

City of Detroit
City Planning Commission
DRAFT
Urban Agriculture Ordinance
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THIS IS A DRAFT FOR REVIEW AND COMMENT

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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.
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 products grown or produced on the general property of the urban garden or urban farm upon which the stand is located.
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.
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.
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.

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 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.
Orchard	The establishment, care, and harvesting of a group of fruit or nut bearing trees. The products of an orchard may or may not be for commercial purposes.
Tree Farm	Any parcel of land used to raise or harvest trees for wood products or Christmas trees, where forest products are sold on-site or transported to market.

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.

ACCESSORY USES AND STRUCTURES

Subdivision C. Specific Accessory Use Standards.

Sec. 61-12-411. Farmers Markets.

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

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AGRICULTURE DEVELOPMENT STANDARDS

Farm products and uses; prohibited.

The following farm products shall be 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 (see Sec. 61-14-204) and any other plants deemed injurious or invasive by the Forestry Division of the General Services Department;
3. In order to prevent rodents; oats, wheat, and rye shall be prohibited, except when used as a winter cover crop and not grown to full maturity.

Sale of farm products.

Sale of farm products grown or produced at urban gardens and urban farms is allowed at a farm stand located on the property of the urban garden or urban farm from which the farm product is grown or produced. (See “Farm Stand” in Sec. 61-16-81) Sale of farm products grown or produced at urban gardens and urban farms is also allowed at farmers markets (See “Farmers Market” in Sec. 61-16-81) or directly to public or private entities, retail or wholesale.

Accessory uses and structures; urban garden.

Only the following accessory uses and structures shall be permitted on an urban garden. All accessory structures shall be subject to the applicable zoning district’s height limit for accessory structures.

1. Greenhouses;
2. Farm Stand;
3. Hoophouses or High Tunnels, and similar structures used to extend the growing season;
4. Signs (subject to certain provisions; see 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.

Accessory uses and structures; urban farms.

Only the following accessory uses and structures shall be permitted on an urban farm. All accessory structures shall be subject to the applicable zoning district's height limit for accessory structures.

1. Greenhouses;
2. Farm Stands;
3. Aquaculture;
4. Aquaponics;
5. Hydroponics;
6. Hoophouses or High Tunnels, and similar structures used to extend the growing season;
7. Signs (subject to certain provisions; see ARTICLE VI);
8. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rainwater catchment system;
9. Tool sheds and shade pavilions;
10. Garages, barns and/or other buildings for storage;
11. Structures for cold storage and processing as incidental to the primary use.

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, and shall be screened from view of street rights-of-way and from view of residential or commercial zoning districts.

Setback and height requirements.

Garden- and farm-related buildings and structures must comply with the accessory structure setback and height requirements in Article XIII. Intensity and Dimensional Standards, of this chapter, with the exception of rear yard requirements. Crop areas must be set back at least five (5) feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses (including native species and ornamental grasses).

Lighting.

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

Signage.

All signs are subject to ARTICLE VI. Division 4 of this chapter.

Notice to abutting property owners.

All urban gardens with conditional use permits 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 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.

Property maintenance.

1. The property shall be maintained free of high grass (with the exception of purposely cultivated native species, which shall be allowed), weeds or other debris. Dead garden plants shall be regularly removed (and, in any instance, no later than November 15 of each year).
2. Cultivated areas shall be prevented from encroaching onto adjacent properties.
3. The property shall be maintained in an orderly and neat condition.

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.

Nuisance; general.

Agricultural operations shall not be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, glare, 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.

Motorized and other equipment; storage, noise, hours of operation, traffic.

1. 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.
2. 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.

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.

Compost piles.

Compost piles must be located as close as is practicable to the rear crop setback line (five [5] feet from the property line) and at least twenty (20) feet from the nearest principal residential structure.

Compliance with other regulations

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

AGRICULTURE REVIEW COMMITTEE

DIVISION 7. ADVISORY REVIEW COMMITTEES

Subdivision A. In General

Table 61-2-71 Advisory Committee Structure

Advisory Committee

Agriculture Review

Chairperson

Planning and Development Department

Members

City Planning Commission; BSEED (Buildings, Safety Engineering and Environmental); Finance Department (Assessor's Division); Department of Public Works; Department of Health and Wellness Promotion; General Services Department; Recreation Department; Detroit Water and Sewerage Department; and representatives from agriculture-related agencies or industry and/or Michigan State University, as needed.

Subdivision J. Agriculture Review Committee

Sec. 61-2-161. Creation

There is hereby established an Agriculture Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-162 through Sec. 61-2-165 of this Code.

Sec. 61-2-162. Personnel

The Agriculture Review Committee shall consist of a staff member who is assigned from each of the departments and agencies delineated in this section. The Directors of the respective departments and the heads of the respective agencies shall appoint a qualified representative to serve on the Committee, and shall also appoint a qualified alternate representative who shall serve in the absence of the representative:

- (1) Planning and Development Department
- (2) Buildings, Safety Engineering and Environmental Department: two (2) representatives, one of whom shall be from the Special Land Use / Zoning Division and the other from the Environmental Affairs Division;
- (3) City Planning Commission;
- (4) Department of Health and Wellness Promotion;
- (5) Department of Public Works
- (6) Detroit Water and Sewerage Department

- (7) Finance Department, Assessor's Division;
- (8) General Services Department;
- (9) Recreation Department;
- (10) Representative(s) from agriculture-related agencies and/or industry and/or from Michigan State University with particular expertise as deemed necessary by the Planning and Development Department;
- (11) Other such departments or agencies, or persons with specific expertise as deemed appropriate by the chairperson to advise on a given case.

Sec. 61-2-163. Officers.

The representative from the Planning and Development Department shall serve as chairperson of the Committee, and shall designate a person to serve as secretary.

Sec. 61-2-164. Duties and functions.

- (a) The Agriculture Review Committee will serve in an advisory capacity to the Buildings, Safety Engineering and Environment Department, the Board of Zoning Appeals and/or the City Planning Commission by reviewing and making recommendations regarding the advisability of permitting a proposed urban farm where designated as a Conditional Use in Sec.61-xx-xx; where a Planned Development Zoning Designation is established or modified; and/or where the total acreage of a proposed development is two (2) acres or above.
- (b) The Agriculture Review Committee shall review and investigate the following:
 - 1. The site plan;
 - 2. All planned activities, proposed crops, structures, etc;
 - 3. The types, methods of application, and storage of proposed pesticides, herbicides, fertilizers and any other chemicals that will be used as a part the operations and processes;
 - 4. 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, glare, heat, or other externality that may be harmful to adjacent or surrounding land uses;
 - 5. Separation/buffering from sensitive, conforming land uses as defined in Sec. 61-16-53 of this Code, such as residences, schools, churches, hospitals, convalescent homes, child care facilities, hotels or motels, public parks and similar community facilities;
 - 6. Environmental impact of the proposed operation, especially with regard to air quality, water quality, soil erosion and sedimentation, flooding potential, and

the impact upon natural wildlife habitats as designated or identified by the Michigan Department of Environmental Quality and upon natural resource areas;

7. Type of vehicles, hours and frequency of use and the adequacy of access routes;
8. Waste-handling and disposal procedures for such as manure, organic and non-organic matter, and waste water;
9. The use of an acceptable stormwater management plan, dust management plan, soil erosion plan, and other necessary plans and procedures;
10. Evaluation of existing soil conditions;
11. 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 of Policies, and any other applicable regulations, plans, and policies; and
12. The proposed development's potential for impeding the normal and orderly development of surrounding property for uses that are permitted in the district, and the potential to be detrimental to or endanger the physical or economic well-being of the area.

Sec. 61-2-165. Meetings, records, and procedures.

- (a) The Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters properly coming before the Body. Records of all assembled meetings of the Committee shall be kept. At the chairperson's direction, the Committee may consider proposed uses, either individually or in committee. Under the latter procedure, each Committee member shall communicate his or her findings and recommendations to the chairperson, who shall keep records of all such findings.
- (b) Each member shall consider only those aspects, as are identified in Sec. 61-2-164(b) of this Code, which are relevant for the proposed use and relate to his or her area of competence. Where, based upon an evaluation of the relevant aspects identified in Sec. 61-2-164(b) of this Code, the member determines that the use is acceptable, the member shall indicate his or her support of the proposed use.
- (c) The member shall recommend any practices or features that are feasible and that will permit the member to recommend approval of the proposed use as adjusted.
- (d) Within thirty (30) days of the hearing, the chairperson shall formulate a recommendation on behalf of the committee and shall submit said reports together with its recommendation to the Buildings, Safety Engineering and

Environment Department, the City Planning Commission, or the Board of Zoning Appeals. The Agriculture Review Committee shall recommend denial, approval, or approval with conditions on all requests. Conditions may include, but are not limited to, execution of a contractual agreement with the City regarding the conditions of operation and other pertinent aspects of operation of a project. Unless the Committee submits a written request for an extension of said thirty (30) day period to the Buildings, Safety Engineering and Environment Department or Board of Zoning Appeals, the Department or Board shall consider the lack of a recommendation from the Committee as neither opposition nor support for the proposal.

- (e) When recommending approval of any use specified in Sec. 61-2-164(a) of this Code, the Agriculture Review Committee shall stipulate the following as a condition of approval: “All applicable licenses and/or permits that are required by other agencies and jurisdictions shall be obtained and maintained as a condition of holding a permit from the Buildings, Safety Engineering and Environmental Department.”