

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING
COMMISSION
WHICH TOOK PLACE ON TUESDAY,
FEBRUARY 9, 2010, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

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

ABSENT: None

VACANCY: One

OTHERS PRESENT: Keith Baker, Planning Director, Cheri King, Community Development Specialist, Cindy Winland, Contract Planner, and 3 others.

2. Approval of Minutes

Moved by Hanna, seconded by Stewart, to approve the minutes of the regular meeting of January 26, 2010 as written. Motion passed unanimously.

3. Public Hearing

None

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

None

5. Old Business

- 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.

The City of Midland has received a zoning text amendment petition initiated by Jason D. White, a City resident requesting that the definition of "Animal, Domestic," be amended to include provisions to permit miniature pigs and contends that a miniature pig is not a farm animal and should be allowed in residential districts as a pet.

Mr. Baker stated that the staff recommendation was to deny the petition. The questions are:

- Is a miniature pig a farm animal?
- If a miniature pig is not a farm animal, does it behave similarly to other domesticated animals and therefore could it be considered a pet?

- The applicant has not specified wording for this amendment, but is requesting that pigs up to 45 pounds and 16 inches in height and perhaps limited to a specific breed, be permitted by right by inclusion in the Zoning Ordinance in the definitions of a "domestic animal".

Mr. Eyre asked if there was a limit on the numbers of dogs or cats someone can have. Ms. Winland stated there is a limit before you are considered a kennel.

Mr. Senesac stated the Planning Commission does not have any language before them to amend the ordinance. How would that work? Mr. Baker stated staff would add "mini pigs" to the list of domestic animals. Staff could also set limits on the height, weight, and/or breed, but there has not been any specific language recommended. What would be forwarded to City Council at this point would be the inclusion of "miniature" or "mini pigs" to the definition of domestic animals. If the Planning Commission wants to place a restriction on the size of it, they could do that in their deliberations and motion.

Mr. Senesac asked if a "mini pig" is a universally recognized term. Ms. Winland stated no, that just refers to the size of a pig. Mr. Baker stated that in the staff report it is considered a generalized term.

Jason White, 1313 W. Hines Street, Midland, MI 48640. Mr. White stated that at the initial meeting regarding the text amendment in question, there were some questions raised as to whether or not there were specific breeds of pigs that were considered as "miniature pigs". The American Miniature Pig Association has set size limits for mini pigs at 125 pounds. Mr. White is looking at two breeds of mini pigs for his home. The first one is the Juliani or Juliana Pigs. Their height is approximately 12 inches to 18 inches and attain a weight of 50 pounds. The other breed he is looking at is the Yucatan Micro pig. These pigs average weights from 50 to 100 pounds. They generally stand between 12 to 16 inches tall.

Mr. White stated you must pig-proof your house just as you would child-proof your house for a 2 year old. Pigs need a place of their own, either a quiet room, closet or crate. In the Planning Commission staff report, it was said that a micro pig "does not exhibit enough of the characteristics of a domestic animal to be considered domesticated. Mr. White showed several videos showing domesticated behaviors of mini pigs and their bonding with humans and other domesticated animals. The nuisance characteristics were identified as the following:

- Rooting or digging
- Potential for roaming
- Noise issues
- Nuisance potential
- Potential for aggression

These characteristics also pertain to dogs and cats.

Mr. White would like to see text incorporated similar to what they have in Clyde Township, Michigan. An article in the Kalamazoo Gazette also highlighted that the Kalamazoo City Council recently permitted a woman to have three "mini-pigs" at her

residence as pets. A permit system could be created where a specified list of non-traditional animals are allowed by permit.

Mr. Mead asked about the manure smell. Mr. White stated that the smell is greater than a dog or a cat, based upon farm pigs. If it is cleaned up on a daily basis, it is no different than cleaning up after your dog on a daily basis. Mr. Mead asked how you would dispose of the waste. Mr. White stated that you would do it the same as when you clean up after your dog. Pigs do not eat meat of any kind. They eat grasses and vegetables.

Lisa White, 1313 W. Hines Street. Mrs. White asked if the Commission has something in mind that they have not mentioned, they are open to however they can make this work. They want the pig for their family, not just for their son.

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

Mr. Senesac stated the first issue is that it is extremely difficult to define what a micro or mini pig is. They saw some photos that they can be up to 200 pounds. There is no specific definition that limits them to a certain size. He feels there are inherent behaviors by pigs that could cause them to be very aggressive, especially a sow when she has piglets. It was said that pig owners should not try to breed their own pigs. Mr. Senesac does not know how you keep from breeding pigs. He also would not like to have a neighbors' pig digging up their yard next to where he lives. Pigs, by nature, want to root. Not every dog roots.

Mr. Mead said his concerns are similar to Mr. Senesac's. His concerns include the size of the animal and the nature of a pig rooting, and he is also concerned about the smell. Although the White's have shown that they would be responsible pig owners, he does not want to open it up to the entire community. Mr. Stewart stated he does not think we are ready to open this up to the whole city. He agrees with Mr. Senesac and Mr. Mead. He has done some research and he can see that pigs could make good pets. He would be in favor of having some permit that could be tried by the White's but he is not in favor of approving this petition as it is. Mr. Pnacek stated he would consider something by a special use permit but not opening it up to everyone. Mr. Senesac asked by what basis you would deny someone a special use permit. It would be difficult to say that someone would not be a responsible pig owner. Mr. Mead stated the Whites have done their research and that the situation would have to be monitored.

Mr. Eyre stated that the way the current request is worded; he has to go along with staff and vote for denial. Mr. King stated he agrees with what has been said. He thinks it would be great if the White's could have a mini pig but he cannot see opening it up to the entire community or to 120 pound swine. He cannot support the request in its current form. Commissioner Hanna stated she does not feel the text amendment, as written, should go forward. She will vote with staff on this. Although this does not mean the White's would not be responsible pet owners, she thinks there has to be another way. Opening this up as a text amendment and allowing it cart blanch throughout the city, people would have 3 (pigs) and then 6 and then 10 and this is not something she can support. Ms. Brown stated the White's have done an outstanding

job in their presentation. However, she will have to go along with staff's recommendation and vote against the text amendment. She would like to see what staff can come up with to support their desire to have a mini pig.

Motion by Mead, seconded by Eyre, to approve Zoning Text Amendment No. 150A 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.

Vote:

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

Motion is denied 8-0.

Mr. Baker stated he will meet with the White's tomorrow and discuss their options to move forward from here. There is the possibility for them to withdraw the current option and come back with some alternative.

6. New Business

- a. Presentation overview of 2010 Annual Zoning Ordinance Amendments as proposed by Planning Department staff.

Ms. Winland presented the 2010 proposed Zoning Ordinance text changes. Staff would like to add some definitions including one for "Agent". A definition has been proposed by the City Attorney.

There are several definitions staff would like to have added to the Zoning Ordinance. The definition of "sign" in the main body of the definitions text needs to be defined in the section of the ordinance that pertains to signs.

7. Communications

Commissioners received copies of "Michigan Planner" at their places tonight.

8. Report of the Chairperson

None

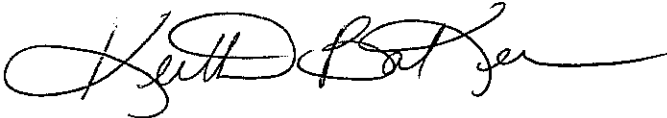
9. Report of the Planning Director

Staff received eight applications for the vacant Planning Commissioner position. This Monday night City Council will consider their process for filling that position.

10. **Adjourn**

Adjournment at 8:19 p.m. was unanimously approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith Baker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith Baker, AICP
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION