ZONING BOARD OF APPEALS

January 13, 2020
CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES
* November 11, 2019 meeting

OLD BUSINESS:

NEW BUSINESS:
* 1. ZBA #19-10; 5811, 5817 South Westnedge Avenue, 122 Boston Avenue: Requesting variances to: a) construct a building 23.5 feet from the (north) front property line where a minimum 30-foot setback is required; b) construct a parking lot 10 feet from the (north) front property line where a minimum 27-foot front setback is required; and c) permit parking lot ingress/egress across a five-foot wide strip of residentially zoned property.

* 2 ZBA #19-11; 2530 Ashford Trail: Requesting a variance to allow a Juliana mini pig to be kept as a household pet/emotional support animal at 2530 Ashford Trail.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet
CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 11, 2019

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Rowe at 7:00 p.m. in the Council Chambers. Two people were in the audience.

**MEMBERS PRESENT:** Alexander Philipp, Jay Eichstaedt, Linda Fry, John Byrnes, Natalie Rowe, Jeff Wettig, and Linda Finch.

**MEMBERS ABSENT:** Stu Bernhardt

**MEMBERS EXCUSED:** Randall Schau

**IN ATTENDANCE:** Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney.

**APPROVAL OF THE MINUTES:** Finch moved and Byrnes seconded a motion to approve the October 14, 2019 minutes as submitted. Upon voice vote, the motion was approved 7-0.

**NEW BUSINESS:**

**ZBA #19-09: 8065 Merchant Place:** Mais summarized the request for variances to erect a 62 square-foot sign that is: a) 10 feet from the (west) side property line where a minimum 50-foot setback is required; and b) 10 feet from the (west) right-of-way line where a minimum 20-foot setback is required. Chris Keenan stated they want to replace the current 15 year old wood sign in the same location with a new sign that would look like a typical accessory business sign and will identify both Kingdom Sports and Kidfit Daycare, and will also have an electronic message display. Mr. Keenan added placing a new sign in a conforming location would not be visible to westbound traffic on East Centre Avenue due to the presence of the woods to the east. Finch inquired how large the existing sign is and how large the new sign would be. Mais stated the existing sign is 32 square feet, and the proposed sign will be 62 square feet, but nonaccessory signs may be up to 300 square feet in area and the proposed sign is a fraction of size they are permitted. Eichstaedt noted the proposed sign would be on Stryker Corporation’s property and inquired if the applicant needed an easement to place their sign there. Mais stated yes, and it was staff’s understanding that the applicant has already requested this in writing from Stryker. Byrnes inquired if Merchant Drive was a public street. Mr. Keenan stated it was not a public street, but was a privately owned drive.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

After brief discussion, a motion was made by Eichstaedt, seconded by Philipp, to grant variances to erect a 62 square-foot sign that is: a) 10 feet from the (west) side property line where a minimum 50-foot setback is required; and b) 10 feet from the right-of-way line where a minimum 20-foot setback is required, conditioned upon the applicant providing written permission from Stryker that the sign may be located on their property, for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the historical development of the property and the presence of mature trees to the east. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise a business; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Rowe-Yes, Wettig-Yes, Fry-Yes, Finch-Yes, Philipp-Yes, Byrnes-Yes, Eichstaedt-Yes. Motion passed 7-0.
OTHER BUSINESS:

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator
ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date: 10/30/2019

Name of Applicant: Panda Restaurant Group

Applicant's Address: 1683 Walnut Grove Avenue, Rosemead, CA 91770

Name of Property Owner (if different from Applicant): Hakim Yala

Address: 1683 Walnut Grove Avenue, Rosemead, CA 91770

Address of the Property that is the subject of this Application:

Street Address: 5811 & 5817 South Westnedge Avenue & 122 Boston Avenue

For Platted Property: Lot 111, 113, 114 of Colonial Hills Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application:

Application Fee: $340

Type of Appeal (Please check one of the following bold choices and provide the requested information):

☐ Variance from Zoning Ordinance: Article Section Paragraph

Regarding: Use Area Yards

Setbacks Parking Other

Reason for Request (Also complete page 2 of application): Refer to attached Variance Request Letter

☐ Appeal of Administrative Decision: Article Section Paragraph

Reason for Request:

☐ Interpretation of the Zoning Ordinance: Article Section Paragraph

Reason for Request:

☐ A Temporary Permit for: Building Use Other Approval

Article Section Paragraph

Reason for Request:

FOR STAFF USE

Application Number: 9-10 Filing Date: 10/30 Tentative Hearing Date: 12/9

Previous Application Filed Regarding This Property:

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)
   *Refer to attached Variance Request Letter

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
   *Refer to attached Variance Request Letter

_____________________________  10/26/2019
Signature of Applicant        Date

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
October 30, 2019

Zoning Board of Appeals
City of Portage
7900 S Westnedge Avenue
Portage, MI 49002

Re: Panda Express – Variance Request
   Address: 5811 & 5817 South Westnedge Avenue & 122 Boston Avenue
   Parcel ID: 10-01600-111-0, -113-0, -114-0
   Parcel Zoning: B-3, P-1 & R-1A
   Parcel Size: 0.752 Acres

Dear Board Members,

On behalf of Panda Restaurant Group, please accept this letter and enclosed supporting documents as a formal request for three (3) non-use variances to support the proposed re-development project. The variances include the following:
   1. 30’ building setback from Boston Avenue
   2. 27’ parking lot setback/green strip
   3. Ingress/egress access across residential zoning

**VARIANCE #1 – 30’ building setback from Boston Avenue:**
The City Ordinance Section 42-350.A Schedule of regulations table requires a front setback of 30’. Enclosed is a Site Plan which displays the proposed Panda Express layout. The building is located approximately 23.5’ from the property line along Boston Avenue, therefore this is a non-use variance request for the relief of the additional 11.5’ of required setback.

**VARIANCE #2 – 27’ parking lot setback/green strip**
The City Ordinance Section 42-433.I states that Where a P-1 district is contiguous to a residential district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback (27’ in this case) for such residential district, or a minimum of 25 feet, whichever is greater. Any required landscaping or screening shall be located at the setback line.

This is a non-use variance request for relief regarding the 27’ setback requirement.
VARIANCE #3 – Ingress/Egress access across residential zoning
The City Ordinance Section 42-521.E states that Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to and from a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for single-family residential use.

This is a non-use variance request to allow for Ingress/Egress across the residential zoning along Boston Avenue.

Variance Standards
Please accept the following to address the standards for granting the proposed variances.

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance.

   • Variance #1 – 30’ building setback from Boston Avenue

      This property is unique given its split zoning, proximity to residential and restrictions on site access locations which effectively reduce the developable area of the site.

      It should be noted that this is a corner lot. Therefore the 30’ front setback is applied along both Westnedge Ave and Boston Ave. The proposed development will comply with the setback along Westnedge, but the narrowness of the property requires this variance request for the setback from Boston.

      Also, it should be noted that the proposed setback is 23.5 feet and that the existing building (which will be demolished) is only setback 19 feet. Therefore, the proposed development will be closer to complying with the setback than currently exists.

   • Variance # 2 – 27’ parking lot setback/green strip

      As stated above, this property is unique in its split zoning. The P-1 zoned portion of the lot requires a 27’ parking lot/green strip setback which equals the adjacent residential setback. A 10’ parking lot/green strip setback is proposed along Boston Ave. The 10’ setback is consistent with the remainder of the proposed pavement setback along Boston Ave within the site. It should be noted that the property across Boston Ave to the north is zoned commercial and the eastern 25’ of the property is
already zoned R-1A, effectively building in the intended buffer to the only side of the property with adjoining residential properties.

- **Variance # 3 – Ingress/Egress across residential zoning**
  
  As stated above, this property is unique in its split zoning. There is a 5’ wide strip of R1-A along the north side of parcel -111. This strip was originally intended to prohibit access because the adjacent property to the north was residential. However, the adjacent property to the north is now commercial (even 1 parcel east was recently rezoned commercial).

2. Are the physical characteristics you explained above unique and not shared by neighboring properties?

- **Variance #1 – 30’ building setback from Boston Avenue**
  
  The split zoning (commercial, parking, and residential) in addition to the shared access location from Westnedge Ave are unique features to the property. With the limited zoning areas and access location dictated, locations for the proposed building are limited.

- **Variance # 2 – 27’ parking lot setback/green strip**
  
  Based on review of the zoning map, it does not appear that any other parcels zoned commercial or parking have a 25’ strip zoned R1-A that acts as a buffer along the east side.

- **Variance # 3 – Ingress/Egress across residential zoning**
  
  Based on review of the zoning map, it does not appear that any other parcels have a similar 5’ strip of R-1A zoning prohibiting access to a side street.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?

- **Variance #1 – 30’ building setback from Boston Avenue**
  
  Drive-through establishments are a permitted use in the B-3 district. Considering a reasonable building footprint, parking, circulation and drive-thru lanes, space for commercial loading/unloading and the limited access locations, it is our opinion strict compliance with the setback would be unreasonably burdensome.

- **Variance # 2 – 27’ parking lot setback/green strip**
  
  Strict compliance with the requirement would be unnecessarily burdensome to the property. This area of the property is zoned parking.
The 5’ strip of R1-A adjacent to the area zoned parking requires a large buffer from the right-of-way substantially reduces the site area available for parking.

- Variance # 3 – Ingress/Egress across residential zoning

  Strict compliance with the requirement would be unnecessarily burdensome to the property. Without the requested variance, appropriate vehicle access/circulation to the site will not be possible.

4. Is the variance request the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area?

- Variance #1 – 30’ building setback from Boston Avenue

  Providing safe and convenient traffic circulation through the site has dictated the location of the proposed building. Based on the limited possible locations for site access, required parking, and drive-thru circulation, we believe the requested variance is the minimum necessary in order to accommodate functional site design.

- Variance # 2 – 27’ parking lot setback/green strip

  In order to accommodate adequate parking facilities, we believe relief from the 27’ setback/green strip requirement is the minimum necessary. We also believe the variance is logical and just to other property owners in the area considering the adjacent property to the north is currently zoned commercial, which is compatible with the proposed use.

- Variance # 3 – Ingress/Egress across residential zoning

  The limited access driveway from of Westnedge Avenue will not adequately serve this site. In order to allow traffic to exit and enter the site to/from any direction a secondary full access driveway is required. The proposed plan pushes the driveway as far from the intersection as possible while not impacting on the commercial property to the north.

5. Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.

- Variance #1 – 30’ building setback from Boston Avenue

  The granting of this variance will not result in any adverse effect on adjacent property. The existing commercial building on the site is less than 19’ from the property line adjacent to Boston Avenue. The requested variance, while not meeting the requirements of the zoning ordinance, would improve existing conditions. Further, re-development
of the site will likely result in increased property values in the surrounding area.

- Variance # 2 – 27’ parking lot setback/green strip

Granting of this variance will not result in any adverse effect on adjacent property. The property adjacent to this area is the Boston Ave right-of-way. Across the right-of-way to the north is a commercially zoned property which is a compatible use to the subject site.

- Variance # 3 – Ingress/Egress across residential zoning

Granting of this variance will not result in any adverse effect on adjacent property. The property adjacent to this area is the Boston Ave right-of-way. Across the right-of-way to the north is a commercially zoned property which is a compatible use to the subject site.

6. Explain how the variance would not result in increased traffic congestion, noise or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area.

- Variance #1 – 30’ building setback from Boston Avenue

Granting of the requested variance allows for improved traffic circulation through the site, decreasing congestion and increasing safety. Traffic benefits include removal of two (2) existing driveways and new shared/cross access with the adjacent site to the south. This improved circulation would also mean easier access for emergency vehicles. The requested variance would not create any hazards or concerns that would be detrimental to the property or the area. Removing the three (3) existing buildings on the site and replacing with one (1) modern, code compliant building, will improve the safety factor of fire, flood, or other dangers to the surrounding area.

- Variance # 2 – 27’ parking lot setback/green strip

Granting of the requested variance will allow for additional parking spaces, reducing congestion within the parking lot. The requested variance would not create any hazards or concerns that would be detrimental to the property or the area.

- Variance # 3 – Ingress/Egress across residential zoning

Granting of the requested variance allows for improved traffic circulation through the site, decreasing congestion and increasing safety. Traffic benefits include removal of two (2) existing driveways and new shared/cross access with the adjacent site to the south. This improved
circulation would also mean easier access for emergency vehicles. The requested variance would not create any hazards or concerns that would be detrimental to the property or the area.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner?

- Variance #1 – 30’ building setback from Boston Avenue
  The reason for the requested variance is not self-imposed. The existing building on the site currently has a setback of approximately 19-feet.

- Variance # 2 – 27’ parking lot setback/green strip
  The reason for the requested variance is not self-imposed. The current zoning map subjects this property to a 5’ strip of residentially zoned property (R1-A) which is unique to the site.

- Variance # 3 – Ingress/Egress across residential zoning
  The reason for the requested variance is not self-imposed. The current zoning map subjects this property to a 5’ strip of residentially zoned property (R1-A) which is unique to the site. If the 5’ strip was zoned consistent with the parcel (P-1), then this variance would not be needed.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.

- Variance #1 – 30’ building setback from Boston Avenue
  Granting the requested variance will allow for the site to be developed as a use that is appropriate for the zoning district and in character for the area.

- Variance # 2 – 27’ parking lot setback/green strip
  Granting the requested variance will allow for the site to be developed in conformity with similar sites within the City.

- Variance # 3 – Ingress/Egress across residential zoning
  Granting the variance will due substantial justice to the site and allow it to be developed with a commercial use per the intent of the City zoning ordinance.
We appreciate your review and consideration of the requested variances. Please feel free to contact us with any questions or concerns at (248) 447-2000.

Sincerely,

[Signature]

Michael McPherson
Atwell, LLC
SOUTH WESTNEDGE AVENUE

BOSTON AVENUE

(30' WIDE PUBLIC RIGHT OF WAY)

30' BUILDING SETBACK

27' GREEN STRIP

APPROX. ZONING

DISTRICT BOUNDARY

R-1A

VARIANCES REQUESTED

1. Section 42-236.8 - 30' BUILDING SETBACK FROM BOSTON AVENUE
2. Section 42-436.1 - 27' PARKING LOT SETBACK/ADJACENCY
3. Section 42-338.1 - INDUSTRIAL USE ACROSS ACROSS RESIDENTIAL ZONING

PANDA EXPRESS
PORTAGE, MICHIGAN

SCALE: 1" = 20'

DATE: 10-28-2023

ATWELL

ECOLOGICAL WATERSHEDS MANAGEMENT

WATERSHED PLANNING & DESIGN

WATERSHED ENGINEERING

WATERSHED MANAGEMENT
TO: Zoning Board of Appeals

FROM: Christopher Forth, Acting Director of Community Development

SUBJECT: ZBA #19-10, Panda Restaurant Group, 5811, 5817 South Westnedge Avenue, 122 Boston Avenue, B-3, General Business, P-1, Vehicular Parking, R-1A, One Family Residential

CODE SECTION: 42-350; Schedule of Regulations, p. CD42:84
42-433(I); P-1 Site Development requirements, p. CD42:107
42-521(E); Design of Parking Areas. p. CD42:116

APPEAL: Requesting variances to: a) construct a building 23.5 feet from the (north) front property line where a minimum 30-foot setback is required; b) construct a parking lot 10 feet from the (north) front property line where a minimum 27-foot setback is required; and c) permit parking lot ingress/egress across a five-foot wide strip of residentially zoned property.

STAFF RECOMMENDATION: The applicant is requesting the above variances per the enclosed application, site sketch, letter of explanation, and related materials. The subject 0.74-acre zoning lot is a corner lot comprised of three properties: 5811 South Westnedge Avenue, 5817 South Westnedge Avenue, and 122 Boston Avenue. The parcels addressed as 5811 and 5817 South Westnedge Avenue are both zoned B-3, general business. The parcel addressed as 122 Boston is primarily zoned P-1 Vehicular Parking with the exception of the east 25 feet and north five feet which is zoned is zoned R-1A, one family residential. The zoning lot is adjacent to other commercial properties to the south, north across Boston Avenue and west across South Westnedge Avenue. A residential neighborhood zoned R-1A abuts the zoning lot to the east.

The zoning lot is currently improved with three vacant commercial buildings, off-street parking lot and related improvements. The applicant proposes to demolish the existing buildings and redevelop the property with an approximate 2,200 square-foot Panda Express restaurant, and redesign the existing off-street parking lot. The proposed redevelopment will entail three variances: a) the building will be located 23.5 feet from the (north) front property line where a minimum 30 feet is required; b) the proposed off-street parking lot on the P-1 zoned portion of the zoning lot will be ten feet from the (north) front property line where a minimum 27-foot setback is required; and c) the Boston Avenue ingress/egress is proposed across a five-foot wide strip of R-1A zoned property.

Concerning request a) the existing building at 5811 South Westnedge Avenue is currently 19 feet from the (north) front property line and the proposed 23.5 foot setback will be a reduction in the degree of nonconformity. The variance is needed due to narrowness of the 132-foot wide zoning lot with dual front yard setbacks (Boston and
South Westnedge Avenues) and the need to accommodate a drive-thru lane on the north side of the restaurant, while providing customer parking to the south of the restaurant. This arrangement will improve traffic flow and on-site safety. For these reasons the variance can be recommended.

With regard to request b) the restaurant will generate more parking than the previous businesses. The applicant proposes to add additional parking spaces on the P-1, zoned portion of the zoning lot (122 Boston Avenue). Section 42-433(I) requires there be a 27-foot front yard setback for parking areas when a P-1 district is contiguous with an R-1A district. Four of the parking spaces are proposed within this required 27-foot setback, and will be situated 10 feet from the front property line along Boston Avenue. In this situation, the parking lot faces a commercial property (121 Boston Avenue) across the street on the north side of Boston Avenue, which results in no impacts. Additionally, the east 25 feet of 122 Boston Avenue portion of the zoning lot is zoned R-1A providing an enhanced buffer to the adjacent residence to the east. For these reasons, the variance can be recommended.

Concerning request c) the variance would be unnecessary but for the fact a five-foot wide strip of R-1A zoned property extends along the frontage of 122 Boston Avenue. Section 42-521(E) states ingress/egress shall not be across land zoned residential. In 2002, the property was rezoned to P-1, with this five-foot wide strip intentionally created so as to prohibit vehicular access to Boston Avenue. Given that the property across the street at 121 Boston is zoned for commercial purposes and the applicant is proposing access management improvements with the redevelopment project including closure of the existing driveway on 5811 South Westnedge Avenue and relocating the existing Boston Avenue driveway further east so as to be a safer distance from the South Westnedge Avenue intersection, the variance is recommended.

PRACTICAL DIFFICULTY: Limited size of corner lot. Improved traffic circulation and safety. Surrounding development pattern. See suggested motion form.
SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #________, the application by ________________________
for a variance from _______________________________________________________

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the
    property that do not apply generally to other properties in the same zoning district, which
    include _____________________________________________________________;

2a. The variance is necessary for the preservation and enjoyment of a substantial property
    right, the right to ______________________________________________________,
    which is similar to that possessed by other properties in the same zoning district and in
    the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not
    created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding
    neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.
    -or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the
    property that do not apply generally to other properties in the same zoning district;

2b. The variance is not necessary for the preservation and enjoyment of a substantial
    property right similar to that possessed by other properties in the same zoning district in
    the vicinity because there are conforming alternatives available such as ________________________;

3b. The immediate practical difficulty causing the need for the variance request was created
    by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding
    neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

C. In addition, the application and supporting materials, staff report, and all comments,
   discussion and materials presented at this hearing be incorporated in the record of this
   hearing and the findings of the Board, and that action of the Board be final and effective
   immediately.
ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12.9.19
Name of Applicant Erin Rafferty
Print Signature Erin Rafferty
Phone No. 269.352.6461
Address 2530 Ashford Tr.
Name of Property Owner (if different from Applicant)
Address Phone No.
Address of the Property that is the subject of this Application:
Street Address Same
For Platted Property: Lot 44 of Oakland Farms Plat
[If the Property is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]
Applicant’s interest in Property that is the subject of this Application:

Application Fee $140 (Residential Uses) $ (All Other Uses)
Type of Appeal (Please check one of the following bold choices and provide the requested information):

√ Variance from Zoning Ordinance: Article 42 Section 121 (D)(1) Paragraph
Regarding: Use Area Yards
Setbacks Parking Other
Reason for Request (Also complete page 2 of application): We would like to obtain a juliana mini pig as our indoor domestic pet.

Appeal of Administrative Decision: Article Section Paragraph
Reason for Request:

√ Interpretation of the Zoning Ordinance: Article Section Paragraph
Reason for Request:

A Temporary Permit for: Building Use Other Approval
Article Section Paragraph
Reason for Request:

FOR STAFF USE

Application Number: Filing Date: Tentative Hearing Date:

Previous Application Filed Regarding This Property:

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
   See attached paperwork.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
   See attached paperwork.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
   No. See attached paperwork.

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
   See attached paperwork.

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
   See attached paperwork.

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
   See attached paperwork.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
   No. See attached paperwork.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
   The zoning ordinance is reasonable and sound in regards to livestock animals in city of Portage. A granted variance for our household would allow a mini pig to be our indoor family pet.

Signature of Applicant: Erin Rafferty
Date: 12-9-19

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
Dear Board of Appeal Members,

Thank you for taking time to review our request for an exception to the zoning code regarding a domestic pig as our pet.

I have included: Information about mini pigs as pets and examples of other city ordinances regarding pigs as pets. A letter of intent written to our neighbors at Oakland Farms Plat. Information regarding the federal definition of livestock and facts of owning a mini pig as a pet. I have also letters of support from the American Mini Pig Association and American Mini Pig Rescue. I hope the information will help clarify what makes a mini pig a pet and why they are so incredibly loved as such.

My husband, Matt and our 2 children, Ruby and Miles, have lived in Portage our entire lives. We all have attended Portage Public Schools. I work at Ascension Borgess as a Registered Nurse. Matt works primarily from home in print sales. We love Portage! We have recently finished building our dream home. We plan on staying for a long time.

Meet Tatertot.

This sweet girl was born on October 22, 2019 at Everbrooke Farms in Hickory Corners. Tatertot will be JPAR (Juliana Pig Association Registry) pet registered. Dad is Duke. He is a fairly shy boy and loves belly rubs. He is very social when it comes to other animals. He is 16 inches tall and Registered with the Juliana Pig Association Registry. Mom is Millie. She has an amazing mini pig bloodline in the AMPA (American Mini Pig Association) registry. Millie is 15 inches tall. Erin Williamson, owner of Everbrooke Farms, pours her heart into her animals. Tatertot stays at the farm until she is at least 8 weeks old. Mrs. Williamson’s pigs are socialized with kids and animals. Tatertot will be spayed on December 10, 2019. The piglets are potty trained both in litter boxes and outdoors. Matt and I visited Everbrooke Farms. We had the opportunity to tour the farm, met both pig parents, siblings, as well as the family’s 2 indoor pigs. We left feeling so excited and in love with the newest member of our family.
Tatertot will be an indoor pet. We will have a fenced in area in our backyard for her to enjoy the outdoors. We have purchased a harness and leash to be able to walk her. Tatertot will be vaccinated and dewormed per our Veterinarian (Denney Vet in Vicksburg) recommendations. She will be microchipped as a permanent form of identification. We have no other household animals. As far as living conditions, we will keep waste picked up, no odors will be present, and there will be no noise violations. We are more than willing to pay a license fee for our pig as required by other pets in the city.

Mini Pigs are sensitive, smart, family-oriented pets. Our goal is to train Tatertot as an emotional support animal for our son and a therapy pet for the community, if allowed. However, we are unable to start the process of training if she is not allowed as a domestic pet in our zoning area.

We hope this information will show that mini pigs are intelligent, thoughtful animals that make extraordinary members of a family. Our mini pig will be taken care of just as any cat or dog in our city, maybe better! We anticipate no negative outcomes for the city by granting us an exception to the zoning code.

Thank you for your time,

Matt, Erin, Ruby and Miles Rafferty
Good Afternoon,
I called the other day but did not get a reply from the number listed on the notice I received about this request. So I called another number for the city and they suggested to email.

I am just responding to the request for Mr. Rafferty at 2530 Ashford Trail to have a companion pig.

As a neighbor who moved out here 30 years ago to be 'in the country' and raise my family in a less complicated technological world, with horses and animals, gardens and space to be outside. I have no objection to his request. If his pig brings him comfort so be it.

The kid flying his drone above my property is more annoying to me than anything.

At any rate - I am in favor of his request to have his pig.
Thanks and have a great week.
Beck

Becky Argue
Holtyn & Associates | Wellness Coach CWWS, CWWPM, ACE-CPT
269-720-7582
www.holtynwellness.com

In-Spire: To encourage somebody to greater effort, enthusiasm, or creativity. To awaken a particular feeling in somebody. [Latin –inspirare “to breath”]

"Improving Wellness One Employee At A Time"

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The Facts of Owning Pigs As Pets
The Facts of Owning Pigs As Pets

Written by:

The American Mini Pig Association

Mini pigs have unfairly been excluded from city zoning ordinances across the United States. Most of these laws were put into place before the era of the pet mini pigs. The laws in place are often referring to livestock, as large hogs raised for meat purposes. Please consider the following to amend your local ordinance to allow pet mini pigs to live with their devoted families. There is no reason these pets should be excluded or singled out. Mini pigs offer a variety of benefits and challenges for their owners just as all other pets do. To learn more about mini pigs as pets please visit www.americanminipigassociation.com or contact the American Mini Pig Association directly at info@americanminipigassociation.com. We would be glad to answer any questions you or your city council members might have.

Myth: Pigs are not pets

We beg to differ! Pigs have been pets since the 1980s. A rapidly growing number of owners across the United States, Canada, and beyond, claim their dedication to pet mini pigs. The numbers continue to spike as more families fall in love with the charms and challenges of these unique pets. Follow the American Mini Pig Association on Facebook or view the massive educational website dedicated to mini pigs as family pets.

The American Mini Pig advocates for responsible owner, breeder, rescue, and veterinary practices. Mini pigs are being registered as pets through the official AMPA registry.

Resource:

www.americanminipigassociation.com
Myth: Pigs will make us sick

Pet pigs present a very low zoonotic risk to humans. You are far more likely to get sick from your child’s classmates or a stranger at the grocery store than from a pet pig. Pigs living as pets are not exposed to the conditions and diseases of commercial farm hogs.

The CDC states: “Almost all influenza cases in humans are caused by human flu viruses, not viruses from swine.” and

“At this time, there are three main flu viruses that circulate in U.S. pigs: H1N1, H1N2 and H3N2. These viruses do not usually infect people and are genetically different from the H1N1 and H3N2 viruses that commonly circulate in people.”

According to the North Carolina Swine Veterinary Group, even on commercial pig farms, people are more at risk from mechanical or electrical injury than microorganisms.

To further protect against zoonotic diseases, mini pigs should be vaccinated yearly against erysipelas and regularly dewormed with Ivermectin to prevent mange mites as recommended by the Merck Veterinary Manual. This is similar to the vaccine and parasite control routine that is standard for dogs, cats, and other pets. Some cities require a rabies vaccine in pet pigs as an added precaution.

Resources www.cdc.org
www.ncsu.edu

Myth: Pigs are HUGE!

Mini pigs average in height from 12 to 18 inches tall at maturity. They are short and heavy. They are very similar in height to English Bulldogs or Cocker Spaniels. Mini pigs average 50-150 lbs in weight when full grown, very similar in weight to medium to large dogs but the pigs are much shorter in height than a dog with similar weight. A 70 pound mini pig will take up less space on the couch than his 70 pound Labrador Retriever brother!

Comparing pigs and dogs:

Mini Pigs
12 to 18 inches average
50 to 150 pounds average

English Mastiff dog
30 inches MINIMUM according to the Mastiff Club
343 pounds on record
Newfoundland dog
36 inches tall on record
260 pounds on record

Great Dane dog
44 inches tall on record
230 pounds on record

Neapolitan Mastiff dog
31 inches according to AKC Breed Standard
200 pounds according to Dog Breed Info

Irish Wolfhound dog
34 inches according to AKC Breed Standard
120+ pounds according to AKC Breed Standard

Saint Bernard
35 inches according to Dog Guide
357 pounds on record

While no one can guarantee the size of any animal, choosing an AMPA Registered Breeder will ensure pet owners are not deceived. These breeders have been pre-screened, proven measurements of the breeding pigs, and signed a Code of Ethics to ensure happy, healthy, socialized mini pigs. AMPA Registered Breeders will make sure your neighborhood doesn’t accidently end up with an Esther sized pig!

Resources:
www.AMPAbreeders.com
www.americanminipigassociation.com
www.akc.org
www.guinnessworldrecords.com
www.ibtimes.com
www.dogbreedinfo.com
www.dogguide.net www.mcoamastiff.com
www.thehydrantblog.com
www.worldrecordacademy.com
Myth: All pigs are the same, or all pet pigs are potbellied pigs

Pigs come in a variety of shapes and sizes, bred for different purposes. There are three distinctions of pigs: pets, livestock, and medical research.

**Pet Mini Pigs** are a miniature size of pig as recognized and registered by the American Mini Pig Association. These pigs are usually mixed with several breeds Juliana, Göttingen/Guttėingen, African Pygmy, Yucatan Micro, Swedish White, and various mixes of these breeds. It is very rare to find a purebred Vietnamese potbellied pig. Instead, today’s pet pigs are mixed breeds or “mutts” often referred to as American Mini Pigs. Mini pigs average in height from 12 to 18 inches and 50 to 150 pounds at maturity when they are 5 years old. Mini pigs are bred and sold as pets. Breeders focus on temperament, personality, size, and structural soundness avoiding genetic faults or aggression. These pigs are often used as Therapy Animals in hospitals, nursing homes and schools and as Emotional Support Animals (ESA) due to their intelligence and bonds with their owners/families. **The purpose of these animals is to be family companions as pets.**

**Livestock** are defined by Merriam-Webster as farm animals kept for use and profit. Pigs in terms of livestock are often referring to as "farm hogs" or "full size hogs". Common livestock breeds of swine are Landrace, Yorkshire, Berkshire, Tamworth, Red Wattle, Large Black, Large White, Mulefoot, Duroc, Guinea Hog, and Old Spot. These animals are raised as a food source on a small or large scale, both at farms and commercial facilities. Livestock farm hogs will typically grow in excess of 700-1,000 pounds when allowed to mature. However, the vast majority of farm hogs are slaughtered by the time they reach 250 pounds around 6 months of age. **The purpose of these animals is financial profit through food production.**

**Medical research** has long used swine in laboratories for medical advances to benefit human health care. According to the American College of Veterinary Pathologists, the most common miniature breeds available in the United States are the Hanford, Yucatan, Yucatan micro, Sinclair, and Göttingen (from largest to smallest). Swine have been an integral part of surgical training, pharmaceuticals and medicine development, testing the safety of medications, toxicology testing, organ transplantation, bioprosthetic organs, cardiovascular research, wound healing, burn victim treatments, and regenerative medicine. Swine have also been used in studies involving ulcers, cancers, diabetes, and alcoholism. Swine involved in medical research are bred, born, and raised in closed facilities that are highly regulated for genetic background and disease control.

Resources:

*American College of Veterinary Pathology*

*Göttingen Mini Pigs*

*National Anti-Vivisection Society*

*www.americanminipigassociation.com*
Myth: Pigs are noisy

Pigs are animals and do make noise as they communicate, just as all animals and humans do. A well cared for pet pig will not cause any disruption to the neighborhood. Many pet pigs live happily in their home or in their yard with only soft grunting and quiet communications of contentment. If you’re lucky you’ll hear an oof oof or a funny bark if they get excited that sounds a lot like a dog! High volume obnoxious sounds are more connected to commercial farm settings with many, many large animals similar to a dog kennel or shelter. This is a completely different scenario than a single pet mini pig or single pet dog. A pet mini pig does not face the same challenges as a large scale commercial farm.

The noise of a pig can be compared to the noise of a dog, in that typically they are very quiet, but can raise their voice when they are hurt, scared, or lonely, and each is an individual with its own personality. Some dogs are very quiet and some are a regular nuisance to their neighbors.

A pig’s most extreme squeal can reach 110 decibels, which is a very short burst of panic noise. Similarly, a dog kennel of barking dogs can reach 100-108 decibels of nonstop barking, as referenced by Perdue. Some things commonly heard in a neighborhood that are louder than a pig’s brief squeal are circular saw, chain saw, and firecrackers.

Resources: www.pijac.org

www.progressiveag.org

Myth: Pigs stink and create too much waste

Mini pigs have no body odor when they are spayed and neutered. They have very few functioning sweat glands, instead relying on water or mud to cool them off. Most pet pigs enjoy a nice roll in a kiddy pool! That is, when they aren’t snoozing in front of the TV.

Intact boars (males that have not been neutered) do have a musky odor that is used to attract females. The American Mini Pig Association recommends all pet pigs be spayed or neutered before 6 months of age. A neutered pet pig will not have the odor of a boar.

All pets create waste, but pigs create fertilizer! Pig’s manure can be composted to feed the garden. Swine manure contains several essential plant nutrients giving a higher crop yield than inorganic fertilizers.
All pet waste should be managed by owners. For pigs, picking up regularly and disposing of the waste or composting, there is no smell or odor.

Resources:

www.sagepub.com  www.americanminipigassociation.com

**Myth: Pigs are dangerous**

Pigs are affectionate, intelligent, excellent communicators, and very much loved as family pets across the world. There is no reason to fear them. These small pigs are very similar in size to a bulldog. If a male mini pig grows tusks past the lip line, these can be easily trimmed by a veterinarian as described by the Merck Veterinary Manual.

Statistics vary by locality, but residents are far more likely to be bitten by a dog or cat in the neighborhood than a pet pig.

To reduce any concern, zoning regulations may include requirements for pet pigs to be spayed, neutered, microchipped with a permanent identification, vaccinated against rabies, and contained in a fence or on a leash.

Resources:

www.merckvetmanual.com

**Myth: Property values will decrease**

There is absolutely no evidence that property values will decrease by having a pet pig in the community. On the contrary, mini pigs tend to bring a lot of positive attention, sometimes even media coverage! These special pets are opening the eyes of people everywhere. Local mini pigs often become celebrities in their own neighborhoods towns. They bring a certain join to the community that no other pet does.

Meet Skooter, the Mini Pig Hero that saved his little boys life by alerting his mom to an incident in the bathtub that left the boy nearly unconscious.

Meet Pearl the Mini Pig Hero that teaches children responsibility at school.

Meet Bacon Bit the Mini Pig Hero that detects seizures.

Meet Addy the Mini Pig Hero that visits nursing homes.

Meet Hamlet the Mini Pig Hero that brings joy to the Human Department of Children Services.

Resources:

www.americanminipigassociation.com/blog  click Mini Pig Heroes
Myth: Pigs are fed garbage or waste scraps

Mini pigs are considered family pets with all the comforts and care that other family pets are given, including top-notch nutrition and sanitary care.

Mazuri and other companies have formulated a complete pelleted diet to meet the specific needs of mini pigs. In addition to their pellets, mini pigs often enjoy a daily salad of fruits and vegetables along with a few healthy snacks or treats such as popcorn, cheerios, or raisins.

Mini pigs should NEVER be fed garbage or waste scraps. While this *may* be the case with some farmers that raise large hogs for slaughter, they do this to grow the hog to market size as cost effectively as possible. Mini pig families are not raising pigs to slaughter and they are not looking to cut cost. Pet pigs are family and often claimed to “eat better” than their humans! Many pet pig owners go to great lengths to feed their pigs a fresh assortment of organic vegetables and whole, fresh foods. Learn more about Mazuri mini pig food.

Resources:

www.americanmini.pigassociation.com www.mazuri.com

Myth: Pigs cannot live indoors

Mini pigs are very happy to live indoor/outdoor just like the family dog, as stated by the Merck Veterinary Manual. If pigs are housed outside, they should be given proper fencing and protection from the elements as addressed in the American Mini Pig Association Owner Code of Ethics.

Mini pigs can be trained to use a litter box like a cat, or to go outside into the yard to use the bathroom just like the family’s dog. Read more about potty training pet pigs.

Resources: www.americanmini.pigassociation.com

www.merckvetmanual.com

Myth: Pigs are dumb livestock

Mini pigs are highly intelligent companion pets. Classifying a pet mini pig as livestock would be similar to classifying a child’s pet bunny as livestock because they are commonly raised in rabbitries in the meat/fur industry and shown at livestock shows. Mini pigs are raised and treated as family pets. There is no correlation to the livestock swine industry. Penn State classify rabbits as livestock, while stating “Rabbit farming has grown from raising a few rabbits for family consumption to large commercial operations with hundreds of rabbits. Investment in a rabbitry, including breeding stock, can be quite modest.” Yet, this classification does not stop families from owning a rabbit as a family pet.
Mini pigs are so smart they learn to move levers and switches to get food and water. They have high level social cognitive abilities and self-awareness. Furthermore, pigs have shown a variety of emotions and feelings as shown by the Humane Society.

Mini pigs have been certified nationwide by the 501c3 nonprofit organization Pet Partners alongside dogs as Animal Assisted Therapy volunteers. This certification requires the right temperament and plenty of training. These mini pigs and their handlers are invited to hospitals, schools, nursing homes and other community centers to provide therapy to the residents. Mini pigs are also used as Emotional Support Animals to comfort their owners with emotional disorders. www.petpartners.org

Meet Skooter, the Mini Pig Hero that saved his little boys life by alerting his mom to an incident in the bathtub that left the boy nearly unconscious.

Meet Pearl the Mini Pig Hero that teaches children responsibility at school.

Meet Bacon Bit the Mini Pig Hero that detects seizures.

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Meet Hamlet the Mini Pig Hero that brings joy to the Human Department of Children Services.

Resources: www.extension.psu.edu
www.humane society.org
www.petpartners.org

Mini pigs have been trained to:

- Sit
- Stay
- Spin
- Bow or Curtsy
- Crawl
- Back up
- Take treats gently
- Clicker train
- Walk on a harness
- Relax for hoof trims
- Come to their name
- No
• Out or leave it
• Shake hands
• Wave
• Push a ball
• Pick up objects
• Paint
• Solve puzzles
• Honk a bike horn
• Play a piano
• Play guitar
• Kiss
• Obstacle course
• Swim
• Ride a skateboard
• Ring a bell to go potty outside
• Unroll the red carpet
• Step up onto an object
• Jump through a hula hoop
• Use a doggy door
• Run through a tunnel
• Use stairs
• Walk up a ramp
• Understand sign language
• Distinguish colors
• Distinguish shapes
• Walk on a teeter totter
• Weave through poles
• Figure 8 through legs
• & Lots more!
Pigs as pets sound great! What's next?

While the American Mini Pig Association stands behind pigs being zoned as pets, we also advocate responsible pet ownership. The following are sometimes included in city ordinances to ensure pet pigs are properly cared for.

- Routine veterinary care, including vaccines (erysipelas and rabies) and regular parasite control (ivermectin)
- Pet pigs should have a microchip as permanent identification
- Pet pigs should be spayed or neutered
- Pet pigs should have a fenced in yard or be on leash when outside
- If housed outside, pet pigs need proper protection from the weather as described in the Merck Veterinary Manual
- Learn more about responsible pet pig ownership at the American Mini Pig Association’s Owners Code of Ethics

Resources:

www.americanminipigassociation.com

www.merckvetmanual.com
History of Mini Pigs
Learn the History of Mini Pigs

The idea of having a pig as a pet is a relatively new one, although pigs have been domesticated for thousands of years. Many remember the popularity of the Vietnamese Pot-bellied pigs in the 1980's. Unfortunately, this breed grew to 150-200 pounds and Americans realized how difficult a pig of that size was to manage. All the while, scientific and medical laboratories had already developed a smaller version of the full sized, 1000 pound pig for their research needs. Pigs are anatomically and physiologically similar to humans. Creating a manageable, smaller sized pig for use in research seemed like a perfect idea. Labs began selective breeding to develop this smaller pig with specific characteristics to benefit their research. Selecting breeds of pigs to combine for their size, color, and growth rates resulted in the Mini Pig.

In 1949, Black Guinea Hogs, Feral boars, and the Piney Rooter of Louisiana became the bases for what would be called the Minnesota Mini Pig. The Ras-n-Lama pigs from Guam were then selected for their Island Dwarfism traits to again reduce the size of the pigs.

The Minnesota Mini Pig was then crossed or bred with Vietnamese Pot-bellied Pigs in Germany, resulting in a spotted pig that had Pot-bellied characteristics.

In 1965, the German Landrace pig was introduced into the breeding to encourage a light colored pig.

Then in Germany in 1969, the breeding combination of 60% Vietnamese Pot-belly, 33% Minnesota Mini Pig, and 7% German Landrace established the breed Gottingen Mini Pig which were eventually exported to the U.S. to aid in the development of the Jullan.

The most common mini breeds used or developed in the U.S. labs were the Hanford, Yucatan, Yucatan Micro (a smaller version of the Yucatan), the Sinclair, the Gottingen, as well as up to 14 other breeds.

But what about the Teacup pig?

In 1992, Chris Murray of Pennywell Farms in England spent 9 years cross breeding or mix breeding the Kune Kune pigs from New Zealand, averaging 200 pounds, with Vietnamese Potbellies, Gloucester Old Spot, averaging 600 pounds, and the Tamworth, averaging 800 pounds. After 24 generations of pigs on his farm he had come to realize the pigs enjoyed sipping tea. Pennywell Farms introduces their Mini Pig or the Teacup Pig, not because of size, but for their love of tea. Over the years, labs have decreased their use of Mini Pigs in their research. Many were euthanized, some sold or given away. As they were released they immediately found popularity from zoos, breeders, pet stores, and animal lovers.

What is The American Mini Pig

There are many who say the American Mini Pig is the same as a Pot Belly Pig. We find that many who say this lack an understanding of the swine world outside of what they have been told or from their own limited experiences. By taking what we know from research books/documents on biomedical research, pigs in the U.S. along with breeder information/knowledge of breeding practices, and a general knowledge of the different build features of many different breeds/breed types of swine, we get a better understanding of what an American Mini Pig truly is.

From the links found on the “History of the American Mini” page you can see that PBP’s were used in the development of most biomedical research pigs. However, the American Mini also has many other breeds
"mixed in". From Landrace hogs and Durocs, too many different breed types of feral hogs. The truth of the matter is, not to many people in the country can say with 100% certainty what their mini pigs really are. There is no genetic test to determine exactly what the genetic makeup of a pig actually is. Currently there is only a parentage test with just a few breeds already on file out of the 100+ recognized breeds/breed types of swine.

Aside from just the documentation regarding biomedical research pigs we also have information on other imported breeds that played a role in the development of the modern American Mini. Such as the Pot Belly Pig breed types imported in the 80's, the Gottingen from Germany (who's lineage for the most part actually lies with some of the biomedical research pigs developed here in the states), and the KuneKune.

The first thing you should know about Pot Belly pigs is that they are not a single specific breed. The Potbellied pig, also known as the Chinese, Asian, or Vietnamese Pot Bellied Pig, is a domesticated "breed" of pig that originates from the Southeast Eurasian continent. There are at least 15 local "breed types" that make up the Pot Bellied Pig "breed". They can only be found in the mountainous regions of Vietnam, China, and Thailand. Many of these "local breed type" pot-bellies can now be found all around the world. While these local types do share some significant build characteristics it has been shown that they are not all that closely related genetically.

Pot-bellied Pigs in the U.S. today can be traced back to a few different imported breed types or "lines". The Con line, Lea line and Royal line represent most of the foundation stock for pot-bellies in America today. Keith Connell imported Pot Bellied Pigs to the U.S. from Canada in 1982 for zoological purposes. Keith named them the "Con" line. At least two other local breed types of Pot Bellied Pig were brought into the U.S. shortly after Keith Connell's "Con line". The "Lea Line" imported by Leavitt (white and black markings) and the "Royal Line", imported by Espberger (mostly white, somewhat larger than the "Lea Line"). By American and European standards all local types of Pot Bellied Pig are relatively small, ranging in weight from 80-300 pounds and 16-32 inches tall. The different imported lines provided a larger gene pool to work with. Giving us a healthier breed type that enables breeders to develop more desirable characteristics such as size, disposition, and conformation.

From what is known and what can be seen in the American Mini Pigs of today, they are vastly different from their Asiatic descended cousins/ancestors. Off the bat, the first indicator is the variation in coloration. The Asiatic breeds/breed types brought to the U.S. are black, white, or black and white with varying patterns. Only through the introduction of European, American, and various feral types can we account for the wide variations in color that we see in the American Mini Pig. Next we look at build features. Most PBP breed types have a pronounced pot belly and a very visible swayed back. Their hair is also much thinner than the American Mini Pig leaving the skin easily visible through the hair. The majority of American Mini Pigs have a much thicker coat, little to no pot belly and/or swayed back. They also come in every color and pattern possible in swine.

Through cross breeding and selective breeding we were able to get to what we have now. Due to the varied history of these animals we find that build and coloration can vary widely depending on the individual breeders “standards,” as well as the genetic makeup of the individual pig. We can see key build features in our modern American Mini Pigs that also help to link them to both their recorded and unrecorded history. From ear shape and set, coloration, facial structure, and over all build it is possible to make an educated guess as to what the dominant genes could possibly be linked back to. They can
share any number of characteristics from their lineage depending on how the genes line up on that individual. That being said these animals do stand apart from any one of the individual breeds/breed types that went into their development.

When the use for biomedical research pigs began to decline, the majority of facilities eliminated their programs all together while some continue on to this day. Some of these pigs made it into the hands of the general public. They were bred and cross bred with any number of available breeds in the US, unchecked for decades. The American Mini Pig could potentially be one of the most genetically diverse breed types of swine in the world. We can see elements of different island feral hogs, Asiatic hogs, European swine, Australian, Russian, and American breeds in our modern American Mini Pigs. Some can very closely resemble any number of other breeds of swine. It all depends on the ratio of the genetics on that individual.

Ultimately, the majority of miniature breeds in the United States are linked to each other in one way or another. We know that Pot Bellied Pigs were used in the development of biomedical research pigs. One of those research breeds known as the Minnesota Mini Pig was shipped to Germany to be used in research facilities. While there, they were crossed with local breeds ultimately resulting in the development of the Gottingen. The Gottingen was then brought to the US and used to help create the Juliana. It is now a fairly common practice to cross Juliana’s and American Mini Pigs. Things have gone full circle with these amazing creatures.

We as an organization recognize that there can be vast similarities between some Pot Bellied Pig breed types, Julianas, Gottingens, as well as many other breeds, with some modern American Mini Pigs. We do not deny that. That being said, as a whole they are now their own unique hybrid that does not fit in to any one of those single miniature pig breed types or “standards”.

Many common labels or nicknames for the American Mini Pig of today include: Teacup, Micro, Super Micro, Nano, Pixie, and Pocket Pig. These nicknames are not considered breeds, but size classifications or market tools and labels individual breeders place to describe size. These labels or nicknames can be defined differently from breeder to breeder. The American Mini Pig Association hopes that our registry classifications will one day replace the labels and allow breeders to have a universal system of size definitions.

http://m.vet.sajerpub.com/content/49/2/344.full  http://netvet.wustl.edu/species/pigs/pignotes.txt
Letters of Support from
American Mini Pig Associations and
American Mini Pig Rescue
Dear Sir/Ma’am,

I am writing today to ask your city to consider an amendment to your animal zoning ordinances to allow pet mini pigs to live with their families.

The American Mini Pig Rescue Advocates is a 501c3 nonprofit organization dedicated to protecting and advocating for pet mini pigs. Unfortunately, there has been a huge increase of pet pigs losing their homes due to outdated zoning ordinances. We ask you to join the many cities across the nation that have updated these ordinances to reflect the pet market of today while reducing unnecessary displacement and abandonment of pet mini pigs.

Many city ordinances across the nation were written prior to 1986 when Vietnamese Potbelly Pigs were first sold into the pet market in the United States. These original potbelly pigs averaged 250 pounds which were comparatively miniature to the 600-1,500 pound domestic swine that are raised as livestock. Today’s mini pigs, as recognized and registered by the American Mini Pig Association, are a mix of several smaller breeds. These mixed mini pigs are referred to as American Mini Pigs, averaging 12-18 inches in height and 50 to 150 lbs. at maturity. These pet pigs have different temperament, genetics, size, and purpose from the large commercial farm pigs. American Mini Pigs are housed as pet animals, just like a dog or cat. They receive the same standard of veterinary care, training, healthy foods, and comfortable accommodations. Mini pigs often accompany their families on vacations or shopping trips.

If your city has any questions or concerns regarding allowing mini pigs as pets in your zoning ordinances, please contact us. We would be glad to help dispel the many myths and misconceptions of these wonderful pets.

Thank you for your consideration,

Stephanie Matlock

American Mini Pig Rescue, President

RescueAdvocates@AmericanMiniPigRescue.com

References:

http://www.ansi.okstate.edu/breeds/swine/vietnamese-potbelly
www.americanminipigassociation.com
and www.americanminipigrescue.com
To Whom It May Concern,

The American Mini Pig Association would like to thank you for taking the time to consider amending your zoning ordinance to allow pet mini pigs to live with their owners. Mini pig families are very passionate and dedicated to these pets.

On behalf of the American Mini Pig Association, I would like to formally recommend an amendment to your city’s animal ordinance to allow mini pigs. This amendment may include the same regulations that are set forth for dogs or cats to encourage responsible ownership, including a pet limit per household, appropriate veterinary care, leash law, and/or registration. Please see supporting document “The Facts of Owning Pigs As Pets” to dispel many common misconceptions about these cherished pets.

Mini pigs are intelligent and sensitive pets. It causes a great hardship for the families to be separated from the pets they are bonded to. In addition, this separation due to zoning often results in displacing animals that end up putting a burden on local animal shelters or worse. These pets have great potential to increase welfare in the community as registered Therapy Animals volunteering at schools, hospitals, nursing homes, and other community centers, or as Emotional Support Animals to help their owners at home through difficult times. The AMPA has a blog series dedicated to Mini Pig Heroes in the community showcasing the benefits they have brought to the people of their city.

The American Mini Pig Association has created a nationwide registry to document verifiable information on these mini pigs such as age, size, health, track pedigrees, promote responsible breeder, ownership, and veterinary care. AMPA Registered Breeders are required to follow a strict code of ethics. They must prove age and size of their mini pigs. These steps will ensure that consumers are not victims of fraud or deceived on size of their new pets. AMPA Registered mini pigs will have an official certificate verifying their pet status.

Visit the American Mini Pig Association website to learn the facts of mini pigs as pets. If you have any questions or concerns please do not hesitate to contact us. We would be more than happy to discuss any issues your city may have. www.americanminipigassociation.com

Sincerely,

Kimberly Chronister

American Mini Pig Association, Vice President info@americanminipigassociation.com
To whom it may concern:

We are writing in regards to the inclusion of mini pigs as pets in city animal ordinances. As veterinarians that treat family pets including cats, dogs, and mini pigs, we encourage you to include mini pigs in city or town zoning.

Mini pigs live as family pets. We recommend your city animal ordinance reflect this. Mini pigs are not a single breed such as potbellied pig, but rather a size classification of smaller sized pigs that are raised as clean and quiet pets. There are very clear distinctions between large breeds raised commercially as livestock and the miniature breeds of pets.

Mini pigs are not raised, housed, treated, or used for the purposes of livestock animals. They are not fed garbage or exposed to commercial hog farm diseases. There is a very low risk of zoonotic diseases with pet pigs. It is very unlikely for a person to become sick from a pet mini pig.

When mini pigs are kept as pets in residential areas, we recommend the following:

- Spay/neutered before 6 months of age
- Microchip placement as permanent identification
- Vaccinations as appropriate
- Annual checkup, routine parasite control, fecal & giardia test
- Appropriate housing and containment (mini pigs should not roam)

Respectfully,

Dr. Carrie Schneider, DVM at Barnyard Pet Vet

Seattle, Washington http://barnyardpetvet.com/

American Mini Pig Association Veterinary Member
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Respectfully,

Dr. Jyl Rubin, DVM at Dr. Jyl’d Mobile Vet Connection

Orangevale, California  http://www.driyl.com/

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Respectfully,

Dr. Cathy Corrigan, DVM at Emerald City Emergency Clinic


American Mini Pig Association Veterinary Member
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Respectfully,

Dr. Alison Meyer, DVM at Marymont Animal Clinic

Silver Spring, Maryland [http://marymontanimalhospitalinc.com/](http://marymontanimalhospitalinc.com/)

American Mini Pig Association Veterinary Member
requirements or limitations herein, provided that proof of 4-H or Future Farmers of America registration for such animals can be provided upon request by the department.

(Ord. No. 03-03, § 16, 10-20-02; Ord. No. 12-36, § 1, 10-15-12; Ord. No. 13-34, § 6, 9-19-13; Ord. No. 2014-21, § 1, 1-6-14)

Other cities that are zoned for pet mini pigs

The following list has been compiled by pet pig parents as cities across the United States and Canada that allow mini pigs in the zoning ordinances alongside cats and dogs. Pet mini pigs are increasingly popular as a choice of family pet. **Please note this list is not guaranteed for accuracy. Ordinances are updated and changed often. If you are looking to bring a pig into your life, or move to a city, it’s important to contact the city directly to get the current ordinance in writing.

Double Springs, AL
Denver, CO
Sterling, CT
Lakeland, FL
Loxahatchee, FL
Green Cove Springs, FL
Middleburg, FL
Perry, FL
Key West, FL
Palatka, FL
Savannah, GA
Augusta, GA
Atlanta, GA
Kauai County, HI
Boise, ID
Peoria County, IL
Chicago, IL
Plainfield, IL
Robertsdale, AL
Loxley, AL
Summerdale, AL
Bayminette, AL
Fairhope, AL
Valdez, AK
Mesa, AZ
Queen Creek, AZ
Flagstaff, AZ
Phoenix, AZ
North Little Rock, AR
Rogers, AR
Lakeside, CA
Bakersfield, CA
Norco, CA
Oakland, CA
Alameda, CA
Rancho Cordova, CA
Sacramento County, CA
Hanford, CA
Lakewood, CO
LaJunta, CO
Bennett, CO
Arapahoe County, CO
Denver, CO
Sterling, CT
Southwest Ranches, FL
Ft. Lauderdale, FL
Alachua County, FL
Homestead, FL
Tampa, FL
North Port, FL
South Beach Miami, FL
North Fort Myers, FL
Loxahatchee, FL
Green Cove Springs, FL
Middleburg, FL
Perry, FL
Key West, FL
Palatka, FL
Savannah, GA
Augusta, GA
Atlanta, GA
Kauai County, HI
Boise, ID
Peoria County, IL
Chicago, IL
Plainfield, IL
Winamac, IN
Hartford City, IN
Newton, IA
Wilsey, KS
Abilene, KS
Elwood, KS
Olathe, KS
Leitchfield, KY
Millwood, KY
Leitchfield, KY
Clarkson, KY
Covington, LA
Franklinton, LA
West Monroe, LA
Waggaman, LA
Pollock, LA
Fishville, LA
Pineville, LA
Alexandria, LA
Lake Charles, LA
Charlotte Hall, MD
Calvert County, MD
Baltimore, MD
Montgomery County, MD
Harford County, MD
Hillborgo, MD
Livonia, MI
Ypsilanti, MI
Mt Pleasant, MI
Pleasant Ridge, MI
Otisville, MI
Kalamazoo Twp, MI
Norway, MI
Vulcan, MI
Red Wing, MN
West Saint Paul, MN
St Paul, MN
Eagan, MN
Bloomington, MN
Maple Grove, MN
Minnetonka, MN
Shoreview, MN
Lumberton, MS
Oliva Branch, MS
Nixa, MO
Hannibal, MO
Mcfall, MO
Holden, MO
Splitlog, MT
Alberton, MT
Kansas City, MT
St. Lois, MT
Sullivan, MT
Omaha, NE
Kearney, NE
Lemoyne, NE
Washington Township, NJ
Santa Fe, NM
Los Lunas, NM
Albuquerque, NM
East Aurora, NY
Vestal, NY
East Nassau, NY
Hornby, NY
Charlotte, NC
Currituck County, NC
Raeford, NC
Johnston County, NC
Fairborn, OH
Miami Township, OH
Brown County, OH
Twinsburg, OH
Northfield, OH
Eugene, OR
Springfield, OR
Malin, OR
Dexter, OR
Florence, OR
Lane County, OR
Fairfield, PA
Montoursville, PA
Borough of New Cumberland, PA
Lower Allen Township, PA
Greenville, PA
Camp Hill, PA
Middletown Township, PA
Montgomery County, PA
Morgantown, PA
Bucks County, PA
Derry, PA
Westerly, RI
Greenwood, SC
Harleyville, SC
Kingsport, TN
Sparta, TN
Murfreesboro, TN
Leoma, TN
Lake Charles, TN
Angleton, TX
Garland, TX
Spring, TX
Ingleside, TX
Rockport, TX
Aransas Pass, TX
Princeton, TX
Bedford, TX
Wilmer, TX
Carrollton, TX
Dallas, TX
Grand Prairie, TX
Arlington, TX
Clyde, TX
Fort Worth, TX
Lewisville, TX
North Richland Hills, TX
New Braunfels, TX
Perrysburg, TX
Wautaga, TX
Wichita Falls, TX
Kerrville, TX
Hawkins, TX
Hanover, VA
Shenandoah County, VA
Henrico, VA
Auburn, WA
Coos County, WA
Olympia, WA
Shelton, WA
Sumas, WA
Seattle, WA
Duvall, WA
Vancouver, WA
Elma, WA
Volga, WV
Williamsburg, WV
East Lynn, WV
Ellsworth, WI
Port Washington, WI
Grafton, WI
West Bend, WI
Green Bay, WI

Canada
Airdrie, Alberta
Portage LA Prairie, Manitoba, Canada
Brantford, Ontario, Canada
Guelph, Ontario, Canada
Hamilton, Ontario, Canada
St. Catherines, Ontario, Canada
Stratford, Ontario, Canada
Kent County, New Brunswick, Canada
RM of Ste. Anne, Manitoba, Canada
Chatham Kent, Ontario, Canada
Welland, Canada
Enderby, British Columbia, Canada
City Ordinance Information
City Ordinance Tips from the American Mini Pig Association

& 13 Example Ordinances From Across The Nation

Amending your city’s zoning animal ordinance to include the housing of mini pigs is an important step in meeting the demands of today’s pet owners. As you will see in the example ordinances below, including mini pigs can be as simple and direct or as specific and drawn out as your council chooses. These ordinances were compiled on March 11, 2016 and are not guaranteed to be up to date after this. These are simply provided as examples.

Ideally, pet mini pigs should have all the same rights and restrictions as cats and dogs. If your city requires official registration, veterinary care, vaccines, permanent identification, containment as fencing or leash laws, noise restrictions, waste removal, fines for noncompliance, rules against chaining up pets, or any other stipulations, these can be directly included to pet mini pigs as well.

Consider the following when proposing ordinance changes.

**Spaying/neutering:** While ordinances for dogs and cats typically do not include spay/neuter stipulation, the American Mini Pig Association strongly suggests including this for pet families. Mini pigs that have not been spayed or neutered do not make the best pets. Intact pigs will likely have behavioral and/or health problems that are easily prevented with a spay or neuter.

**Vaccinations:** Veterinary recommendations on pet mini pig vaccines varies greatly. Some veterinarians recommend vaccines and some do not. Some city ordinances require vaccines and some do not. The AMPA does not hold a stance on whether vaccines should or shouldn’t be included in city ordinances. However, if they are included, erysipelas and rabies are recommended to protect the health of the pig and the people around them. In addition, regular parasite control is important. Ivermectin given every 6 months is recommended. This is the same medication that is frequently given to dogs on a monthly basis to prevent heartworm and other intestinal parasites. Ivermectin can be given at home or through a licensed veterinarian. REMEMBER, these are pet pigs. They will not be in contact with farm animals or commercial swine diseases.

**Permanent Identification:** The AMPA recommends all pet pigs be microchipped as an appropriate form of permanent identification. This microchip is required in many cases for traveling across state lines, will help to reunite owners, and will help to identify pigs in case of health records are needed or other identification of an individual is needed.

**Per Household Limit:** While some cities limit the number of pet mini pigs in a household, we believe a more reasonable stance is limiting the total household pets. There is no more burden with owning a pet pig compared to a dog, cat, or other pet. Instead of limiting pet pigs to 1 or 2, simply include pet pigs in the total pet limit. There is no reason or cause to single them out.
**Breed:** Potbellied pigs were the first small pet pigs to enter the U.S. pet market in the 1980’s. Various Potbellied Pig organizations and registries popped up at this time. These first pigs grew up to 250 lbs. The vast majority of today’s pet mini pigs are not purebred. Instead, they are mixed between a variety of small breeds as they were selectively bred down in size, selected for temperament and body structure. As this mixing of breeds occurred in American, these smaller pigs are often referred to as American Mini Pigs. The average height is 12-18 inches, miniscule in comparison to many family dogs. They are dense in structure averaging 50 to 150 lbs when they mature at 5 years old. The American Mini Pig Association holds the official registry for these pet pigs. Breeders are pre-screened thoroughly and verified to have American Mini Pigs. Registered mini pigs receive an official certificate of registration to dispel any concern that they are a larger breed of swine.

Unfortunately, many cities updated their animal ordinances to reflect the Potbellied Pig’s introduction to the pet trade many years ago. These ordinances required “purebred potbellied pigs” are outdated and impossible to fulfill.

Instead of requiring pet pigs be purebred potbellied pigs, the AMPA recommends writing your ordinance for “pet pigs” or “small breed pigs” or “American Mini Pig” to classify the smaller mixed breed pet pigs of today.

**Height/Weight Restrictions:** Some cities have included height or weight restrictions in their ordinances. Unfortunately, some of these ordinances were written with misinformation, which has run rampant as the “teacup” and “micro” scams have spread. It is a reasonable restriction to limit the height of mini pigs as 24 inches tall, which is merely 2 feet tall. The majority of mini pigs will be under 20 inches tall.

Putting a restriction on weight is far more difficult. This is where many misconceptions come into play. Some city ordinances have in the past put restrictions of 60 pounds. Unfortunately, very few pet pigs will meet this requirement. There have been unscrupulous or misinformed breeders that have sold pigs telling customers the pigs would only grow to 20-35 lbs. Sadly, the pigs outgrow this unrealistic size expectation before they reach maturity. Most mini pigs will be closer to 100 pounds, but still only as tall as a bulldog. Mini pigs are deceptively heavy. Most people would guess $\frac{1}{2}$ of the mini pig’s actual weight. When you look at a 100 lb pig, it looks more like a 50 lb pet. Once the pig is put on a scale, everyone is surprised at the dense weight! If your city puts an unrealistic weight restriction on pet pigs, you will not eliminate healthy sized pigs. You will simply have owners hiding their pigs and not being honest about their actual weight. Please do not further the myth of the unrealistically small pig.

Ideally, there will be NO weight limit in your city ordinances. Even for a pig that is 16 inches tall, they can weight as little as 50 pounds or as much as 120 pounds depending on their body structure, length, and body condition. Just as with humans, you cannot flip a switch and maintain perfect weight the rest of your life. Some people are 100 lbs and some are 300 lbs. Similarly, if a family’s Labrador retriever weighs a healthy 70 lbs then is fed too many treats or
runs into a health problem and becomes obese at 100 lbs, you wouldn’t suddenly consider the
dog “too large” for your city’s animal ordinance. The obese Labrador wouldn’t be considered a
different animal, he would simply be considered overweight.

Indoor/Outdoor: According to the Merck Veterinary Manual, pet mini pigs are suited to living
an indoor/outdoor lifestyle. Mini pigs can be trained to use a litterbox in the house or use a dog
door to potty train in the back yard. However, some pigs do prefer to spend their time outside.
When they are accommodated with weather proof shelter, they can live a very happy life this
way, just as some dogs are outdoor dogs and some are indoor/outdoor dogs. The same applies
for pigs. The American Mini Pig Association does not believe it in the best interest of the
animal, owner, or neighborhood to regulate whether the pet mini pig should be inside or
outside. Within this, owners should be expected to keep waste picked up, no odors should be
present, and there shouldn’t be any noise violations. Pet pig owners should be held to the same
responsibility as owners of any other type of pet.

Containment: The American Mini Pig Association recommends pet pig owners have a secure
fenced in yard for their pet pig or have the pig on a secure leash. Pigs should never be allowed
to run at large or damage neighboring properties. The same rules as you would expect from
dogs will transfer over well to pet mini pigs.

For further information, please visit www.AmericanMiniPigAssociation.com or email the
American Mini Pig Association at info@americanminipigassociation.com

Phoenix, Arizona

http://www.codepublishing.com/AZ/Phoenix/frameless/index.pl?path=../html/Phoenix08/Phoenix0808.html

8-8 Regulations for keeping within City.

(b) No swine shall be kept within the City limits, except purebred miniature Vietnamese potbelly pigs
and other similar purebred miniature pigs. Miniature pigs shall not exceed one hundred twenty-five
pounds. No more than three miniature pigs shall be allowed per household. This ordinance shall not apply
to or affect any prosecutions filed prior to the effective date of this ordinance.
Omaha, Nebraska


Animals Requiring Rabies Vaccinations:

Dogs and cats

Mini pigs must be blood tested by the age of eight weeks to ensure that the animal is not carrying pseudorabies or brucellosis. Please refer to the Mini Pigs section below for additional vaccination requirements.

MINI PIGS

Number and Size Restrictions

Only one mini pig is allowed per residential dwelling. Mini pigs living within the city limits or in the area within three miles of the city limits may not weigh more than 100 pounds or exceed 22 inches in height.

Spaying/Neutering

Mini pigs must be spayed or neutered within 30 days after attaining three months of age. Licensing

Mini pigs are required to be licensed by March 15th every year. The cost to license a mini pig is $35. License payments received after the March 15th deadline may be subject to a late fee of $50 in addition to any applicable license fees.

If a mini pig is acquired by an owner after March 15th, a license must be purchased within 30 days of acquiring the pet.

If an owner of a mini pig becomes a resident of the city after March 15th, he must purchase a license within 30 days of establishing residency. Vaccinations Required

Every mini pig living within the city limits or in the area within three miles of the city limits must be vaccinated, by a veterinarian licensed to practice in the state and certified to treat livestock by the state department of agriculture, for the following diseases. Mini pigs are required to be blood tested by the age of eight weeks to ensure that the pig is not carrying pseudorabies or brucellosis. Proof of testing will be required to license.

- Four to six weeks of age: erysipelas bacterin, Leptospira (five or six serotypes) bacterin, Atrophic rhinitis vaccine
- Eight to ten weeks of age: repeat above schedule (unless second vaccine already administered)
• Biannually: booster leptospira bacterin
• Annually: booster erysipelas bacterin, tetanus toxoid (if recommended by veterinarian), booster atrophic rhinitis vaccine, blood tests required

Seattle, Washington

9.25.052 - Potbelly pig and miniature goat licenses.
A.

Potbelly pigs. No potbelly pig may be kept as a domestic pet in the city if it is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight. Within thirty (30) days of entry of any potbelly pig into The City of Seattle, the owner of the pig must obtain a valid license for each such animal. Along with the fee for such license or renewal, the owner must present the following: proof that the pig is spayed or neutered; certification by a licensed veterinarian that the pig has current vaccinations; certification within the prior thirty (30) days by a licensed veterinarian of the weight of the pig; certification within the prior thirty (30) days by a licensed veterinarian that no tusk appears outside of the mouth of the pig when the mouth is closed; and the address of the property and description of the physical location(s) on the property where the pig will be kept.

23.42.052 - Keeping of animals B.

Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as a small animal, provided that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the city.

Carrollton, Texas

https://www.municode.com/library/tx/carrollton/codes/code_ofOrdinances?nodeId=TITIXHESAPRMA.CH91ANRE_ARTVIIIILI_S91.59POPIRE

Sec. 91.59. - Potbellied pigs; requirements. Added
(A)

For the purpose of this section, "potbellied pigs" shall refer to a variety of swine that is no more than 18 inches in height at shoulder level when fully grown, has short ears, and a straight tail. No swine shall be considered a potbellied pig if its weight exceeds 60 pounds, or it is registered with a licensed breeder.
(B) It shall be unlawful for any person to keep, harbor or raise more than two adult potbellied pigs in any one dwelling unit within the city.

(C) It shall be unlawful for any person to keep a potbellied pig outdoors other than at those times necessary for the elimination of waste materials or exercise. Potbellied pigs are subject to all applicable sections of this chapter including the requirements of this chapter which prohibit animals at large.

(D) It shall be unlawful for any person to keep, harbor or raise a potbellied pig which has not received annual vaccinations for erysipelas, parvo virus and leptospirosis (the first of which vaccinations shall be obtained before the animal reaches the age of four months). It shall be the responsibility of the owner or caretaker of the potbellied pig to forward to the DCO, within 14 days of vaccination, a certificate from a licensed veterinarian which shall include the following information:

1. Name, street address and phone number of the owner,

2. Name, street address, and phone number of the licensed veterinarian issuing the certificate,

3. Name and description of the animal,

4. Types and dates of vaccinations,

5. Tag numbers,

6. Approximate weight, height and age of the animal, and (7) Animal's general health.

(E) It shall be unlawful for any person to keep a potbellied pig at any location within the city unless such person has first paid a registration fee and filed a registration application with the DCO. The application and vaccination history for each potbellied pig as outlined in subsection (D) of this chapter must be approved by the DCO before a person may keep a potbellied pig.

(F) Should the potbellied pig die, be moved or be acquired by a new owner or caretaker, it shall be the registered owner’s duty to inform the DCO of this fact within 14 days of the event. (Am. Ord. 3658, passed 1-6-2015)
Maui County, Hawaii


"Pet animal" means a dog, cat, domesticated rabbit, guinea pig, domesticates pig, or caged birds (passeriformes, piciformes, and psittaciformes only), so long as not bred for consumption.

Fort Worth, Texas

http://fortworthtexas.gov/uploadedFiles/City_Secretary/City_Council/Official_Documents/Ordinance%2011139.pdf

Wichita, Kansas

Sec. 6.04.172. - Swine and goat maintenance.

(a) Except as provided in subsection (b) of this section, it is unlawful for any person to keep or maintain any swine or male goats within the corporate limits of the city, except for stockyards or packing house operations, special scientific operations in industrial areas or activities in conjunction with livestock shows. Other industrial or agricultural maintenance of swine may be approved, if the industrial or agricultural premises is located five hundred or more feet from any residentially zoned lot as defined by the Unified Zoning Code. This distance requirement may be waived by the Chief of Police or designee.

(b) Registered purebred miniature Vietnamese potbelly pigs and other similar registered purebred miniature pigs may be kept within the city limits, subject to the conditions stated in subsections (c) and (d) of this section. (c) It is unlawful for any person to maintain a registered purebred miniature pig which:

(1) Weighs more than 80 pounds;
(2) Is not spayed or neutered upon reaching maturity;
(3)
Has not undergone a blood test to show the animal is free from pseudo rabies; or

(4)
Is maintained as a food source.

(d)
It is unlawful for any person to:

(1)
Keep a registered purebred miniature pig without a current animal maintenance permit as required by section 6.04.157 of the Code of the City of Wichita;

(2)
Maintain more than one registered purebred miniature pig on any licensed premises.

(Ord. No. 48-300, § 24, 3-24-09; Ord. No. 49-010, § 25, 5-24-2011; Ord. No. 49010(Corr. Copy), § 25, 7-11-2011)

Angleton, Texas

Sec. 4-5. - Livestock.

(a)
It shall be unlawful for a person to keep any swine within the city limits except in a zoning district in which a stockyard or stable is permitted or the following exception:

(1)
No more than one domesticated miniature potbellied pig, no more than 16 inches tall, may be kept or maintained on any one premises within the city.

(2)
All owners of domesticated miniature potbellied pigs shall have such pigs tested for Pseudorabies and Brucellosis prior to being brought into the city, and shall maintain proof of such tests being performed by a veterinarian properly licensed by the state. In addition, all such pigs brought into the city must be neutered or spayed before the pig reaches six months of age.

(3)
Every owner of a domesticated miniature potbellied pig shall obtain a license for such pig within seven days after bringing such pig into the city and annually thereafter. There will be a fee of $5.00 (neutered animal) and $10.00 (non-neutered animal) for said license. The provisions of article II, sections 4-26 through 4-47 shall apply to the license and registration required under this chapter.

(4)
Potbellied pigs must be maintained in a fenced yard.

(5)
Miniature potbellied pigs at large:

a.
It shall be unlawful for any owner of a domesticated miniature potbellied pig to permit such pig to be unattended by the owner or the owner's designee in the outdoor premises of the owner or to permit such pig unrestrained to enter upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property, or upon any publicly owned property and facilities.

b. Any person who shall violate any of the provisions of this section 4-5(a)(1) through (6) shall, upon conviction, be fined the sum of not less than $50.00 nor more than $2,000.00. Any person who violates any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined not less than the sum of $100.00, nor more than $2,000.00. Any person who shall violate any of the provisions of this section, upon a third or subsequent conviction, be fined the sum of $2,000.00. Minimum fines herein shall not be suspended by orders of court.

(6)

It shall be the duty of the animal control officers to see that any miniature potbellied pig found running at large is impounded, without the necessity of filing a complaint and impounded and disposed of the same as dogs. Any such pig impounded which has not been spayed or neutered shall be at the owner's expense.

(7)

The following shall be considered a public nuisance and unlawful: a.

Excessive, continuous or untimely squealing by domesticated miniature potbellied pigs.

b.

Rooting to such an extent that the animal traverses the property boundary line. c.

A domesticated miniature potbellied pig found to be running at large on three or more occasions within a 12-month period.

d. Failure to maintain good sanitation and health care.

Kansas City, Missouri

https://www.municode.com/library/mo/kansas_city/codes/code_of_ordinances?nodeId=PTIICOOR_CH14AN_S14-13VIPOPI

Sec. 14-13. - Vietnamese potbellied pigs. Modified

Domesticated Vietnamese potbellied pigs may be kept in residentially zoned areas of the city provided that the owner must be able to produce certifications from a veterinarian that such animals are potbellied pigs and not another breed of pig.

(Code of Gen. Ords. 1967, § 6.12.1; No. 911488, 12-11-91; Ord. No. 951372, § 1, 11-9-95; Ord. No. 150493, § 1, 7-2-15)
Wilcox, Arizona

5ANCO_6.05.140SW

6.05.140 - Swine.

a. Swine Prohibited; Exceptions. No swine shall be kept within the city limits, except registered miniature Vietnamese purebred potbelly pigs and other similar registered purebred miniature pigs.

b. Size and Number Restricted. Miniature pigs shall not exceed 100 pounds. No more than two miniature pigs shall be allowed per household.

c. Fees and Fines. Licensing fees and running at large fines will be assessed per ordinances and resolutions utilized at the time by the Willcox Department of Public Safety, Humane Division.

(Ord. NS301, § 2(6-5-14), 2010)

North Little Rock, Arkansas

H10AN_ARTIIIIL_S10-138KEHOGOSH

Sec. 10-138. - Keeping of hogs, goats or sheep.

(a) It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the city; except that hogs, goats or sheep in transit may be kept for a period not to exceed 24 hours in a duly established stockyard.

(b) The enforcement of the provisions contained in this section shall be the responsibility of the police department, the city health officer or the city code enforcement officers.

(c) This section does not apply to Vietnamese pot-bellied pigs. For the purpose of this section, the Vietnamese pot-bellied pig is to be considered a pet and subject to any and all laws that may apply to pets, including, but not limited to, restrictions on running at large.
Omaha, Nebraska

https://www.municode.com/library/ne/omaha/codes/code_of_ordinances?nodeId=PTIIMUC0_CH6AN_ARTXIMIGS

• ARTICLE XI. - MINI-PIGS

• DIVISION 1. - GENERALLY

• Sec. 6-301. - Number and size restrictions.

It shall be unlawful for any person to own, keep, or harbor at any time more than one mini-pig per residential or dwelling unit within the city limits or in the area within three miles of the city limits. Further, it shall be unlawful for any person to own, keep or harbor any mini-pig reaching a size greater than 100 pounds in weight and/or 22 inches in height within the city limits or in the area within three miles of the city limits.

(Ord. No. 36463, § 2, 12-16-03)

• Sec. 6-302. - Spaying; neutering.

It shall be unlawful to own, keep or harbor a mini-pig within the city limits or in the area within three miles of the city limits that is not spayed or neutered within 30 days after attaining the age of three months.

• (Ord. No. 36463, § 2, 12-16-03)

• Sec. 6-303. - Running at large.

It shall be unlawful for any person to allow or permit any mini-pig which is owned, kept or harbored by him to run or be at large in or upon the private premises of others or upon the streets, highways and other public places of the city.

(Ord. No. 36463, § 2, 12-16-03)

☐ Sec. 6-304. - Restraint.

It shall be unlawful for the owner of any mini-pig within the city to fail to keep his mini-pig securely restrained by a chain or otherwise confined in or upon his premises in an enclosure sufficient to contain the mini-pig.

(Ord. No. 36463, § 2, 12-16-03)
• **Sec. 6-305. - Mini-pigs damaging property of others.**

   It shall be unlawful for the owner of a mini-pig to allow or permit his mini-pig to damage property of others or cause bodily injury. If the owner is adjudged guilty of a violation of this section, the court may, in addition to the penalty provided for the violation of this Code, order such disposition or destruction of the offending mini-pig as may seem reasonable and proper.

   (Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-306. - Disturbance of the peace.**

   It shall be unlawful for any person who owns, keeps, harbors, maintains, or permits on any parcel of land or premises under his control any mini-pig which by loud, continued, or frequent oinking, squealing, or grunting shall annoy or disturb the peace and comfort of the inhabitants of any neighborhood or interfere with any person or persons in the reasonable and comfortable enjoyment of life or property; provided, however, this section shall not apply to the animal shelter, veterinarians, and medical laboratories.

   (Ord. No. 36463, § 2, 12-16-03)

• **Secs. 6-307—6-320. - Reserved.**

• **DIVISION 2. - LICENSES**

• **Sec. 6-321. - Applicability of division.**

   The provisions of this division shall be applicable and controlling within the corporate limits of the city and in the area within three miles of the corporate limits thereof.

   (Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-322. - Exceptions.**

   Notwithstanding any other provision herein, the provisions of this article shall not be deemed to apply to, or in any way to interfere with, the ordinary conduct and operation of veterinary clinics, biological laboratories or pet shows, when conducted within the city.

   (Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-323. - License required.**
It shall be unlawful for any person to own, keep or harbor any mini-pig within the city limits or in the area within three miles of city limits unless such mini-pig has been licensed by the authority as required by the provisions of this division; provided, however, that this section shall not apply to any mini-pig which has not reached the age of eight weeks.

(Ord. No. 36463, § 2, 12-16-03)

§ Sec. 6-324. - Application.

Written application for a license required by the provisions of this division shall be made to the authority, and the applicant shall:

(a) State the name and address of the owner of the mini-pig;
(b) State the color, age and sex of the mini-pig;
(c) Submit documentation signed by a licensed veterinarian indicating that, upon reaching the age of four months, the mini-pig has been neutered or spayed;
(d) Provide such other information as may identify the mini-pig.

The applicant shall certify to the information contained in such application under penalty of law for the willful making of any untrue statement.

(Ord. No. 36463, § 2, 12-16-03)

- Sec. 6-325. - Date for obtaining license.

- Licenses required by the provisions of this division shall be procured on or before March 15 of each year, provided:

  (1) If a mini-pig is acquired by an owner after such date, such license shall be acquired within 30 days after the date of acquisition of such mini-pig.

  (2) If the owner becomes a resident of the city after March 15, he shall acquire such license within 30 days after he establishes residency in the city.

(Ord. No. 36463, § 2, 12-16-03)

- Sec. 6-326. - Fees generally.

The annual fee for a license required by the provisions of this division shall be $35.00.
• **Sec. 6-327. - Late charge.**

In the event an owner fails to acquire a license under the provisions

- of this division within the time required, he shall pay a charge of $50.00 in addition to the fees required by this division.

(Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-328. - Issuance; tag.**

(1)

Upon payment of the required fee, the authority shall issue a numbered receipt and tag to the owner for the mini-pig licensed.

(2)

Such license receipt shall contain the owner's name and address and such description of the mini-pig as may be required for purposes of identification, and the number of the tag issued therefor.

(3)

Such tag shall be in such form and description as the authority shall determine from time to time.

(Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-329. - Separate license and tag required for each mini-pig.**

A separate license and tag is required under the provisions of this division for each mini-pig owned, kept or harbored by any person.

(Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-330. - Wearing of collar and tag or other identification.**

Upon receiving a tag under the provisions of this division, it shall be the duty of the owner or other person keeping a mini-pig to ensure that the mini-pig bears a permanent means of identification at all times such as an implanted micro-chip or such tag attached to a durable collar or harness worn at all times.

(Ord. No. 36463, § 2, 12-16-03)

• **Sec. 6-331. - Records.**
The authority, shall keep a record of the name and address of each owner obtaining a license under the provisions of this division and the number of the license and tag issued.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-332. - Expiration.**

  Licenses issued under the provisions of this division shall be valid until March 15 of the succeeding year.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-333. - Misuse of tag.**

  No owner shall permit or allow his mini-pig to wear any license tag other than the one issued for such mini-pig and for the period of the license year hereinbefore mentioned.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-334. - Removal of tag.**

  No person shall remove or cause to be removed the collar or tag from any licensed mini-pig without the consent of the owner, keeper, or harborer thereof.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-335. - Vaccination required.**

Every mini-pig required to be licensed by this article shall be vaccinated, by a veterinarian licensed to practice in the state and certified to treat livestock by the state department of agriculture, for the following diseases:

- Young mini-pigs shall be vaccinated within 30 days after they have reached two months of age. Unvaccinated mini-pigs acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under two months of age as specified above. Subject to the above, every such mini-pig shall be revaccinated following a period of not more than 12 months since its last vaccination.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-336. - Blood tests required.**

Every mini-pig required to be licensed by this article shall, no later than the age of eight weeks, be blood tested to ensure that the animal is not carrying pseudorabies or brucellosis. Such testing shall
be repeated annually thereafter. In the event the animal tests positive for either disease, the animal shall be held by the authority and treated until cured, or if the disease is incurable, the animal shall be destroyed. The cost of holding and, if necessary, destroying the animal shall be borne by the owner of the animal.

(Ord. No. 36463, § 2, 12-16-03)

- **Sec. 6-337. - Certificate of vaccination and blood testing.**

It shall be the duty of each veterinarian, at the time of vaccinating or blood testing any mini-pig, to complete a certificate of vaccination and blood testing, which shall include but not be limited to the following information:

(a) The owner's name and address;

(b) An adequate description of the animal, including but not limited to such items as the animal's sex, age, name, and distinctive markings;

(c) The date of vaccination;

(d) The vaccination tag number;

(e) The type of vaccine administered;

(f) The manufacturer's serial number of the vaccine used. Such veterinarian shall issue a tag with the certificate of vaccination;

(g) The date of blood testing; and

(h) The results of the blood tests.

The veterinarian shall make and provide a copy of each certificate issued to the authority at the time of its issuance. In the event blood tests reveal the presence of pseudorabies, brucellosis, or other disease, the veterinarian shall notify the authority immediately. (Ord. No. 36463, § 2, 12-16-03)
Sec. 4-41. - Animal ownership limitations.

The number and type of animals which may be owned and/or possessed in unincorporated Osceola County is limited as follows:

(1)

In all residential zoning districts inside the Urban Growth Boundary, as defined in the Osceola County Comprehensive Plan, domesticated animals such as dogs, cats, ferrets, potbellied pigs (Vietnamese or Asian), rabbits, pigeons, horses and chickens are permitted, but the following animals are specifically prohibited: roosters, quacking ducks, geese, peafowl, game birds, cattle, goats, sheep, swine, hogs, or the presence or use of animals for commercial purposes unless otherwise provided for in the Osceola County Land Development Code.

a. Domesticated animals are limited to not more than twelve (12) in total per residence. The number of dogs shall not exceed four (4). The number of cats shall not exceed eight (8). The number of potbellied pigs shall not exceed two (2).

b. One (1) horse or other equine shall be permitted for every one (1) contiguous acre. c. Pigeon coops shall be permitted when accessory and incidental to the principal structure and must comply with all other applicable laws and regulations. The coop setback shall be a minimum of twenty-five (25) feet from rear and side property boundaries, and the height of the coop shall not exceed six (6) feet. A coop is not permitted within the front yard.

1. The coop or fenced enclosure must be kept in a clean and sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance. Feed stored outside must be secured in a metal container to prevent mice and other pests.

2. Pigeons shall not be overcrowded, and adequate space must be allowed so that each animal has space to lie down, stand up, and turn around without touching another pigeon.

d. Six (6) chickens are permitted except that duplexes, townhomes, multi-family and similar units are prohibited from keeping chickens. The number of chickens shall count toward the total number of animals permitted.

1. 
Chickens shall be contained in a coop or fenced enclosure. The coop or fenced enclosure shall be set back twenty-five (25) feet from any adjacent residential principal structure or accessory structure that contains a residential unit, which is off the subject property, and fifteen (15) feet from any abutting residential property line.

2.

The coop or fenced enclosure must be kept in a clean and sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance. Feed stored outside must be secured in a metal container to prevent mice and other pests.

3.

Chickens shall not be overcrowded, and adequate space must be allowed so that each animal has space to lie down, stand up, and turn around without touching another chicken.

(2)

In all non-agriculturally zoned districts outside the Urban Growth Boundary, as defined in the Osceola County Comprehensive Plan, dogs are limited to no more than four (4) per residence.

(3)

The keeping of swine is prohibited in non-agriculturally zoned districts outside the Urban Growth Boundary, as defined in the Osceola County Comprehensive Plan. In agriculturally zoned districts outside the Urban Growth Boundary, the keeping of swine is permitted as follows: a.

   No more than two (2) swine are permitted per parcel. b.

   The swine shall be contained in a pen or opaque fenced enclosure that maintains a minimum of one hundred (100) feet from any perimeter property boundary. c.

   Pens shall be accessory and incidental to the principal dwelling.

(4)

References to domesticated animals shall mean domesticated animals that have been weaned. Domesticated animals are not counted toward the animal limitations until they have been weaned.

(5)

The limitations and restrictions herein do not apply to any animal that can be shown by the owner to have been permanently and lawfully residing in the county at the time of passage of this section.

(6)

Service animals are exempt from these requirements and are not counted toward the total number of animals permitted.

(7)

The raising of otherwise prohibited animals by 4-H or Future Farmers of America members for exhibitions, fairs, or the like, is permitted and is not subject to the
Federal Definition of Livestock
FEDERAL DEFINITIONS

-U.S. Code Title 7 § 8302 states “The term “livestock” means all farm-raised animals.” -Title 9 of the Code of Federal Regulations defines:

“Farm animal means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchillas, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.”

“Pet animal means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, and hamsters. This term excludes exotic animals and wild animals.”

“Exotic animal means any animal not identified in the definition of “animal” provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.”

“Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf.

**Wild state means living in its original, natural condition; not domesticated.

“Retail pet store means a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, and coldblooded species.”

Ms. Pamela J. Winston
2630 Avenue S, NW,
Winter Haven, Florida 33881

Dear Ms. Winston:

Thank you for your letter of September 19, 1997, to President Clinton concerning pot bellied pigs. Because our Agency of the U.S. Department of Agriculture (USDA) enforces the Animal Welfare Act (AWA)—a law that governs the treatment of many animals—the White House forwarded your letter to us for response.

We share your concern for the growing population of unwanted animals and commend your efforts to care for such animals in your area. Under the AWA, our Agency is charged with the responsibility of licensing or registering certain breeders, researchers, exhibitors, and dealers to ensure that they provide their animals with living conditions that meet or exceed specified standards for veterinary care and animal husbandry. Included are areas such as handling, sanitation, food, water, transportation and protection against extremes of weather and temperature. However, animal ownership laws are under the jurisdiction of State and local governments, and we suggest you continue working with these authorities on this matter.

In regard to your request that the Federal government recognize pot bellied pigs as pets, we wish to clarify that—in most cases—we do consider these animals to be pets. A pot bellied pig is considered livestock only when these animals are in import or export status. Restrictions are imposed only to prevent disease transmissions that may affect the health status of the domestic swine industry in either the importing or exporting country. However, USDA—for all other purposes—considers pot bellied pigs to be pet animals because they are not bred and raised in this country for food or fiber purposes. Accordingly, their care and protection fall within the jurisdiction of State and local authorities.

We hope this information is helpful and that you will continue your efforts to ensure the well-being of these animals.

Sincerely,

[Signature]

Terry L. Medley
Administrator
PROCLAMATION
POTBELLIED PIG DAY
March 1, 1998

WHEREAS, Pennsylvanians have enjoyed the companionship of potbellied pigs since their introduction to the United States in 1985; and

WHEREAS, originally inhabitants of the jungles of China and Vietnam, potbellied pigs have endeared themselves to Americans. Their high intelligence, cleanliness and unique appearances make them an ideal, and unusual, pet; and

WHEREAS, similar to dogs, potbellied pigs can be trained to do many things. Because of their intelligence, they can do tricks, be easily housebroken and even be trained to walk on a leash; and

WHEREAS, in celebration of these animals, a national Congress will bring together owners of potbellies to affirm responsible ownership through educational seminars and networking.

THEREFORE, in special recognition of the the companionship afforded by potbellied pigs and the importance of their proper care, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim March 1, 1998, as POTBELLIED PIG DAY in Pennsylvania.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-fifth day of February in the year of our Lord one thousand nine hundred and ninety-eight and of the Commonwealth the two hundred and twenty-second.

TOM RIDGE
Governor
TO: Zoning Board of Appeals
FROM: Christopher Forte, Interim Director of Community Development
SUBJECT: ZBA #19-11, Erin Rafferty, 2530 Ashford Trail, R-1B, One Family Residential
CODE SECTION: 42-121(D)(1)(A); Domestic Animals, p. CD42:133.
APPEAL: Requesting a variance to allow a Juliana mini pig to be kept as a household pet/emotional support animal at 2530 Ashford Trail.

STAFF RECOMMENDATION: The applicant is requesting the above variance per the enclosed application, letter of explanation, and other related materials. The subject 16,378 square-foot property is zoned R-1B, one family residential, and is improved with a 1,630 square-foot dwelling and 640 square-foot garage. The property is in a residential neighborhood and is adjacent to the Gourdneck State Game Area to the north.

The applicant wishes to obtain a Juliana mini pig as a household pet and emotional support animal for a child. Household pets are permitted as an accessory use in residential zones; however, pigs are specifically designated as farm animals or livestock under Section 42-121(D)(1)(B). Background information indicates that Juliana mini pigs are a sub-species bred for their small stature and temperament. Where typical commercial swine raised as livestock may grow in excess of 600 pounds, a full grown Juliana mini pig averages 12-18 inches in height and weighs 50-150 pounds. The applicant indicates the animal will live indoors, be house trained and use an indoor litter box, taken for walks on leash, and have a back yard enclosed with a fence. The applicant seeks a variance to allow a Juliana mini pig to be kept as a household pet/emotional support animal at their home.

As background, Section 42-121(D) was amended in 2011 to allow the keeping of chickens as an accessory use in residential areas. Initially, the Planning Commission had recommended language to allow "animals other than chickens;" however, City Council expressly omitted the "animals other than chickens" language when adopting the amendment (see attached City Council minutes). The applicant has provided a considerable volume of materials supporting an argument for a text amendment to the Zoning Code to allow miniature pigs as pets. However, the Board does not have authority to render a decision or interpretation that would have the effect of amending the Code. The code explicitly states pigs are considered farm animals and are not permitted as household pets "whether kept for profit or for pleasure and companionship." In order to grant a variance, the Board must identify a practical difficulty.

Staff has on more than one occasion requested the applicant provide documentation from a medical authority stating the miniature pig would provide therapeutic benefit...
to a family member with a disability that the Board might consider in making a decision. At the time of writing this report, no documentation has been provided. The applicant has demonstrated no practical difficulty or condition related to the property that precludes compliance with Code. The current ordinance standard that requires pigs or other farm animals be kept on properties having more than 10 acres is appropriate and represents an important protection for residential neighborhoods. The variance is therefore not recommended.

PRACTICAL DIFFICULTY: None noted by staff. See suggested motion form.
CITY COUNCIL MEETING MINUTES FROM APRIL 12, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Deacon Karen McDonald of the St. Barnabas Episcopal Church of Portage gave the invocation and Boy Scout Troop 277 led the City Council and the audience in reciting the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Fair Housing Resolution and received comment from Executive Director of the Fair Housing Center of Southwest Michigan, who reviewed some of the activities of the Center and praised Vicki Georgeau for her assistance.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the March 22, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* CONSENT AGENDA: Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Motion by Sackley, seconded by Bailes, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 12, 2011: Motion by Sackley, seconded by Bailes, to approve the Accounts Payable Register of April 12, 2011. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

ORDINANCE AMENDMENT 10-A, KEEPING CHICKENS AND OTHER ANIMALS: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson and asked him to summarize the events leading up to the public hearing. Mr. Erickson provided a brief summary of his communication to City Manager Maurice Evans dated February 25, 2011, which is contained in the City Council Agenda Packet as part of Item D.1, Ordinance Amendment 10-A, Keeping of Chickens and Other Animals, and provided the history of the process thus far. He cited the animals that are included in the ordinance, those animals that are not included, the requirement of a coop with an attached pen, the six foot opaque fence requirement for roaming hens, the setback requirements and materials that are not permitted in the construction of the coop and pen. Discussion followed regarding the requirement for Planning Commission review and approval for 4H projects; the storage of feed; other possible nuisance items; the Resolution establishing the permit fees; further restrictions for lake front lots; when was "Keeping of Powl and other Animals" added to the ordinance; and, the responsibility of the notification of the neighbors by the applicant instead of the City of Portage.
and whether written approval of adjacent land owners in the sample Ann Arbor ordinance should be required. City Attorney Randy Brown indicated that he did not recommend the Ann Arbor ordinance approach. Discussion followed. Mayor Pro Tem Sackley expressed his concern that the Ann Arbor ordinance notification procedure was not allowed as an option to be considered and there was no case law or legal reasoning for dismissal provided. Community Development Director responded that he is comfortable providing professional judgments, that he would review the matter but had no recollection of the issue ever being posed. Mayor Strazdas asked City Manager Evans to follow up with a response to these comments by Mayor Pro Tem Sackley. Discussion followed.

Discussion followed regarding the requirement of the six-foot opaque fence requirement; nuisance abatement; the classification of rabbits as a domestic animal; vicious ducks versus pet ducks; geese; dogs and cats; the inclusion of "fowl and other animals" provision; natural screening such as plantings instead of the opaque fence requirement; and land use that is onerous or causes problems. Discussion followed.

Mayor Strazdas recognized Planning Commission Chair James Cheesbro and, in response to Councilmembers Bailes, Reid and Urban, he agreed with Mr. Erickson that the opaque fence provision was a response to a visual concern, not a containment or protection issue. He indicated that he did not recall other barriers being discussed, though the fence itself was minimally necessary for containment purposes. Discussion followed. Mayor Pro Tem Sackley objected to the fortress environment created by the opaque fence. Mr. Cheesbro responded. Discussion followed.

Mayor Strazdas opened the discussion for comment from the public. The following individuals spoke in favor of the ordinance: Dave Ostrem, 1515 Dogwood; Tony Kaufman, 5884 E P Avenue, Pavilion Township; Lynda Stewart, 329 East Van Hoosen Boulevard; Mildred Tarasza, 410 Marylynn Court; Tracey Tyler, 3109 Hill an Brook Drive; Bryan Mohney, 7911 Lake Wood Drive; Jacquelyn Stasevich, 9100 N 27th Street, Richland, and her 4H participant, Jacob Booth; Michelle Blesing, 324 Boston Avenue; and Fernando Costas, 7639 Harvest Lane. Mr. Erickson responded to their questions about fencing; he listed some of the communities that do not allow chickens at all or in a platted situation; he indicated that Planning Commission approval would be required for other animals such as those raised through the 4H Club; he pointed out that a coop and a pen do not require an opaque fence, but to free roam the chickens requires an opaque fence; and, he indicated that the Zoning Board of Appeals has made several decisions over the years and have denied having chickens in certain areas owing to problems or difficulties unique to specific situations. Discussion followed.

Motion by Campbell, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Mayor Strazdas asked for dialogue from City Council. Discussion followed. Councilmember Reid expressed her opinion that rabbits remain a domestic animal and not be considered livestock. Discussion followed. Councilmember Urban was not in favor of moving forward on the ordinance at this time owing to too many concerns and objections still remaining with the proposed ordinance that would have to be incorporated in a final version of the ordinance. Discussion followed. In response to Mayor Strazdas, Mr. Evans indicated that a revised ordinance could be brought back at the April 26, 2011 Regular City Council Meeting. Discussion followed.

Motion by Sackley, seconded by Campbell, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Section 42-121 of Chapter 42, Land Development Regulations, by adding Section 42-121(D), Keeping Certain Animals as an Accessory Use, also known as Ordinance Amendment 10-A, and to adopt the resolution establishing an application fee of $50 for
applications involving the keeping of up to six chickens. Mayor Pro Tem Sackley stopped to add that the ordinance as drafted should be revised to specify a fence of any type should be a minimum four feet in height, and animals other than chickens should not be included in this ordinance. Councilmember Urban asked for clarification. Mayor Pro Tem Sackley explained.

City Attorney Brown repeated the specifics of the motion to ensure that he is clear of the intent of the motion. He indicated that Section 42-121.D.3.a should read, "...During daylight hours, chickens may be allowed to roam outside the coop and pen, if supervised, and only within an area completely enclosed by a fence with minimum height of 4 feet." Upon questioning, Mayor Pro Tem Sackley also confirmed that the language, "an application fee of $100 for applications involving the keeping of more than six chickens or other types of fowl or animals where Planning Commission review and approval is required" was purposely left out of the motion. In effect, this eliminated Section 42-121.D.3.j.1 and Section 42-121.D.3.j.2. Discussion followed. Councilmember Urban took exception with Section 42-121.D.3.j.3 and indicated that if Section 42-121.D.3.j.3 were eliminated, Section 42-121.D.3.k, would be eliminated, also, and the Zoning Board of Appeals was the proper forum for deciding this matter, not the Planning Commission. City Attorney Brown concurred. Discussion followed.

Motion by Urban, seconded by Reid, to eliminate Section 42-121.D.3.j.3 and all of Section 42-121.D.3.k. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed. City Attorney Brown confirmed that a rabbit is classified as a domestic animal and no permit is necessary to keep a rabbit. At the request of Councilmember Urban, Mayor Pro Tem Sackley reread the original motion. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Mr. Evans indicated that he would provide City Council with a copy of the revised ordinance as amended and passed. Ordinance recorded on page 161 of City of Portage Ordinance Book No. 12. Resolution recorded on page 191 of City of Portage Resolution Book No. 44.

REPORTS FROM THE ADMINISTRATION:

PRESENTATION OF THE PROPOSED FISCAL YEAR 2011-12 BUDGET: City Council received the Proposed Budget for Fiscal Year 2011-12, Supplemental Budget and Detail Line Item Budget. At the request of Mayor Strazdas, City Manager Evans presented the proposed 2011-12 Fiscal Year Budget to City Council and indicated that there are no surprises, that a conservative approach was utilized in formulating the $60.3 million down from the $61.8 million budget for Fiscal Year 2011-12. He indicated that Police and Fire, Parks Maintenance, Streets Maintenance, the Capital Improvement Program (CIP) are all still in the budget, just not at desired levels. He also indicated that there would be a continuing decrease in revenue stream that is attributable to declining property tax revenues for the second year in a row, with a drop this year of 2.9%. Under the new program outlined by Governor Snyder, the City of Portage would be competing for revenue sharing with other cities, but the City is planning for the day when revenue sharing is gone as a consequence of the poor fiscal health of the State of Michigan that will inevitably be addressed. He indicated that the City of Portage maintains a low overall 10.8916 mills and that the City of Portage continues to remain in the lower 25 percent of all Michigan cities of greater than 25,000 in population in terms of millage level.

He indicated that the recent trend analysis that was shared with City Council was taken into account when determining the budget, and the Administration continues to take additional reductions. He also indicated that there are continued staff reductions through attrition, for example, the number of employees is 184, down from 188, when just a few years ago Portage had 215 employees. Also, he
SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #__________, the application by ______________________
for a variance from ______________________________________

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the
    property that do not apply generally to other properties in the same zoning district, which
    include ______________________________________________________;

2a. The variance is necessary for the preservation and enjoyment of a substantial property
    right, the right to _____________________________________________,
    which is similar to that possessed by other properties in the same zoning district and in
    the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not
    created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding
    neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the
    property that do not apply generally to other properties in the same zoning district;

2b. The variance is not necessary for the preservation and enjoyment of a substantial
    property right similar to that possessed by other properties in the same zoning district in
    the vicinity because there are conforming alternatives available such as__________________

3b. The immediate practical difficulty causing the need for the variance request was created
    by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding
    neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments,
   discussion and materials presented at this hearing be incorporated in the record of this
   hearing and the findings of the Board, and that action of the Board be final and effective
   immediately.