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TO: City Planning Commission

FROM: Kimani Jeffrey, Staff
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RE: Zoning Ordinance Text Amendments for animal husbandry (animal keeping)
(RECOMMEND APPROVAL)

DATE: April 30, 2024

On February 22, 2024, the City Planning Commission (CPC) held a public hearing to consider a text amendment that would amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to permit Animal Husbandry in the City of Detroit.

PUBLIC HEARING RESULTS

A lengthy public hearing was held regarding this matter. A number of people in support and opposition of the ordinance spoke during the meeting. Based on staff's recording there were approximately 26 people at the public hearing that spoke in support of the proposed ordinance. Conversely there were approximately 21 people that spoke in opposition to the ordinance.

Some of the reasons stated as to why people supported included the goals of adding to a sustainable community, the animal products that will be used as a food source, the animals' importance on urban farms and gardens for composting, having the ability to keep animals for 4-H and non-profit educational purposes. Some of the reasons that people opposed were due to concerns about property values, smells from the animals, noises, animals getting loose, spacing constraints, a city environment not being conducive for farm animals, etc. The majority of residents that spoke in opposition were from the 48217-zip code, although not all were. One honeybee keeping organization opposed the ordinance because it was stated that the ordinance is too restrictive.

Commissioners assigned staff numerous items to research during the public hearing that this report will respond to below (See original CPC report for full scope of proposal).

RESPONSES TO THE CITY PLANNING COMMISSION

History Of Animals In Detroit

The City Planning Commission (CPC) requested staff to speak on the history of animal husbandry/urban livestock animals in the City of Detroit. This brief history should provide

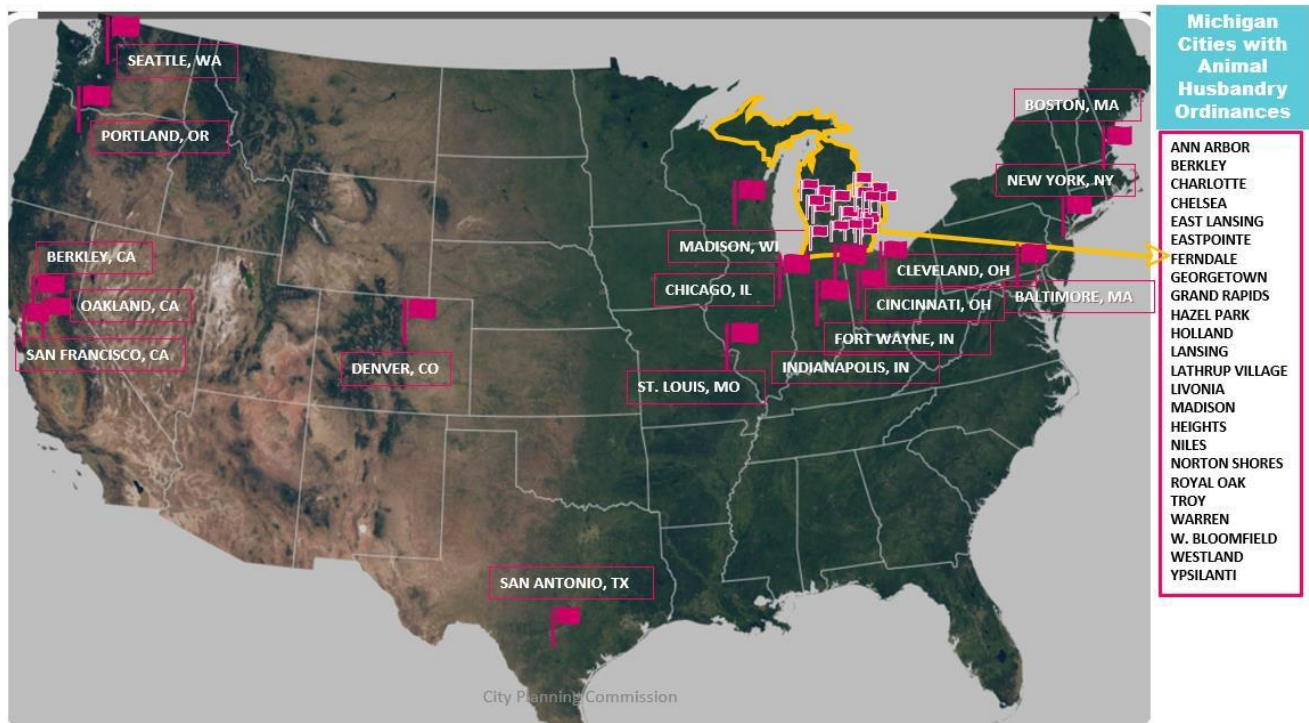
some context. The history of animal husbandry is closely associated with the history of urban agriculture in the City of Detroit. The urban agriculture ordinance effort was led by CPC staff member Kathryn Underwood for the Commission and passed in 2013 being sponsored by City Council Pro Tem James Tate. This ordinance originally included animal husbandry provisions. However, the animal keeping portion of that ordinance was removed so that more discussion could take place in the community. This was over ten years ago and since then numerous conversations and public discourse has taken place on the topic.

As it relates to urban gardens and farms these uses have a long history in the City of Detroit. [Urban Land](#) Detroit's history of supporting urban gardens and farms going back to 1893 when Mayor Hazen Pingree established an initiative for residents to start back yard gardens. Later there was a movement during World War II for urban gardens across the nation which Detroit took part in. It's estimated that during that time, 40 percent of all food produced in the U.S. came from local gardens.

Mayor Coleman A. Young also spearheaded a Farm a Lot program in the 1970's to turn underutilized lots into urban gardens and farms. These gardens and farms were spurred for the purpose of producing fruits and vegetables and for beautifying communities by greening the city. Naturally as a part of the movement for more food independence, urban livestock has been included in these efforts to create more sustainable food systems.

As an outgrowth of these efforts, organizations such as Keep Growing Detroit (KGD) are continuing the same work for sustainable communities. In their recent support letter to the CPC (see attached), KGD provides more insight into the current garden and farm community along with the number of people they estimate as interested in keeping chickens, ducks or honeybees. As one of the biggest leaders in the farming community, KGD estimates that there is currently a network of [2,300](#) urban gardens and farms in the City of Detroit. Through KGD'S programming, that they facilitated last year, they found that 1,477 Detroit residents have expressed interest in keeping bees, chickens and ducks. KGD has a 'Chicken Keeping 101' class which they boast has trained 119 Detroit residents in the keeping of urban livestock. Reasons that people desire to keep chickens, ducks and honeybees are for cultivation or food, religious significance, and pollination of plant life in urban gardens and farms. KGD estimates that there are currently up to 200 residents keeping bees in the city and notes that this bee keeping community has had little to no infractions with the city.

Animal husbandry and beekeeping are not new practices in urban, densely populated areas. There are many major urban cities that have adopted these ordinances. Cities from Oakland, California, to New York, New York, have adopted animal husbandry and beekeeping ordinances. The map below simply gives some examples of densely populated urban centers that have ordinances for the practice, but is not meant to be exhaustive, as there are hundreds of cities that allow animal and beekeeping. In Michigan alone, staff has counted at least two dozen cities that currently permit animal husbandry and/or beekeeping (See below).



Examples cities that allow animal husbandry and/or bee keeping

Equity in Detroit Food Systems

Research has found that inequities stemming from redlining continue to manifest throughout Detroit neighborhoods, including access to fresh and nutritious food, exacerbating food insecurity rates across the city.

Disparities in resource allocation have directly contributed to heightened food insecurity in Detroit. Census data indicates that [33.8%](#) of Detroiters live below the federal poverty line. Additionally, data from the Detroit Food Policy Council indicates [69%](#) of Detroiters are food insecure, a 7% increase since 2019. The development of community and backyard gardens have been key in supporting direct access to healthy, fresh, affordable, and local food. With less than [66](#) full line grocery stores located within the city, the need for supplemental access to fresh and local food has resulted in the increase in urban agriculture.

Municipal Legislation and Farm Animals

In researching the history of the ban on farm animals in Detroit City Code, CPC staff has researched ordinances and believe that we have a general understanding of the history of the ban on urban livestock/farm animals. The 1959 Detroit City Code is the oldest document that staff was able to trace at the City Clerk’s office with reference to farm animals. Staff found that in 1959, there was a prohibition on, “the keeping of wild animals, serpents and reptiles within the corporate limits of the City of Detroit.”

Interestingly, staff found that in 2004, Ordinance 04-04 effectuated amendments to Chapter 6 of the City Code, adopting language in Sec. 6-1-3 that states, Owning, harboring, keeping, maintaining, selling or transferring of **farm** or wild animals is prohibited; exception for circuses, zoos, and other approved activities; separate violations for each animal; disposition of

animals in violation of this section.

- (a) *It shall be unlawful for a person to own, harbor, keep, or maintain, sell, or transfer any farm animal, or any wild animal, on their premises or at a public place within the City; provided, that farm animals or wild animals may be kept in circuses, zoos, or laboratories, subject to the approval of the City...*

Based on the legislative research, staff cannot say for certain, but believes that the practice since 1959 has been that farm animals were generally not permitted in practice and banned under the “wild animals” provisions, however in 2004, as a part of general updates to Chapter 6 of City Code, the language to the Code was changed to expressly include a prohibition on “farm animals.” For urban livestock to be kept in the City, Chapter 6 and Chapter 50 would have to be amended to permit certain farm animals. CPC staff has been working with an interdepartmental working group that includes Animal Care Control and Regulation, Law Department, the Planning and Development Department, Buildings and Safety Engineering Environmental Department and others to come to the proposal before you today.

Right to Farm Act

The following are excerpts from a recent City of Detroit Law Department opinion on the Right to Farm Act as it relates to the proposed Animal Keeping ordinance before you for consideration. “The 1999 amendments to the Michigan Right to Farm Act broadly restricted local regulation of commercial farming operations. The amendments were clearly intended to preempt local governmental authority in this matter and have a unique preclearance mechanism to be invoked in the event a local government seeks to enact regulation conflicting with the statute.

The [Michigan Department of Agriculture and Rural Development \(MDARD\)](#) has countered this preemption measure through its control of the Generally Accepted Agricultural and Management Practices (GAAMPs). This broad use of administrative authority has not been tested in court. However, so long as the current Site Selection GAAMPs are in place, the City is free to enact the urban farm ordinance as proposed.” The entire opinion is attached for reference.

Animal Keeping’s Impact on Property Values

Urban agriculture and animal keeping practices have gained attention, due to their potential socio-economic benefits and contributions to community well-being. Several studies have examined the relationship between urban agriculture and property values. Contrary to common concerns that animal keeping and agricultural practices within cities might depreciate property values, research indicates the opposite effect. For instance, community gardens have been shown to significantly enhance neighboring property values by up to [9.4%](#) upon their initial implementation.

Additionally, as these gardens become more integrated into the fabric of the neighborhood, [property](#) values continue to rise, with the most substantial increases observed in economically disadvantaged areas. Additionally, studies have revealed that the inclusion of urban agriculture correlates with increased rental rates and higher rates of homeownership in surrounding areas. Furthermore, empirical evidence from a [report](#) on 54 community gardens in St. Louis, Missouri, highlighted the positive correlation between the presence of community gardens and enhanced home values, rents, owner occupancy rates, and socioeconomic diversity amongst renters within

a 0.3-mile radius. Many of these community gardens are tightly knit with animal husbandry as these practices are complementary for many urban growers. These improvements were relative to larger Census Tracts and the city as a whole over a ten-year period.

While specific studies on the impact of backyard fowl on property values are lacking, existing research suggests that the inclusion of backyard poultry and bee keeping generally does not have a detrimental effect on property values.

Southwest Detroit Case Study on Detroit Food Systems

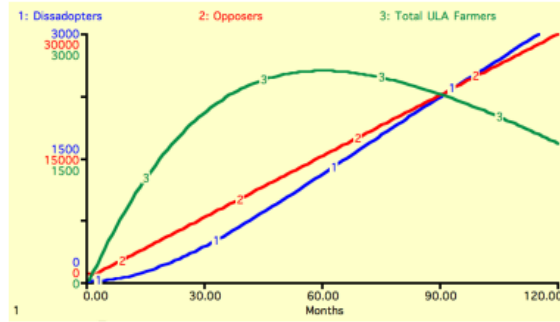
Southwest Detroit is a predominantly low income, minority populated area where individuals of color lack access to resources such as large-scale grocery stores, and enough money to purchase resources needed to survive. Additionally, Southwest Detroit remains one of the most densely populated areas within the city of Detroit. Southwest Detroit is home to approximately [43,902](#) residents, with more than half being Latinx. Documentation status, language barriers, and income disparities have put Southwest Detroiters in a difficult position regarding food [security](#).

[Redlining](#) has led to significant divestment in areas that have this history, causing a lack of substantial economic investment in Southwest Detroit. This is particularly evident in the 48209 and 48210 zip codes of Southwest Detroit, which were heavily impacted by [redlining](#). As a result, families in the community often face the burden of inflated prices highlighting the issue of accessibility regarding proximity of local groceries to communities.

Anticipated Numbers and Impact on Neighborhoods

One question that was raised by Commissioners was regarding the ultimate impact on the city and how many people would be anticipated to partake in animal keeping. A [study](#) was conducted and grant funded by Michigan Applied Public Policy Research Program and Michigan State University and authored by Renee V. Wallace, Laura Schmitt Olabisi, and Kyle R. Metta. According to their modeling analysis and assumptions, the study projected that, “a small, but significant, minority of Detroit households could adopt chicken-keeping over a ten year period (between 1000 and 3000 households, out of 256,000 total households—approximately 1%)”.

In the simulation, if urban livestock adopters receive adequate support and training, social opposition dwindle to minimal levels after an initial adjustment period, and the number of households adopting urban livestock climbs continuously over the ten-year simulation. Based on this model and current numbers of possible animal and beekeepers estimated by organizations in the urban farming and animal keeping community, staff believe this figure to be a fair estimate or even possibly more than what we may see. Once a policy is adopted, we will have a better understanding after the first 1-2 years, to be able to project future numbers of animal and beekeepers.



Multi-unit buildings, Planned Developments and Condominiums

Similar to state provisions that allow landlords to prohibit any keeping of pets in a rental unit, a landlord of a multi-unit building would have the same discretion to either prohibit the keeping of farm animals or honeybees or prescribe by-laws for residents to participate, within the boundaries of the ordinance.

As it relates to properties with shared ownership, a Homeowners Association would be able to promulgate rules through its declaration of covenants, conditions and restrictions if common areas or rear areas are mutually owned. If land is subdivided into separate parcels, each parcel would be subject to the provisions of the ordinance in that they would be permitted to keep chickens, ducks or honeybees if they can satisfy ordinance requirements.

Past Engagement

In addition to the engagement conducted since 2016, CPC staff also participated in engagement efforts with the Office of President Pro Tem in the Summer of 2023 as listed below prior to the CPC 2024 public hearing:

- Meeting #1 (hybrid in D1) - June 20, 2023
- Meeting #2 (hybrid in D4) - July 6, 2023
- Meeting #3 (hybrid in D6) - August 9, 2023
- Meeting #4 (virtual) - February 8, 2024

News articles

There have also been numerous news articles and broadcasted reports over the last 2 years specifically, alerting citizens of the effort and sharing information on who to contact to become involved. The most recent piece on the effort was a segment on [WDIV Channel 4 News](#) alerting Detroiters about the proposal and public hearing.

Notice of Public Hearing

Additionally, CPC staff emailed the public hearing notice and ordinance out to 6,000 subscribers of our office.

We additionally sent a mailing out to approximately 1,337 community organizations and block clubs, alerting them of the public hearing for this matter. Lastly, the ordinance is posted on the CPC website for review.

Recent Engagement Post CPC Public Hearing

- Eastside Community Network - March 13, 2024
- District 3 Department of Neighborhoods meeting - March 26, 2024
- D6 & D7 Dept of Neighborhoods Community Meetings - March 27, 2024
- Kemeny Recreation Center Focus Group Meeting w/ 48217 Residents - April 29, 2024
- Community Development Advocates of Detroit - April 30, 2024
- D6 Office of Santiago Romero Community Meeting - May 1, 2024 (to be held)

To summarize these meetings, the overall gist of the response has been either neutral or supportive. Some people from each of these districts have expressed support on the meetings and sentiment to want to see it passed.

On the D6 DON meeting, there was however one resident from the 48217 zip code that expressed opposition. This resident is also the individual who spoke at the CPC public hearing and submitted a letter of opposition. These concerns have been documented by staff and discussed with the resident on various occasions.

Largely, in our engagement, 48217 residents have been the most vocally opposed, while much of the rest of the city is more neutral with questions or scattered individuals or groups showing support. Based on conversations with 48217 residents over the past several months, staff derives that there are many other issues currently existing that fuel 48217 residents to object to animal keeping. This has been stated on many occasions in meetings, that air quality and other quality of life issues currently existing, make residents of this neighborhood pessimistic about new proposals that require enforcement as many don't have faith in city enforcement.

The Commission could potentially vote on recommendations to voice support for 48217 issues that are identified as amenable items which the City should review or pursue. This will likely not change the sentiment of opposition towards the Animal Keeping ordinance, however it would still be a way to advocate for the many issues that staff heard resonate during our engagement with those residents that did not relate to this ordinance but are relevant issues needing resolution. This is also not to dilute the consideration of the concerns raised that do relate to the Animal Keeping ordinance.

Due to this sentiment, CPC staff has offered to work with the 48217 community on some of the issues that indirectly are leading to reservations about animal keeping. Staff believes that we may be able to find low hanging fruit to help move towards a better quality of life for this community if they would be willing to work with us. Some of the issues raised as a reason not to introduce additional legislation to City Code may be able to be addressed with assistance from CPC.

Letters of Support

Staff has also received a number of letters of support since the public hearing. No additional letters of opposition have been received.

Animal Husbandry and Beekeeping Proposal

Below is a summary of the proposed amendments for the ordinance:

- To define animal husbandry and beekeeping as the keeping of certain urban farm animals and domestic honeybees for personal consumption or utilization of agricultural products such as eggs, meat or honey.
- To allow the Buildings, Safety Engineering, and Environmental Department to waive dimensional standards and permitted numbers pursuant to a conditional land use hearing with the review and recommendation of Animal Care and Control and the Planning and Development Department; also excluding standards from being appealable to the Board of Zoning Appeals.



One lot at 12K sqft

- 5 ft setbacks from lot line
- 30 ft setbacks from neighbors house
- Animals cannot roam free, must be enclosed
- Must be in the rear of property
- Setback from rear property line if no alley present

- To allow for animal husbandry and beekeeping exceptions as a principal use by requiring a conditional land use hearing where operated by a municipal agency, 4-H program or by an educational non-profit in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PC, PCA, TM, PR, SD1, SD2, MKT, and SD4 zoning districts.
- To allow animal husbandry and beekeeping as an accessory use in R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PC, PCA, TM, PR, SD1, SD2, MKT and SD4 zoning districts.
- To specify that animal husbandry and beekeeping is permissible only as an accessory use for individuals and entities with the following principal uses:
 - (1) All residential uses
 - (2) All agricultural uses
 - (3) Schools
 - (4) Educational institutions

(5) Standard Restaurants (where in compliance with state law)

(6) Civic or cultural buildings on land zoned PC or PCA

- To specify maximum numbers for animal husbandry and beekeeping as follows:

Ducks/Chickens as an accessory use:

8 (eight) maximum combined

Honeybee Hives as an accessory use:

2 (two) hives maximum

Ducks/Chickens, accessory to Gardens and Farms only:

12 (twelve) maximum combined roosters are prohibited

Honeybee Hives, accessory to Gardens and Farms only:

4 (four) hives maximum

- To specify setback requirements for animal husbandry and beekeeping as follows:

Chickens/Ducks

(1) 30 foot setbacks from neighboring dwelling.

(2) 5 foot setbacks from side/perimeter property line.

(3) If alley is present no rear setback is required. If no alley, 5 foot setback is required.

Honeybees

(1) 25 foot from property line (if no flyway barrier)

(2) 5 foot from any perimeter property line (with flyway barrier)

- To require licensing for animal husbandry and beekeeping pursuant to Chapter 6 of City Code.
- To specify shelter and enclosure spaces for animal husbandry have a maximum of 200 square feet.
- To require notice to be sent to abutting property owners and occupants.

RECOMMENDED AMENDMENTS POST PUBLIC HEARING

1. Fencing

Fencing should be required if there are occupied residential homes that are adjacent to a property seeking to keep animals, with the caveat that BSEED may waive this provision if determined to be unnecessary.

2. Screening Recommendations

This measure has arisen after hearing community feedback regarding screening of animal keeping activities. To ensure proper screening of backyard animals, several screening options should be adopted in the case that fencing is not opaque. Privacy screening is a crucial aspect to consider, particularly to screen animal pens and enclosures such as coops. Installing opaque fences or [shrubbery](#) with a minimum height of [4 feet](#) can provide adequate screening,

ensuring privacy for neighboring residents. A requirement of shade cloth with different opacity can serve as an effective screening method. A 60-90% opaque shade cloth offers comprehensive screening from animals for adjacent neighbors and is a cost effective, aesthetically neutral option.

To summarize, the recommendation is that, where adjacent to residential lots an opaque fence, shade cloth or shrubbery may be required by the Buildings, Safety Engineering, and Environmental Department to receive permit for animals.

3. Bee keeping

Staff is in receipt of a proposal from Keep Growing Detroit on behalf of the bee keeping community to tweak certain provisions in the ordinance. Staff is amenable to considering a measure to increase numbers of honeybee hives as follows:

- Residential lots accessory to a home: Increase maximum to 4 hives
- Urban Gardens (if a lot is a minimum of a half acre): six hives
- Urban farms (if a lot is a minimum of an acre or more): eight hives
- An additional hive per additional acre of land is permitted subject to required setbacks

(Chapter 6 provisions regarding **honeybee hive** tagging, fees, etc. must be taken up by the Law Department, as it is not a part of the purview of CPC, but staff can raise with the Law Department and interdepartmental workgroup.

The CPC recommendation is to retain language in Chapter 6 that mirrors the GAAMPS, so that City Code has teeth in enforcement for those provisions. Again, this is relating to honeybees and not to remove Chapter 6 provisions for chickens and ducks.

As it pertains to the KGD request to grandfather current operations, per the Law Department there are no grounds for grandfathering illegal uses that have no permit or license. Special cases may be heard through an SLU hearing as a new proposal on its current merits.

CPC recommends a cap on the allowance of gardens and farms that are allowed to house livestock on a single city block face. The maximum shall be 3 gardens and/or farms per block face that may be permitted for livestock or bees, unless determined not to incur an undesirable change to the character of a neighborhood.

Text Amendment Criteria and Analysis

The Zoning Ordinance Sec. 50-3-49 cites that recommendations on all proposed Zoning Ordinance text amendments be based on the following criteria (CPC staff's analysis is in italics):

- (1) Whether the proposed amendment is consistent with the stated purposes of this chapter;

This proposal seeks to regulate the keeping of certain farm animals and provide protections for abutting neighbors by establishing setbacks from neighboring dwellings,

from property lines and other dimensional standards. It seeks to limit certain animal husbandry and beekeeping to be an accessory use. It seeks to create a conditional land use path that requires a public hearing for projects that do not fit the scope of the general provisions of the ordinance. All of this is in an effort to permit animal husbandry and beekeeping but to set forth certain boundaries to protect neighborhoods.

- (2) Whether the proposed amendment will protect the health, safety, or general welfare of the public;

The proposed amendment applies more protections than many of our neighboring cities while also allowing a level of sustainable practices for the food ecosystem in Detroit. Staff would offer that the entire approach has always stemmed from the spirit of protecting the health, safety and welfare of the community. Numerous ordinances of comparable places as well as denser cities have been studied, and our research shows that this practice can be done safely and effectively. The fact that this practice is currently happening without regulation, gives credence to the goal of this ordinance giving a pathway for animal keeping practitioners to come into compliance with local law to decriminalize them and provide some parameters for the practice. This proposed ordinance would in fact protect the general welfare of the community. We also have created a great relationship with the Animal Care and Control Department and seek to broaden this relationship amongst other departments and the future Guild. This will help to create a buffer of peer accountability, prior to enforcement so that communities will have multiple ways to bring resolution to a problem situation thereby protecting the public.

- (3) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

The proposed amendment does meet the challenge of a changing condition and/or trend in that, whether there is regulation or not, this practice is happening now. Citizens that are currently keeping animals are seeking a legal pathway and guidance on what may be appropriate in the keeping of these animals. This legislation will serve to give a pathway to being legal, but is also not expected to cause an immediate dramatic increase in people that are practicing.

Attachments: Draft Ordinance – Chapters 6 and 50
Law Department opinion on Right to Farm
Letters of Support

cc: Antoine Bryant, Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
James Foster, BSEED
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