

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: July 17 2015
RE: Ordinance 2015-004 (Amend Zoning Chapter 52 – Farm Animals)

For the Agenda of July 20, 2015

Background Our City Attorney has informed us that Michigan's Right to Farm Act has recently changed in regard to allowing or precluding farm animals within a zoned community. As a result of the recent change, it is necessary to amend our ordinance codes to stipulate the City's rules and procedures pertaining to the keeping of farm animals (except chickens and ducks) in our Residential-1 zoning districts. Jaynie has drafted Ordinance 2015-004 (*copy att'd*) for this purpose.

All ordinance code changes or amendments require the approval of the Clare City Commission. Chapter 52 (Zoning) amendments first require the review and recommendation(s) of the Planning Commission prior to submittal of the proposed ordinance amendment to the City Commission. The Planning Commission met on July 8th and considered the proposed ordinance amendment. Subsequent to a scheduled public hearing, the Planning Commission unanimously recommended approval (*see copy of att'd 2015-018PC*) of the ordinance amendment.

A public hearing (*copy of notice is att'd*) is required prior to the review and consideration of the proposed amendment by the City Commission. The required public notices (*copies att'd*) announcing the hearing have been published. Subsequent to the conduct of the hearing, the Commission has the options of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the ordinance/zoning change. The ordinance cannot be adopted until a Second Reading is scheduled and conducted by the City Commission.

The City Commission is asked to conduct the required public hearing and direct a First Reading of the proposed Ordinance 2015-004.

Issues & Questions Specified Should the City Commission hold a public hearing, and direct a First Reading of the proposed Ordinance 2015-004?

Alternatives

1. Hold the hearing and direct a First Reading.
2. Hold the hearing and make changes to the proposed ordinance.
3. Hold the hearing and reject the ordinance.
4. Set aside the matter for further consideration and/or deliberation.

Financial Impact There is no immediate, direct fiscal impact of the proposed amendment.

Recommendations I recommend that the City Commission hold the requisite public hearing and direct a First Reading.

Attachments

1. Ordinance 2015-004.
2. Resolution 2015-018PC.
3. Public Notice.

ORDINANCE NO. 2015 - 004

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code Ordinance Part II, Code of Ordinances, Chapter 52, Article V.

Short Title: CITY OF CLARE- ORDINANCE AMENDMENT. An ordinance to amend Chapter 52 – Zoning, Article V, Sections 52-349.

Chapter 52, Article V, Section 52-349, of the Clare City Code is hereby amended as follows:

Sec. 52-349. - Farm animals, except chickens and ducks.

Animals usually associated with farms, except chickens and ducks as specified in Section 52-350, may be allowed in R-1 residential zoning are not allowed in residential districts. Other districts may allow animals by special exception use permit provided:

- (1) The property is eligible for the keeping of animals under the generally accepted agricultural management practices as published by the State of Michigan and within the Right to Farm Act.
- (2) The property is located in a rural area of the city.
- (23) The property is at least two acres in size for small animals, such as turkeys or rabbits and four acres in size for large animals, such as goats, pigs or horses.
- (34) Under no circumstances may a rooster qualify as an animal permitted within any district within the City of Clare.
- (45) Such animals are to be used as pets and shall not be used to produce income. The by-products such as eggs or meat shall not be sold.
- (56) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.
- (67) All barns and similar structures to be used in conjunction with any large animals shall be located at least 80 feet from all property lines. The location of all other structures shall conform to the yard and setback requirements of this section.
- (78) The area to be used as pasture shall be adequately fenced to prevent animals from leaving the property.
- (89) The planning commission shall determine the maximum of each type of animal allowed on the property as part of the approval process.
- (910) The applicant shall provide the planning commission with a site plan indicating: a) all existing buildings located on the property and within

300 feet of the property; b) the location of all proposed structures, either existing or to be constructed to be used in connection with the animals; and c) the location of all waste storage areas and a disposal plan for removal of all waste from the property.

~~(1011)~~The applicant shall provide any additional information deemed necessary for the commission to approve or deny the request.

~~(1112)~~Animals to be used for 4-H or similar activities shall be governed by this use permit. Permits for such activities shall be limited to not more than one year by the planning commission.

Passed by the City Commission of the CITY OF CLARE on _____, at its regular meeting with _____ commissioners in attendance, _____ voting aye, _____ nay. Adopted by the City Commission of the City of Clare this _____ day of _____, 2015.

Signed: _____, Mayor.

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of the CITY OF CLARE, Michigan, at its regular meeting on the _____ of _____, 2015, that of _____ members of the City Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Diane Lyon, Clerk

RESOLUTION 2015-018PC

A RESOLUTION OF THE CLARE CITY PLANNING COMMISSION RECOMMENDING APPROVAL OF ORDINANCE 2015-004, AN ORDINANCE TO AMEND A PORTION OF CHAPTER 52 (ZONING) OF THE EXISTING ORDINANCE CODES OF THE CITY OF CLARE PERTAINING FARM ANIMALS.

WHEREAS, the Michigan Right to Farm Act has recently changed in respect to the keeping of animals within communities that are zoned; and

WHEREAS, based on said change, the Clare City Attorney has drafted a proposed amendment to the City's existing ordinance codes to preclude the keeping of farm animals (excluding chickens and ducks) within areas of the City of Clare that are zoned Residential-1 (R-1) and requiring that keeping of farm animals within other zoning districts of the City be allowed only by Special Permit approved by the Clare City Planning Commission; and

WHEREAS, Ordinance 2015-004, an ordinance reflecting said changes, has been submitted to the Planning Commission for consideration; and

WHEREAS, the City Planning Commission is required to review and provide a recommendation(s) to the Clare City Commission regarding to any proposed zoning ordinance changes or amendments; and

WHEREAS, the City Planning Commission has, subsequent to a properly noticed public hearing, publicly considered and deliberated said proposed Ordinance 2015-004.

NOW THEREFORE BE IT RESOLVED THAT the City Planning Commission of City of Clare hereby recommends that the Clare City Commission approve Ordinance 2015-004.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner Barnes and supported by Commissioner Acton. The Resolution declared adopted by the following roll call vote:

YEAS: Darren Acton, Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, John Kline, Jan Winter and Nick Wyman.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Resolution approved for adoption on this 8th day of July 2015.

Diane Lyon, City Clerk



CITY HALL

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Manager x102

Assessor x103

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**DEPARTMENT OF
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AIRPORT

Ph 989.386.0445

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**CITY OF CLARE
PUBLIC NOTICE**

The City of Clare City Commission will hold a public hearing on Monday, July 20, 2015 at 6:00 p.m. at Clare City Hall, 202 W Fifth Street, to receive public comments pertaining to an amendment of the City of Clare Code of Ordinances: Chapter 52, Zoning, Article V, Section 52-349, Farm Animals Except Chickens and Ducks. A copy of the proposed Ordinance amendment is available for review in the Clerk's office, Monday through Friday, 8 am to 5 pm. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5 p.m. on the date of the hearing. The City of Clare is an equal opportunity employer and provider.

**Diane Lyon
Clare City Clerk**



EQUAL HOUSING
OPPORTUNITY