



How U.S. Cities are Using Zoning to Support Urban Agriculture

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What is Urban Agriculture?

Urban agriculture is the practice of growing, processing and distributing fresh food by people living in urban areas. Urban agriculture includes a wide range of activities related to food, including community gardens, farms, farmers' markets and more. Urban people have long practiced agriculture to get fresh, healthy food on their tables, create more green space and extra income, as well as build community, especially in times of economic and environmental instability. Now more people are pursuing urban agriculture and publicly recognizing that growing and selling food, and even animal husbandry, have a vital place in the urban landscape. These farmers and gardeners are pushing their cities to create zoning that supports these practices, and many cities are responding

Zoning & Urban Agriculture

The zoning code in many U.S. cities was written in the 1950's when there was a move to separate urban and rural areas. Zoning codes govern land use, and generally address definitions of urban agriculture activities, describe where these activities are permitted/prohibited, what activities need special permission or permits, and provide guidelines for making sure urban agriculture uses are compatible with nearby uses, such as residential living. Zoning code rewrites may also establish new zoning categories and districts and establish permit processes.

Cities can support urban agriculture through zoning by permitting a wide range of agricultural uses in more districts, establishing pathways to long term leases and permits, establishing a wide range of agricultural use categories, allowing people to sell food that they grew on lots where they live, and by encouraging gardening and farming on vacant and under-utilized properties. They can also create reasonable guidelines for growing food, selling food, composting, and animal husbandry, while creating usable and affordable permit processes.

Urban Ag Zoning in Kansas City, Mo.

Kansas City passed an ordinance in June 2010 to address farming and gardening activities in residential areas and to include new models of urban food production, such as Community Supported Agriculture (CSA). The new

ordinance laid out four definitions of urban agriculture activities:

1) Home garden: a garden that gardeners and their family or housemates maintain on the site where they live, eating the produce themselves, or selling or donating it.

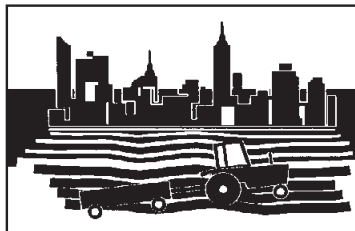
Gardeners are allowed to sell produce on-site if it is whole and un-cut between May 15 and Oct. 15, and may have an un-illuminated sign no larger than six square feet during time of sales. They are not allowed to sell processed food or produce grown elsewhere. If they sell or donate food, "row crops" may not be grown in the front yard. "Row crops" are plants over 24 inches and grown in rows.

2) Community garden: a garden that is maintained by a group of individuals who eat the produce they grow, or sell or donate it. Gardeners can sell fresh, whole, un-cut produce grown on-site if there is no house on the lot. If the lot is occupied row crops cannot be grown in the front yard. A community garden may be a principle or accessory use of a site.

3) CSA farm: a farm on which food is grown and harvested for shareholder consumption, or for sale or donation, and at least part of the harvest is sold or exchanged for labor to shareholders.

Farmers must apply for a Special Use Permit in select residential zones and if they want to sell produce on-site in addition to the regular CSA, they must apply for an On-site Sales Permit. Special Use Permits and On-site Sales Permits are available for one year in the first year, and five years following that. CSA farms may have paid or volunteer interns, workers and shareholders working on site.

All structures must comply with building and zoning codes; all chemicals and fuels must be stored in an enclosed, locked structure when the site is unattended; synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations; and the site must be maintained so that chemicals do not drain onto the adjacent property. Crops must be set



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back three feet from the property lines, with ground cover growing in that three feet.

4) Crop agriculture: growing and harvesting food crops for off-site sale or donation at locations where retail sales are allowed. If farmers want to sell their product on-site, they must have a Special Use Permit. Farmers growing crop agriculture must adhere to guidelines similar to those laid out for CSA farms regarding buildings, set backs and chemicals.

Urban Ag Zoning in Seattle, Wash.

As a part of Seattle's 2010 Year of Urban Agriculture, the Seattle city council passed an ordinance that allows community gardens, urban farms and farmers' markets in almost all zones, and allows people to sell food that is grown on the lots where they live. It also allows rooftop greenhouses and expands the kinds of chicken farming that is possible.

Urban farm is defined as a place where plants are grown for sale of the plants themselves or their products, and in which the plants or their products are sold at the lot where they are grown or off-site, or both, and in which no other items are sold.

Community garden is land managed by a public or nonprofit organization or a group of individuals, and is used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land and their households.

Urban farms in residential areas must abide by several guidelines intended to make sure that the farms are compatible with residential uses, including only using mechanical equipment intended for household use, retail sales only from 7 a.m. to 7 p.m., and a sign under 64 square inches. An urban farm can include orchards and vineyards.

No permit is required if the farm is less than 4,000 square feet and accessory to the residential use. A permit is needed if the farm is on a vacant lot, and a farm larger than 4,000 square feet requires environmental review.

Gardeners are not allowed to sell food grown in community gardens. Greenhouses are allowed on rooftops.

Urban Ag Zoning in other U.S. Cities

As the U.S. gains momentum for zoning reform that encourages urban agriculture, many cities are stepping up to the plate with unique solutions to zoning challenges.

San Francisco urban farmers pushed the city to revise antiquated zoning regulations from the 1950's that discouraged urban agriculture, especially in residential areas. Previously, all urban farming activities required a lengthy and expensive permit. Now the impact of the farm on the neighborhood, not the size or commercial activity, determines whether or not a permit is needed. Gardens and farms under one acre do not need a permit if they follow basic guidelines. All other urban agriculture does need to apply for a Conditional Use Permit.

The zoning code in Milwaukee, Wis., is already fairly supportive of urban agriculture. It has two categories for agricultural uses: 1) plant nursery and greenhouse, and 2) raising of crops or livestock. And it defines where these uses are permitted, conditional, or prohibited. Milwaukee also

released a city-wide comprehensive plan in 2010, and it encourages urban agriculture and gardening on vacant lots and under-utilized land, provided these farms and gardens have reasonable oversight by a responsible party.

Madison, Wis., is currently rewriting its zoning code, and it is expected to be completed in 2011. A group of urban farmers and gardeners helped to improve zoning for urban agriculture in the rewrite. The rewrite is expected to establish a new Urban Agriculture zoning district that will "encourage and legitimize small scale farming operations in the urban portions of the City" and preserve the current Agricultural Districts.

Urban agriculture activities are permitted within these districts, and require special permission in other districts, especially residential. Management plans are required for animal husbandry, off-street parking of more than 10 vehicles, processing of food produced on-site, spreading of manure, spraying of agricultural chemicals, including fertilizers and pesticides, use of heavy equipment. Conditional use approval is required for many of these activities.

More Information

For more information on zoning rules that could help urban agriculture, contact Land Stewardship Project's Sarah Claassen at 612-722-6377 or sarahc@landstewardshipproject.org.

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This fact sheet is brought to you by the members and staff of the Land Stewardship Project, a nonprofit organization devoted to fostering an ethic of stewardship for farmland and to seeing more successful farmers on the land raising crops and livestock. For more information, call 612-722-6377 or visit www.landstewardshipproject.org.