

**City of Detroit
Urban Agriculture Ordinance
Abridged
April 2013**

For more information contact:

Kathryn Lynch Underwood
313.224.6378
KathrynL@detroitmi.gov

DEFINITIONS

Aquaculture	The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.
Aquaponics	The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.
Compost	Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.
Contractor yard, landscape or construction	A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil.
Farmers Market	A pre-designated non-municipally owned or operated area, with or without temporary structures, where vendors and individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale, sell vegetables or produce, flowers, orchard products, locally-produced packaged food products and/or animal agricultural products.
Farm Stand	A temporary structure, accessory to an urban garden or urban farm for the display and sale of vegetables or produce, flowers, orchard products, locally-produced packaged food products and similar non-animal agricultural products grown or produced on the general property of the urban garden or urban farm upon which the stand is located.
Garden Center	See Greenhouse
Greenhouse	A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sale. A greenhouse may or may not be a permanent structure. Garden centers are not greenhouses. Garden centers, which may include a nursery or greenhouse as an accessory use, import most of the items sold-items such as plants, potting soil, and garden equipment. Garden centers shall be considered "stores of a generally recognized retail nature" for regulatory purposes.

Hoophouse or High Tunnel	An unheated structure whose roof and sides are made largely of transparent or translucent material (not glass) for the purpose of the cultivation of plants for personal use and/or for subsequent sale.
Hydroponics	A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.
Orchard	The establishment, care, and harvesting of a group of more than ten (10) fruit or nut bearing trees. The products of an orchard may or may not be for commercial purposes. An orchard as a principal use is considered an urban farm.
Rainwater Catchment System	A method of catching rainwater runoff from the roof of a structure into rain gutters that channel into a rain barrel, drum, or cistern.
Tree Farm	Any parcel of land used to raise or harvest more than ten (10) trees for wood products or Christmas trees, or for transplant, where forest products are sold on-site or transported to market. A tree farm as a principal use is considered an urban farm.
Urban Farm	A zoning lot, as defined in this article, over one acre, used to grow and harvest food crops and/or non-food crops for personal or group use. An orchard or tree farm that is a principal use is considered an urban farm. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.
Urban Garden	A zoning lot, as defined in this article, up to one acre of land, used to grow and harvest food or non-food crops for personal or group use. The products of an urban garden may or may not be for commercial purposes.

61-16-124 (Currently in the Zoning Ordinance. Referenced in Urban Farm and Urban Garden)

Zoning Lot

A single tract of land located within a single block that at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street, or permanent means of access to a street, other than an alley, and may consist of: [1] a single lot of record; [2] a portion of a lot of record; [3] a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; [4] a parcel of land described by metes and bounds.

USE TABLE

Use Category	Specific Land Use												Other Uses												Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
	Residential				Business				Industrial				Special and Overlay																	
	R1	R2	R3	R4	B1	B2	B3	B4	M1	M2	M3	M4	P1	P2	P3	P4	W1	W2	W3	W4										
	R1	R2	R3	R4	B1	B2	B3	B4	M1	M2	M3	M4	P1	P2	P3	P4	W1	W2	W3	W4	S1	S2	S3	S4	S5					
	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	

ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)

DIVISION 5. SITE PLAN REVIEW Subdivision A. General.

Sec. 61-3-113. Applicability.

Applications for proposed developments that meet any one (1) or more of the applicability criteria in this section shall be reviewed through the site plan review process. Developments that do not meet any of the applicability criteria in this section shall be reviewed by the Buildings, Safety Engineering and Environmental Department through its permitting process. However, site plan review is not required for the construction or alteration of an individual single- or two-family dwelling.

- (11) Urban farms and all other agricultural uses specified as a conditional use in Sec. 61-12-77 of this Code.

Subdivision B. Submission Requirements.

Sec. 61-3-121. Applicability; expedited review.

(a) Urban farms and other agricultural uses requiring site plan review are subject only to the submission requirements as specified in Sec. 61-3-128 of this Code.

(b) Plans that are subject to review solely by virtue of the provisions of Sec. 61-3-113(5) and Sec. 61-3-113(6) of this Code may be expedited by review limited to the Planning and Development Department and the Buildings, Safety Engineering and Environmental Department, with the exception of urban farms and other agricultural uses, which shall always include the City Planning Commission... The submittal requirements that apply in cases of expedited review are limited to those specified in Sec. 61-3-122, Sec. 61-3-123, Sec. 61-3-125, and Sec. 61-3-126 of this Code, with the exception of urban farms and other agricultural uses which shall meet the submittal requirements as specified in Sec. 61-3-128 of this Code only. The appropriate review body is authorized to tailor the information that is required by this subdivision to the site under consideration.

Sec. 61-3-128. Submittal requirements for urban farms and other agricultural uses.

Plans for urban farms and other agricultural uses shall include the following:

- (1) Name, address, and telephone number of the applicant.
- (2) Project name.
- (3) Project address.
- (4) Gross site area.
- (5) Legal description with land area in square feet or acres.
- (6) Location map showing:
 - (a) Site location.
 - (b) Current zoning designation of project area and properties adjacent and across any alley.
 - (c) Major roads and railroads.
- (7) Existing conditions description indicating:

- (a) Delineated locations and boundaries of wetlands.
 - (b) Locations of all lakes, streams, rivers, creeks, brooks, ponds.
 - (c) Location of all existing structures on subject parcel and all structures within one hundred (100) feet of subject parcel.
 - (d) Delineated locations of sensitive land uses such as residences, schools, churches, hospitals, convalescent homes, child care centers or child caring institutions, hotels or motels, public parks, and similar community facilities within one hundred (100) feet of the subject parcel.
- (8) A site plan that depicts or discloses the following specific information where applicable:
- (a) Crop areas and general description of proposed crops.
 - (b) Location, description, and dimensions of proposed structures.
 - (c) Setbacks.
 - (d) Fencing or walls.
 - (e) Location of compost piles.
 - (f) Ingress and egress.
 - (g) Location of loading areas.
 - (h) Location of trash containers and/or dumpsters.
 - (i) Location of storage structures and items to be stored.
- (9) A narrative that describes the following as applicable:
- (a) The types, methods of application, and storage of proposed pesticides, herbicides, fertilizers, and any other chemicals that will be used as part of the operation and processes.
 - (b) The type of machinery and equipment proposed or any other facet of the proposed operation, especially as regards external emissions, such as noise, vibration, smoke, odor, dust, dirt, or other externality that may be a nuisance to adjacent surrounding land uses.
 - (c) Environmental impact of the proposed operation, especially with regard to air quality, water quality, soil erosion, and sedimentation.
 - (d) Types of vehicles, hours, frequency of use, and the proposed access routes.
 - (e) Waste-handling and disposal procedures for such as manure, organic and non-organic matter, and wastewater.
 - (f) The use of a stormwater management plan, dust management plan, soil erosion plan, and other necessary plans and procedures.
 - (g) Evaluation of existing soil conditions and plans to mitigate soil issues, as necessary, and/or demonstration of how methods of cultivation and crops are protected from possible negative impacts.
 - (h) The applicant's compliance with any existing land use grants at other locations, and the operation's compliance with environmental, zoning, City of Detroit Master Plan, and any other applicable regulations, plans, and policies.

Subdivision C. Authority to Review and Approve Site Plans.

Sec. 61-3-141. Planning and Development Department.

Within the following zoning districts, the Planning and Development Department

shall have the power to review and approve preliminary and final site plans: R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, SD3, and SD4 with less than three (3) acres. The Buildings, Safety Engineering and Environmental Department is authorized to participate in the review of all site plans. The Planning and Development Department shall involve other such departments as deemed necessary for proper site plan review, including, but not limited to, the Recreation Department; review of agricultural uses shall also include the City Planning Commission, the Department of Public Works, the Detroit Water and Sewerage Department, and other departments and agencies as necessary.

Sec. 61-3-142. City Council.

Within the following zoning districts, the City Council shall have the power to review and approve site plans, after recommendation from the City Planning Commission: PD, PC, PCA, SD4 with three (3) acres or more, and SD5. The City Planning Commission shall involve other such departments, as deemed necessary, for proper site plan review including, but not limited to, the Buildings, Safety Engineering and Environmental Department and the Recreation Department; review of agricultural uses shall also include the Planning and Development Department, the Department of Public Works, the Detroit Water and Sewerage Department, and other departments and agencies as necessary. Any preliminary site plan approval by City Council shall be indicated by the adoption of a resolution, or in the case of a PD District, by the passing of an ordinance. The City Council may delegate final site plan approval to the City Planning Commission, which shall act consistent with its bylaws.

DIVISION 3. SPECIFIC USE STANDARDS
Subdivision H. Other Uses—Urban agriculture

Sec. 61-12-326. Farm products and uses; prohibited.

The following farm products are prohibited from being produced on an urban garden or urban farm:

- (1) Farm animals, as described in Chapter 6 of the Detroit City Code
- (2) Prohibited tree species (Sec. 61-14-204) and any other plants prohibited under Chapter 57 of this Code or otherwise deemed injurious or invasive by the Forestry Division of the General Services Department
- (3) Oats, wheat, and rye, (in order to prevent rodents) except when used as a winter cover crop and not grown to full maturity

Sec. 61-12-327. Sale of farm products.

Sale of farm products grown or produced at urban gardens and urban farms is allowed as an accessory use at a farm stand located on the property of the urban garden or urban farm from which the farm product is grown or produced as defined in Sec. 61-16-81. Sale of farm products grown or produced at urban gardens and urban farms is also allowed at farmers markets as defined in Sec. 61-16-81 and subject to the provisions of Sec. 61-12-77, or directly to public or private entities, retail or wholesale.

Sec. 61-12-328. Trash storage.

Trash containers shall be located to the rear of the property unless the Department of Public Works determines that another location creates less impact on the adjacent properties.

Sec. 61-12-329. Setback and height requirements.

- (a) Buildings and structures related to agricultural uses must comply with the accessory structure setback and height requirements in ARTICLE XIII, Division 1 of this Chapter, with the exception of rear yard requirements.
- (b) Cultivation must comply with the following additional setback requirements:
 - (1) Crop areas must be set back at least five (5) feet from all property lines. The required setback must be covered with ground plants, which may include grasses (including native species and ornamental grasses).
 - (2) Orchards and tree farms shall be set back at least fifteen (15) feet from the lot line of any lot developed with a residential, public/civic/institutional, retail/service/commercial, or manufacturing/industrial land use.

Sec. 61-12-330. Lighting.

Lighting, if provided, shall be shielded so that all directly emitted light falls within the property.

Sec. 61-12-331. Signage.

All signs are subject to ARTICLE VI of this Chapter.

Sec. 61-12-332. Notice to abutting property owners and/or occupants.

All urban gardens permitted on a conditional use basis and all urban farms shall provide each abutting property owner or occupant, and/or the first nearest property owner or occupant of an occupied dwelling or business, written notice of the garden or farm owner's or owner's agent's name, address, and telephone number for the urban garden or urban farm, no less than thirty (30) days prior to the start of any agricultural development or site preparation. The notice shall include a description of the planned agricultural use.

Sec. 61-12-333. Property maintenance.

- (a) The property shall be maintained free of high grass (with the exception of purposely cultivated native species, which shall be allowed), weeds, or debris. Dead garden plants shall be removed regularly, and in any instance, no later than November 30th of each year.
- (b) Plants from cultivated areas shall be prevented from encroaching onto adjacent properties or onto the public right-of-way.
- (c) The property shall generally be maintained in an orderly and neat condition.

Sec. 61-12-334. Drainage.

The property shall be maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.

Sec. 61-12-335. Nuisance; general.

Agricultural uses shall not be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, vibrations, or odors. All operating equipment, such as fans, shall be located or buffered so as to prevent unreasonably high noise levels at any point on the property boundary.

Sec. 61-12-336. Motorized and other equipment; storage; noise; hours of operation.

(a) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground, in an enclosed, locked structure when the site is unattended.

(b) Motorized equipment within a residential zoning district or residential planned development district shall be restricted to hours beginning at 8:00 A.M. and ending at 8:00 P.M. Equipment, such as fans, necessary for the operation of greenhouses is exempted from this provision.

Sec. 61-12-337. Restroom facilities.

If temporary restroom facilities are provided on site, they shall be screened on at least three (3) sides from public view by an opaque impact-resistant fence of sufficient height to screen the facility.

Sec. 61-12-338. Compost.

Compost, as defined in Sec. 61-16-53 of this Code, must be located as close as is practicable to the rear crop setback (five (5) feet from the property line) and at least twenty (20) feet from the nearest principal residential structure.

Sec. 61-12-339. Compliance with other regulations.

Agricultural uses shall comply with all applicable local, state, and federal regulations.

DIVISION 5. ACCESSORY USES AND STRUCTURES

Subdivision C. Specific Accessory Use Standards.

Sec. 61-12-411. Farmers markets.

Farmers markets are permitted as an accessory use where located on the same zoning lot as religious institutions, educational institutions, schools, outdoor recreation facilities, and non-profit neighborhood centers.

Sec. 61-12-412. Urban garden.

Only the following accessory uses and structures are permitted on an urban garden. All accessory structures are subject to the provisions of ARTICLE XII, Division 5, and also require a building permit where applicable.

- (1) Greenhouses
- (2) Farm stands
- (3) Hoophouses or high tunnels, and similar structures used to extend the growing season
- (4) Signs; subject to the provisions in ARTICLE VI

- (5) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rainwater catchment system
- (6) Tool sheds and shade pavilions
- (7) Garages

Sec. 61-12-413. Urban farm.

Only the following accessory uses and structures are permitted on an urban farm. All accessory structures are subject to the provisions of ARTICLE XII, Division 5, and also require a building permit where applicable.

- (1) All uses and structures permitted on an urban garden
- (2) Aquaculture
- (3) Aquaponics
- (4) Hydroponics
- (5) Barns and/or other buildings for storage
- (6) Structures for cold storage and processing

ARTICLE XV. NONCONFORMITIES

DIVISION 2. NONCONFORMING USES

Sec. 61-15-24. Pre-existing Agricultural Operations

(a) An agricultural operation that was present prior to the adoption of this provision and does not conform to this Chapter's development standards for urban agriculture shall be considered a legal non-conforming use for the purposes of scale and type of agricultural use and are subject to the following provisions:

- (1) Scale shall be measured by the total square footage of the agricultural operation, including the square footage of structures.
- (2) Type is defined by the variety of crop(s) produced.
- (3) Requests for non-conforming use status will be reviewed and granted by the City Planning Commission. Requests may be made by the owner of the subject property, the owner's authorized agent, or a person with a legal interest in the subject property, such as a purchaser under contract. The City Planning Commission will confirm the presence, scale, and type of agricultural operation on the subject property before granting non-conforming use status.
- (4) Legal non-conforming agricultural operations are subject to Article XV, Nonconformities, of this chapter.
- (5) Any change in scale or type will cause the non-conforming agricultural operation to lose its legal non-conforming status.
- (6) Agricultural uses that are expressly prohibited elsewhere in the Detroit City Code will not be given legal non-conforming status.

(b) Agricultural uses that conform to this chapter's development standards for urban agriculture shall be considered conforming uses and are not subject to this section.