

REQUEST

Greg Ransford, Fresh Coast Planning, as authorized agent for Leah Swathwood, Captain K-9, is requesting a revision to the Zoning Ordinance for kennel regulations to allow a kennel to operate at 7560 River Ave. in a CS district. Kennels are currently allowed in the (AG) Agriculture, (RR) Rural Residential, (NS) Neighborhood Service Commercial and (CS) Community Service Commercial districts with an approved special use permit with specific standards as follows, and by right in the (HS) Highway Service Commercial and (I) Industrial districts. The location of 7560 River Ave. does not comply with the current standards for a kennel and the building/site is nonconforming due to setbacks, as well as many other elements.

CONSIDERATION BY THE PLANNING COMMISSION

The revised Zoning Ordinance language is proposed by the applicant to enable Captain K-9 to comply with the new Zoning Ordinance standards and be able to obtain a special use permit to operate a kennel at 7560 River Ave.

However, it is important to note that **the responsibility of the Planning Commission is to determine if the revisions should be adopted as regulations for the ENTIRE Township and for every instance of a kennel operation within the Township (not just this one location).**

The review is divided into two parts. **PART ONE** provides background information. **PART TWO** provides a list of particular regulations for the Planning Commission to consider. **PART THREE** provides options for motions.

PART ONE – BACKGROUND INFORMATION

1. **Current language containing specific special use standards for kennels in the AG, RR, NS and CS districts. There are no specific standards for kennels in the HS and I districts, where they are allowed by right. No changes are proposed for kennels in the Industrial district.**

Definition:

Sec. 2.52 KENNEL.

Any lot or premises on which four (4) or more animals, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

Special use specific standards:

Sec. 20.4 SITE DESIGN STANDARDS.

(V) Kennels.

- (1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
- (2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

2. **The proposed revisions include the following language** (note that the ~~struck through~~ words are proposed to be deleted and the **underlined** words are proposed to be added):

Sec. 16.2 PERMITTED USES (in the HS district).

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (A) Any permitted use in the CS District.
- (B) Hotels and motels.
- (C) Veterinary/animal hospitals, **and** clinics.
- (D) **Kennels, subject to Sec. 20.4(V)(2)**

Sec. 20.4 SITE DESIGN STANDARDS.

(V) **Kennels**.

- ~~(1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.~~
- ~~(2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~
- (1) For kennels within the AG or RR district:
 - a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (2) For Kennels located within the NS or CS district:
 - a. The minimum lot size shall be one-half (1/2) acre.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
 - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
 - iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.

- iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
- c. All Kennels shall provide the following:
 - i. Hours of operation, including outdoor animal activity
 - ii. The size, nature, character, and animal capacity
 - iii. The proximity to adjoining properties
 - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
 - v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
 - vi. Measures to control sound from within the building and/or site
- d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- e. Kennels shall comply with all applicable County, State, and Federal regulations.

3. Explanation of proposed changes.

The proposal is as follows:

- a. **Leave the special use standards as currently written for kennels in the AG and RR districts ONLY.**
 - (V) Kennels.
 - (1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - (2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- b. **No changes for kennels in the Industrial district where they are allowed by right with no standards.**
- c. **Leave the current ordinance for kennels to be allowed by right in the HS district, but add language that the kennels in the HS district are subject to the newly proposed specific standards in Sec. 20.4(V)(2), though no special use permit would be required. In other words, a kennel in the HS district would be required to meet the standards, but the review would be done administratively at the time the Zoning Compliance application was reviewed, rather than having the kennel subject to a public hearing and a review by the Planning Commission. Note that a kennel is already allowed by right in the HS district and is not currently subject to any general or specific standards.**

d. **Revise the ordinance** for kennels in the NS and CS districts as follows:

- **Decrease the current minimum required lot size from 2 acres** for the first four animals, plus an additional 1/3rd acre for each additional animal **to a minimum of a half-acre with no maximum number of animals.**
- **Remove the current minimum required distance of 100 feet to an adjacent occupied dwelling or building used by the public and add the requirement of a minimum distance of 100 feet to any residential district.** Therefore, there would be no minimum distance to any building used by the public.
- **Leave the stipulation that runs or exercise area shall not be located in any required front, required rear or required side yard.** (*Note that the side yard setback in the NS and CS districts adjacent to another commercial district is zero.*)
- **Add the following regulations:**
 - (1) Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - (2) All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
 - (3) All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
 - (4) Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot

e. **Add the requirement that all kennels would have to provide the following information (only), with no regulations for any of these elements:**

- i. Hours of operation, including outdoor animal activity
- ii. The size, nature, character, and animal capacity
- iii. The proximity to adjoining properties
- iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
- v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
- vi. Measures to control sound from within the building and/or site

f. Although Sec. 20.3(B) gives the Planning Commission the authority to stipulate conditions as noted in the excerpt of the ordinance below, the proposed language to be added reminds the Planning Commission, as well as any applicant reading the ordinance, that **Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.**

Sec. 20.3 GENERAL STANDARDS.

The following general standards, in addition to those specific standards established for certain uses, shall be satisfied before the Planning Commission makes a decision regarding a Special Land Use application.

(B) The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 20.2(D).

- (1) to meet the intent and purpose of the Zoning Ordinance,*
- (2) to relate to the standards established in the Ordinance for the land use or activity under consideration,*
- (3) to insure compliance with those standards,*
- (4) to protect the general welfare,*
- (5) to protect individual property rights, and*
- (6) to ensure that the intent and objectives of this Ordinance will be observed.*

- g. The proposed language states that **Kennels shall comply with all applicable County, State, and Federal regulations.** Although it would appear that stating this would be unnecessary (because, of course, all kennels would *have* to comply with these regulations), **having this language in the ordinance would give the Planning Commission the authority to revoke a special use permit** under Sec. 20.2(D) if the holder of the special use permits fails to comply with these requirements because now they would be requirements in the ordinance.

4. Background and History

- a. On January 14, 2016, a Use Zoning Compliance application was submitted for the use of dog grooming (under the ordinance section for Personal Service Establishment) at 7560 River Ave. P.P. # 70-14-13-427-011. The 0.7234 acre site is zoned (CS) Community Service Commercial.
- b. On January 15, 2016, Township staff approved the use of dog grooming under Sec. 15.2 in the CS District (allows any use in the (NS) Neighborhood Service Commercial district), under Sec. 14.2 (allows any use in the (OS) Office Service Commercial district), and under Sec. 13.2(D) Personal Service Establishments in the OS district which allows personal services on the premises including barber and beauty shops and similar uses.
- c. The stipulations of the approval state that **there shall be no overnight boarding of animals, the animals cannot be kept outside and all activities shall be within an enclosed building.** The reason for the stipulations was because the use was ONLY to be for dog grooming and not boarding. These conditions were based on the definition of “kennel,” which is defined in the ordinance as any lot or premises on which four or more animal, four or more months of age or older, are kept temporarily or permanently for the purpose of breeding, boarding or for sale. **The use of a kennel is allowed in the CS district, but only with an approved special use permit and none was requested or granted for a kennel at this site (because this site does not comply with current ordinance standards).**

Application submitted for the use of dog grooming:

APPLICATION FOR USE ZONING COMPLIANCE	
Georgetown Charter Township 1515 Baldwin St, P.O. Box 769 Jenison, MI 49429 616-457-2690	
✓ 450	
revised: 1/26/09	
PROPERTY INFORMATION	
ADDRESS: <i>7560 River Avenue</i>	
PARCEL NUMBER: <i>70-14-13-427-011</i>	ZONING DISTRICT: <i>CS - Community Service</i>
PLAT NAME: _____	LOT NUMBER: _____
APPLICANT INFORMATION	
COMPANY NAME: <i>Dubois Properties, LLC</i>	PHONE: <i>560-6886</i>
OWNER / AGENT NAME: <i>Dave DuBois</i>	TITLE: <i>Member</i>
ADDRESS: <i>11070 46th Ave.</i>	CITY / STATE / ZIP: <i>Allendale, MI 49401</i>
USE INFORMATION	
NAME OF BUSINESS:	
EXISTING USE: <i>Warehousing, Storage</i>	
EXPLAIN THE PROPOSED USE: <i>Dog Grooming (Personal Use Establishment)</i>	
THE APPLICATION FEE WILL INCLUDE A MAXIMUM OF TWO BUILDING AND TWO FIRE INSPECTIONS. IF MORE INSPECTIONS ARE REQUIRED, A FEE OF \$50 PER INSPECTION MUST BE PAID PRIOR TO THE INSPECTIONS BEING CONDUCTED.	
INSPECTION INFORMATION	
ANTICIPATED MOVE-IN DATE: <i>2-15-16</i>	REQUESTED INSPECTION DATE: <i>2-15-16</i>
CONTACT NAME: <i>BROOKE YOWITZ</i>	PHONE: <i>616-335-4330</i>
APPLICANT SIGNATURE	
IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING AND GENERAL ORDINANCES IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GTWP.COM. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST. A ZONING COMPLIANCE CERTIFICATE MUST BE OBTAINED PRIOR TO OCCUPYING, OPERATING OR USE OF THE STRUCTURE. I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASONS.	
APPLICANT SIGNATURE: <i>[Signature]</i>	DATE: <i>1-14-16</i>
FOR OFFICE USE ONLY	
USE ALLOWED PER SECTION: <i>15.2A, 13.2D</i>	
APPROVAL SIGNATURE: <i>[Signature]</i>	DATE: <i>1/15/16</i>

Approval was issued for the use of dog grooming:

Georgetown Charter Township Zoning Compliance No: PUZC16-0003

Zoning Department	1515 Baldwin Street	Hours: Monday-Friday 8 am - 5 pm
Phone: (616) 457-2690 Ext. 221	PO Box 769	contact.georgetown@gmail.com
Fax: (616) 457-3670	Jenison, MI 49429-0769	

<input type="text" value="7560 RIVER AVE"/>	Location	
<input type="text" value="JENISON"/>	<input type="text" value="MI"/>	<input type="text" value="49428"/>
<p>Fire Inspections must be approved and a Zoning Compliance Certificate issued prior to occupying the structure.</p>		Owner
		Applicant
<p>RANDAL FEENSTRA 7482 MAIN ST Jenison MI 49428 (616) 457 7050</p>		

Use Zoning Compliance For:

NO NAME ON PERMIT - DOG GROOMING

USE ALLOWED PER SECTION 15.2 (A), 13.2 (D) OF THE ZONING ORDINANCE - PERSONAL SERVICE ESTABLISHMENT. CALL 616-457-2340 EXT. 222 TO SET UP FIRE INSPECTION BEFORE OCCUPYING SPACE. ALL NEW SIGNS REQUIRE PERMITS.

NO OVERNIGHT BOARDING OF ANIMALS CAN'T BE KEPT/QUARTERED OUTSIDE ALL ACTIVITIES WITHIN

Work Type	Fee Basis	Item Total
<input type="text" value="USE ZONING COMPLIANCE"/>	<input type="text" value="50.00"/>	<input type="text" value="50.00"/>

Fee Total:	\$50.00
Amount Paid:	<input type="text" value="50.00"/>
Balance Due:	\$0.00

This receipt does not grant permission to occupy the above described location. All applicable permits must be obtained from the appropriate departments prior to starting any construction, if applicable.

A building and fire inspection must be conducted and approved before the issuance of a Zoning Compliance Certificate. To schedule these inspections, contact the Zoning Department at (616) 457-2690.

Issued

5. Maps of the site.



6. Nonconforming site

The building and site have many nonconforming elements, including the following:

- a. Setbacks in the CS district are required as follows:

Front – 30 feet from right-of-way line. Footnote L is relevant and requires that the front yard shall be landscaped (as required in the ordinance for one tree for each 25 feet or fraction thereof of lineal footage) and not used for parking, loading or accessory structures.

Rear – 40 feet from rear property line.

Sides – 0 (unless adjacent to residential which it is not adjacent to residential)

- b. The site is nonconforming because it does not comply with the required front yard setback, including Footnote L which requires the first 30 feet to be landscaped and not used for parking, loading or accessory structures, and the required rear yard setback.
- c. The initial building was constructed in 1978, with additions in 1980, 1983 and 1988. The Township has no records of site plan approval for the property and no records of the exact setbacks.



7. Conclusion – use of a kennel at 7560 River Ave. based on current ordinance regulations.

Sec. 15.3 (B) allows a kennel in a CS district with an approved special use permit. From the time of the first application for a dog grooming operation in 2016, up until now, no application has been submitted for a special use permit for a kennel on this property.

However, based on Sec. 20.3 and Sec. 20.4, the approval of the special use permit for a kennel would be subject to compliance with the specific standards, unless the Zoning Board of Appeals grants variances for all the stipulations that are not met. No site plan or documentation has been submitted showing how the property meets or does not meet the special use standards.

Viewing the parcel on Ottawa County GIS shows that likely the specific standards are not met.

- a. The parcel is only 0.7234 acres, which is less than the minimum of two acres required for the first four animals.
- b. The building is within 100 feet of a building used by the public (for one, Feenstra and Associates).
- c. There is very little land available for any dog runs or exercise areas to be located outside of a required front or rear yard setback because the site is nonconforming by not having the required setbacks (except for the side yard which is closer still to the Feenstra building).

8. Possible solutions provided for the Captain K-9 Kennel at 7560 River Ave.

- a. The applicant has the right/opportunity to submit an application to request variances from all the specific special use standards. However, the ZBA only has the authority to grant a variance when the seven standards listed in the ordinance are met. The applicant may have concluded that their request would not meet the standards in Sec. 28.11 that are necessary to be met for a variance to be granted.
- b. The applicant has the right/opportunity to submit an application to request a Zoning Ordinance amendment to revise the special use standards.
- c. A solution exists to be to move the use to a location that complies with Zoning Ordinance requirements.

NOTE: the applicant chose to submit an application to revise the Zoning Ordinance in such a way as to allow the kennel to be located at 7560 River Ave. with a special use permit.

9. Sample ordinances from neighboring municipalities

a. Grand Haven Township's Zoning Ordinance requirements:

Kennels for Domestic Animals.

A. The minimum lot area shall be one (1) acre for the first five (5) domestic animals, and an additional one-third (1/3) acre for each additional domestic animal. Domestic animals counted toward this total shall include the total capacity for overnight boarding/keeping.

B. "Domesticated animals", for the purpose of this Section, shall mean those animals commonly domesticated and kept in homes. Examples include, but are not limited to: dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals which do not present an unusual risk to persons or property.

CHAPTER 19 19-30

SPECIAL LAND USES

C. Buildings wherein domestic animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential use, or building used by the public.

D. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.

E. All dog kennels shall be operated in conformance

b. **Allendale Township's** ordinance regulations are similar to the currently proposed standards.

c. **Jamestown and Blendon Townships** do not appear to have specific standards.

d. **City of Hudsonville** has no kennel regulations shown on a search of their website except for definitions.

Sec. 5-2. - Ownership and custody of animals. Dogs. No person shall own, possess, harbor, shelter, keep, or have custody of more than two (2) dogs over the age of six (6) months on the same premises within the city, except in kennels, veterinary hospitals, clinics, pet shops, temporary police animal holding facilities or similarly used properties in properly zoned districts.

PART TWO - SUMMARY OF PLANNING COMMISSION CONSIDERATION

1. PLANNING COMMISSION RESPONSIBILITY. The Planning Commission has the responsibility to consider and act upon the proposed Zoning Ordinance revisions as submitted by the applicant.

As with any Zoning Ordinance revisions, the language is published and then that language is considered by the Planning Commissions. During deliberations after the public hearing is held, the consistent previous practice by the Planning Commission has been that the language could be "tweaked" slightly or modified slightly to become *less restrictive* (**though NOT more restrictive**). This application is different from most previous ordinance revisions considered by the Planning Commission because the exact language was submitted by the applicant. In the past, most of the time the Planning Commission has discussed and modified proposed ordinance changes prior to initiating the revisions, prior to holding the public hearing, and prior to taking formal action.

Therefore, if the Planning Commission determines that the language as proposed (or very slightly tweaked or very slightly modified to be less restrictive) is acceptable for the ENTIRE Township, a motion could be made to recommend to the Township Board to approve the ordinance revisions as presented by the applicant.

However, **if the Planning Commission determines that the language as proposed is not acceptable for the entire Township, or that the language should be modified or that the language should be more restrictive** (i.e. an outdoor exercise area for the animals should have a setback greater than 10 feet to any property line), **the Planning Commission action would be to recommend denial to the Township Board**. Then the Planning Commission would have the opportunity to initiate language that is more acceptable and to consider the changed language. The Planning Commission does not have the authority to change this language (other than slight "tweaking"), including the dimensions as proposed. Also, the Planning Commission should make their determination based on what they consider to be best for the Township and NOT base the decision on the applicant's ability to locate a kennel at this site.

2. CONSIDERATION OF THE SPECIFIC STANDARDS PROPOSED BY THE APPLICANT. The proposed language will be separated into individual specific standards for the Planning Commission's consideration.

- a. The Planning Commission should consider the following yard determination as proposed by the applicant. The language drafted by the applicant was based on the assumption that the outside exercise areas or runs are not subject to the same setback requirements as the main structure as listed in Chapter 24. See the map submitted by the applicant below with the determination of yards.



For example, on the subject site, if an addition was constructed on the south side of the building, the new construction would be subject to current ordinance requirements to be at least 40 feet from the rear property line to meet the rear yard setback requirement in Chapter 24. By determining that the use of the outdoor exercise area is not a structure or use subject to the same setback requirement as the main structure (40 ft. from rear property line), the side yard is now available for an exercise area.

Does the Planning Commission concur with the applicant's determination that the outdoor exercise area is not subject to the same setback requirements as the main structure? Or should this be considered as part of the use of a kennel which would be subject to the 40 foot rear yard setback requirement? If yes, should language be added that the outdoor areas are subject to the same setback requirements as the main structure?

- b. **Kennels are currently allowed by right in the (HS) Highway Service Commercial and the (I) Industrial districts, with no specific standards.** No changes are proposed for kennels in the Industrial district and they would still be allowed by right with no specific standards. The proposal would also still allow kennels in the HS by right. However, kennels in the HS district would become subject to all of the proposed new standards, only with administrative review and no special use permit or Planning Commission review.

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

(D) Kennels, subject to Sec. 20.4(V)(2)

Does the Planning Commission determine that kennels in the HS district should be subject to the new revised standards, though no special use permit would be required and there would be no review by the Planning Commission? The review would be administrative.

- c. **The proposal is to leave the current ordinance standards in place for kennels in the AG and RR districts.** The only change proposed is in the numbering system.

Sec. 20.4 SITE DESIGN STANDARDS.

(V) **Kennels.**

- ~~(3) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one third (1/3) acre for each additional animal.~~
- ~~(4) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~
- (3) For kennels within the AG or RR district:
 - a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

Does the Planning Commission determine that kennels in the AG and RR districts should be subject to the standards currently in place?

- d. **New regulations (less stringent than currently in effect) are proposed for kennels in the NS or CS district.**

- (4) For Kennels located within the NS or CS district:
 - a. The minimum lot size shall be one-half (1/2) acre.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.

With the new language, the proposal calls for the following changes:

- **A decrease from the current minimum required lot size of 2 acres** for the first four animals, plus an additional 1/3rd acre for each additional animal **to a minimum of a half-acre with no limit on the number of animals.**
- **Removal of the current minimum required distance of 100 feet to an adjacent occupied dwelling or building used by the public and addition of the requirement of a minimum distance of 100 feet to any residential district.** Therefore, there would be no minimum distance to any building used by the public.
- **Leave the stipulation that runs or exercise area shall not be located in any required front, required rear or required side yard. (Note that the side yard setback in the NS and CS districts adjacent to another commercial district is zero.)**

Does the Planning Commission determine that the minimum lot size should be decreased from 2 acres for four animals to a half-acre for an unlimited number of animals?

Does the Planning Commission determine that there should be no limit on the number of animals? Should a maximum number be stipulated based on any criteria (size of building, site)?

Does the Planning Commission determine that the minimum distance to an occupied dwelling or building used by the public should be removed and the stipulation added that there would be a minimum distance of 100 feet to a residential district? Or should a minimum distance be stipulated to any building used by the public? As proposed, an outdoor area could be 10 feet from an adjacent building used by the public.

Does the Planning Commission determine that outdoor areas should not be located in any required setback as currently required?

e. **Stipulations were added as follows.**

- i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
- ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
- iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
- iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.

The language in the proposal includes the following.

- An employee must be with an animal when it is outside of the building and must be in an area that is approved by the Planning Commission. This appears to be a good stipulation; however, it might be difficult because no Township employee would be able to monitor this.

- The animals would only be allowed to be outside during specific times within a 16 hour period of time as established by the Planning Commission. The general ordinance related to noise prohibits loud noises from 11:00 p.m. to 7:00 a.m. So noises are allowed from 7:00 a.m. to 11:00 p.m., which is 16 hours. A general ordinance also stipulates that dogs are not allowed to be loud or have frequent or habitual barking, yelping or howling which causes annoyance to the people in the neighborhood. This is any time of day or night.
- The outside exercise area shall be enclosed with an opaque fence or barrier that is of a sufficient height to contain the animals.
- Basically the proposal allows an outdoor area to be within 20 feet of a property line, but not less than 10 feet, and requires it to be screened with a greenbelt. **A recommendation had been made to the applicant that no outdoor exercise area should be located nearer than 25 feet to a property line and at that distance should be screened with a greenbelt. In every other instance in the ordinance related to a greenbelt, the distance is 25 feet (for example, a parking lot which may be more benign than an exercise area for dogs). However, if the restriction was 25 feet (or even reduced to 20 feet), the Captain K-9 kennel would not meet the standards for the site at 7560 River Ave.**

The Planning Commission should consider that in the NS and CS districts, the side setbacks are zero which could put an outdoor exercise area for dogs at 10 feet from another building.

Does the Planning Commission concur that an employee should accompany an animal in an outdoor exercise area? How would this be monitored by Township staff?

Does the Planning Commission concur that the hours an animal could be in an outdoor exercise area be limited? How would this be monitored by Township staff?

Does the Planning Commission concur that enclosure should be opaque and how would the Planning Commission determine the height? Should the height just be stated as six feet which is the maximum height allowed for a fence in the ordinance?

Does the Planning Commission determine that outdoor areas could be located up to 10 feet from a lot line? Or should that minimum distance be greater? Does the Planning Commission determine that it would be acceptable to have an outdoor exercise area be only 10 feet from another building?

Does the Planning Commission determine that if outdoor areas are located between 10 feet and 20 feet from a lot line it should be screened? Or should the outdoor area be required to be screened with landscaping if even a greater distance than 20 feet from the lot line?



f. Additional information is required to be provided.

- c. All Kennels shall provide the following:
 - i. Hours of operation, including outdoor animal activity
 - ii. The size, nature, character, and animal capacity
 - iii. The proximity to adjoining properties
 - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
 - v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
 - vi. Measures to control sound from within the building and/or site

Does the Planning Commission determine that the above noted information should be provided? Note that the only requirement in the proposal is to provide this information and absent is any language that gives the Planning Commission the authority to deny a request for a kennel if they believe that the operation is not acceptable or to stipulate other requirements based on this information. For example, if the Planning Commission determined that the number of animals planned to be kept at a specific location was too many for the site there is no specific authority given to the Planning Commission to require that the number was reduced.

g. Additional information is required to be provided.

- d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- e. Kennels shall comply with all applicable County, State, and Federal regulations.

The language in the proposal includes the following.

- Although Sec. 20.3(B) gives the Planning Commission the authority to stipulate conditions as noted in the excerpt of the ordinance below, the proposed language to be added reminds the Planning Commission, as well as any applicant reading the ordinance, that **Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.**

Sec. 20.3 GENERAL STANDARDS.

The following general standards, in addition to those specific standards established for certain uses, shall be satisfied before the Planning Commission makes a decision regarding a Special Land Use application.

(B) The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 20.2(D).

- (7) to meet the intent and purpose of the Zoning Ordinance,*
 - (8) to relate to the standards established in the Ordinance for the land use or activity under consideration,*
 - (9) to insure compliance with those standards,*
 - (10) to protect the general welfare,*
 - (11) to protect individual property rights, and*
 - (12) to ensure that the intent and objectives of this Ordinance will be observed.*
- The proposed language states that **Kennels shall comply with all applicable County, State, and Federal regulations.** Although it would appear that stating this would be unnecessary (because, of course, all kennels would *have* to comply with these regulations), **having this language in the ordinance would give the Planning Commission the authority to revoke a special use permit** under Sec. 20.2(D) if the holder of the special use permits fails to comply with these requirements because now they would be requirements in the ordinance.

Does the Planning Commission determine that the statement below gives the Planning Commission the authority to stipulate any conditions they consider to be necessary, such as, for example, limiting the number of animals? Of is this too vague for important standards such as the number of animals?

Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.

Does the Planning Commission determine that the addition of the language that all kennels shall comply with other county, state and federal regulations gives them the authority to revoke a special use permit if a kennel does not comply with these regulations?

h. Does the Planning Commission determine that any other regulations should be added or deleted from the proposed language as submitted by the applicant?

PART THREE - OPTIONS FOR MOTIONS

a. **If the Planning Commission determines to revise the Zoning Ordinance with the language as submitted by the applicant, the motion would be as follows:**

Motion: To recommend to the Township Board to adopt the staff report as finding of fact and to recommend to the Township Board to approve the following resolution.

b. **If the Planning Commission determines that the language should be not be adopted as proposed and/or if the language should be further revised, the motion would be as follows:**

Motion: To recommend to the Township Board to adopt the staff report as finding of fact and to recommend to the Township Board deny the following resolution.

Options for reasons for denial:

- The language as proposed, though would work for the applicant, is not in the best interest of the entire Township.
- The language should be modified as follows:_____
- The revised language would have to be published again since it (differs substantially or is more restrictive than) the language that was previously published.

RESOLUTION:

(REZ2003) Ordinance 2020-04:

GEORGETOWN CHARTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN
(Ordinance No. 2020-04)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on _____, 2020, the following Ordinance/ordinance amendment was offered for _____ **(adoption or denial)** by Township Board Member _____, and was seconded by Township Board Member _____, and to adopt the staff report as finding of fact, and upon recommendation from the Planning Commission:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to as follows:

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (E) Any permitted use in the CS District.
- (F) Hotels and motels.
- (G) Veterinary/animal hospitals, **and** clinics.
- (H) **Kennels, subject to Sec. 20.4(V)(2)**

Sec. 20.4 SITE DESIGN STANDARDS.

(V) **Kennels.**

- ~~(3) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.~~
- ~~(4) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~
- (5) For kennels within the AG or RR district:
 - c. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - d. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (6) For Kennels located within the NS or CS district:
 - f. The minimum lot size shall be one-half (1/2) acre.
 - g. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
 - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.

- iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
- iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
- h. All Kennels shall provide the following:
 - i. Hours of operation, including outdoor animal activity
 - ii. The size, nature, character, and animal capacity
 - iii. The proximity to adjoining properties
 - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
 - v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
 - vi. Measures to control sound from within the building and/or site
- i. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- j. Kennels shall comply with all applicable County, State, and Federal regulations.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By _____
Richard VanderKlok
Georgetown Charter Township Clerk