

CITY OF FERRYSBURG

Ordinance No. \_\_\_\_

An Ordinance to amend the City Code by amending Chapter 154, Zoning, Article II Definitions, Section 2.20 and Article III, General Provisions, Section 3.370

THE CITY OF FERRYSBURG ORDAINS:

Section 1. Chapter 154 Zoning, Article II , Section 2.20 Definitions, is hereby amended by adding the following definitions:

**ANIMAL, FARM** is any animal or fowl customarily raised on a bonafide farm for the production of income such as goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or for consumption by the residents of the premises on which the farm is located.

**ANIMAL, HOUSEHOLD OR DOMESTIC** is an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

**FARM** means 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.

**FARM OPERATION** means 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:

- a) Marketing produce at roadside stands or farm markets.
- b) The generation of noise, odors, dust, fumes, and other associated conditions.
- c) 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 the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

- d) Field preparation and ground and aerial seeding and spraying.
- e) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- f) Use of alternative pest management techniques.
- g) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- h) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- i) The conversion from a farm operation activity to other farm operation activities.
- j) The employment and use of labor.

**FARM PRODUCT** means 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, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

**GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES** means those practices as defined by the Michigan commission of agriculture. The commission shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture natural resources conservation service and the consolidated farm service agency, the Michigan department of natural resources, and other professional and industry organizations.

Section 2. Chapter 154 Zoning, Article III General Provision, Section 3.350 is hereby amended by adding the following:

- a) Farms, farming and farm operations – Farming in general is defined in Chapter 2 and is regulated by the State of Michigan Department of Agriculture and Rural Development. Farms are permitted on lands that are

classified as Category 1, 2 or 3 and are not considered “primarily residential” as classified by the latest Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities manual.

b) Permitting – Keeping of authorized species of farm animals on residential properties is allowed under certain circumstances and if conditions of this Section are met. Upon issuance of a permit to keep farm animals, the City shall inform all property owners within 300 feet of the subject property. The notice shall include the property address, summary of permitted activity and a copy of this Section.

- 1) New permit and renewal applications shall be submitted by the applicant in complete form to the Zoning Administrator.
- 2) Landowner authorization shall be submitted in the event a tenant or occupant other than the landowner is the applicant.
- 3) Permits are valid for one year (1) and shall be renewed annually.
- 4) Permits shall be revoked for violations of this Section.

c) General Requirements –

- 1) All waste, including manure, shall be managed so there are no unsanitary or unsafe conditions.
- 2) Any proposed shelter on the site must be, at minimum, a rigid structure, designed to withstand normal wind and snow loads. Accessory buildings shall meet all applicable building codes.
- 3) Keeping of animals within a plat of subdivision or site condominium will be governed by covenants and restrictions in addition to the Zoning Ordinance. In cases where both apply, the stricter rule shall apply.

d) Animals and Number –

- 1) Goats, chickens and rabbits are permitted in the RD, RG1, RG2, RG3 Zoning Districts, subject to minimum acreages.
- 2) Male chickens (roosters), peafowl, or guinea fowl, in any number, shall not be kept by any property owner or occupant on any property in the City.

- 3) Wild animals shall not be kept by any property owner or occupant on any property in the City.
- 4) The maximum number of animals allowed to be kept on a single parcel or lot or upon contiguous parcels under the same ownership is included in the following table:

Keeping of Farm Animals			
Type	Goats	Chickens	Rabbits
Zoning District	RG1	RD, RG1, RG2	RD, RG1, RG2, RG3
Minimum Acreage	1	1	1
Number permitted at minimum acreage	2	5	4
Addition for each whole acre over the minimum	1	5	4

Combinations of different farm animal types shall not be kept on the same parcel or upon contiguous parcels under the same ownership.

- 5) Newly born goats above the minimum requirements may be kept on a property for one (1) year, provided the number does not increase the permitted number of animals beyond the limitations by more than 50%. Rabbits or chickens less than six (6) months of age do not count against total count limitations.

e) Confinement –

- 1) Goats, chickens and rabbits must be completely enclosed in a fenced pasture or range area, pen, paddock, coop or other holding area that is of suitable height and construction to contain the animals. Fences are subject to Section 3.30, Fences, Walls, Gates, Screens, and Landscape- General Requirements and Intersection Visibility.
- 2) Electrical fences are prohibited.
- 3) Pens and holding areas may not be located within front or side yards.
- 4) Pasture and outdoor confinement setbacks are subject to the following table. Setbacks are measured from the outside limits of an area that an animal may roam to property lot lines and nearby dwellings.

Pasture and Outdoor Confinement Setbacks				
Adjacent District	RD	RG1	RG2	RG3/MHP
Setback (feet) from lot line (setbacks may vary with multiple adjacent zoning districts)	15	15	20	25
Setback (feet) from existing dwellings on nearby property	30	30	40	50

- f) Manure – Storage areas shall be a minimum of 50 feet from any wellhead, surface water feature, areas subject to flooding, 50 feet from any on-site dwelling, and 50 feet from all property lines and 150 feet from pre-existing off-site dwellings under separate ownership. The 50 foot buffer shall be a vegetated buffer. Manure shall be stockpiled on an impermeable pad with sides to prevent leachate and runoff.
- g) Shelter – Shelters are required for farm animals. Shelters, including sheds, coops, barns, or other buildings accommodating farm animals are subject to Section 3.130, Accessory Building, Structures and Uses.
- h) Commercial Use – Commercial use is prohibited. Farm animals may not be kept or raised for breeding, sale, commercial or agricultural purposes. No person shall sell eggs or engage in fertilizer production for commercial purposes. The slaughtering of farm animals is not permitted.

Section 3. This Ordinance was approved and adopted by the City Council on the \_\_\_ day of \_\_\_\_\_, 2015, and shall take effect upon publication in the Grand Haven Tribune, a newspaper of general circulation in the City of Ferrysburg.

CITY OF FERRYSBURG

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Daniel S. Ruiter, Mayor

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Debbie Wierenga, City Clerk