

Proposed Revisions to the Williamstown Township Zoning Ordinance To Permit Certain Farm Animals on Non-Farm Parcels

INTRODUCTION

Currently, the Williamstown Township Zoning Ordinance does not contain regulations for farm animals on non-farm parcels or lots. Experience in other communities has demonstrated that under certain conditions, some farm animals can be kept on non-farm single family residential parcels or lots if properly regulated. It is reasonable to expect that non-farm residents of Williamstown Township, many of whom live on large parcels or lots, could keep farm animals without causing a nuisance to their neighbors if given the proper guidelines.

To accomplish this, we propose revisions to Section 8.02, which deals with Site Development Standards Applicable to Specific Uses. We recommend adding a new subsection RR, Keeping of Farm Animals on Non-Farm Parcels or Lots, which would permit poultry and small farm animals, subject to first obtaining a permit from the Township.

The guidelines in subsection RR come from several sources, including but not limited to Michigan's Generally Accepted Agricultural and Management Practices (GAAMPs), Michigan State University Extension, and the American Planning Association. A list of sources used is provided in a separate document.

These regulations were first introduced to the Planning Commission at their meeting on March 24, 2021, at which time a subcommittee was established. The subcommittee reviewed the regulations thoroughly on March 31, 2021 and requested revisions. The subcommittee's recommendations were reviewed by the Planning Commission on May 26, 2021, and additional revisions were requested. This version incorporates the revisions from the May 26th meeting.

PROPOSED REVISIONS

Section 8.02, subsection RR

RR. Keeping of Farm Animals on Non-Farm Parcels or Lots

Certain farm animals may be kept on non-farm parcels or lots as an accessory to a principal permitted single family residential use, subject to the regulations in this section. The regulations in this section apply to non-farm parcels or lots in areas zoned One Family Residential (R-1), Suburban Residential (R-1-S), Rural Residential (RR), Rural Estates (RE), Agricultural Small Farms (AG-SF), and Commercial Agriculture (AG-C).

The regulations in this section shall not apply to the keeping of farm animals on a farm operation in areas zoned Commercial Agriculture (AG-C), Agricultural Small Farms (AG-SF), Rural Estates (RE), or Rural Residential (RR), where keeping of farm animals is permitted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated therein (see subsection L, Farms). The regulations in this section also shall not apply to the keeping of horses in a stable or riding arena, pursuant to subsection AA.

1. Purpose

The regulations in this subsection are intended to establish the conditions under which certain farm animals may be kept in semi-urban residential areas of Williamstown Township. Some residents

on non-farm parcels or lots wish to raise their own food because of a desire for healthier dietary practices, community sustainability and resilience, and greater access to safe and healthy food options. Concerns about disease and pestilence exist when farm animals and people live in proximity. Nuisance concerns also exist, due to odors, noises, and other impacts associated with farm animals. The regulations in this subsection are intended to address these concerns, allow agriculture on residential parcels and lots, and minimize social conflict and public health impacts.

2. Private, Non-Commercial Use

Livestock and poultry kept and maintained under this subsection shall be for private, non-commercial use only.

3. Definitions

For the purposes of this subsection, the following definitions shall apply:

- a. **Poultry.** Domesticated fowl collectively, especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl.
- b. **Small Farm Animal.** A domesticated animal that is kept for the purpose of a farm product or service to humans and does not exceed a mature weight of 175 pounds. Small farm animals include, but are not limited to goats, miniature pigs, sheep, and rabbits.

4. Sanitary Requirements; Nuisances

It is unlawful and shall be considered a nuisance for any person to keep or maintain, or allow to be kept or maintained, upon any premises owned, controlled, or occupied by the person, any livestock or poultry that are in foul, obnoxious, malodorous, or filthy conditions or that may become detrimental to the public health, safety and welfare. All places where livestock and poultry are kept shall be maintained in sanitary condition and shall be cleaned as often as necessary to avoid being a nuisance.

5. Township Registration Required

A person intending to keep any of the farm animals cited in this subsection RR on a non-farm parcel or lot shall register the types and number of animals to be kept on a form provided by the Township.

6. Applicability of Private Restrictions

Notwithstanding the regulations set forth in this subsection, private restrictions on the use of property for keeping of farm animals shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, restrictions in condominium master deeds and bylaws, subdivision association bylaws, and covenant deeds. The interpretation and enforcement of private restrictions is the sole responsibility of the private parties involved.

7. Poultry

The keeping of poultry is permitted, subject to the following regulations:

- a. **Gender.** Only female poultry (hens) shall be kept on non-farm parcels or lots. For example, keeping of roosters and drakes is prohibited.
- b. **Number of Hens.** The following chart indicates the maximum number of hens permitted on a parcel or lot:

Size of Parcel or Lot	Maximum Number of Hens
Less than ½ acre	6
½ acre to 1 acre	12
Each additional ½ acre	Up to 6

- c. **Location and Setbacks.**

- i. In the R-1, R-1-S, and RR districts, facilities and structures related to the keeping of poultry shall be located to the rear of the residence.

- ii. Coops and pens in all districts shall comply with the following setbacks:
 - Coops and pens shall comply with the minimum front yard setback requirements for principal structures specified in the Schedule of Regulations, Section 28.02.
 - Coops and pens shall be set back a minimum of thirty (30) feet from side and rear property lines.
 - Coops and pens shall be set back a minimum of fifty (50) feet from any building on an adjacent property used as a dwelling.
 - Coops and pens shall be set back a minimum of twenty (20) feet from the applicant's residence.
 - iii. Manure storage facilities shall be located to the rear of the residence and set back a minimum of fifty (50) feet from all property lines.
- d. **Coop and Pen Design.** A **coop** (also called a henhouse) is a completely enclosed structure that provides shelter for chickens or other poultry. A **pen** is a fenced enclosure, typically attached to the coop, that is mostly open to the elements, that allows the chickens or other poultry to leave the coop while remaining in a predator safe environment. The coop and pen shall comply with the following specifications:
- i. Materials. Coops and pens must be constructed of durable, weather-resistant materials. The use of corrugated metal or fiberglass, sheet metal, plastic tarps, scrap lumber, or similar materials that would detract from the appearance of the property and neighborhood shall be prohibited.
 - ii. Elevation of Structures. Coops shall be elevated at least eighteen (18) inches above grade, with an elevated floor that will prevent entry by predators. The coop shall be designed to prevent rodents or other animals from being harbored underneath, inside, or within the walls of the structure.
 - iii. Coop Features. Coops shall have a roof and doors that can be tightly secured. They shall be readily accessible for cleaning. They shall be properly ventilated and have adequate sunlight.
 - iv. Coop and Pen Size. Each bird must have a minimum of three (3) square feet of space in the coop and ten (10) square feet in the pen.
 - v. Pen Height. If the pen is not covered, then it must be at least forty-two (42) inches in height and the birds' wings must be clipped to prevent them from leaving the pen.
 - vi. Cleaning Requirements. Coops and pens shall be cleaned regularly to prevent accumulation of food, fecal matter, and nesting material that would create a nuisance or unsanitary conditions due to odor, vermin, debris, or decay.
- e. **Additional Regulations.**
- i. Feed Storage. Feed shall be stored in sealable containers to prevent access by rodents or other animals.
 - ii. Containment. Poultry shall be always kept inside a pen and must be shut in their coop from sunset to sunrise.
 - iii. Sales. Selling of eggs or poultry on-site is prohibited.
 - iv. Slaughtering. Slaughtering of poultry shall be conducted in a fully enclosed building.
 - v. Removal of Dead Poultry. Dead poultry and waste eggs shall be promptly bagged and disposed of.

- vi. **Manure Storage and Removal.** Stored manure shall be placed in a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed from the site.

8. **Small Farm Animals (other than poultry)**

The keeping of small farm animals on non-farm parcels or lots is permitted, subject to the following regulations:

- a. **Non-commercial Use.** The keeping of small farm animals on non-farm parcels or lots shall be for non-commercial use only. Consequently, commercial sales, milk producing, cheese producing, yogurt making, soap making, baby formula making, or fertilizer production is prohibited.
- b. **Minimum Open Space.** Except for rabbits, a minimum of one (1) acre of open space or pasture is required to keep any small farm animals.
- c. **Number of Small Farm Animals.** No more than six (6) small farm animals shall be permitted per acre of open space or pasture, except that up to ten (10) rabbits of breeding age shall be permitted per acre. Additional small farm animals are permitted for weaning under subitem d, Breeding. No fewer than two (2) goats shall be kept on a parcel or lot.
- d. **Breeding.** Small farm animals may be bred if all the following conditions are met:
 - i. **Time Limits.** Young animals shall be kept for no more than sixty (60) days after birth to allow for weaning from the mother.
 - ii. **Reduction in Number.** Small farm animals exceeding the number allowed in subitem c may not be kept more than sixty (60) days after the day they are born.
 - iii. **Buckling Goats.** Buckling goats shall be separated from female goats six (6) weeks after birth. Any buckling being permanently retained shall be made a whether (a castrated male goat) and dehorned in no more than seven (7) weeks after birth.
- e. **Location and Setbacks.**
 - i. In the R-1, R-1-S, and RR districts, facilities and structures related to the keeping of small farm animals shall be located to the rear of the residence.
 - ii. Shelters and pens in all districts shall comply with the following setbacks:
 - Shelters and pens shall comply with the minimum front yard setback requirements for principal structures specified in the Schedule of Regulations, Section 28.02.
 - Shelters and pens shall be set back a minimum of thirty (30) feet from side and rear property lines.
 - Shelters and pens shall be set back a minimum of fifty (50) feet from any building on an adjacent property used as a dwelling.
 - Shelters and pens shall be set back a minimum of twenty (20) feet from the applicant's residence.
 - iii. Manure storage facilities shall be located to the rear of the residence and set back a minimum of fifty (50) feet from all property lines.
- f. **Shelter and Pen Design.** A **shelter** is an enclosed structure that provides protection for the small farm animals from the elements and predators. A **pen** is a fenced outdoor enclosure, typically attached to the shelter, that allows the small farm animals to leave the shelter while remaining in a predator safe environment. The shelter and pen shall comply with the following specifications:
 - i. **Materials.** Shelters and pens must be constructed of durable, weather-resistant materials. The use of corrugated metal or fiberglass, sheet metal, plastic tarps,

scrap lumber, or similar materials that would detract from the appearance of the property shall be prohibited.

- ii. Shelter Features. Shelters shall have a solid roof and shall be designed to secure the animals. They shall be readily accessible for cleaning.
- iii. Shelter and Pen Size. Shelters and pens shall comply with the size requirements in the following chart:

	Shelter Size (per animal)	Pen Size (per animal)
Goat	Doe and kid: 18 sq. ft.; Whether: 15 sq. ft.	250 sq. ft.
Pig	Market pig: 9.1 sq. ft.; Sow with litter: 35 sq. ft.	250 sq. ft.
Sheep	Market lamb, 45-65 lbs.: 7.5 sq. ft.; 65-90 lbs.: 9 sq. ft.; 91-110 lbs.: 11 sq. ft.; Ewe: 14-20 sq. ft.	250 sq. ft.
Rabbit	Small breed: 1.5 sq. ft.; Large breed: 5.0 sq. ft.	Not applicable

- iv. Pen Features. The pen must be constructed in a way to prevent animals from getting out. The pen must be accessible by the animals from their shelter when they are not secured in the shelter.
- v. Cleaning Requirements. Shelters and pens shall be cleaned regularly to prevent accumulation of food and fecal matter, that would create a nuisance or unsanitary conditions due to odor, vermin, debris, or decay.
- vi. Prohibited Containment. Small farm animals may not be kept in a residence, porch, or attached garage.

g. Additional Regulations.

- i. Male Goats. No male goats shall be kept.
- ii. Hay and Grain Storage. Hay shall be stored to prevent mold or excess moisture in the hay. Grain shall be stored in sealable containers to prevent access by rodents or other animals.
- iii. Containment. Animals shall be kept inside a pen at all times and must be kept in their shelter from sunset to sunrise.
- iv. Slaughtering. Slaughtering of small farm animals is prohibited on non-farm parcels, except in the following instances:
 - a. where slaughtering on-site is required by a legitimate, verifiable religious practice, in which case the slaughtering shall be conducted in a fully enclosed building, or
 - b. where slaughtering on-site is required to alleviate the suffering of an injured animal.
- v. Manure Storage and Removal. Stored manure shall be placed in a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed from the site.

- vi. Removal of Dead Animals. Dead animals shall be disposed of within twenty-four hours after death, following procedures cited in the Bodies of Dead Animals Act, Michigan Public Act 239 of 1982, as amended.

9. Bees

The keeping of bees is permitted, subject to the following regulations:

- a. **Hives**. Honeybee colonies shall be kept in hives with removable combs that are capable of being inspected.
- b. **Hive Density**. The following chart indicates the maximum permitted density of honeybee colonies relative to parcel or lot size:

Size of Parcel or Lot	Number of Colonies Permitted
Up to ¼ acre	2
More than ¼ acre, less than ½ acre	4
More than ½ acre, less than ¾ acre	6
1 acre or more	**

**On parcels or lots larger than one acre there is no limit on the number of colonies if either of the following conditions exist:

- All hives are situated at least fifty (50) feet in any direction from all property lines of the parcel or lot.
 - All adjoining property within a one hundred (100) foot radius of any hive is undeveloped (has no structures or facilities for human use or occupancy).
- c. **Hive Location**. Hives shall comply with the following location requirements:
 - i. Minimum Setback. Hives are not permitted within thirty (30) feet of any lot line and occupied buildings.
 - ii. General Location Requirements. Hives shall be located in a quiet area of the lot or parcel, away from roads, sidewalks, and public rights-of-way.
 - iii. Flyway Barrier. When placing hives on lots less than an acre in size or in locations within two hundred (200) feet of the developed portion of any property, a solid fence, wall, or dense vegetative barrier shall be erected to prevent a direct line of flight from the hives into neighboring properties. The barrier shall start at the ground, be a minimum of six (6) feet in height and shall extend beyond the direct line of sight from the entrance of the hive to the neighboring property.
 - iv. Hive Entrance. Hive entrances shall be oriented so that bees fly across the beekeeper's property.
 - d. **Provision of Water**. Where adequate fresh water from a nearby pond or stream is not available, a water source shall be provided that will be available throughout the active flight season, so that the bees do not fix on neighborhood swimming pools, bird baths, or pet water sources.
 - e. **Beekeeper's Responsibilities**. If a hive becomes defensive or exhibits unusually aggressive characteristics, the beekeeper shall determine the cause and requeen with gentle stock if necessary. Beekeepers should perform hive manipulations when neighbors are not working or relaxing outdoors. Hive manipulations shall be performed as quickly as possible, with minimum disturbance to the bees. Extended hive manipulations, particularly removing honey, should be planned to accommodate neighbors' outdoor activities.

RECOMMENDED REVISIONS – DEFINITIONS

Section 1.03 Definitions

Add the following definition of Farm Operation from the Michigan Right to Farm Act:

Farm Operation: As stated in the Michigan Right to Farm Act, a farm operation is the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands and farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operation on the roadway as authorized by the Michigan vehicle code.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Revise the definition of Farm Products to match the definition provided in the Michigan Right to Farm Act. The new definition would read as follows:

Farm Products: Plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product that incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Revise the definition of Livestock to match the definition provided in the Site Selection GAAMPs. The new definition would read as follows:

Livestock: As defined in the Site Selection GAAMPs, livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids (e.g., camels, llamas), goats, bison, privately owned cervids (e.g., moose, deer, caribou, elk), ratites (e.g., ostriches, emus), swine, equine, poultry, and rabbits. Livestock does not include dogs and cats. Site Selection GAAMPs do not apply to aquaculture and bees.

Delete the definition of Animal Unit Equivalents. This term is no longer used in the Zoning Ordinance.

RECOMMENDED REVISIONS – FARM REGULATIONS

Section 8.02, subsection L

Revise Section 8.02, subsection L, which deals with farms, to read as follows:

L. Farm Operations

Farm operations, as defined in Section 1.03, are permitted in areas zoned Commercial Agriculture (AG-C), Agriculture Small Farms (AG-SF), Rural Estates (RE), and Rural Residential (RR), subject to compliance with the Michigan Right to Farm Act (Michigan Public Act 93 of 1981, as amended) and the Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated therein.

Farm operations established in Williamstown Township that fail to comply with the Right to Farm Act or GAAMPs shall comply with the following minimum requirements:

1. Location
Farm operations shall not be located in a subdivision or proprietor or assessor's plat. Feedlots, confined animal feeding operations, and commercial livestock operations shall not be located in a floodplain or wetland.

2. Prohibited Uses

The disposal of garbage, sewage, rubbish, or offal from rendering plants is prohibited. Slaughtering of animals is prohibited except where the animals have been raised on the premises.

3. Setbacks

Farm operations shall comply with the following setback requirements:

- a. **Buildings.** Farm buildings shall comply with the minimum setbacks for the district in which they are located, provided that they are located at least two hundred (200) feet from residences on other parcels.
- b. **Confined Animal Feeding Operations.** Confined animal feeding operations shall comply with the setbacks noted in the following chart:

Land Use	Required Setback
Residential subdivision or other development containing 10 or more homes or residential lots	¼ of a mile
Church, school, recreation area, business, or public building	¼ of a mile
Road right-of-way	100 feet

- c. **Pasture.** Runoff from pasture feeding and watering areas shall be separated from any surface water by a vegetative buffer that is at least sixty-six (66) feet in width.

4. Manure Management

Manure shall be stored, handled, and applied to the land in a manner that conforms to the Manure Management/Utilization GAAMPs to minimize odors and runoff.

5. Pesticide Management

Pesticides shall be used, stored, transferred, and disposed of in a manner that conforms to the Pesticide Utilization/Pest Control GAAMPs.

6. Removal of Dead Animals

Dead animals shall be disposed of within twenty-four hours after death, following procedures cited in the Bodies of Dead Animals Act, Michigan Public Act 239 of 1982, as amended.

7. Exceptions

The provisions in this subsection shall not apply to garden plots for single family residences, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a “petting zoo” or “interpretive farm”).