

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 30**

AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR REVISED REFERENCES TO THE ST. CLAIR COUNTY ANIMAL CONTROL AND PROTECTION ORDINANCE, AND FOR OTHER PURPOSES.

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1: The Zoning Ordinance of the Township of Mussey, Article 13, Special Land Use Approval Requirements, Section 1308, Kennels, is hereby amended in its entirety to read as follows:

SECTION. 1308. KENNELS.

Commercial kennels (as defined in Article 2 of this Ordinance) and Kennels (as defined and regulated by the St. Clair County Animal Control and Protection Ordinance, as amended), may be permitted as a special land use in the AG, Agricultural Districts and in the SF, Single-Family Rural Residential Districts subject to the following requirements.

A. Site Requirements

- 1) The minimum site size is 10 acres.
- 2) The kennel must be accessory to an owner-occupied dwelling on the same parcel.
- 3) The subject property must be so located as not to hinder the natural and presumed residential development of the area.

B. Yard and Placement Requirements

- 1) Front yard setback: a minimum of 250 feet from the center of the road.
- 2) Side yard setbacks: a minimum of 150 feet from the property line.
- 3) Rear yard setback: a minimum of 250 feet from the rear property line.

C. Off-Street Parking Requirements

- 1) A minimum of five (5) parking spaces shall be distinctly for the kennel use.
- 2) The parking area shall be screened from view of any abutting residential use by one or more of the means cited under Section 1212.A., a.,b.,c.,d. or e.
- 3) Required parking must be improved in accordance with the standards of Section 1205.

D. Required Conditions

- 1) The Planning Commission may require adequate means of noise control, including but not limited to buffering, use of berms, inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a kennel to demonstrate in his/her proposal the adequate provision of means to control noise shall be grounds to deny special land use approval.
- 2) Between the hours of 10 P.M. and 7 A.M. all animals are to be confined to a sound proof and odor proof building that is completely closed and climate controlled. During all other hours, the animals may be exercised outdoors.
- 3) Noise control shall be subject to Section 1207.,E.
- 4) Odor control shall be subject to Section 1207.,F.
- 5) Waste disposal shall be subject to Section 1207.,G.
- 6) Outdoor exercise runs require at least two (2) of the following three (3) provisions:
 - a. Individual pens separated by privacy panels to prevent dogs from seeing one another,
 - b. A yard completely enclosed by an obscuring six (6') fence,
 - c. A second yard enclosed by a six (6') foot chain link fence.

E. The zoning administrator may make periodic inspections to ensure that the originally approved special land use and site plan review requirements are being complied with. Failure to comply with originally approved requirements may provide grounds for citation of violation under Section 1512. If a violation(s) is discovered, the zoning administrator shall provide a written notice of the violation(s) and offer a reasonable time period for remedy by the owner, not to exceed ninety (90) days. If in the judgment of the zoning administrator, there have been repeated or serious violations, he may proceed with enforcement under Section 1512 without the remedy period.

F. The owner of a property with an existing approved kennel special land use permit (as with any special land use) may seek appropriate modification of any conditions of the special land use permit, through the same process by which the original special land use was approved.

G. The applicant shall obtain a St. Clair County kennel license within one (1) year after site plan approval and before opening of use, and thereafter a County kennel license shall be maintained in accordance with the originally approved special land use.

H. ***In cases where there is a conflict between any provision of this Ordinance and the St. Clair County Animal Control and Protection Ordinance, the more stringent provision shall govern.***

ARTICLE 2 : The Zoning Ordinance of the Township of Mussey, Article 12, General Provisions, is hereby amended by adding a new Section 1226, Keeping of Animals, to read as follows:

ARTICLE 3 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 4 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

ARTICLE 5 EFFECTIVE DATE:

Pursuant to Section 11 of Public Act 184 of 1943, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 6 ADOPTION:

Made and passed by the Township Board of Mussey Township, St. Clair County, Michigan, on this 9th day of **February**, 2011, A.D.

1. Date of Public Hearing: **October 26, 2010**
2. Date of Adoption by Township Board: **February 9, 2011**
3. Date of Publication: **February 16, 2011**
4. Date and Time Ordinance Shall Take Effect: **February 23, 2011; at 12 noon.**

Published 02/16/11

Sheila McDonald, Township Clerk