similar shelter that is of sufficient size to permit free movement of the animals.
- (2) **Location and Setbacks.** Animal shelters are permitted subject to the following standards:
 - i. Such structures shall comply with all applicable standards listed Section 13.15 Accessory Structures and Uses and Section 13.60 Fences.
 - ii. **Additional Standards for Front yard placement.**
 - a. Such structures shall be located behind an established line of sight or the minimum building setback, whichever is greater. For the purpose of this section, a line of sight is the extension of farthest front façade line of the adjacent residences through the subject parcel.
 - b. There shall be no adjacent primary residences within the minimum separation Distance, as noted in the table below. Refer to the image below to establish the minimum separation Distance.

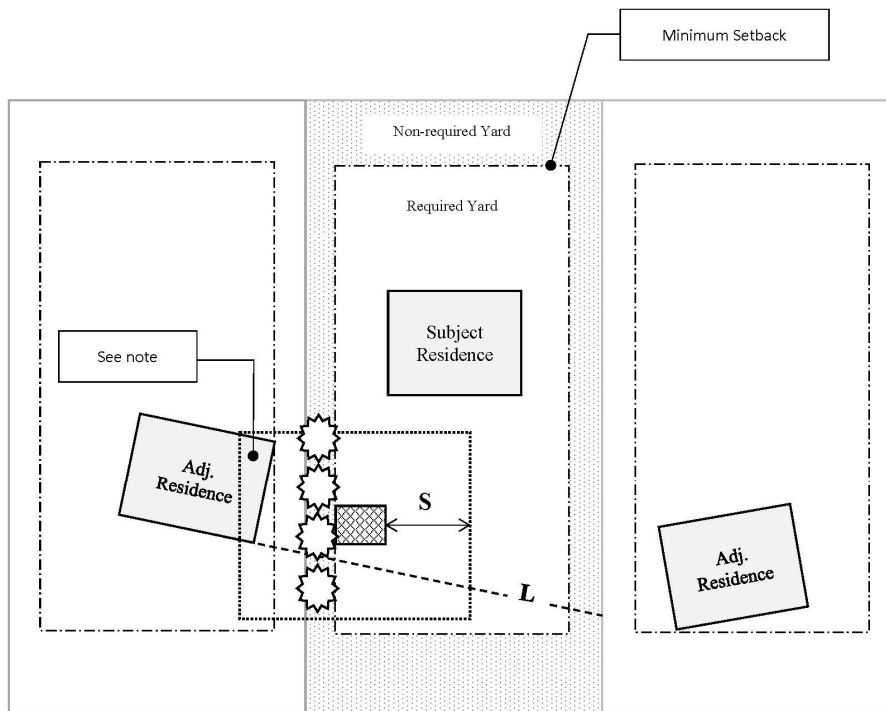
Zoning	Min. Separation Distance
AG	90 feet
R-1, R-2, R-3	60 feet

- c. The Township Zoning Administrator may waive the requirement for minimum clearance, if the animal shelter is screened from the adjacent property by an existing or proposed landscape buffer that meets the opacity requirements listed in section 13.75. D. or an opaque fence.



S: Minimum Separation Distance: 90' for AG and 60' for Residential Districts
L: Line of Sight Setback established based on the farther adjacent residence

Fig.13.25. F.2.ii.a&b. Line of Sight and Minimum Separation Distance Calculation



Note: Animal shelter may be permitted within minimum separation buffer, only when a landscape buffer that meets the opacity standards listed in section 13.75. D.is proposed to screen the shelter from the adjacent residence

Fig.13.25. F.2.ii.c. Animal Shelters in Front Yards with Screening

G. Permit

A zoning compliance permit is not required for keeping of animals. A zoning compliance permit may be required for accessory structures and fences as noted in Section 13.15 Accessory Structures and Uses and Section 13.60 Fences.

H. Enforcement

In response to a complaint concerning an alleged violation of this Section 13.25, the Township Zoning Administrator or his/her designee may request any of the following in order to verify compliance and exemptions:

- (1) A boundary survey prepared by a licensed surveyor with all necessary information required to verify usable area. Information from Washtenaw County Maps website may be an acceptable alternative, subject to Township's zoning administrator determination to verify compliance.
- (2) GAAMPs certification from MDARD.
- (3) Inspection reports from other agencies or other supporting materials, in order to determine the applicability of the Right to Farm Act or compliance with the Township nuisance ordinance.
- (4) Applicable certifications or licenses from outside agencies to qualify for exemptions.
- (5) A letter of acceptance or similar documentation to qualify for exemption under 4H or similar programs.

The receipt of any of the above materials or documents does not hinder or impair the Zoning Administrator's ability or authority to exercise their due diligence in further investigating whether the subject property is or is not in compliance with this Section 13.25.

I. Non-conforming uses

All non-conforming uses and structures that were legal at the time of the adoption of the amendment amending this Section 13.25 are subject to the standards listed in section 13.90.

Text in blue and underline is additions to existing language.

ARTICLE 2 DEFINITIONS

New definitions proposed to be added

Pasture Land - Land primarily used for the production of forage, upon which livestock graze. Pasture land is characterized by a predominance of vegetation consisting of desirable forage. Heavy-use areas within pastures are part of the pasture land. Examples of heavy-use areas include animal travel lanes and small areas immediately adjacent to shade, feed, water, supplement or rubbing stations.

Animal Shelter – Any place where animals are kept regardless of the number of animals. This does not include pasture land.

SECTION 13.60 FENCE REGULATIONS

- A. Setbacks. Fences may be located in any required yard and are not subject to setback requirements. In the Base Line Lake Residential District (BLLR), fences are not allowed in any yard of lots bordering Base Lake Drive and Leach Lane.
- B. Height Limits.
- (1) In all residential zoning districts,
- a) Fences that are permitted within any required side or rear yard shall not exceed six (6') feet in height.
 - b) Fences located in any front yard shall not exceed three (3') feet in height.
 - c) The Zoning Administrator may permit additional height up to 12 feet, if the applicant demonstrates the need for additional height for the keeping of animals as permitted in section 13.25. The Zoning Administrator shall review the material, height, use and compatibility with surrounding uses as part of the determination for additional height.
- (2) In all other zoning districts, fences that are permitted within any required yard shall not exceed a height of twelve (12') feet.
- D - K. unchanged. Existing standards in Section 13.60 will remain as is**