

**CHARTER TOWNSHIP OF TEXAS ORDINANCE NO. 356
ORDINANCE TO AMEND THE CLEARZONING ORDINANCE REGARDING
SECTIONS 36-2.2, 3.1.1 – 3.1.4, 3.1.21, 3.2, 4.2, and 4.4.**

Adopted:
Published:
Effective:

Section 1. Amendment to Article 2.

Article 2, Section 2.2 of the Township's Zoning Ordinance entitled "Definitions" is hereby amended to read as follows:

36-2.2 DEFINITIONS

- *Animal:* An organism, other than a human or plant, that is characterized into one of the following three categories:
 1. Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small, domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged) and are in good health.
 2. Livestock: This category includes those other domesticated animals that are kept and/or raised for use or pleasure or for the production of food. These would include, but are not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens, and ducks, except as may be permitted under domestic provisions.
 3. Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan.
- *Recreation, active* means structured individual or team activities that take place at a prescribed place or site and require physical alterations for the use of special facilities, courses, fields, or equipment. The intensity of activities usually generates elevated vehicle trips or has the potential for greater impacts to adjacent properties due to noise, light, glare, or odor. Examples include but are not limited to field sports, playgrounds, golf courses, campgrounds, public boat ramps, ball courts, swimming pools, etc.

- *Recreation, passive* means activities that can be carried out with little to no alteration or disruption to the natural environment and place minimal stress on natural resources. The intensity of activities usually generates low vehicle trips and has low potential for nuisance to adjacent properties. Examples include but are not limited to hiking, bicycling, horseback riding, picnicking, and wildlife viewing.

Section 2. Amendment to Article 3.

Article 3, Section 3.1.1 of the Township's Zoning Ordinance entitled "A Agricultural" is hereby amended to read as follows:

3.1.1.B PRINCIPAL PERMITTED USES

- ii. Any farm or agricultural activities including stock nurseries, animal, and livestock raising conducted on unplatted parcels.
- iii. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold and is located on an unplatted parcel.

3.1.1.C. SPECIAL EXCEPTIONS USES

- xix. Keeping of livestock and honeybees within platted subdivisions and site condominiums per the requirements of Section 4.2.

Section 3. Amendment to Article 3.

Article 3, Section 3.1.2 of the Township's Zoning Ordinance entitled "R-1 Residential District, Single-Family" is hereby amended to read as follows:

3.1.2.B PRINCIPAL PERMITTED USES

- viii. Keeping of livestock and honeybees per the requirements of Section 4.2.

Section 4. Amendment to Article 3.

Article 3, Section 3.1.3 of the Township's Zoning Ordinance entitled "R-1A Residential District, Single-Family" is hereby amended to read as follows:

3.1.3.B PRINCIPAL PERMITTED USES

- viii. Keeping of livestock and honeybees per the requirements of Section 4.2.

Section 5. Amendment to Article 3.

Article 3, Section 3.1.4 of the Township's Zoning Ordinance entitled "R-2 Residential District, Single-Family" is hereby amended to read as follows:

3.1.4.B PRINCIPAL PERMITTED USES

- viii. Keeping of livestock and honeybees per the requirements of Section 4.2.

Section 6. Amendment to Article 3.

Article 3, Section 3.1.21 of the Township's Zoning Ordinance entitled "RC Resource Conservation" is hereby amended to read as follows:

3.1.21.B PRINCIPAL PERMITTED USES

- ii. Passive recreation uses such as multi-use trails, rustic picnic areas, open spaces for kite-flying and wildlife viewing, and not including those listed under special exception uses.

3.1.21.C. SPECIAL EXCEPTION USES

- i. Active recreation uses such as golf courses, campgrounds, playgrounds, sports fields, or other active recreational uses.

Section 7. Amendment to Article 3.

Article 3, Section 3.2 of the Township's Zoning Ordinance entitled "Boundaries of Zones" is hereby amended to read as follows:

3.2 BOUNDARIES OF ZONES

1. The location and boundaries of the zones established in the Township shall be shown on a Zoning Map, and as the map may be amended subsequent to the adoption thereof; and such map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this Chapter to the same extent as if the information set forth on such map were fully described and incorporated herein.

Numbers 2 & 3 remain the same.

4. Where a district boundary line divides a lot under single ownership into two or more zones, the district regulations for the zone that comprises the most land area on the lot shall be extended to the entirety of the lot. If the two districts are equally represented on the lot, the least restrictive district shall prevail.
5. The Zoning Administrator shall have the authority to interpret the zoning map and determine boundaries of the different zoning districts, if in dispute. The interpretation of the district boundaries by the Zoning Administrator may be appealed to the Zoning Board of Appeals pursuant to Section 36-7.5.

Section 8. Amendment to Article 4.

Article 4, Section 4.2 of the Township's Zoning Ordinance which will be entitled "Keeping of Livestock and Honeybees" is hereby amended to read as follows:

4.2 KEEPING OF LIVESTOCK AND HONEYBEES

1. Purpose. The purpose of this Ordinance is to:
 - A. Allow property owners to keep small livestock and honeybees for their private use on a noncommercial basis as an accessory use to the primary residence.
 - B. Provide minimum standards and allow reasonable accommodations for keeping small livestock and honeybees.
 - C. Limit the adverse effects of keeping of small livestock and honeybees, which can include noise, odors, attraction of predators, unsanitary conditions, and similar harmful impacts on surrounding properties.
2. Zoning Districts. The noncommercial keeping of small livestock and honeybees is permitted in the A (within platted subdivisions and site condominiums), R-1, R-1A, and R-2 districts per the requirements outlined herein.
3. Animals Permitted. Small livestock that are generally under 20 pounds at maturity, such as rabbits and other small mammals; chickens, ducks, quail, and similar fowl; and honeybees.
4. Primary Residence. The property owners must reside in the primary single-family dwelling on the property.
5. Acreage. A minimum of one (1) acre is required to keep small livestock or honeybees. Acreage requirements are exclusive, and the minimum required acreage must be provided for each animal, as follows:
 - A. Small animals. Up to eight (8) small animals for the first acre. One (1) additional small animal shall be permitted for each additional one-quarter acre of property.
 - B. Honeybees. Up to two (2) colonies for the first acre. One (1) additional colony shall be permitted for each additional half acre. A colony consists of the honeybee family unit which is a queen, workers, and drones.
6. Breeding. Any resulting offspring must be removed from the property within 90 days and the property shall be brought back into compliance with the acreage requirements related to number of permitted animals.

7. **Shelter.** A shelter shall be constructed to house the small livestock or honeybees, as follows:
 - A. No animal shelter or beehive shall be placed in the front yard.
 - B. Indoor structure space shall be designed to allow the animal(s) to comfortably lie down, stand-up, turn around, stretch their limbs, gain access to food and water, or permit normal postural adjustments for maintenance behaviors such as grooming or preening while kept indoors. Minimum space requirements shall meet the Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 (referenced herein and made available by the Township).
 - C. A single beehive structure, which shall accommodate one bee colony, shall be a maximum of 20 cubic feet in volume.
 - D. All accessory structures or buildings constructed shall meet the lot coverage requirements for the zoning district in which it is located as well as any requirements of Section 36-4.1.
 - E. **Setbacks.** Animal shelters and beehives shall have additional setbacks beyond what is required for a residential accessory structure.
 - i. Animal shelters shall be at least 50 feet from any property line and 150 feet from any neighboring pre-existing dwelling.
 - ii. Beehives shall be setback 25 feet from any property line and 50 feet from any neighboring pre-existing dwelling.
8. **Enclosure.**
 - A. Small livestock shall not be allowed to roam freely beyond the limits of the property in which it is housed and must be contained in a fully enclosed fenced area.
 - B. The enclosure shall be located within the side and rear yard and must be setback a minimum of 25 feet from any property line.
 - C. The enclosure shall be sized to meet Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 (referenced herein and made available by the Township).
 - D. Fencing shall be placed to prevent animals from becoming a nuisance or to trespass in any form onto neighboring properties. Fencing shall also meet the requirements of Section 36-5.3.
9. **Waste Management.** To minimize impacts on neighboring properties, proper waste management must be employed for the keeping of small livestock. A waste management plan must be developed and submitted to the Township that at minimum details the following to occur every two (2) to four (4) days:

- A. Manure and organic material accumulations shall be removed from areas outside the shelter.
- B. Indoor areas shall be cleaned, and all manure and indoor bedding removed.
- C. If manure must be temporarily stored on the premises, it shall be placed in a covered bin or on a concrete pad. The storage area shall be covered at all times to reduce odors and the chance of attracting pests.
- D. Storage of waste materials shall be a minimum of 100 feet from any property line.
- E. To protect groundwater, no runoff shall leave the waste storage bin or concrete pad. No manure or wash water runoff shall be allowed to flow onto neighboring properties, into storm water systems, a road ditch, stream, creek, or other waterway. A direct discharge into a waterway is illegal and penalties may incur from the Michigan Department of Environment, Great Lakes, and Energy.

10. Additional Requirements for Honeybees.

- A. Hives shall be placed in such a way that the entrance is positioned internal to the property.
- B. A flyaway barrier at least six (6) feet in height shall shield any part of the property line that is within 25 feet of a beehive. Such flyaway barrier must consist of a solid fence, dense vegetation, or combination thereof to direct a bee's flight pattern to be above six (6) feet in height at the property line. The Zoning Administrator may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.
- C. A constant supply of water shall be provided to all hives on site throughout the active flight season. Common water sources include birdbaths, plastic wading pools, or entrance feeders may be employed.

11. Zoning Review. A property owner must submit an application for Zoning Administrator review unless a special exception use review is required.

12. Special Exception Use.

- A. Platted Subdivisions and Site Condominiums. Due to the residential nature of platted subdivisions and site condominiums within the A, R-1, R-1A, and R-2 Districts and the impacts often associated with the keeping of small livestock and honeybees; such as strong odors, noise, attraction of varmints and predators, and bees foraging in neighboring properties; the keeping of small livestock and honeybees shall be prohibited on platted parcels or building sites unless approved by the Planning Commission through the special exception use process. Platted properties and building sites must meet all the requirements outlined herein, as well as the standards for a special exception use as required in Section 36-6.3.

B. Unplatted Parcels. Some unplatted parcels within the R-1, R-1A, and R-2 Districts may have enough acreage to support livestock larger than 20 pounds at maturity. A request to keep livestock not specifically permitted herein on a noncommercial basis for the personal enjoyment of the property owner may be reviewed and approved by the Planning Commission through the special exception use process. The request must meet the requirements outlined herein, the standards for a special exception use as required in Section 36-6.3, and the following criteria:

- i. A minimum of three (3) acres is required to request the special exception use.
- ii. Large animals. Two (2) acres is required for each large animal (more than 250 pounds at maturity) including horses, cattle, and other similar animals.
- iii. Moderate-sized animals. One-half acre is required for each moderate-sized animal (20 to 250 pounds at maturity), including sheep, goats, and other similar animals.
- iv. In addition to the requirements herein, the Generally Accepted Agricultural and Management Practices for the Care of Farm Animals and the Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 will be reviewed as part of the special exception use process.

13. Application. A zoning review or special exception use application shall include the following:

- A. Property address and parcel number.
- B. Zoning of property.
- C. Total number of acres.
- D. Requested number of animals and their breed/species.
- E. Waste management plan.
- F. Sketch plan of the property with property lines noted; the dimensions of all existing and new buildings and structures; the location of existing buildings, new buildings and structures, fence enclosures, waste storage, and their dimensions from all property lines.
- G. A vicinity map showing the relationship of proposed structures and all neighboring dwellings and structures existing within 500 feet.
- H. Any additional requirements of Section 36-6.3: Special Exception Uses, if applicable to the application.

14. Prohibited Activities.

- A. Roosters.

- B. The keeping of livestock not specifically outlined herein or permitted through a special exception use process.
- C. The sale or slaughtering of livestock.
- D. The keeping, breeding, exchanging, or selling of any undomesticated, exotic, or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.
- E. The keeping of livestock and honeybees where conditions of maintenance or the health of the animals are such to cause:
 - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days,
 - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods,
 - c. Flies, insects, or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.

Section 9. Amendment to Article 4.

Article 4, Section 4.44 of the Township's Zoning Ordinance entitled "Barns or Similar Structures in Residential Districts" is hereby removed from the Ordinance.

Section 10. Validity and Severability.

Should any portion of this ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

Section 11. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 12. Effective Date.

This ordinance shall take effect seven days after publication as provided by law.