

**CHARTER TOWNSHIP OF CHINA
ST. CLAIR COUNTY, MICHIGAN**

ORDINANCE NO. 161

**AMENDMENT OF THE CHARTER TOWNSHIP OF CHINA
CODE OF ORDINANCES – CHAPTER 30: ZONING**

TITLE

AN ORDINANCE amending the Charter Township of China Code of Ordinances – Chapter 30: Zoning, to add the definition of livestock; remove sections regarding farm raising livestock and keeping of animals from the AG, RE, RS, and CR districts to a stand-alone section; add regulations regarding accessory keeping of animals on parcels of less than 10 acres; and repealing any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF CHINA, ST. CLAIR
COUNTY, MICHIGAN, ORDAINS:**

SECTION 1 – AMENDMENTS

The text of the Charter Township of China Code of Ordinances – Chapter 30: Zoning, is hereby further amended as follows:

Subsection 1.1 – Section 30-3 (Definition and Rules Construction) of Article I (In General) shall have the following definitions added thereto:

Livestock, Large means large cattle and other bovines, horses and other equines, llamas, alpaca, hogs, and other livestock of similar size and resource intensity.

Livestock, Small means sheep, goats, and other livestock of a similar size and resource intensity.

Subsection 1.2 – Subparagraphs 7, 8 and 9 of Section 30-122 (Principle Uses Permitted) of Division 2 (Agricultural District) of Article III (District Regulations) shall be repealed and the following substituted therefor:

- (7). Farms (see definition) as provided under Section 30-452.
- (8). Raising of livestock and farm animals (but not including feedlots, see definition) as provided under Section 30-452.
- (9). Accessory keeping of animals on lots less than ten (10) acres. See Section 30.451.

Subsection 1.3 – Subparagraphs 7 and 8 of Section 30-138 (Principle Uses Permitted) of Division 2.5 (Suburban Residential Estates District) of Article III (District Regulations) shall be repealed and the following substituted therefor:

- (7). Farms, as provided under Section 30-452.
- (8). Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under Section 30-452.

Subsection 1.4 – Subparagraphs 7 and 8 of Section 30-152 (Principle Uses Permitted) of Division 3 (Suburban Residential District) of Article III (District Regulations) shall be repealed and the following substituted therefor:

- (7). Farms, as provided under Section 30-452.
- (8). Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under Section 30-452.

Subsection 1.5 – Subparagraphs 7, 8 and 9 of Section 30-212 (Principle Uses Permitted) of Division 5 (Commercial Recreation and Open Space District) of Article III (District Regulations) shall be repealed and the following substituted therefor:

- (7). Farms, as provided under Section 30-452.
- (8). Raising of livestock and farm animals, (but not including feedlots, see definition) as provided under Section 30-452.
- (9). Accessory keeping of animals on lots of less than ten acres. See Section 30.451.

Subsection 1.6 – Article IV (Supplementary Regulations) (Division 1) (Generally) shall have the following sections added thereto:

Section 30-451. Accessory keeping of animals on parcels of less than ten acres.

When the accessory keeping of animals, referred to as hobby animals, is permitted, the following standards apply:

1. Site sizes referenced must be in contiguous acres.

Maximum number of hobby animals permitted:

- a. There is a minimum site size of five (5) acres for the first two (2) horses, non-dairy cattle, or equivalent equine or bovine livestock animal on a parcel and 2 acres per each additional horse or large livestock animal including foals.
- b. There is a minimum site size of five (5) acres for ten (10) small livestock animals, excluding poultry, on a parcel and two (2) acres per each additional ten (10) small livestock animals. Sites less than 5 acres are permitted less than ten (10) small livestock animals.
- c. For poultry, there is a minimum site size of five (5) acres for the first thirty (30) poultry animals on a parcel and two (2) acres per each additional thirty poultry animals. Sites less than 5 acres are permitted less than thirty (30) poultry animals.
- d. For all animals, other hobby animals, please see the table below.
- e. Notwithstanding the below table, offspring of said hobby animals may be kept on the premises for the time period which is customary for the species involved.

Hobby Animal	1.25 acres – 4.99 acres	5 acres – 6.99 acres	7 acres – 8.99 acres	9 acres – 9.99 acres
Cattle (slaughter & feeder)	--	2	3	4
Horse and other equines	--	2	3	4
Mature Dairy Cattle (milked or dry)	--	--	3	4
Sheep, lambs, goats	less than 10	10	20	30
Swine	--	2	5	7
Turkeys	less than 30	30	60	90
Laying hens	less than 30	30	60	90
Ducks	less than 6	6	12	18
Ostrich, emu, llama, & alpaca	--	2	4	6

3. Temporary animals kept for a bona fide youth club or class project are exempt from these provisions.
4. All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain hobby animals on the premises.
5. An accessory structure shall be provided to house such animals and shall meet the requirements of Section 30-424.
6. The operator is advised that to avoid potential nuisance suits, the raising of livestock and farm animals should be conducted and sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The township under this ordinance is not incorporating the GAAMPS by reference in this ordinance.

Section 30-452.Farms

Farms, including dairy farms and the raising of domesticated animals (livestock or poultry), are permitted, provided that such operations comply with all appropriate provisions of the Michigan Right to Farm Act (PA 261 of 1999), including current GAAMPS.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION

A Notice of Ordinance Adoption setting forth the regulatory effect of the Ordinance or the text of the Ordinance shall be published in the Voice newspaper, a newspaper of general circulation within China Township within fifteen (15) days of the adoption of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after the date of publication as provided for in Section 4.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of China Township, St. Clair County, Michigan, at a meeting held on the 17 day of October, A.D., 2016.

I hereby further certify that the following Township Board members were present at the meeting: L. Schwehofer, J. Rust, K. Donaldson, E. Neiman, S. Westrick, R. Allen and V. Schwehofer and the following Township Board Members were absent:

None

I further certify that Member Donaldson moved for the adoption of the Ordinance, and that motion was supported by Member L. Schwehofer.

I further certify that the following Township of China Board Members voted for the adoption of the Ordinance:

L. Schwehofer, J. Rust, K. Donaldson, E. Neiman, S. Westrick, R. Allen and V. Schwehofer

and that the following Township of China members voted against adoption of the Ordinance:

None

Kristi A. Donaldson

Kristi Donaldson, Clerk
Charter Township of China