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To: Planning Commissioners
From: Scott Pacheco, AICP
Hamburg Township
Planning and Zoning Director
Date: November 16, 2022
Agenda Item: 6A
Description: Raising and Keeping of Poultry Zoning Text Amendment

HISTORY:

On October 16, 2022 the Planning Commission held a public hearing to consider a zoning text amendment to the regulations in the Zoning Ordinance regarding the keeping and raising of poultry within the Township. The proposed amendment to these zoning regulations was applied for and created by a citizen of Hamburg Township that would like to have chickens on property within the Waterfront Residential (WFR) Zoning District. The regulations currently restrict poultry to properties over 2 acres in the WFR and the NR residential zoning districts and over 100 feet from the water body, along with other regulations. The regulations allows up to 8 chicken in all other residential zoning districts on properties under 2 acres.

At this Planning Commission hearing the PC reviewed the citizens requested zoning text amendment to eliminate the restriction of the parcel size in the WFR and NR zoning districts and to reduce the waterbody setback for chickens from 100 feet to 25 feet. The PC was uncomfortable with the citizen's proposal and directed staff to research and create regulations that would lessen the restrictions on poultry in the WFR and NR zoning district but still protect the neighboring property from any potential impacts and to still preserve the environmentally sensitive nature of the properties.

ANALYSIS:

The first item that I researched in my attempt to create this ordinance revisions was to review the adjacent township regulations regarding keeping and raising poultry in those communities. The following chart breaks down those regulations by municipality:

Municipality	Regulations regarding chickens on residential parcels
Green Oak Twp	Only allows poultry in the Residential Farming and Rural Estates zoning districts. Does not allow in the other 7 residential zoning districts including Lake Area Residential. (Section
Putnam Twp	Only allows poultry on residential properties over 2 acres. (Section 340-36)

Webster Twp	Webster Township is currently working on new zoning regulations to allow chickens on residentially zoned sites. A minimum of 1 acre is proposed to be required to have Chickens on residential properties in the new regulations.
Dexter Twp	Only allows poultry on lot over 1 acre and at a density of not more than 1 per .25 acres up to 10. (Section 17.03)

As you can see Hamburg Townships current regulations regarding the keeping and raising of poultry on residential properties is less restrictive than that of most of the surrounding townships.

Because this amendment to the poultry regulations was initiated by a citizen that currently has a code enforcement action against them regarding the keeping of chickens; the second item I reviewed when considering the amendments to the zoning regulations was the properties that currently have code enforcement action on them. There currently are three properties with code enforcement action; 9818 Kress, 4518 Shan-Gri-La, and 8720 River Valley. All three of these parcels are under 2 acres in size, abut a waterbody, and have some portion of the property within a wetland, flood plan or flood way.

I have included two different draft zoning text amendment (Exhibits A and B). The first draft zoning text amendment (Exhibit A) allows poultry on properties within the WFR and NR zoning district with no lot size restrictions (Exhibit A). These regulations were created to allow chickens on most of the properties in the WFR and NR zoning district. This draft ZTA would allow chicken to remain in some fashion on each of the properties with current code violations. See the plans on pages 3 and 4 of this report that depict the possible locations for chickens on the three lots with current code enforcement.

Other items that were included in the Draft ZTA-Exhibit A to help protect the adjacent properties for potential impacts of the chickens include:

- Requiring that the poultry areas be fenced and include a coop and these areas shall be:
 - located on the lot so they meet the required setback for the main residential structure.
 - located 50 feet from a residential structure on an adjacent property, and
 - located 50 feet from a waterbody
 - located closer to the main residence on the subject site than a residential structure on an adjacent property unless the areas are over 200 feet from the adjacent residential structure.
- Also allows poultry area to be located on lots that abut a water body to be in the front yard as long as they meet the required front setbacks and other regulations of the code.

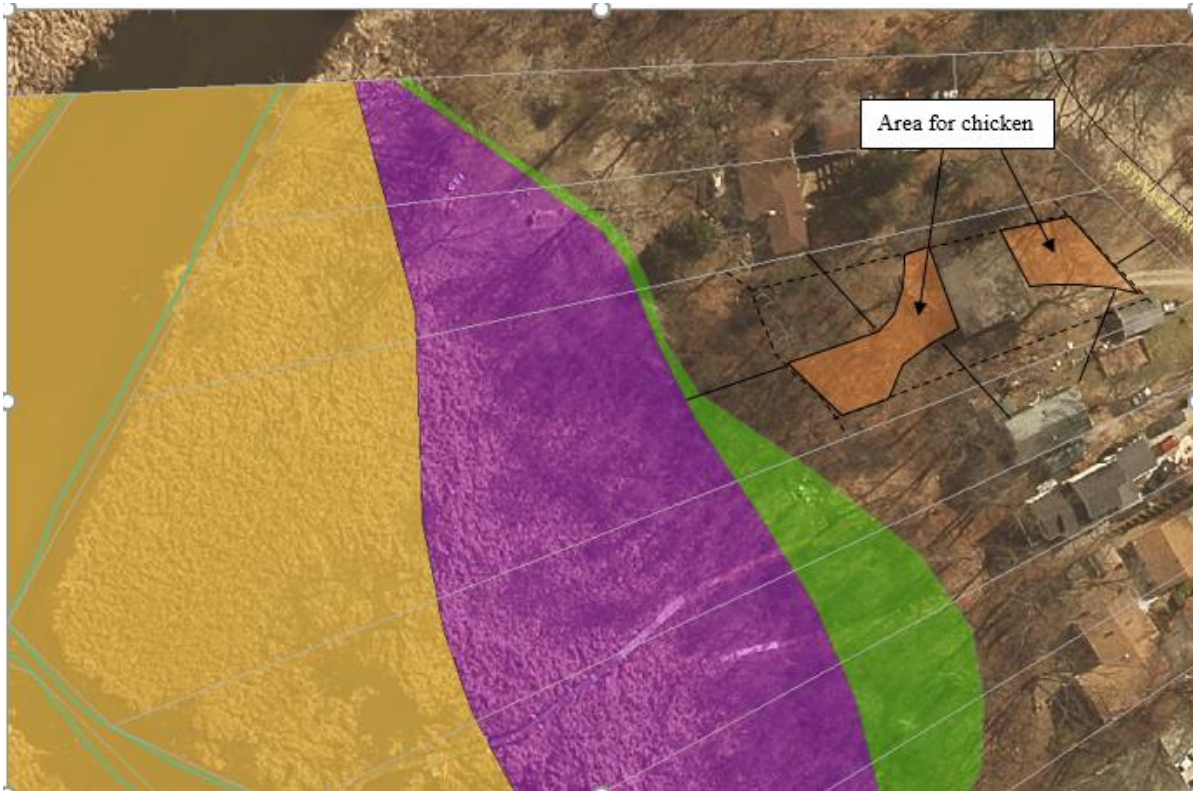
9818 Kress



4518 Shan-Gri-La



8720 River Valley



ZTA 22-003-Exhibit B was created because it is Staff opinion that the keeping and raising of poultry may not be appropriate for all properties within the township. Some parcels have to many constraints making them unable to have poultry on them without impacting neighboring sites. Some examples of these constraints would be small lot sizes, the location of waterbodies, wetlands, and the existing structure, and the use of surrounding properties. For example, a lake front property is used differently than other properties within the community. The outdoor space between the lake and the homes is usually used much more frequently than other outdoor spaces on other residential properties within the Township. The lake itself is the main reason most people will purchase a property with lake frontage and these parcels have a much higher property value because of the location of the lake. Lake properties are not allowed to have solid privacy fences on the lake side of the parcel. This regulation was created to preserve views to the lake and the open appearance of this area from the lake. However, because of these fence regulations if a neighboring property has chickens on a lakefront lot, in the area between the lake and the home (in most cases the rear yard) and a neighbor does not like the chickens, these fence regulations would not allow a privacy fence to be built in this yard to screen the chickens. On other residential parcels that do not abut a waterbody within the Township you would be more than likely able to build a privacy fence on your property line, in the area to the rear or side of the home where the chickens are allowed to be located. This is also a reason for not allowing chickens in the front yard (in most case the front yard is considered the area between the home and the property line adjacent to the roadway). Solid privacy fences are not allowed in the front yard of a property under the current township fence regulations.

The second draft revisions to the zoning regulations, ZTA22-003-Exhibit B, allows poultry on the WRF and NR zoning district without and lot size restrictions except on parcels that abut a water body unless the parcel meet the minimum lot size for the zoning district. This draft also does not include a provision to allow chickens in the front yard on lots that abut a waterbody and still requires a setback of 100 feet for chickens from a waterbody to preserve the waterbody even on parcel that meet the minimum size requirements. Staff believe this draft would better protect against possible impacts from the keeping and raising of chickens on these sensitive lakefront parcels but will still allow chick on other parcels that are zoned WRF and NR that do not abut a water body. The additional regulations restricting the location of the poultry to outside of the required setback for the main structure, 50 feet from the nearest adjacent home and nearer the subject residence than the residence on an adjacent parcel would help to protect all properties from potential impact that the raising and keeping of chickens may have.

Under ZTA22-003-Exhibit D the parcels at 9818 Kress (.24 acres) and 4518 Shan-Gri-La (.56 acres) would still be in violation, as both subject parcels have smaller lot sizes then required in the WFR zoning district and they both directly abut a lake. The parcel at 8720 River Valley however is a larger lot and does meet the required lot size for the NR zoning district and therefore as long as the rest of the proposed regulations can be met the chickens on this property can remain.

RECOMMENDATIONS:

Staff recommends the Planning Commission hold the required public hearing and review the draft zoning text amendment. After public comment, discussion and consideration, the Planning Commission should make a recommendation to approve amendments to the regulations regarding the Keeping and Raising of Poultry under section 36-187 (3) of the Township Zoning Ordinance to the Township Board.

Draft Approval Motion:

The Planning Commission recommends approval of ZTA22-003-Exhibit B to the Township Board, because the proposed amendment to the regulations under section 36-187 (3) regarding the raising and keeping of poultry, will still preserve the natural features of the township and will protect properties from potential impacts, meeting the goal and objectives of the master plan and allowing for smart development of the community.

EXHIBITS:

Exhibit A: Proposed Zoning Text Amendment-Allowing on most waterfront parcels

Exhibit B: Proposed Zoning Text Amendment-Staff Recommendation

Exhibit C: October 19, 2022 PCSR and Exhibits

