

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
City Council Chambers 23600 Liberty Street  
Farmington, Michigan  
Monday, February 13, 2012

Vice Chairperson Bowman called the meeting to order at 7:05 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

**ROLL CALL**

Present: Babcock, Bowman, Chiara, Christiansen (arrived 7:10), Crutcher, Gronbach, Scott.

Absent: None

A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** City Manager Pastue, Inspector Koncsol, City Attorney Schultz

**OTHERS PRESENT:** Sherrin Hood, LSL Planning, Inc.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

MOTION by Scott, seconded by Crutcher, to approve the items on consent agenda as follows:

- Minutes of December 12, 2011

Motion carried, all ayes.

MOTION by Gronbach, seconded by Chiara, to approve the agenda as submitted. Motion carried, all ayes.

**Public Hearing and Review of Draft Ordinances Dealing with Animal Control**

- A. Public Hearing – Proposed Amendment to Chapter 35, Zoning, Article II, General Provisions, Section 35-38, “Domesticated Animals” to confirm that the keeping of Wild or Exotic Animals is Prohibited.

Pastue indicated that there were three drivers that had City administration look at updating the ordinance – the Columbus, Ohio release of exotic animals, the ZBA hearing on the definition of domestic animals and the current trend in raising chickens in an urban environment.

He stated the format for the meeting would be to open the public hearing regarding the amendment, the present proposed ordinance will be introduced, public comment accepted, and then the public hearing closed.

MOTION by Scott, seconded by Crutcher, to open Public Hearing.  
Motion carried, all ayes.

### **Public Hearing**

Patrick Thomas, 22432 Brookdale, spoke about his desire to have miniature horses on his property and the definition of domesticated animals.

Christiansen clarified the matters before the Planning Commission, including the current language in the ordinance defining domestic animals, exotic animals and livestock, indicating that currently horses would fall under the livestock category, therefore not permitted unless a variance was granted.

Kathleen Fedewa, 33247 Cloverdale, spoke about the incident in Columbus, Ohio and defining domesticated animals properly in the ordinance.

Schultz stated that the proposed ordinance amendment clarifies the definition of domesticated animals.

Christiansen indicated that he thought there was provision in the ordinance that allowed for the keeping of domestic animals as defined, a/k/a pet, and requested to see ordinance. He stated the intent is to clarify and strengthen the ordinance definitions.

Fedewa also commented on chickens and their history as domesticated animals.

Schultz stated that the use of "domesticated animals" is a term of art used in zoning ordinances.

Fedewa also stated her opinion on the language definition of exotic animals.

Hood stated that part of the duty is to define what is being regulated.

Christiansen inquired if language contained on page A-1 of handout was current language in the ordinance and Shultz responded in the negative, stating that 35-58 would be a new section in the ordinance.

Discussion was held concerning the definition of "livestock".

Patrick Thomas stated that size of lot should be indicated in proposed language.

Schultz commented that parcels are not delineated because currently horses are not permitted use.

MOTION by Gronbach, seconded by Bowman, to close public hearing.  
Motion carried, all ayes.

Public Hearing closed.

**Proposed Amendment to Chapter 35, Zoning, Article II, General Provisions, the Section 35-38, "Domesticated Animals" to confirm that the keeping of Wild or Exotic Animals is Prohibited.**

Gronbach inquired if revision is adopted it would specifically prohibit ponies, horses, livestock, etc., whether in the future there would be opportunity in future to make adjustments and/or amendments and Pastue responded amendments could be made based on additional information, further policy consideration and the like.

Hood responded that Farmington is considered a residential community rather than agricultural and therefore definitions are leaning towards household pets in the language of the ordinances.

Christiansen stated that there is a current definition of domesticated animals. The zoning ordinance amendment expands that definition "domesticated animal/pet" and has a specific section dealing with domesticated animals, that being Section 35-38 and goes on in the ordinance to identify exotic or vicious animals and provides elaboration on what those are. There is also a definition of livestock which includes chickens under that current definition.

Further discussion was held concerning the language of the ordinance.

Scott asked for clarification of action and Christiansen responded vote would be on the Amendment to Chapter 35.

Schultz clarified wording of proposed change to include in Section 1 "The keeping of exotic or vicious animals 'or livestock' is prohibited."

Further, Schultz clarified wording of proposed change to include in Section 2 "Livestock, wild, vicious, or exotic animals shall not be considered domesticated 'for purposes of this definition'."

Further discussion was held concerning clarifying the language. Hood also indicated that if issues arose in the future, it could be brought before the Zoning Board. Christiansen expounded on the mechanism of ordinance changes and the process that is followed.

MOTION by Scott, seconded by Gronbach, to move to recommend approval of the Revision to Chapter 35, "Domesticated Animals", to clarify the definition provided, the language brought up by Attorney Schultz, to clarify the differentiation between livestock and domesticated pets.

**ROLL CALL:**

Ayes: Chiara, Christiansen, Crutcher, Scott.  
Nays: Bowman, Gronbach, Babcock.  
Motion carried, four to three.

Shultz stated that if verbiage is found better clarifying the intent of the ordinance, it will be brought to Planning Commission.

**Review of Proposed Ordinance Amending Chapter 5 of the City Code Dealing with Animals**

Christiansen stated that action of Planning Commission on this matter would be to either support or not support the amendment to City Council.

MOTION by Scott, seconded by Crutcher, to move to recommend approval and support of the modifications to Chapter 5 as outlined with the language provided by City Attorney.

**ROLL CALL:**

Ayes: Chiara, Christiansen, Crutcher, Scott  
Nays: Gronbach, Babcock, Bowman.  
Motion carried, four to three.

**Discussion – Keeping of Chickens**

Christiansen stated that although this item is not slated for public hearing, he would open floor up for discussion and comments.

Kathleen Fedewa, 33247 Cloverdale, spoke in support of chickens.

Discussion on the Right to Farm Act was held.

Christiansen clarified from Pastue that there are currently no ordinance provisions concerning chickens. He stated that amendment on the table is to allow for same and the regulations that are being suggested.

Schultz stated that this issue is becoming more commonplace in surrounding communities. He also indicated the reasoning for the proposed language as far as regulatory concerns.

Discussion was held on accessory structures and whether that would be considered a structural improvement

Scott expressed concern with ordinance in residential areas citing it would draw rats and rodents.

Further discussion was held on how to allow for use without it being a nuisance.

MOTION by Chiara, seconded by Babcock, to move to support offering proposed amendment to City Council.

**ROLL CALL:**

Ayes: Christiansen, Crutcher, Gronbach, Babcock, Chiara.

Nays: Scott, Bowman.

Motion carried, five to two.

**Review of Draft Ordinance Dealing with Instructional Entertainment Uses and Consideration to Schedule a Public Hearing.**

Pastue stated background for draft ordinance and explained the attached documentation.

Scott asked for clarification of Liquor Control Commission letter and Schultz responded.

Further discussion held.

MOTION by Bowman, seconded by Chiara, move to schedule a public hearing for March 12<sup>th</sup> with regard to the Draft Ordinance Dealing with Instructional Entertainment Uses.

Motion carried, all ayes.

**Review of Draft Ordinance Dealing With Proposed Noise Ordinance and Consideration to Schedule a Public Hearing.**

Pastue stated that this was discussed in November and explained the attached documentation and the various considerations.

MOTION by Gronbach, seconded by Bowman to move to schedule a public hearing for March 12<sup>th</sup> with regard to the Draft Ordinance Dealing with Proposed Noise Ordinance.

Motion carried, all ayes.

**PUBLIC COMMENT**

Patrick Thomas thanked the Commission for their patience and understanding.

**COMMISSION COMMENTS**

Christiansen apologized for his late arrival.

Chiara and Babcock stated they will be in Florida for the March 12<sup>th</sup> meeting and unable to attend.

**ADJOURNMENT**

MOTION by Scott, seconded by Crutcher, to adjourn the meeting.  
Motion carried, all ayes.

The meeting was adjourned at 9:30 p.m.

\_\_\_\_\_

Secretary

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_