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**DEVELOPMENT SERVICES
DEPARTMENT**

Dave Hills
Superintendent of Building
Division
Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: June 6, 2022

To: Honorable Township Board

From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning

RE: 2022-Z-0010 Text Amendment: Raising and Keeping of Animals
Accessory Buildings, Accessory Structures, and Accessory
Uses

This Zoning Ordinance Text Amendment is being proposed to bring clarification to where livestock enclosures may be permitted.

Presently, livestock enclosures may not be located closer than fifty lineal feet from any property line, or ten lineal feet from any adjacent dwelling, whichever is farther.

However, there is no situation in which 10 lineal feet from an adjacent structure will be further than the minimum 50 lineal feet from any property line. This ordinance amendment simply strikes out the adjacent dwelling requirement for the sake of clarity.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly scheduled meeting on May 24, 2022 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the May 24, 2022 regular meeting for this Zoning Ordinance amendment, should the Board want to consider adopting the requested Zoning Ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the June 27, 2022 meeting. However, if the Board does not want to adopt the requested Zoning Ordinance amendment, the appropriate motion would be to not introduce the Ordinance and deny the amendment.

Should you have any questions prior to Tuesday night's meeting, please do not hesitate to reach out to me.

*With us there are no
boundaries*

3-202.2. Raising and Keeping of Animals. It is recognized that the keeping of an unlimited number of domestic animals within residential districts for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable use of such districts. The keeping of the following domestic animals is permitted, subject to the following regulations and limitations:

- A. Container Pets;
- B. Household pets, if there are not more than three (3) such pets of any one genus and no more than a total of five (5) household pets, boarded or kept on a single zoning lot, except that a litter of puppies or a litter of kittens may be kept for a period not exceeding five (5) months from birth, unless otherwise permitted under this Zoning Ordinance;
- C. Non-household domestic animals:
 - (1) Domestic small livestock as a special approval use on zoning lots less than five (5) contiguous acres in size, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions, such as the number of such animals, maintenance requirements, and location and type of containment areas, hereinafter imposed for each such use.
 - (2) Domestic small livestock are permitted on zoning lots five (5) contiguous acres or greater in size.
 - (3) Domestic hooved livestock, if there are no more than three (3) such animals, the zoning lot is at least five (5) contiguous acres in size, and the character of the neighborhood within a one quarter (¼) mile radius reflects an average zoning lot size of not less than three (3) acres, unless otherwise permitted under this Zoning Ordinance.

The keeping of the above domestic animals shall not be permitted to constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the Township stating the domestic animals constitute a nuisance, the ZBA shall hold a hearing with notice to all property owners within three hundred (300) feet of the property where the animals are kept. The ZBA shall determine whether the domestic animals constitute a nuisance under **Section 2-205** and/or **2-206** and also determine whether the Right to Farm Act applies. If the ZBA determines the domestic animals have and will likely continue to constitute a nuisance, and that the Right to Farm Act is not applicable, the domestic animals shall not be kept on the property after the removal date set by the ZBA. If, in the opinion of the ZBA, where the Right to Farm Act is not applicable and there is reason to believe that timely measures will be taken to alleviate the nuisance associated with the domestic animals, the ZBA may permit the domestic animals to remain and may establish criteria and a timeline for revocation of such permission. This process shall also be used by the ZBA to make decisions on zoning lots where the keeping of domestic animals was granted through special approval use by the Planning Commission under the previous zoning ordinance and is now not permitted under this Zoning Ordinance.

3-202.3. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses (*Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under Building, Structure, or Use in Section 1-007*) shall be permitted in single-family residential districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjunction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Section 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

- A. Accessory buildings and accessory structures, subject to all of the following conditions:
 - (1) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.
 - (2) All other approval processes, when required by applicable sections of this Zoning Ordinance, are followed and approvals are received.
 - (3) There must be a principal building on the zoning lot to which the subject building or structure is accessory.
 - (4) Where an accessory building or accessory structure is structurally attached to a principal building or is less than ten (10) feet distant from a principal building, it must conform to the setback requirements of the zoning district in which it is located.
 - (5) Accessory buildings and accessory structures shall comply with the following height limitation schedule when the corresponding setback requirements are met:

If such building or structure is:	Then the maximum height is:
No closer than five (5) feet and no greater than ten (10) feet from side and rear lot lines	Seventeen (17) feet
No closer than ten (10) feet and no greater than twenty (20) feet from side and rear lot lines	Twenty (20) feet
Equal to or greater than twenty (20) feet from side lot lines and thirty-five (35) feet from rear lot lines	Maximum height allowed for the principal building in <i>Section 3-900</i> and <i>3-901</i> .

- (6) On zoning lots other than lakefront lots, detached accessory buildings shall not be erected in any yard except a rear yard, and in no instance shall such a building and its appurtenances be nearer to the side lot lines or rear lot line than five (5) feet. On lakefront lots, detached accessory buildings may be constructed in the front yard, provided that they conform to the requirements of *Section 2-213, 3-900, and 3-901*; and in the rear yard, provided that in no instance shall such a building and its appurtenances be nearer to the side lot lines than five (5) feet or nearer to the rear lot line than twenty (20) feet.
 - (7) On zoning lots other than lakefront lots, detached accessory structures, except those specifically allowed otherwise in this subsection, shall not be erected in any yard except a rear yard, and in no instance shall such a structure and its appurtenances be nearer to the side lot lines or rear lot line than five (5) feet. On lakefront lots, detached accessory structures may be constructed in the front yard, provided that they conform to the requirements of *Section 2-213, 3-900, and 3-901*; and in the rear yard, provided that in no instance shall such a structure and its appurtenances be nearer to the side lot lines than five (5) feet or nearer to the rear lot line than twenty (20) feet.
 - (8) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.
 - (9) In cases of corner zoning lots when the street side lot line is substantially a continuation of the front lot line of the adjacent zoning lot, accessory buildings and accessory structures shall be located no closer than the principal building is to the right-of-way.
 - (10) The combined total square footage for all accessory buildings and accessory structures on a zoning lot shall not exceed a floor area of one thousand four hundred forty four (1,444) sq. feet or three (3) percent of the lot area, whichever is more, provided that in no case shall the maximum exceed a floor area of two thousand (2,000) sq. feet.
- B. Driveways are permitted in the required front yard and side yard.
 - C. Outdoor relaxation structures, when located in accordance with *Section 2-104*.
 - D. Private swimming pools, provided that such structures shall be located in conformance with subsection *3-302.3(7)*.
 - E. Ornamental structures, pole structures, tree houses, tents, and children's tents, subject to all of the following conditions:
 - (1) In no instance shall such a structure and all appurtenances be nearer to the side lot lines or rear lot line than five (5) feet;
 - (2) Tree houses, tents, and children's tents shall not be located within the required front or side yards; and
 - (3) Pole structures used exclusively as flagpoles shall not exceed the limitations of *Section 2-103* and may be located within any required front yard, but shall be setback at least twenty-five (25) feet from a public right-of-way.
 - F. Basketball apparatuses (*See Personal Recreation Space in Section 1-007*), which may project into a front yard or side yard setback area when mounted directly on a garage. As an alternative to a garage-mounted apparatus, a pole-mounted backboard, hoop and net may be erected, provided it is located more than twenty (20) feet from a public right-of-way. Basketball apparatuses may be located in the rear yard provided they conform with all of the rear yard setback requirements for accessory structures on the zoning lot.
 - G. Athletic recreational devices (*See Personal Recreation Space in Section 1-007*), provided that such devices shall be located in conformance with subsection 3.A(7).
 - H. Residential mooring facilities and winter storage of such facilities on lakefront zoning lots, provided that such facilities are exempt from State of Michigan marina operating permit requirements.
 - I. Antennas (*See Antenna in Section 1-007*), provided they do not exceed the limitations of *Section 2-103*.
 - J. Outdoor living areas (*See Outdoor Living Area in Section 1-007*).
 - K. Play areas (*See Personal Recreation Space in Section 1-007*) and gardening areas (*See Personal Recreation Space in Section 1-007*), provided that such areas shall only be located in the rear yard.
 - L. Home occupations (*See Home Occupation in Section 1-007*).
 - M. Animal enclosures (*See Animal Enclosure in Section 1-007*), provided that they shall:
 - (1) conform to the requirements of subsection 7 below;
 - (2) not be located within the required front or side yards;

- (3) not exceed a total area of two hundred (200) square feet; and
 - (4) be located no closer than fifty (50) lineal feet from any adjacent residential dwelling.
- N. Garage and yard sales, provided that:
- (1) such sales are limited on each zoning lot to no more than two (2) sales events during a calendar year;
 - (2) the duration of each sales event shall not exceed seven (7) consecutive calendar days;
 - (3) visitor vehicle parking does not cause a traffic safety hazard as determined by the Waterford Police Department; and
 - (4) signage for such private sales or events conforms with subsection 4.B below.
- O. When livestock is permitted in accordance with subsection 2 above, livestock enclosures are permitted provided that they shall be located no closer than fifty (50) lineal feet from any property line, ~~or ten (10) lineal feet from any adjacent dwelling, whichever is farther.~~
- P. Temporary construction buildings, temporary emergency buildings, and temporary real estate buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with *Section 4-014*.
- Q. Temporary storage, when conducted in conjunction with a development project approved in accordance with either *Section 4-004, 4-005, 4-006, 4-010, or 4-011*, and as authorized for the timeframe specified in writing by the Building Official.
- R. Model home (*See Model Home in Section 1-007*), provided that such a building is located within a subdivision or condominium development and located on an approved zoning lot.
- S. Gardening stands, provided that there is no more than one stand per zoning lot and it is located more than fifteen (15) lineal feet from the right-of-way.
- T. Solar energy systems and small-scale wind energy systems (*See Alternative Energy System in Section 1-007*) approved in accordance with *Section 4-016*.
- U. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
- V. Area public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the **SPL Manual** and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
- W. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*), provided that they shall: (Effective 5/4/2021)
- (1) be designated as private restricted use only;
 - (2) not be located within the required front, rear, or side yards;

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2022-Z-010

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) relating to Single-Family Residential Zoning Districts requirements for Raising and Keeping of Animals to clarify the location for livestock enclosures.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-302 Regulations Applicable to Properties in the R-1 through R-1E Zoning Districts, shall be amended in Section 3-302.2 O Raising and Keeping of Animals, shall be amended as follows to clarify the requirements for livestock enclosures:

3-302.3 Accessory Buildings, Accessory Structures, and Accessory Uses.

O. When livestock is permitted in accordance with subsection 2 above, livestock enclosures are permitted provided that they shall be located no closer than fifty (50) lineal feet from any property line.

Section 2 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on June 27, 2022.

Date

Kim Markee, Township Clerk