



AMENDMENT TO WEBSTER TOWNSHIP ZONING ORDINANCE No. 08-11

Resolution No. 01-25

At a special meeting of the Township Board of Webster Township, Washtenaw County, Michigan, held at the Webster Township Hall on January 15, 2025, the following resolution was offered by Member Vrsek and supported by Member Savander

Ayes Brovont, DeAngelo, Harms, Savander & Vrsek

Nays Munzel & Scharf

Absent None

An Ordinance to amend Section 2.10 of Article 2 and Section 13. 25 and 13.60 of Article 13 of Webster Township Zoning Ordinance in order to revise and update certain definitions and standards pertaining to Keeping of Animals.

WEBSTER TOWNSHIP, WASHTENAW COUNTY, ORDAINS:

SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, ARTICLE 2, SECTION 2.10, THE DEFINITIONS FOR THE FOLLOWING TERMS SHALL BE REPLACED AND READ AS FOLLOWS:

Livestock. Those species of farm animals that are used for human food, fiber, fur, recreation and (or) service to humans (e.g. Oxen to pull farm equipment).

Poultry. Domesticated birds that are raised for their meat, eggs, or feathers. Common examples include chickens, turkeys, ducks, and geese.

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

Wild or Exotic Animals. Any animal not native or 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.

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.

Household Pet. A domesticated animal(s) that are kept for companionship or pleasure within a home setting, rather than for work, farming, or commercial purposes. Common examples include: dogs, cats, birds, tropical fish, rodents, small or guinea pigs, other livestock or animals otherwise defined in this ordinance.

SECTION 2. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, ARTICLE 13, SECTION 13.25 SHALL BE REPLACED IN ITS ENTIRETY AND SHALL BE READ AS FOLLOWS:

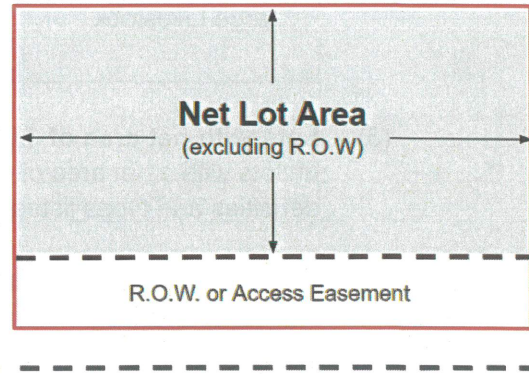
- A. Intent.** The intent of this section is to allow for the keeping of animals in such a way that does not adversely affect the public health, safety and general welfare and does not create a nuisance to the subject property or neighboring properties.
- B. Education and Training.** Property owners who plan to keep or raise animals are encouraged to contact the Michigan Department of Agricultural and Rural Development (MDARD)'s Right to Farm (RTF) Program or Michigan State University Extension (MSU Extension) for advice on manure management, animal care and other best practices for keeping of animals.
- C. Applicability.**
- (1) **Accessory Use.** The keeping of animals is permitted as an accessory use in Agricultural (AG), Agri-Business (AB) or Rural Residential (R-1) zoning districts, subject to standards noted in this section. 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.
 - (2) **Other Uses.** Other uses that include the boarding and keeping of animals, as well as similar uses listed elsewhere in the ordinance shall be subject to the use standards outlined in this Ordinance.
 - i. Hobby Kennels (sec.12.72)
 - ii. Commercial Kennels (sec.12.70)
 - iii. Commercial Stables (sec.12.100)
 - iv. Petting Farms (sec. 2.10 definitions)
 - (3) **Right-to Farm Protection.** Farming operations that conform to Michigan Department of Agriculture & Rural Development (MDARD) Generally Accepted Agricultural and Management Practices (GAAMPs) and are protected under Michigan Right to Farm Act, Act 93 of 1981 ("RTFA"), are generally not subject to this Section 13.25. The burden of proof for Right to Farm Act (RTFA) compliance rests with the landowner.
- D. General Prohibitions and Allowances.**
- (1) **Household Pets** are permitted in all districts.
 - (2) **Wild or Exotic Animals** shall not be permitted in any district, unless permitted through a license by county, state or a federal agency.-
 - (3) **Vicious Animal.** Under no circumstances, shall a vicious animal be kept in any district.
 - (4) **Keeping of Bees.** Bee keeping is a permitted accessory use in Agricultural and residential districts. The bee keepers shall follow the best practices for such purposes.
 - (5) **Roosters.** Adult Roosters shall only be permitted on properties zoned AG, AB or R-1, which are 5.0 acres or more in net area.
 - (6) **Horses.** Refer to sec.12.100 for standards regulating private stables.

E. General Conformance.

- (1) **Conformance to other applicable standards.** Residents keeping animals shall comply with applicable federal, state and local laws and applicable regulations.
- (2) **Nuisance.** All sites shall comply with the standards of the Webster Township Public Nuisance Ordinance.
- (3) **Site Condominium or Subdivisions.** This Ordinance does not supersede any additional restrictions contained in a master deed, by-laws, or similar documents regarding the keeping of animals in a site condominium, platted subdivision, or subdivision.

F. Methodology for Calculation:

- (1) **Determination of Lot Area.** For the purpose of calculating net lot area to determine animal densities, area within right-of-ways and private road access easements shall be excluded from the Gross lot area. Information from the Washtenaw County Maps website may be used to determine the lot area used



for determining animal density permitted in this section. If the available data is deemed inadequate due to a limited margin for error, the Township's Zoning Administrator may require a boundary survey prepared by a licensed surveyor, including all necessary information to verify the net lot area.

- (2) **Calculation of Animal Densities:** The maximum number of animals per each category is calculated by multiplying the total net area by number of animals permitted per net acre. The resultant number shall be rounded to the nearest whole number. For example, for a site with 4.90 net area, see below for calculation:

Type of Adult Animal	Maximum Permitted	Example Site: 4.90 acres (A)	Rounded to nearest whole number
Poultry / Rabbits	5 per each net acre (P)	$P * A = 24.95$	25
Small Livestock	2 per each net acre (S)	$S * A = 9.98$	10
Large Livestock	Max. 2 per lot (L)	2	2

G. Type and Number of Adult Animals Permitted. This section regulates the type and number of animals

- (1) **Lots with net area of 5 acres or more.** In AG, AB, and R-1 districts, keeping animals is permitted on lots with a net area of 5 acres or more, subject to the general conformance standards listed in subsection 13.25.E.

- (2) **Lots with net area of 2.0 to 4.99 acres.** In AG, AB, and R-1 districts, keeping animals on lots with a net area of 2 to 4.99 acres is permitted, subject to the maximum allowable densities and types listed in the table for each category:

Type of Adult Animal <i>(See 13.25.H)</i>	Maximum Permitted <i>(See 13.25.F)</i>	Examples of similar size and resource intensity
Poultry / Rabbits	5 per each net acre	Chickens, turkeys, ducks, and geese
Small Livestock	2 per each net acre	Sheep and goats
Large Livestock	Max. 2 per lot, only when kept for educational purposes (See 13.25.I)	Cattle, llama, and pigs.

- (3) **Lots with net area of 1.0 to 1.99 acres.** In AG, AB, and R-1 districts, keeping animals on lots with a net area of 1 to 1.99 acres is permitted, subject to the maximum allowable densities and types listed in the table for each category:

Type of Adult Animal <i>(See 13.25.H)</i>	Maximum Permitted <i>(See 13.25.F)</i>	Examples of similar size and resource intensity
Poultry / Rabbits	5 per each net acre	Chickens, turkeys, ducks, and geese
Small Livestock	Max. 2 per lot	Sheep and goats

- (4) **Lots with net area less than 1.0 acre.** In AG, AB, and R-1 districts, a maximum of five chickens per lot is permitted on lots with a net area of less than 1 acre. Also see 13.25.F and H.

H. Exemption for Young animals.

- (1) Nursing animals may remain on the site without counting as additional animal units until they are weaned. Nursing Animals are those that are still dependent on their mother's milk for nutrition and have not yet transitioned to solid food.
- (2) Juvenile poultry or similar birds may remain on the site without counting as additional animal units, after which they must adhere to the animal density limits outlined in this section. Juvenile poultry are young birds that are growing and developing, typically before reaching full maturity in size, strength, and reproductive capability.

- I. Animals For Educational Purposes.** Keeping livestock for educational purposes, such as 4H or other similar nationally recognized educational program, may be permitted by the Zoning Administrator, provided that a written request is submitted to the Zoning Administrator. The request shall designate a responsible adult supervisor, club name, the purpose of the request and the duration requested.

J. Planning Commission Waiver. Upon written request of the applicant, the Planning Commission may allow a deviation from type and number of animals permitted for lots in AG, AB or R-1 districts with net area between 1.0 to 4.99 acres if they met the following conditions:

- (1) The property in question is surrounded by undevelopable areas on their immediately surrounding properties on the same side of the street that would limit any future development or change of use. Such areas include, but are not limited to: primary conservation areas & conservation easements, public use areas & wildlife habitats, , restrictions or covenants.
- (2) Additional animals allowed under this waiver must not exceed the maximum limit specified in this table.

Lot Type	Type of Adult	Maximum Permitted
Lots with net area of 2.0 to 4.99 acres	Large Livestock	Max. 2
Lots with net area of 1.0 to 1.99 acres	Large Livestock	Max. 2 per lot, only when kept for educational purposes (See 13.25.I)
Lots with net area less than 1.0 acre	Small Livestock	Max. 2 per lot, only when kept for educational purposes (See 13.25.I)

- (3) In considering the request for the waiver, the Planning Commission shall consider the following:
 - i. Whether the standards listed above in this subsection are met.
 - ii. Whether the request does not conflict with the intent of this Ordinance or adversely affect the standards set forth in this Section.
 - iii. Whether the request is compatible with and will not adversely impact the natural environment and is in general conformance with standards listed in Article 16 of Township Zoning Ordinance.
- (4) The Planning Commission may impose reasonable conditions as part of this waiver to meet the intent of this ordinance, for example, measures for animal containment and screening, based on the guidelines provided in Section 10.05.A.14.

K. Site Standards. All properties that keep animals as permitted in section 13.25.G. shall comply with the following site standards.

- (1) **Animal Shelter.** All animals kept on properties shall be provided with a cage, coop, barn, windbreaks, pen, or similar shelter that is of sufficient size to permit free movement of the animals and not to result in a public nuisance.
- (2) **Setbacks.** Animal shelters of any size shall comply with the minimum building setbacks for the district in which they are located. Such shelters shall also comply with setbacks listed in Article 16 Environmental regulations.
- (3) **Fences.** Fences shall comply with standards in section 13.60 fences.

L. Sale of Animal Products. Sale of animal products in a roadside stand is permitted, subject to applicable standards listed in this ordinance. (see sec. 2.10 for definitions for roadside stand and farm market).

- M. Zoning Compliance Permit.** A permit is not required for keeping of animals as an accessory use, unless otherwise noted in Sub-section I for keeping animals for educational purposes. A permit shall be required for structures related to the use as required per section 13.15.
- N. Enforcement.** In response to a complaint concerning an alleged violation or a potential Right to Farm (RTF) protection claim, the following information may be requested by the Township in order to verify compliance and exemptions:
- (1) Determination of net area as listed in subsection 13.25.F.
 - (2) GAAMPs conformance determination from MDARD when a Right to Farm protection is claimed. Alleged violations of RTF or GAAMPs may be referred to MDARD for investigation.
 - (3) Inspection reports from other agencies or other supporting materials.
 - (4) The Zoning Administrator may refer to guidance from MSU Extension and/or MDARD to address animal densities, care, manure management, and other nuisance-related violations on a case-by-case basis.

The receipt of any of the above materials or documents does not hinder or impair the Zoning Enforcement Officer's ability or authority to exercise their due diligence in further investigation.

SECTION 4. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, ARTICLE 13, SECTION 13.60. B. (1) SHALL BE AMENDED AND SHALL BE READ AS FOLLOWS:

A. Height Limits.

- (1) In all residential zoning districts,
- (2) No change
- (3) No change
- (4) 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 or for vegetable garden enclosures. The Zoning Administrator shall review the material, height, use and compatibility with surrounding uses as part of the determination

SECTION 5. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.


SECTION 6. REPEAL:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE:

This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

ORDINANCE DECLARED ADOPTED.

 1-15-25
Mike DeAngelo, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Webster Township Board at a duly scheduled and noticed meeting of that Township Board held on January 15, 2025 pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Sun Times newspaper, a newspaper that circulates within Webster Township, on _____.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the Township Board voting, and how each member voted.

ATTESTED:

Tonie Brovont, Township Clerk