

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING
COMMISSION
WHICH TOOK PLACE ON TUESDAY,
JANUARY 26, 2010, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Brown, Hanna, King, Mead, Pnacek, Senesac and Stewart

ABSENT: Eyre

VACANCY: One

OTHERS PRESENT: Keith Baker, Planning Director, Cheri King, Community Development Specialist, Cindy Winland, Contract Planner, and 7 others.

2. Approval of Minutes

Moved by Hanna, seconded by Senesac, to approve the minutes of the regular meeting of January 12, 2010 as written. Motion passed unanimously.

3. Public Hearing

Chairperson Brown gave an overview of the public hearing process.

- a. Zoning Text Amendment No. 150A**, initiated by Jason D. White, to amend Section 2.02 of the Zoning Ordinance to further define Animal, Domestic to include "mini pigs" as an approved pet for keeping in residential districts.

Ms. Winland explained that Mr. White is looking to amend the definition of a Domestic Animal. His contention is that a miniature pig is not a farm animal, and, therefore, a domestic animal. In the Zoning Ordinance, we define pets, domestic animals and farm animals. Ms. Winland consulted four universities, one major research facility and one breeder of research animals. Looking at the definitional aspects, the definition of a domestic animal is any animal normally and customarily kept by domestic households for pleasure and companionship, such as dogs or cats, excluding farm animals. A farm animal is defined as any animal normally and customarily used in farming operations, such as horses, cows, goats, pheasants, chickens, ducks, geese, sheep, hogs, potbellied pigs or other poultry or fowl, and any other non domestic animal. Farm and domestic animals are mutually exclusive according to their definitions. A miniature pig has no official definition, according to those folks who breed them for research purposes. These pigs are smaller than the larger pigs, which are used for food production.

The next thing Ms. Winland did was to further define a "farm animal". According to agricultural universities, farm animals are defined as livestock. Ms. Winland asked specialists at the universities about mini pigs. They felt pigs were appropriately

categorized as farm animals. There are swine used for companionship and these could be called pets. The Michigan Department of Agriculture states the only kind of pig that is classified as domestic are potbellied pigs. There are some communities that do permit pigs as pets and these are primarily potbellied pigs. The request at hand does not include potbellied pigs.

Ms. Winland asked the question, suppose that a pig of this nature is not a farm animal? Does it exhibit the characteristics that would classify it under our Zoning Ordinance as a "pet"? Ms. Winland asked the experts that, if a mini pig were to be classified as a "domesticated animal", what would their concerns be? Their first comment was the size of the pig. Because of the nature of pigs, their primary activity in life is to eat. They can get to be quite large. Sometimes they even eat themselves to death. There is also concern that urban small animal vets would not be able to treat the mini pigs nor would they be able to care for a pig long-term as they would not fit well with dogs and cats. One huge distinction about pigs is they do not respond to verbal commands, like a dog. That makes it a little more difficult to predict their behavior. They root, by nature, which means they burrow underground looking for food so they have a nature to escape a fence or dig up gardens or yards. They also brought up the manure produced by a pig versus a dog. The pig would need to be cleaned up after much more than a dog, primarily due to the fact that they eat so much more. A fence would also perhaps require a rat wall in order to keep a pig from getting out of the fence underneath. Ms. Winland asked the experts if an invisible fence would keep a pig inside a fenced area. Pigs are not vicious by nature. They would bite when threatened. They are quite social with each other. Experts were concerned about their nature with dogs and cats.

Ms. Winland stated experts were also quite concerned about their interaction with children, who are not used to that type of animal. There was one expert who thought possibly pigs would be more approachable if they were treated as pets. A woman on a website was willing to answer questions about pigs. She felt they were good companions but, left unsupervised in the house, they could make a mess.

The primary concern regarding disease is the ability to transfer disease from pigs to domestic animals or humans. The experts thought it was highly unlikely that pigs that were domesticated would probably not contract the diseases that could be transmitted to dogs, cats or humans. There are other zoning ordinances in the country that do allow pigs as pets. However, Ms. Winland could not find references to lot sizes in the communities that allowed pigs as pets. There were a number of aesthetic concerns about neighbor disputes with people who have pigs as pets.

Is the proposed amendment consistent with the city's master plan? Yes.

Have conditions changed since the Zoning Ordinance was adopted? No. This is the first time someone has asked to have a pig as a pet.

Was there a mistake in the Zoning Ordinance that justifies the amendment? No. At that time there were no requests that staff was aware of.

Should the Planning Commission wish to recommend to City Council to allow pigs in residential districts, that would allow anyone to keep a pig as a pet.

Staff came to the conclusion that mini pigs are not similar enough to domesticated animals to be considered in that category. Staff's recommendation is for denial of this petition.

Mr. Senesac asked Ms. Winland about when the Zoning Ordinance was re-written, they specifically stated in the Zoning Ordinance that potbellied pigs were not allowed. What is the difference between a potbellied pig and a mini pig? Ms. Winland stated the main difference is size. The mini pigs that are bred for research are usually smaller, although they could get to be up to 150 pounds in size. The characteristics of a mini pig mimics human organs and they do not have the potbelly. Mr. Senesac stated there should possibly be a third category of animals that are not farm animals, but we do not want to allow them as pets. Ms. Winland stated that things to be concerned about would be are they trainable? Do they need to be outside or can they be kept inside as pets? What is the size limit? Mr. Baker stated staff has had some discussion about coming up with a third category of animals that could be classified as "exotic". This would include whether it is or is not legal to have them as pets. Ms. Winland also stated there are such things as "service animals" that would perhaps be allowed in a more rural setting and not an urban setting.

Staff noted that you can't keep a pig inside for its entire life. It is a part of their nature to root, along with eating. They are comparable to larger pigs when it comes to rooting. Mr. Stewart asked about the noise a pig would make. Ms. Winland stated that these pigs do not make much noise. Because they are kept in cages in research facilities, they are generally bred to be fairly quiet. However they do squeal and grunt.

Jason D. White, of 1313 W. Hines Street, stated a counter argument against the initial recommendation for denial of Zoning Text Amendment No. 150 regarding the requested inclusion of micro- or mini-pigs under the definition of Animal, Domestic within Article 2, Section 2.02 of the Rules of Construction – City of Midland Zoning Ordinances. Mr. White stated this all stems from the fact that they would like to have a pet for their nine-year-old son who is an only child.

The first issue presented tonight was size. Miniature pigs vary in size and it is difficult to determine how big they will become. Some are as small as tea cups and others as large as 250 lbs. Mr. White stated this is not entirely true. While there are variances with regard to size within the general miniature pig classification (a classification which includes the potbelly breeds) a true mini pig or micro pig breeder will be able to tell you just how big your mini/micro pig is likely to get. Micro pigs are much smaller than a standard farm pig and weigh approximately 9 ounces and are about the size of a teacup then they are born.

Mini pigs start off tiny, a fraction of a pound, but reach the size of a medium sized dog. There is a micro pig breeder in Huntley, Illinois by the name of Andreas Georgiades. The Georgiades farm breeds a specific type of micro pig called the Juliana pig. Any responsible pet owner knows that overfeeding a pet (or allowing a pet to obtain food

with little to no discretion) can and most likely will result in an overweight or obese animal. This can obviously lead to serious health problems for said animal. Taking care of one's pet includes monitoring the diet of that pet to ensure they remain in optimum health. Mr. White stated he has already located one veterinary clinic in Midland which has gone on record as saying that they would be interested in examining my micro pig (should he be able to get it) and consider their ability to provide adequate care for the animal.

As for outdoor time (which most every "traditional" house pet requires as well), their micro pig would be kept within the house 90% of the time with the remaining 10% reserved for walks (once lead trained) and supervised trips to the backyard. With all the effort they are putting into obtaining this animal, the last thing they would do is leave it unsupervised and vulnerable to harm.

Pigs can be litter trained, walked on a harness, and trained to perform some tricks and some tasks. This is true. If the ability is to be seen as a hallmark characteristic of a domesticated pet animal, what does this say for the dog born with a birth defect that results in deafness? By nature, pigs root or dig up ground looking for food. Poorly supervised and poorly disciplined companion animals will also misbehave if not properly trained.

Containment – By keeping a pig in the house 90% of the time, they will be less apt to escape the fence. Dogs are notorious diggers too. Dogs can jump much higher. A 16" pig cannot jump a 6' fence. Pigs are not vicious by nature but will bit when threatened or bothered. This is true with any animal, pet or grumpy person for that matter. When concerned about interaction among dogs, cats and mini pigs, this rings true with any pet. We have all seen the dog furiously chase the cat in the yard, the pet dog fighting the stray dog who wandered too close to the home, or heard the horror stories about the child who went up to the animal in the "wrong" way.

Disease – As with any reputable dog breeder, reputable micro-pig breeders are sure to provide all the property vaccinations to their stock and provide documentation of said vaccinations to those individuals who purchase one of their animals. Micro pig breeders who fail to provide such vaccinations are no different than those breeders dealing in canines who fail to adequately take care of the stock they sell to pet stores and private customers. The danger is inherent to both species and it is up to the owner to make sure the animals are properly cared for.

One of the biggest issues for Mr. White is the inequality in the way the zoning text is written at this point. For him, what is a companion animal? It is not an animal which brings it's owner joy, companionship, love and affection? A micro pig has been proven to be loyal, loving and an enjoyable companion but it remains an outlaw in the city because it is classified as a farm animal.

Mr. Senesac asked what Mr. White is recommending. He was thinking about adding a micro pig as a domesticated animal in the Zoning Ordinance. Mr. Senesac asked if there are specific names for micro pigs. Mr. White stated he does not know. The pigs he is referring to have been bred for research.

Ms. Hanna asked what types of diseases these pigs would have to be vaccinated against? Mr. White stated he does not know. He does know they do require a vaccination for worms each year.

Ms. Brown asked about the necessity for a rat wall for a fenced in yard due to the rooting of the pig. Mr. White stated that the micro pig they are looking to have would not spend that much time outside. He would be afraid of the fence becoming a convenience issue. The pig would be part of their family in the house.

Mr. Stewart stated that they would leave the pig in the house 90% of the time. He finds it difficult to conceive that an animal would be happy being in the house for that length of time. Mr. White stated these pigs are bred for research and they spend nearly all their time in a cage. He cannot see that the pig would be unhappy being in a loving family atmosphere. Their intention is to train the pig to walk on a leash so that they could take him outside for walks.

Lisa White, 1313 W. Hines Street, stated she is Mr. White's wife. She stated they feel strong enough about the laws of the city to come forth before they get the pig to check if it was all right with the city. If you follow the letter of the law, you have an appropriate discussion. That is why they are here. Mrs. White stated she cannot count the number of nights she has been awakened by someone's dog who is upset. She stated her nine year old son, if given free reign in the kitchen, would also eat more than he should. They can get pig food and would limit the amount the pig would be fed.

No one else spoke either in favor of or in opposition to this zoning text amendment.

Mr. Baker showed a You-Tube video of micro piglets.

The public hearing was closed.

4. Public Comments (unrelated to items on the agenda)

None

5. Old Business

- a. **Conditional Use Permit No. 38** – the request of Open Door Youth Outreach Ministry for offices, residential treatment, men's shelter and soup kitchen located at 222 North Saginaw Road. **(Withdrawn by petitioner on 1-22-10.)**
- b. **Zoning Text Amendment to Article 21.00, DNO** – Downtown Northside Overlay District of the City of Midland Zoning Ordinance No. 1585.

Mr. Baker showed an overview of the proposed Downtown Northside Overlay District for an area on the north side of the Downtown District in the City of Midland. It is designated as the "Near Neighborhood or Northside Downtown area based on a common vision. It would create a new Overlay District to address new development

and help stimulate desired development. Discussion of this process began over a year ago. An advisory committee was established to work on the draft of this ordinance. The Public Hearing was conducted at the Planning Commission meeting on January 12, 2010. Mr. Baker showed a map with the adjusted district boundaries as discussed at the public hearing. M-20 or Jerome Street will be the boundary for the east side of the district. The southern boundary would be Larkin Street, along the line for the Downtown Overlay District. It does include the properties adjoining the Dow Diamond stadium, including the automobile dealership and the printing facility. Any new development within this area would be subject to the Northside Overlay District if it is to move forward. Redevelopment is needed to achieve the vision. It will increase the density to support the downtown. It will provide diverse options for young professionals and improve downtown pedestrian linkage from neighborhoods. Design principles include mixed-use, complete streets and urban building form. The language itself has a statement of purpose, permitted uses, building height, building placement, and overlay district development standards. Additional language has been added to explicitly state that existing uses following existing/underlying zoning. The existing uses would still be legal and would still be provided for until there was new development, major expansions or a change in use.

Public hearing comments caused a change in the proposed boundaries and language was added addressing the existing property/uses.

No one spoke either in favor of or in opposition to this zoning text amendment.

Motion by Senesac, seconded by Mead, to approve Zoning Text Amendment to Article 21.00, DNO – Downtown Northside Overlay District of the City of Midland Zoning Ordinance No. 1585.

Mr. Senesac stated that the Planning Commission has been looking at this for over a year. He wholeheartedly supports this. Mr. King stated he considers himself one of those “young professionals”. His friends like the downtown in Midland and they say it is a good place to come. Mr. King feels this is exciting and would add to the community. Mrs. Hanna states she has had many concerns about this. Mr. Baker has changed some wording which meets her approval. She feels the people who already live here should have property rights. She still does have some concerns about impervious surfaces but she will support this, with reservations. Mr. Mead stated it is interesting that changes have been made even up to this point in time. It is a “living” document and that he is in support of this. Mr. Pnacek stated he is a new Planning Commission member and he thinks this is a good plan. Mr. Stewart stated he is also relatively new and he is in support of this text amendment. Ms. Brown stated she also supports this and she is excited about what this will bring to downtown Midland.

Vote:

YEAS: Brown, Hanna, King, Mead, Pnacek, Senesac and Stewart
NAYS: None
ABSENT: Eyre
VACANCY: One

Motion passes 7-0.

6. **New Business**

None

7. **Communications**

Commissioners received the January 2010 copy of *Planning and Zoning News* at their places tonight. In the packets they received a notice about "Capital Day" coming up in Lansing.

8. **Report of the Chairperson**

None

9. **Report of the Planning Director**

Mr. Baker updated the Commission that the site plan approved for the Council on Aging building at the corner of Dublin and Saginaw will be moving forward this summer. Projects are starting to come in gearing up for the spring construction season.

Ms. Hanna asked about the Planning Commission retreat? There have been several issues that have come up over the past year that need to be discussed. Mr. Baker stated he would appreciate any input from Planning Commissioners as to when they would like to do this. Ms. Brown stated she thinks it should be done prior to the new issues that would be coming before the Commission beginning on February 23rd.

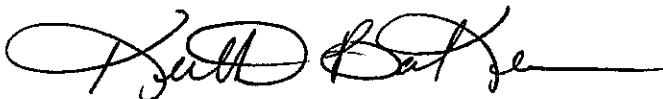
10. **Commissioner Comments**

None

11. **Adjourn**

Adjournment at 8:46 p.m. was unanimously approved.

Respectfully submitted,



Keith Baker, AICP
Director of Planning & Community Development

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