

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-4.430 - THE RAISING AND KEEPING OF ANIMALS, SECTION 138-4.300 PERMITTED USES BY DISTRICT AND SECTION 138-13.101 - DEFINITIONS, OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-4.430 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-4.430 Raising and Keeping of Animals

A. The keeping of ~~the following animals shall be permitted will be allowed without a permit under the following circumstances~~ in any one-family residential zoning district subject to the following, unless there are other sections in this ordinance which are in conflict, ~~and the raising and keeping of livestock and poultry such animals is not for the purpose of breeding or selling them as a source of income:~~

1. Common household pets such as dogs, cats, etc., but not including fish or marine animals less than 20 pounds, as long as there are not more than three of any one species permanently boarded or kept. The keeping of more than three common household pets of any one species shall qualify a house as a kennel, subject to the regulations of Section 138-4.419.
- ~~12. Livestock, as long as there are no more than three animals and the parcel or lot shall be at least two acres in area.~~
- ~~2.3. Livestock and poultry and livestock if there are no more than 12 and the parcel or lot is at least one acre in area.~~ are permitted provided:
 - a. The property residence where the livestock and poultry will be kept includes an occupied single-family residence. detached structure
 - b. The keeping of roosters shall require conditional use approval. are prohibited.
 - c. The slaughtering of any animal at the property is prohibited.
 - d. Poultry shall be kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure(s) for the keeping of livestock and poultry shall comply with the allowable square footage, height, and placement requirements for accessory structures on the applicable sized property as regulated within Section 138-10.102 Detached Accessory Structures. However, any structures used for the keeping of livestock and poultry shall be setback a minimum of twenty (20) feet from any property line for any property less than four (4) acres and for those properties of four (4) acres or more, enclosures shall be set back a minimum of forty (40) feet. Further, enclosures shall be generally located central to the property to limit noise and odor impacting abutting properties and minimize the potential for soil erosion along property lines. table

~~included in this section. not exceed 36 square feet in size. The coop shall be elevated a minimum of 18 inches off the ground. The enclosure shall not exceed eight feet in height. The enclosure shall be designed, constructed and maintained to be harmonious and appropriate in appearance with the general area where it is located. The enclosure and attached fenced run shall be designed to prevent rats, mice, or other rodents from being harbored underneath, inside, or inside the walls of the enclosure.~~

- e. ~~poultry shall be located in the rear yard and setback a minimum of ten feet from any side or rear lot line and 40 feet from any residential structure on adjacent property. Livestock and poultry shall be kept within the covered enclosure or within a fenced area at all times, and shall not be permitted to run at large in or on any neighboring properties, road, or street, alley, or public place, or upon the premises of another. Fencing for the keeping of livestock and poultry may extend to the side or rear property line and may be located in the front yard, but not within the required front yard.~~
- f. ~~The enclosure for the keeping of livestock and poultry shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored. Also, possible nearby hiding places for rats, mice, or other rodents or vermin, such as trash, weeds and debris shall be eliminated.~~
- g. ~~Ground feeding of livestock and poultry is prohibited. Appropriate feeder containers shall be used for all feeding and watering, and all unused or unconsumed food shall be adequately secured and stored after every feeding to prevent access by rats, mice or other rodents or vermin. All excess feed and other items associated with the keeping of livestock and poultry shall be secured and protected in sealed containers. All exterior feeding areas shall be moved on a regular basis to limit excessive wear and potential soil erosion in the pasture area. Further, such feeding areas shall be located in an area(s) of the site that maximizes the distance from any abutting residences.~~
- h. ~~On any property where livestock and poultry are kept, appropriate sanitary conditions shall be maintained at all times. Any person keeping livestock and poultry shall or cause to be kept utilize best practices for the keeping of all manure and shall also keep all manure away from abutting residences as well as from any wetland, watercourse or identified well area(s). or offal therefrom, deposited or accumulated from such animal securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person, shall cover and The property owner shall ensure that the keeping of manure shall be done in a manner take care for it to that prevents any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom. except that persons are permitted to use chicken Manure that is cultivated as compost may be used on the subject on their property, provided that such composting is done in a manner that does not create an offensive or malodorous condition.~~
- i. ~~Livestock and poultry shall be kept in compliance with the applicable rules and practices contained in the latest edition of the Michigan Commission of Agriculture & Rural Development Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as amended, except as otherwise~~

[provided in this chapter.](#)

- j. The total number of livestock and poultry kept on any one property shall not exceed the following:

Acres	Number of Livestock (Small)	Number of Livestock (Large)	Number of Poultry (excluding Quail)	Number of Quail	Setback of Structure Used for Housing (feet)
~~Up to 10-~~ 0.99 acres	0	0	012	0	-
1-1.99	0	0	1218	48	20
2-2.99	2	3	1824	48	30
3-3.99	4	3	2430	48	30
4 or more- 4.99	6	4	4230	48	40
5 or more		5	54		40

- k. Any request for the following shall require conditional use approval.

- i. The keeping of animals above and beyond the total number prescribed above.
- ii. The keeping of animals on acreage less than the total prescribed above.
- iii. The keeping of roosters.

As a condition of such approval the keeping of animals shall be certified by Michigan Department of Agriculture and Rural Development (MDARD) or shall show certification within one (1) year of such approval and shall maintain such certification for the length of the condition that triggered conditional use approval.

The Planning Commission and City Council consideration shall include but is not necessarily limited to:

- i. the size and configuration of the subject property
- ii. the setbacks for the housing of animals along with the setbacks for the outdoor keeping of animals
- iii. the size and configuration of surrounding properties

3. Litters, broods and other newborns shall be exempt from these requirements until weaned.
4. The keeping of animals generally considered to be “exotic” animals shall be prohibited.

B. The keeping of the animals consistent with the standards of mentioned in subsection A., of this section shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing in accordance with the procedures of Section 138-1.203. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.

C. If the Zoning Board of Appeals determines that the animals have and will likely continue to

constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.

- D. No person shall allow animals under the person's control or ownership to constitute a nuisance. The violation of this section may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary, this section shall not be a limitation on, lessen the effect of, nor interfere with any other City ordinance pertaining to animals and the enforcement of it.

Section 2. Section 138-4.300 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Key:	P: Permitted Use			C: Conditional Use			[—]: Use Not Permitted						
Use	R	R-5	RM-1	NB	CB	HB	BD	FB	O	EC	I	SP	Additional Standards
Animal and Agriculture Uses													
Raising and Keeping of Animals	P/C	—	P	P	P	P	—	—	P	P	P	P	Section 138-4.430

Section 3. Section 138-13.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-13.101 - Definitions

Definitions prior to LIVESTOCK shall remain unchanged.

LIVESTOCK (large). Cattle, horses, standard commercial and large heritage breed pigs, llamas, ~~sheep, goats,~~ and other useful animals normally kept or raised on a farm.

LIVESTOCK (small). ~~Cattle, horses,~~ Sheep, goats, miniature horses, donkeys, miniature and medium heritage breed pigs, alpacas and other useful animals normally kept or raised on a farm.

Definitions after LIVESTOCK and before POULTRY shall remain unchanged

POULTRY. Domestic fowl such as chickens, turkeys, ducks, geese, quail and other useful animals normally kept or raised on a farm.

Definitions after POULTRY shall remain unchanged.

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby

Section 5. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 6. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2026 following its publication in the *Oakland Press* on _____, 2026.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2026.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2026.

Leanne Scott, Clerk
City of Rochester Hills