

RUTLAND CHARTER TOWNSHIP

BARRY COUNTY, MICHIGAN

**NOTICE OF ADOPTION/SUMMARY OF ORDINANCE AMENDING CHAPTER 220
(ZONING) OF THE RUTLAND CHARTER TOWNSHIP CODE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF RUTLAND, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that Ordinance No. 2020-174 was adopted by the Rutland Charter Township Board at its January 8, 2020 meeting. The sections of this Ordinance amend various provisions of Chapter 220 (zoning) of the Rutland Charter Township Code of ordinances, as summarized below:

SECTION 1: AMENDMENT OF §220-2-2 PERTAINING TO DEFINITIONS--- revises the existing definition for “Farm”, and adds definitions for new terms “Farm Operation” and “Farm Product”.

SECTION 2: AMENDMENT OF §220-4-2 PERTAINING TO PERMITTED USES IN THE AG/OS AGRICULTURAL/OPEN SPACE PRESERVATION DISTRICT--- adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 3: AMENDMENT OF §220-5-2 PERTAINING TO PERMITTED USES IN THE CR COUNTRY RESIDENTIAL DISTRICT--- adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 4: AMENDMENT OF §220-6-2 PERTAINING TO PERMITTED USES IN THE MDR MEDIUM DENSITY RESIDENTIAL DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 5: AMENDMENT OF §220-7-2 PERTAINING TO PERMITTED USES IN THE HDR HIGH DENSITY RESIDENTIAL DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 6: AMENDMENT OF §220-8-2 PERTAINING TO PERMITTED USES IN THE MHCR MOBILE HOME COMMUNITY RESIDENTIAL DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 7: AMENDMENT OF §220-9-2 PERTAINING TO PERMITTED USES IN THE MU MIXED USES DISTRICT---adds a reference to (new) §220-16-13.B

with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 8: AMENDMENT TO §220-10-2 PERTAINING TO PERMITTED USES IN THE LC LAKE COMMERCIAL DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 9: AMENDMENT OF §220-11-2 PERTAINING TO PERMITTED USES IN THE ACLI AIRPORT COMMERCIAL/LIGHT INDUSTRIAL DISTRICT--- adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 10: AMENDMENT OF §220-12-2 PERTAINING TO PERMITTED USES IN THE LI LIGHT INDUSTRIAL DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 11: AMENDMENT OF §220-13-2 PERTAINING TO PERMITTED USES IN THE PRC PARK/RECREATION/CAMPS DISTRICT---adds a reference to (new) §220-16-13.B with respect to the keeping or raising of livestock for commercial production or non-commercial purposes in this District.

SECTION 12: AMENDMENT OF §220-16-13 PERTAINING TO ANIMALS--- (presently pertaining to exotic animals) adds new provisions addressing the keeping of livestock in the various zoning districts for commercial production purposes and for non-commercial purposes.

SECTION 13: REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE-- -repeals conflicting ordinances/parts of ordinances; provides for the ordinance to take effect on the 8th day after publication or on such later date as may be required by law.

This ordinance in its entirety has been posted in the office of the Township Clerk and on the Township website (www.rutlandtownship.org).

A copy of the ordinance may also be purchased by contacting the Township Clerk as indicated below during regular business hours of regular working days, and at such other times as may be arranged.

Robin J. Hawthorne, Clerk
Charter Township of Rutland
Rutland Charter Township Hall
2461 Heath Road
Hastings, Michigan 49058
Telephone: (269) 948-2194

CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2020-174

ADOPTED: JANUARY 8, 2020

EFFECTIVE: JANUARY 24, 2020

An Ordinance to amend various sections of Chapter 220 (Zoning) of the Rutland Charter Township Code of ordinances generally pertaining to the keeping of farm animals and related matters.

THE CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

AMENDMENT OF §220-2-2 PERTAINING TO DEFINITIONS

§220-2-2 of the Rutland Charter Township Code, pertaining to Definitions of terms used in Chapter 220 (Zoning Ordinance), is hereby amended as follows:

A. The existing definition of “Farm” is amended to read as follows:

“FARM –The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, including the commercial raising of livestock and poultry, dairying, horticulture, sod, farm forestry, truck gardening, and other similarly bona fide agricultural enterprises or uses of land and structures for commercial purposes; but not including farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughterhouses.”

B. A definition for the new term “Farm Operation” is added reading as follows:

“Farm operation: 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:

- marketing produce at roadside stands or farm markets.
- the generation of noise, odors, dust, fumes, and other associated conditions.

- 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 operations on the roadway as authorized by law.
- field preparation and ground and aerial seeding and spraying.
- the application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- use of alternative pest management techniques.
- the fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- the management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- the conversion from a farm operation activity to other farm operation activities.
- the employment and use of labor.”

C. A definition for the new term “Farm Product” is added reading as follows:

“Farm product: Those 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, and any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and Rural Development.”

D. The existing amended and new defined terms will be placed within §220-2-2 in alphabetical order.

SECTION 2

AMENDMENT OF §220-4-2 PERTAINING TO PERMITTED USES IN AG/OS AGRICULTURAL/OPEN SPACE PRESERVATION DISTRICT

§220-4-2 of the Rutland Charter Township Code pertaining to permitted uses in the AG/OS Agricultural/Open Space Preservation District is hereby amended to change subsection A. of same to read as follows:

- A. Farm and agricultural activities, including the sale of farm or agricultural products raised on the premises; provided the keeping or raising of livestock for commercial production or non-commercial purposes is subject to §220-16-13.B.”

Editorial note: §220-16-13 is herein amended. See Section 12.

SECTION 3

AMENDMENT OF §220-5-2 PERTAINING TO PERMITTED USES IN CR COUNTRY RESIDENTIAL DISTRICT

§220-5-2 of the Rutland Charter Township Code pertaining to permitted uses in the CR Country Residential District is hereby amended to change subsections E. and J. of same to read as follows:

- “E. Farm and agricultural activities, including the sale of farm or agricultural products raised on the premises; provided the keeping of livestock on a non-commercial basis is only allowed as a special land use pursuant §220-5-3.H., and the keeping or raising of livestock for commercial production or non-commercial purposes is also subject to §220-16-13.B.”
- “J. Accessory uses/building/structures (except the non-commercial keeping of livestock as an accessory use is designated herein as a special land use pursuant to §220-5-3.H.).”

Editorial note: Existing §220-5-3.H. is not amended, but is shown below for context and as a convenience to the reader:

“Keeping of livestock on a non-commercial basis is allowable accessory to an existing dwelling on the premises, subject to all applicable provisions of this Chapter, including the generally applicable special land use approval standards specified in §220-20-3, and also the following density, setback, and other requirements:

1. The minimum lot area for the keeping of any such animals is five acres.
2. There shall be at least two acres of lot area per animal unit kept on the premises. (See definition of “Animal Unit” in §220-2-2)
3. All areas in which the animals are confined shall be located at least 100 feet from all existing residences on adjacent properties.
4. All areas in which the animals are confined shall be located at least 200 feet from any wellhead, and shall not include any drain field.”

SECTION 4

AMENDMENT OF §220-6-2 PERTAINING TO PERMITTED USES IN MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

§220-6-2 of the Rutland Charter Township Code pertaining to permitted uses in the MDR Medium Density Residential District is hereby amended to change subsection H to read as follows:

“H. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise, except such small animals, such as rabbits, as can be kept inside the single-family dwelling unit itself on a purely non-commercial basis, and without causing any detriment to any adjoining property. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 5

AMENDMENT OF §220-7-2 PERTAINING TO PERMITTED USES IN HDR HIGH DENSITY RESIDENTIAL DISTRICT

§220-7-2 of the Rutland Charter Township Code pertaining to permitted uses in the HDR High Density Residential District is hereby amended to change subsection J to read as follows:

“J. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 6

AMENDMENT OF §220-8-2 PERTAINING TO PERMITTED USES IN MHCR MOBILE HOME COMMUNITY RESIDENTIAL DISTRICT

§220-8-2 of the Rutland Charter Township Code pertaining to permitted uses in the MHCR Mobile Home Community Residential District is hereby amended to change subsection B to read as follows:

“B. Accessory uses/buildings/structures incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities, or incidental to another allowed use in this District; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan

Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 7

AMENDMENT OF §220-9-2 PERTAINING TO PERMITTED USES IN MU MIXED USE DISTRICT

§220-9-2 of the Rutland Charter Township Code pertaining to permitted uses in the MU Mixed Use District is hereby amended to change subsection X to read as follows:

“X. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 8

AMENDMENT OF §220-10-2 PERTAINING TO PERMITTED USES IN LC LAKE COMMERCIAL DISTRICT

§220-10-2 of the Rutland Charter Township Code pertaining to permitted uses in the LC Lake Commercial District is hereby amended to change subsection H to read as follows:

“H. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 9

AMENDMENT OF §220-11-2 PERTAINING TO PERMITTED USES IN ACLI AIRPORT COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

§220-11-2 of the Rutland Charter Township Code pertaining to permitted uses in the ACLI Airport Commercial/Light Industrial District is hereby amended to change subsection C to read as follows:

“C. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 10

AMENDMENT OF §220-12-2 PERTAINING TO PERMITTED USES IN LI LIGHT INDUSTRIAL DISTRICT

§220-12-2 of the Rutland Charter Township Code pertaining to permitted uses in the LI Light Industrial District is hereby amended to change subsection F to read as follows:

“F. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 11

AMENDMENT OF §220-13-2 PERTAINING TO PERMITTED USES IN PRC PARK/RECREATION/CAMPS DISTRICT

§220-13-2 of the Rutland Charter Township Code pertaining to permitted uses in the PRC Park/Recreation/Camps District is hereby amended to change subsection I to read as follows:

“I. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise. Also see §220-16-13.B. for potential implications of Michigan Right To Farm Act siting guidelines for new and expanding commercial livestock production facilities.”

SECTION 12

AMENDMENT OF §220-16-13 PERTAINING TO ANIMALS

§220-16-13 of the Rutland Charter Township Code, presently pertaining to exotic animals, is hereby amended to also address the keeping of livestock in the various zoning districts, reading as follows:

“§220-16-13. **Exotic animals, and livestock.**

A. Exotic Animals. Exotic animals are not permitted on any premises in Rutland Charter Township without a determination by the Zoning Administrator that the subject animal(s) will pose no threat to the health, safety and welfare of persons or property, after submission of a site plan pursuant to §220-21-3 and site plan approval pursuant to the standards specified in §220-21-5.B; provided that the Zoning Administrator may instead refer the site plan submission to the Planning Commission for review pursuant to the applicable

provisions of Article XXI of this chapter if the Zoning Administrator determines such review by the Planning Commission instead of the Zoning Administrator is in the public interest.

B. Livestock. The keeping or raising of livestock is subject to the following:

1. Commercial Production Purposes. The keeping or raising of livestock for commercial production purposes is a “farm” permitted use in the AG/OS Agricultural/Open Space Preservation District and the CR Country Residential District; provided the siting of a new or expanding commercial livestock production facility in these districts is controlled by the State of Michigan pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act. This Zoning Ordinance does not provide for commercial production livestock land uses in any other zoning district, but certain premises in other zoning districts may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock facility pursuant to the preceding referenced Generally Accepted Agricultural and Management Practices issued by the Michigan Commission of Agriculture & Rural Development.
2. Non-Commercial Production Purposes. The keeping or raising of livestock for non-commercial purposes is a “farm” permitted use in the AG/OS Agricultural/Open Space Preservation District, as specified above for commercial production livestock facilities. The raising or keeping of livestock on a non-commercial basis is allowed as a special land use in the CR Country Residential District, as specified in §220-5-3.H. The keeping or raising of livestock for non-commercial purposes is not allowed in the MDR Medium Density Residential District, except as provided by §220-6-2.H. with respect to small animals. The keeping or raising of livestock on a non-commercial basis is not allowed in any of the following districts as an accessory use or otherwise: HDR High Density Residential District, MHCR Mobile Home Community Residential District, MU Mixed Use District, LC Lake Commercial District, ACLI Airport Commercial/Light Industrial District, LI Light Industrial District, PRC Park/Recreation/Camps District.
3. For purposes of the provisions of Chapter 220 pertaining to the keeping or raising of livestock for “commercial” purposes, or referring to a livestock “production” facility or similar term, these terms shall mean the act of producing an item intended to be sold at a profit.”

SECTION 13

REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law.

Robin Hawthorne, Clerk
Charter Township of Rutland