

CHARTER TOWNSHIP OF COMSTOCK

ORDINANCE NO. _____

ADOPTED:

**EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance regarding keeping of chickens; and to repeal all ordinances or parts of ordinances in conflict herewith.

**CHARTER TOWNSHIP OF COMSTOCK
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENTS TO SECTION 4.11.1 ANIMALS**

Section 4.11.1 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Section 4.11.1 Animals.

- A. Except as allowed in Section 4.11.2, the keeping of pigs, hogs, poultry, wild fowl, livestock, or the maintaining of more than three cats is prohibited within or upon any platted properties within the Township. The grazing of livestock or the maintaining of more than three cats is also prohibited upon or within any portion of unplatted land located within 50 feet of any recorded plat or within 50 feet of any unplatted area zoned AGR, R1-A, R1-B, R1-C, RM, RMH, or OW, and developed for residential purposes. The housing of livestock and the operation of feedlots for livestock is prohibited upon or within any portion of unplatted land located within 150 feet of any recorded plat or within 150 feet of any unplatted area zoned AGR, R1-A, R1-B, R1-C, RM, RMH, or OW, and developed for residential purposes. Except as allowed in Section 4.11.2, the keeping of poultry or wild fowl is prohibited on that portion of unplatted land located within 100 feet of a recorded plat or within 100 feet of any unplatted area zoned AGR, R1-A, R1-B, R1-C, RM, RMH, or OW, and developed for residential purposes.
- B. The foregoing restrictions, however, shall not be construed to pertain to legitimate farm or agricultural operations nor to lawful operations involving any of the foregoing animals existing on the date of the recording of any residential plat or the construction of any home adjoining the same; nor to any land, the last active use of which, during the

preceding 3 years prior to such platting or development of adjacent land, was legitimate farming or agricultural operations or involved any of the foregoing animals.

- C. No such animals shall be permitted in any area of the Township where the same become obnoxious by reason of odors, noise, or sanitary conditions. The determination of the Board of Appeals, established under the statute and this Ordinance shall, in the absence of fraud, be conclusive on the question of whether the same are so obnoxious.
- D. For purposes of this Section, land within 100 feet of either side of a dwelling house, as measured along the road or street on which the same is located, and 300 feet deep as measured from the front property line, shall be considered "developed for residential purposes".
- E. Domestic animals that are normally and customarily kept for pleasure and companionship such as dogs, three or less cats, rabbits, caged birds, small domesticated rodents and non-venomous reptiles, and other similar non-exotic animals that do not conflict with or violate any other law or regulation of the state, county or Township Ordinance, including this Section, applicable to the keeping of such animal, are permitted as accessory to a residential use.

SECTION II

ADDITION OF NEW SECTION 4.11.2, CHICKENS AS AN ACCESSORY USE

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 4.11.2, which section shall read as follows:

Sec. 4.11.2 Chickens as an Accessory Use.

Chickens (hens). The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to six (6) chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six (6) chickens that are utilized exclusively by the person(s) occupying a single family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:

- a. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.

- b. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
- 1) The coop and pen shall be setback a minimum of ten feet from all side and rear lot lines and a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a waterfront lot shall have a 40-foot rear yard setback.
 - 2) The coop and pen shall be a maximum of seven feet in height and shall not exceed a total of 90 square feet.
 - 3) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials not in keeping with the appearance of other accessory buildings in the immediate area of the property as determined by the Zoning Administrator is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
 - 4) The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
- c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
- d. Waste materials (feed, manure and litter) must be disposed of in an environmentally responsible manner. Piling waste materials on the property is not permitted. Litter must be kept dry.
- e. Dead chickens and waste eggs must be promptly bagged and disposed of in the garbage.
- f. The outdoor slaughter of chickens shall be screened from view from off the premises.
- g. The accessory use shall comply with all ordinances of Comstock Charter Township pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- h. No person shall keep chickens without first securing a permit from the Zoning Administrator on a form provided and without paying a permit fee as established by the Township Board by resolution. The permit shall be issued by the Zoning Administrator. Such permit may be revoked by the Zoning Administrator if it is determined that any provision of this section is violated.
- i. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use.

Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.

- j. This section shall not regulate the keeping of chickens in those areas where farming is a permitted principal use or special land use under other sections of this ordinance.
- k. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
- l. No permit shall be issued by the Zoning Administrator without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

SECTION III
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION IV
REPEAL

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

SECTION V
EFFECTIVE DATE

This Ordinance shall take effect eight days following publication after adoption.

Michelle Mohny, Clerk
Charter Township of Comstock

Attachment3: Ord XXX to allow keeping of chickens (1785 : Second Reading-Text Amendments Keeping of Chickens in Residential Areas)