

CMAP



# Municipal Strategies to Support Local Food Systems

Including Local Food in Comprehensive Plans  
and Urban Agriculture Ordinance Toolkit

September 2012



The Chicago Metropolitan Agency for Planning (CMAP) is the region's official comprehensive planning organization. Its GO TO 2040 planning campaign is helping the region's seven counties and 284 communities to implement strategies that address transportation, housing, economic development, open space, the environment, and other quality-of-life issues.

See [www.cmap.illinois.gov](http://www.cmap.illinois.gov) for more information.

Image courtesy of flickr user lindsaybanks.

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Chicago Metropolitan  
Agency for Planning

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Image courtesy of USDA.

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# Introduction

One of the priority recommendations of GO TO 2040,<sup>1</sup> the region's comprehensive plan, is to promote sustainable local food. The Plan's approach calls for

- strengthening the food system by facilitating sustainable local food production and processing,
- increasing access to safe, fresh, nutritious and affordable food, and
- creating awareness of the benefits of a strong local food system.

Since the adoption of that plan, CMAP has focused on implementing its recommendations. One of those recommendations is to provide technical assistance to incorporate local food systems into comprehensive plans and ordinances. CMAP has developed two resources for communities as part of this technical assistance: Including Local Food in Comprehensive Plans and an Urban Agriculture Ordinance Toolkit.

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<sup>1</sup> See <http://www.cmap.illinois.gov/2040/main>.

## What is a Local Food System?

In its purest form, a local food system is one in which all agricultural activities are conducted locally, including food production, processing, distribution, access, consumption, and resource/waste recovery (e.g., composting). The cycle is continuous: what is produced will end up as waste in one form or another, which is then used by producers as fertilizers or other inputs to the system.

The Council on Agriculture, Science, and Technology describes a number of benefits associated with a local food system, including “recreation and leisure; economic vitality, business entrepreneurship, individual health and well-being; community health and well-being; landscape beautification; and environmental restoration and remediation.”<sup>2</sup> Local food is also often described as meeting a standard for sustainable<sup>3</sup>, or in some cases, organic production.

In the context of CMAP’s two local food technical assistance resources, the term “local” refers to northeastern Illinois and adjacent regions.



## What is Urban Agriculture?

Urban agriculture is the growing of plants and/or raising of animals for food in and around cities. As a piece of a local food system, its emphasis is on the production-related components of the system rather than the less direct aspects of access and consumption. Depending on the desires of a local government, this may include community gardens, commercial gardens, greenhouses, backyard orchards, fish farms, animals, rooftop gardens, beehives, and more.

<sup>2</sup> Butler, L., and D.M. Maronek (eds.) 2002. *Urban and agricultural communities: Opportunities for common ground*, Council for Agricultural Science and Technology. Ames, Iowa. <http://www.castscience.org>. (September 23, 2003).

<sup>3</sup> “Sustainable” is defined as meeting the needs of the present without compromising the future and can be applied to all aspects of a local food system, including, but not limited to treatment of farm workers, agricultural practices, distribution, and disposal of waste. Overall sustainability is typically measured by environmental, economic, and social impacts. In 2010, the American Planning Association and partnering professional



## Including Local Food in Comprehensive Plans

CMAP developed this document to provide a guide to planners for including elements within comprehensive and related plans to serve as a policy framework for community-based agriculture codes and ordinances. The document provides local governments with guidance on basic steps, including involving stakeholders, defining local food, outlining benefits, setting goals, evaluating current conditions, and developing recommendations. Appendix A serves as a companion piece and contains a list of resources including local and county plans, ordinances, guides, and an extensive selection of organizations in northeastern Illinois to assist governments in local food planning. It should be noted that some communities will simply include food-related recommendations in larger comprehensive plan topics such as health, quality of life, and environment. To date, this has been the most common approach. Ultimately, it will be up to the community how to incorporate local food in plans and policies.

When the local food comprehensive plan chapter or language has been completed, a community may need to update ordinances and codes to reflect the plan's local food recommendations, which is the focus of the Urban Agriculture Model Ordinance Toolkit described below.

## Urban Agriculture Ordinance Toolkit

The intention of this toolkit is to help municipalities modify or add local code and ordinance language that recognizes urban agriculture as a legitimate, desirable community asset. It is designed to help local governments support urban agriculture in their communities by establishing clear regulations and procedures to allow the production and sale of healthy, affordable local food.

The toolkit discusses ordinance language relating to community gardens, commercial gardens, urban farms, beekeeping, and raising chickens. It provides examples of approaches from cities across the nation on zoning, size limits, sale of produce and other ordinance components. A model urban agriculture ordinance is included.





Image courtesy of Jason Lindsey.



# Including Local Food in Comprehensive Plans

## Introduction

The purpose of this outline is to provide municipal planners with a generalized framework for incorporating local food into a comprehensive plan. As an outline, it will need to be augmented and customized to serve the specific needs identified by a community.

Local food may overlap with other, more traditional comprehensive plan sections, such as land use, transportation, open space, and environment. Therefore, the topic may deserve a standalone section in a comprehensive plan or may be woven throughout the plan's other components. Local food may also be included as a theme or component of a sustainability plan or other planning effort.

A planner should also review additional research materials in the process of selecting locally appropriate recommendations. Fortunately, there are many resources available to assist on the topic of local food both in our region and throughout the country.<sup>4</sup> This outline is specifically tailored to communities within the seven-county region of northeastern Illinois. Related local issues, data sources, and organizations are included throughout this document for additional assistance. As with other components of a comprehensive plan, public outreach and input will also be needed to ensure that local food-related plan recommendations are in line with the concerns and desires of the community.

The ultimate goal of this document is to assist local governments interested in implementing local food strategies in their communities. A logical beginning of that process is to include local food recommendations in comprehensive plans, update ordinances and codes to reflect those recommendations, and implement them through projects and programs such as community gardens and farmers' markets.

Addressing local food in comprehensive plans involves a number of steps, which serve as the basis for the organization of this document:

**Step 1: Involve Stakeholders**

**Step 2: Define Local Foods**

**Step 3: Outline the Benefits**

**Step 4: Set Goals**

**Step 5: Evaluate Current Conditions**

**Step 6: Develop Recommendations**

**Step 7: Define Indicators and Targets**

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<sup>4</sup> An appendix with additional resources is provided at the end of this document.



## STEP 1: Involve Stakeholders

When a local government determines that local food recommendations might be included in a comprehensive plan, it is important to solicit input from stakeholders and residents. The best way to begin any public engagement process is to create a strategy based on clear objectives. Public participation objectives can range from educating residents about local food, to active involvement in drafting plan language for the plan.

As county and municipal departments often have jurisdiction over specific aspects of local food policy, it is important to coordinate among departments of health, planning, public works, economic development, transportation, and solid waste in the development of comprehensive plan language. Local governments may find that partnering with other organizations, businesses, and with related missions or goals can improve their ability to implement such policies once they are adopted. Educational institutions active in food policy and research, such as the University of Illinois (especially the Cooperative Extension), Chicago State University, the University of Chicago, and the Center for Governmental Studies at Northern Illinois University may have information useful for evaluating current conditions. There also may be opportunities to draw on the expertise of not-for-profits and community groups involved in local food and health issues in the region.

A Food Policy Council can serve as an organizational structure to coordinate stakeholders and urban agriculture initiatives. Mark Winne, Food Policy Council Project Director of the Community Food Security Coalition, notes that communities across the country are forming food policy councils to 1) coordinate stakeholder efforts among non-profit, for-profit, and government agencies, and 2) to advise decision makers on food system related policies (typically made up of a number of stakeholders described in the preceding paragraph). He further notes that the councils serve as a food system planning and educational venue for nutrition, health, food security, natural resources, food production, and the food economy.<sup>5</sup> In this region, the cities of Evanston and Chicago have formed food policy advisory councils. Several counties are also considering this option.



July 2011 workshop at CMAP by the Center for Excellence in the Elimination of Disparities.

Image courtesy of Hong Hu.

It is not necessary to form a council and it is certainly possible for a local government to develop plans and policies that support local food. However, these groups may include local government representatives on their steering committees and can serve as steering committees that make policy recommendations to decision makers.

Alternatives to food policy councils include coalitions, networks, and partnerships that have never been associated with a government entity, or branched off from government to form or become a part of a nonprofit or university extension. These groups often include local government positions on steering committees, and may serve similar functions as food policy councils, including making recommendations to decision makers. Some groups are informal and have a narrower focus, such as conducting yearly conferences or maintaining a blog for local food related discussions.

<sup>5</sup> Presentation by Mark Winne at the Chicago Metropolitan Agency for Planning, July 27, 2011.

## STEP 2: Define Local Food

The term “local food” has become a catch-all phrase to describe a variety of definitions, policies, and actions within a very diverse industry. For this document, local food refers to a product available for direct human consumption that is grown, processed, packaged, and distributed within a certain distance.

The distance component is what sets local food apart from food that arrives to communities from other regions or other parts of the world. There is much debate about the distance that falls under the definition of “local.” Typically the distance ranges from 100 to 300 miles from a community. It can be helpful to set a mileage target as this gives stakeholders a clearer definition of what is considered “local.” However, setting a mileage target can be limiting and may not be necessary to meet the local food goals of a municipality or region. In GO TO 2040, CMAP did not set a mileage target, but instead defined the distance component as “within our seven counties and adjacent regions” making it more a relative term than a set standard.<sup>6</sup>

Ideally, a community should create their own definition of “local food” that would be referenced throughout the planning process. This definition can be formed internally with staff, with partners, through public engagement, or through a combination of these avenues. Once a community has a strong definition of the term local food, the discussion can begin about the benefits of including local food in a comprehensive plan.



Local farmer's market.

Local food is often defined by policies and strategies such as farmers' markets, community gardens, urban agriculture, and/or animal husbandry. These strategies and policies are important, but they represent only some aspects of a larger local food system. A local food system is more than the physical food product and includes the land the food grows on, transportation between farm and market, processing or packaging, and the creation of markets. Communities may also wish to define a “local food system” as well as “local food.” For example King County, Washington defines food systems in their comprehensive plans as follows:

*“King County supports food systems that are ecologically and economically sustainable and that improve the health of the county’s residents,” and “In addition to the growing of food, the food system includes processing, distribution, food availability, and disposal.”*

<sup>6</sup> GO TO 2040, Promote Sustainable Local Food, Chicago Metropolitan Agency for Planning (CMAP), 2010. <http://www.cmap.illinois.gov/2040/local-food-systems>.

<sup>7</sup> 2008 King County Comprehensive Plan with 2010 Update, Adopted October 2, 2008 and updated October 27, 2010. [http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/2008\\_2010Update.aspx#chapters](http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/2008_2010Update.aspx#chapters).

## STEP 3: Outline the Benefits

The decision to include local food in a comprehensive plan usually stems from a combination of factors. There may be support from community stakeholders for local food policies and strategies. This support could be triggered either by general interest or the prioritization of specific community issues, such as lack of access to healthy nutritious food.

A particular topic may have emerged as a priority through public engagement both before and/or during the comprehensive planning process. In other communities, interest in local food may be generated from municipal officials or staff, who may be interested in local food policies and strategies as a means to achieve other community wide goals such as economic development, land preservation, and community character.

For example, during CMAP's GO TO 2040 "Invent the Future" phase of public engagement, issues surrounding local foods, such as food access and the environmental impacts of food choices, were raised frequently by residents. Significant public interest in sustainable local food was also uncovered during research conducted for the food systems report funded by The Chicago Community Trust.<sup>8</sup> Based on this feedback, CMAP elevated local food to one of the key recommendations in the GO TO 2040 plan. In order to identify the benefits the community aims to achieve by including local food in their comprehensive plan, it may be necessary to understand why local food has become a priority.

The benefits of local food generally fall into one of three categories: economic, quality of life, and environmental. It is important to include a brief overview of these benefits, because it can help to clarify the community's objects for including local food in the comprehensive plan. Below are a few examples from each of the three categories.

### Economic Benefits

- Increased and cyclical activity of the local economy through producing, processing, and selling directly in the community.
- Conversion of vacant and underutilized land parcels into tax-paying, profit-producing businesses.
- Improved quality of vacant and underutilized land parcels (with community gardens, for example), increasing the value of nearby property.
- Creation of jobs by increased production and food access through new food outlets like grocery and corner stores.
- Preservation of community assets such as farmland — strengthening local food systems can make the preservation of farmland more economically viable than other land uses.

### Quality-of-Life Benefits

- Increased community interaction, culture, and sense of community heritage through local food systems, such as farmers' markets.
- Improved health of residents by offering a variety of food choices in current "food deserts."<sup>9</sup>
- Linkage of hunger assistance programs with local food systems to increase the variety of food choices while supporting local business (for example, farmers' markets that accept LINK cards).

### Environmental Benefits

- Increased stormwater management benefits.
- Potential improvements in water quality from reduced pesticide and fertilizer use from sustainable farming practices.
- Reduced greenhouse gas emissions from decreased food miles.
- Decreased food-related solid waste through composting.

The benefits of a local food system are already widely covered in a variety of local and national sources. For additional resources, see:

- CMAP: <http://www.cmap.illinois.gov/2040/local-food-systems>
- Illinois Food, Farms, and Jobs: Growing the Illinois Economy: [www.foodfarmsjobs.org/](http://www.foodfarmsjobs.org/)
- Illinois Dept. of Employment Security: <http://www.ides.illinois.gov/>
- Farm Direct: [http://www.illinoisfarmdirect.org/Learn\\_More/buy\\_local.html](http://www.illinoisfarmdirect.org/Learn_More/buy_local.html)
- American Planning Association: <http://www.planning.org/policy/guides/adopted/food.htm>
- Familyfarmed.org: <http://www.familyfarmed.org/>

<sup>8</sup> Food Systems, June 2009. The Food Systems report was developed by the Chicago Food Policy Advisory Council and City of Chicago Department of Zoning and Planning in collaboration with an advisory committee. The report is commissioned by The Chicago Community Trust to support the 2040 comprehensive regional planning effort led by the Chicago Metropolitan Agency for Planning.

<sup>9</sup> Food deserts are areas that lack access to nearby stores with fresh, nutritious food.



## STEP 4: Set Goals

After identifying the benefits, it is important to set goals that frame the recommendations section of the local food section of the plan, influence data collection, and shape strategies. Goal setting should be done as a public process, gathering input from residents, businesses, and other stakeholders.

Public input should be expanded to specifically include farmers, distributors, food outlet (such as grocery store) owners, schools, health departments, and other related non-profits and community groups with local food-related missions.

Local food goals are typically more qualitative than quantitative, and describe how local food will positively impact a community. They are broad in range and define the desired future outcome once local food has become a vibrant asset to the community. Examples of goals found in the comprehensive plans for the City of Madison, the City of Richmond, and the City of Baltimore are as follows:

*Maintain the region's status as one of the nation's most productive and economically viable food production areas.*<sup>10</sup>

*Promote expanded access to affordable and nutritious foods for residents through grocery stores, community gardens, urban agriculture and local markets that provide a range of fresh fruits and vegetables to expand nutritional choices.*<sup>11</sup>

*Establish Baltimore as a leader in sustainable, local food systems.*<sup>12</sup>



Local food workshop at CMAP.

It is also important to include quantitative objectives, which are often framed as targets and indicators. They define specific data points and establish measurable outcomes. A target is a quantitative goal (such as 5 percent of total land acreage will be urban farms by 2020), based on an indicator (number of acres that are urban farms). Targets and indicators are discussed in more detail in Step 5.

If local food will be woven throughout the comprehensive plan rather than included as a separate section, there may not be a need for separate goals. In these cases, local food may be included as a component of a broader goal such as “Increase the health of residents” or “Expand open space.”

10 City of Madison Comprehensive Plan, 2006. <http://bit.ly/NvyGqB>.

11 Community Health and Wellness, City of Richmond General Plan Element 11, pages 11.1-11.18, 2010. <http://www.ci.richmond.ca.us/DocumentView.aspx?DID=6791>.

12 Baltimore Sustainability Plan, April 2009. <http://bit.ly/NB2b4p>.

## STEP 5: Evaluate Current Conditions

After the goals have been established, the next step is to evaluate the current condition of local food in the community. Current conditions may focus on a variety of topics related to local food. In *GO TO 2040*, the current conditions section focuses on the status of local food production, food access in the region, and health-related indicators such as obesity and diabetes rates.

However, at the municipal level these topics may be more difficult to cover because of the lack of local data. This is a prominent issue not only for our region but throughout the U.S. If desired, local efforts to collect this data can be conducted using staff, community groups, or other volunteers.

The census provides a great amount of socioeconomic and demographic data at the municipal level and sometimes even at the neighborhood level in larger municipalities. Additionally, an ordinance review of local codes and policies that support and hinder local food is most effectively done at the local level. The following pages discuss these topics in more detail.

### What data can help to describe existing conditions?

Below is a sample of data that could be used to evaluate the current conditions of a local food system. The supporting text addresses why each data topic is useful, potential sources for that data, and how the data can be used in the plan. Since local land is needed for local food production, existing conditions data typically describe, locate, and inventory land uses, particularly in and around residential areas.

### A. Food Production Data

#### 1. Inventory a community's agricultural land.

Potential sources are municipal land use inventories or CMAP's land use inventory. It may also be important to identify land where agricultural uses are permitted. Sources include zoning ordinances and comprehensive plans. These data generally come in Geographic Information Systems (GIS) format. If a community does not have local data available, CMAP has a free downloadable land use inventory for the 7-county region.<sup>13</sup> The file will identify land areas that are categorized as agricultural land.

#### 2. Inventory the current number of farms in a community.

There is not one unified source of this information.

One example where these data may be found is on market websites such as Illinois Farm Direct<sup>14</sup> that categorize farms by zip code and product. By searching through the zip codes in your community, it is possible to piece together a list of farms. This may not be a complete list but could provide a starting point for further research. The remaining farms can be added through stakeholder engagement or more rigorous primary data collection methods (like surveys). If any rooftop, greenhouses, and indoor farms exist in your community, they should be added as well. Depending on the geographic size of a community, this information can be gathered by analyzing satellite and other photography from Google Maps or Google Earth.

To expand on this research, local groups may wish to survey what kind of production are taking place at the farms identified, such as corn, soybean, livestock, etc. This will allow a community to identify not only the number of farms, but also what is being produced, which provides a more comprehensive view of current production.

#### 3. Inventory vacant land and parcels.

This identifies potential sites for future local food production, including community gardens and farms. This information relies heavily on local data collection and knowledge. In the ideal case, a community begins with a GIS-based land use inventory that identifies vacant parcels. Then communities can work in consultation with experts, residents and stakeholders to set criteria that prioritize vacant properties based on their suitability for production. One good example set of criteria were created by Reimagining Cleveland.<sup>15</sup>

<sup>13</sup> Land use Inventory, 2005, Chicago Metropolitan Agency for Planning (CMAP). [www.cmap.illinois.gov/land-use-inventory](http://www.cmap.illinois.gov/land-use-inventory).

<sup>14</sup> Illinois Farm Direct, 2011. <http://www.illinoisfarmdirect.org/>.

<sup>15</sup> Reimagining A More Sustainable Cleveland, December 19, 2008. [www.cudc.kent.edu/shrink/Images/reimagining\\_final\\_screen-res.pdf](http://www.cudc.kent.edu/shrink/Images/reimagining_final_screen-res.pdf).

## B. Food Access Data

### 1. Inventory retail local/fresh food outlets.

Retail locations can include farmers' markets, community gardens, local food carts, grocery stores, big box stores, corner markets, etc. This information tends to be easily found in consultation with local planners, municipal staff and/or residents. It can also be useful to determine the number and location of farmers' markets in surrounding communities as well. For this purpose, the Illinois Department of Agriculture<sup>16</sup> maintains a list of farmers' markets. To collect data on the other retail outlets mentioned above, local knowledge and data collection will be necessary, or in some cases the data may be purchased from private sources, such as Dun & Bradstreet or InfoUSA.

### 2. Inventory food deserts/low access areas.

Just as inventorying local food retail outlets allows a community to identify where local food is available, inventorying food deserts or low access areas allows a community to identify where fresh food is not available. Food access usually includes not only local food but fresh food as well (fruits, vegetables, etc.). For food access, it is more important to have fresh food regardless of the source, because the purpose is to increase residents' access to fresh, nutritious food, which positively impacts health.

The studies listed below calculate food deserts or low access areas with similar methodologies; however the level of detail varies. CMAP suggests a review of each to decide which is the most appropriate for your community's goals. CMAP used the Chicago State University Study in developing GO TO 2040 because it was specifically tailored to our region, whereas the other two options include national data.

- Chicago State University Study<sup>17</sup>
- Policy Map<sup>18</sup>
- USDA – Food Desert Locator<sup>19</sup>

### 3. Inventory of commercial land availability.

This identifies potential sites to support future or expanded grocery stores and other fresh food outlets. These data can be found in zoning ordinances and/or local comprehensive plans. Once found, these data can be mapped along with food desert areas to identify potential sites for fresh food retail outlets. These include grocery stores, food cooperatives, big box stores, corner stores, etc. Supporting new or expanded retail outlets is one strategy for addressing low access areas and food deserts. These sites can be included in the recommendations section of the comprehensive plan.

## C. Health-Related Data

In GO TO 2040, CMAP included information on the percentage of overweight and obese residents in the region, as well as some basic national health statistics such as the estimate of people with Type 2 diabetes. However, overweight and obesity statistics are usually not available at the local level. It can still be useful to provide general information about current health trends at the national and county level to as context and support for local food strategies. County level estimates for diagnosed diabetes, obesity, and physical inactivity can be found on the Center for Disease Control website.<sup>20</sup>

## D. Socioeconomic and Demographic Data

Socioeconomic and demographic data can be downloaded from MetroPulse (<http://www.metropulsechicago.org>) or the Census (<http://www.census.gov>).<sup>21</sup> This information is generally gathered to inform the existing conditions section of a comprehensive plan, it may also be useful to compare populations living in an identified food desert to the entire population.

<sup>16</sup> Farmers' Markets, Illinois Department of Agriculture, 2011. <http://www.agr.state.il.us/markets/farmers/>.

<sup>17</sup> Block, Daniel, Chavez, Noel, and Judy Birgen. "Finding Food in Chicago and the Suburbs, Report of the Northeastern Illinois Community Food Security, Report to the Public," June 3, 2008. The study was funded primarily by a grant from the Searle Funds at the Chicago Community Trust. <http://www.csu.edu/nac/documents/reporttothepublic060308.pdf>.

<sup>18</sup> PolicyMap, Supermarket Study of Low Access Areas (LAA), The Reinvestment Fund (TRF), 2011. [www.policymap.com/our-data.html#](http://www.policymap.com/our-data.html#).

<sup>19</sup> Food Desert Locator, United States Department of Agriculture (USDA), 2011. <http://www.ers.usda.gov/data/fooddesert/>.

<sup>20</sup> Diabetes Data & Trends, Department of Health and Human Services, Centers for Disease Control and Prevention, 2011. <http://apps.nccd.cdc.gov/DDTSTRS/default.aspx>.

<sup>21</sup> United States Census, U.S. Census Bureau, 2010. <http://2010.census.gov/2010census/>.



## E. Ordinance and Policy Review

Perhaps the most important step a community can take to promote local food is undertaking a full ordinance review. This entails reviewing all local ordinances that affect the production, packaging, transporting, marketing, sale, and purchase of local food products. An ordinance review helps to identify specific institutional barriers that may inhibit the production and availability of local food at the residential, community, and commercial level. While specific ordinance language is likely to be different in each community, below are a few common topics and sample questions to ask as a community gets started.

- **Landscaping requirements for homeowners/HOAs:**  
*Is having a food garden in the front yard prohibited?*
- **Land purchase policies:** *Can land be purchased to produce local food with minimal restrictions?*
- **Land use policies:**  
*Are community and commercial gardens a valid land use?*
- **Commercial accessory buildings:**  
*Are greenhouses permitted?*
- **Nuisance restrictions:**  
*Can a resident raise chickens, bees, or other small animals?*

It is also important to review county ordinances, especially the public health ordinances that pertain to processing, packaging, and selling food. These ordinances are designed to protect the health of the county's residents but can present some opportunities to further promote local food without compromising a community's health. Below are the links to each county Public Health Department's food-related ordinances.

- Cook County: <http://www.cookcountypublichealth.org/public-health-laws>
- DuPage County: <http://www.dupagehealth.org/food-safety>
- Kane County: <http://kanehealth.com/PDFs/Food/FoodSafety/KaneHealthSanitationDoc.pdf>
- Kendall County: <http://health.co.kendall.il.us/Environmental/FoodProtection/foodindcode1.html>
- Lake County: <http://www.lakecountyil.gov/Health/publications/Pages/Ordinances.aspx>
- McHenry County: <http://www.co.mchenry.il.us/departments/health/Pages/EHFPP.aspx>
- Will County: <http://www.willcountyhealth.org/en/do.jsp?id=53>

In addition to reviewing ordinances, a community should be aware of existing farmland preservation programs at the county level that are used to protect current agricultural land for future use. Kane, McHenry, and Kendall Counties all have such programs. While the majority of farms in the seven-county region do not produce food for local consumption, preservation programs prevent or slow the conversion of existing farmland to non-agricultural uses. This is important because in order for a community to produce food locally, land needs to be available for food production in the community.

Federal regulations and programs may also provide some guidance and modest funding sources for local food efforts. Municipalities should refer to the second section of this document, the Urban Agriculture Ordinance Toolkit, for guidance on revising existing ordinance language or creating a new ordinance to support local food in their communities.

## Does your community need to include all of these data?

It is important to gather data that will be useful for evaluating your community's local food goals (as defined earlier in the process). It should be noted that this document does not include an exhaustive list of potential data topics or sources. Additional information may be needed and available to provide support to the local food goals.

## After all the data is collected, what is the next step?

After a community has finished collecting data on the current conditions of local food, a summary should be drafted that pulls together all of the gathered data to form a comprehensive "snapshot" of local food as it exists now in the community.

Page 146 of the GO TO 2040 plan<sup>22</sup> provides an example of a local food current conditions section. Please note that the current conditions of local food could also be included in an expanded version of existing conditions for the entire comprehensive plan if local food is not a standalone topic.

## Is the existing conditions section similar to a community food assessment?

Community food assessments are becoming increasingly popular for those communities and organizations interested in pursuing local food strategies. A food assessment is a standalone project that looks at the entire local food system from production, packaging, distribution, to waste/resource management, from retailers to consumers. The assessment collects and analyzes data, collects public input, and implements the findings with the purpose of increasing food security. Often focus groups, food retailer surveys, onsite land use analysis, and food-specific public meetings are employed to collect more detailed local food information. This outline includes some of the same data topics and analysis options that are found in a food assessment. However, not all food assessment topics such as food affordability, local food infrastructure, and household food security are covered. If your community is interested in preparing a food assessment along with incorporating local food in your community's comprehensive plan, there are several resources that can help to provide direction.<sup>23</sup>



Image courtesy of flickr user lindsaybanks.

<sup>22</sup> GO TO 2040, Promote Sustainable Food Systems, Chicago Metropolitan Agency for Planning (CMAP), 2010. <http://www.cmap.illinois.gov/2040/local-food-systems>.

<sup>23</sup> Cohen, Barbara, IQ Solutions, Inc. Community Food Security Assessment Toolkit, Electronic Publications from the Food Assistance & Nutrition Research Program, United States Department of Agriculture, July 1, 2002. <http://www.ers.usda.gov/publications/efan02013/> and Community Food Assessment Guide, Community Food Security Coalition, 2002. [http://www.foodsecurity.org/cfa\\_guidebook.html](http://www.foodsecurity.org/cfa_guidebook.html).

## STEP 6: Develop Recommendations

Comprehensive plans typically include recommendations for action to achieve the community's goals.

Although specific recommendations will be based largely on the issues and goals applicable at the local level, there are three basic themes in which recommendations are likely to fall: recommendations that seek to increase production, recommendations that seek to increase food access, and recommendations that seek to raise awareness. These themes are based on the implementation action areas identified in GO TO 2040's Promote Sustainable Local Food section.

### Recommendations that increase production of local food

These recommendations should identify how a community will support local food production. There are several strategies that can be used to potentially increase production.

- **Create zoning code and ordinance language that supports (and does not hinder) local food production.**

After reviewing the documents for the current conditions section and engaging in outreach to local food practitioners, farmers, and other interested parties, there will likely be a few updates/changes to the codes and ordinances that would maintain food safety standards and benefit both the community and the needs of the interested parties.

Additionally, a community can choose to adopt a local food ordinance. Most recently, these types of ordinances have focused on *urban* agriculture. More details on urban agriculture ordinances, including a model ordinance, can be found in the second part of this document.

- **Repurpose appropriate vacant lots and other underutilized land for food production.**

These recommendations describe best uses for parcels that have been identified as vacant or underutilized, fall within districts where agricultural uses are permitted and/or have the potential to increase access to local food. It is important to ensure that these parcels have been vetted through a robust stakeholder and public engagement process to understand potential conflicts with surrounding land uses. Likewise, it will be important to consider market conditions that may prevent local food production from being economically viable on some sites.

- **Create incentives for farmers and practitioners to either increase their current local food production or transition to local food.**

These incentives could be in the form of property tax rebate as was done in Woodbury County, Iowa, or through other local tax breaks.<sup>24</sup> Specific tax incentives will depend entirely on the structure of the local taxing entity and its powers.

Local governments can also consider working proactively with local institutions, such as schools and municipal buildings with cafeterias, to procure a certain percentage of local food. Having an official, stable contract with a municipality or school district can incent local farmers to produce more food for local consumption. Similar recommendations are already present at the state level. The 2009 Local Food, Farms, and Jobs Act<sup>25</sup> established a 20-percent institutional procurement goal for state agencies and a 10-percent goal for state funded institutions such as schools by 2020. The act gives preference and incentives for local food by permitting agencies and institutions to pay a 10-percent premium for contract bids that include local farms or local food products over similar non-local food bids.

<sup>24</sup> Welcome to Our Organic & Local Food Friendly Community, Woodbury County, Iowa, 2011. [http://www.woodburyorganics.com/Woodbury\\_Organics/Main.html](http://www.woodburyorganics.com/Woodbury_Organics/Main.html).

<sup>25</sup> Illinois Public Act 096-0579, "Local Food, Farms, and Jobs Act," Effective Date 08/18/2009. <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0579>.



## Recommendations that increase access to healthy and/or local food

Food access can be supported by communities in a number of ways. The following is a general list of ideas, each of which would need to be customized at the local level.

- **Create incentives to increase fresh food retail outlets**

One example of an incentive system is called fresh food financing, an emerging strategy that both supports local food production and provides greater access to fresh food. Illinois has recently created a \$10 million Fresh Food Fund to increase fresh food access and stimulate supermarket and grocery store development in underserved areas by assisting with land acquisition, equipment purchases and infrastructure.<sup>26</sup> Communities can adopt complimentary programs at the local level to incent developers to build food retail outlets in low food access areas. For example, the City of Chicago provided \$5.5 million dollars in assistance by selling city-owned land, appraised for \$6.5 million, for \$1 million. In return the purchaser, Pete's Fresh Market, will open a 55,170 square foot full service grocery store on the near west side. The new store will provide 120 full-time and 30 part-time jobs. Other communities may wish to consider similar types of incentives.

- **Link hunger assistance programs to local food.**

Every year nearly 700,000 people in the region rely on food banks and other anti-hunger programs for basic food needs.<sup>27</sup> Linking local food policy with anti-hunger strategies can provide mutual support to both systems. For example, linking urban agriculture programs with food pantries could combine solutions to provide workforce development, increase nutritional education, and mitigate hunger. Similar synergies can already be found in our region. Ginkgo Organic Gardens in Chicago donates all vegetables, herbs, fruit, and flowers — approximately 1,500 pounds a year — to Uptown-area nonprofit organizations such as the Vital Bridges' GroceryLand, a food pantry dedicated to serving low-income residents living with AIDS.<sup>28</sup> Furthermore, communities can permit and encourage the use of public assistance (LINK benefits) at farmers' markets and other outlets for local, fresh products.<sup>29</sup> To support this effort, Illinois passed the Farmers' Market Technology Improvement Program Act in 2010,<sup>30</sup> which established a fund to provide financial assistance for equipment (such as electronic benefit transfer [EBT] card readers) and transaction fees to facilitate the use of LINK benefits at farmers' markets and other alternative retail locations. Additional benefits such as "double voucher" programs to increase the affordability of local food at these locations and outreach to recipients to utilize these new locations may also be needed.<sup>31</sup>

- **Support local food demonstration programs.**

Communities can support and/or expand the diversity of demonstration programs that provide better food access in food deserts, such as farmers' markets, farm carts and stands, fresh food delivery trucks, food cooperatives, on-site school programs, direct sales from community vegetable gardens, and other alternative retail options. On-site school farms can also be used to increase access and develop a local food curriculum.

## Recommendations that the raise awareness about local food

The following recommendations are examples of strategies that can be used to raise awareness about local food. It is important to approach awareness broadly, including not only residents but also business owners, public officials, local organizations, and municipal staff.

- **Support for more data collection and research.**

Local food is still an emerging topic for planners and the larger policy community. There is often a lack of local food-related data at the local level. A comprehensive plan can recommend that the municipality allocate more resources for local food data collection and research. Perhaps the community would like to recommend that a full food assessment<sup>32</sup> be performed to expand the community's local food knowledge. Over the last couple of years, there has been a large increase in data at the national and regional level, especially on food deserts. However, the most useful data for a community will be collected at the local level. It also may be beneficial to partner with local government agencies, non-profit organizations or universities to collaborate on data collection.

- **Create a public information campaign to support local food initiatives.**

A public information campaign can raise the awareness of local food and why it is an important community asset. For example, information about the community benefits of local food can be posted on community websites. Furthermore, a community can host an event to celebrate local food, such as a tour of a local farm or other form of agri-tourism event. A community could partner with a local organization or a school to provide information on where food comes from. Communities with existing farmers' markets can use them as an avenue to interact with the general public.

26 The Robert Wood Johnson Foundation, "Illinois Approves Spending for Fresh Food Fund," 2010.

27 GO TO 2040 Hunger Strategy Report, 2009. <http://www.cmap.illinois.gov/strategy-papers/hunger>.

28 Ginkgo Organic Gardens, 2011. <http://www.ginkgogardens.org>.

29 Illinois LINK Card, Illinois Department of Human Services, 2011. <http://www.dhs.state.il.us/page.aspx?item=30371>.

30 Illinois Public Act 096-1088, "Farmers' Market Technology Improvement Program Act," Effective date 07/19/2010. <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1088>.

31 August Schumacher, Rachel Winch, and Angel Park, "Fresh, Local, Affordable: Nutrition Incentives at Farmers' Markets 2009 Update," Wholesome Wave Foundation, November, 2009. <http://wholesomewave.org/wp-content/uploads/winch-full.pdf>.

32 Food assessment is described in Step 4.

## STEP 7: Define Indicators and Targets

After completing local food recommendations, communities can consider selecting indicators and associated targets to track progress. Indicators are data that are aligned with a community's local food goals. Ideally, indicators would be publicly available data that is produced at regular intervals; however, at the local level, this will be hard to come by unless the data is collected internally. Targets are set as the desired outcome that would signify that a goal has been reached. In GO TO 2040, for example, CMAP wanted to measure the region's progress towards a sustainable local food system. GO TO 2040 has three indicators and one target for local food.<sup>33</sup> One of the indicators for measuring progress is the percentage of the region's population living in a food desert, which is currently around 9 percent, or 700,000 residents. The target is to have 0 percent of the population living in a food desert by 2040. Another example is the City of Richmond, which includes, among other indicators, the "proportion of population within 1/2 mile of a full-service grocery store or fresh produce market, by neighborhood."<sup>34</sup> An in-depth look at local food indicators can be found in Eating Here, Greater Philadelphia's Food System Plan.<sup>35</sup>

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33 GO TO 2040, Promote Sustainable Local Food, Indicators and Targets, Chicago Metropolitan Agency for Planning (CMAP) page 149, 2010. <http://www.cmap.illinois.gov/2040/local-food-systems>.

34 Richmond General Plan Update, Issues & Opportunities Paper #8: Community Health and Wellness, DRAFT, City of Richmond, 2007. <http://bit.ly/RqRrKP>.

35 Eating Here Greater Philadelphia's Food System Plan, Delaware Valley Regional Planning Commission, February 2011. <http://www.dvrpc.org/reports/10063.pdf>.






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# Urban Agriculture Ordinance Toolkit

## Introduction

One of the most frequently cited obstacles to greater participation in urban agriculture activities in this region is confusion about what land uses and activities are allowed under existing regulations.<sup>36</sup> Contributing to the confusion is the fact that regulations pertaining to community-based agriculture may fall under ordinances created to regulate large-scale farms such as those found in the more rural areas (our region historically grows corn, soybeans, and forage crops).

The intent of this toolkit is to help local governments establish clear regulations and procedures that support those elements of urban agriculture that are under the jurisdiction of local governments, primarily land use, to allow the production and sale of healthy, affordable local food. In recognition of the uniqueness of each community in this region, it offers discussion and examples of ordinance language, rather than a rigid or proscribed approach. This region has a diverse array of communities, from rural to densely developed, and they vary in availability of land and the level of interest of residents in local food. The communities may desire different approaches to supporting a local food system through regulations. For example, in rural and semi-rural communities, neighbors in a residential area may be accustomed to farming operations on adjacent land. In this case, a more flexible approach to allowing farms in residential areas may be appropriate. In more densely developed residential areas, while vacant lots can be excellent locations for community gardens, expansive urban farms may not be appropriate due to the potential for increased noise or traffic.

Included in this toolkit are examples and discussion of ordinance language relating to community gardens, commercial gardens, urban farms, beekeeping, and raising chickens. The discussion of ordinance components, such as zones where urban agriculture is allowed, size limits, and the use and sale of produce, is based on review of ordinances from cities across the county known for progressive approaches to allowing, encouraging, and regulating urban agriculture activities. Cities cited in this toolkit include Kansas City, Portland, Seattle, Chicago, San Francisco, Cleveland, Pittsburgh, Austin, Evanston, Oak Park, and Milwaukee.

In addition to the discussion and examples of ordinance language, a model ordinance with specific language that local governments can adapt to their needs is included in Appendix C, excerpted from the publication “Seeding the City” produced by the non-profit Public Health Law and Policy.

The Urban Agriculture Ordinance Toolkit is divided into the following steps:

**Step 1: Involve stakeholders**

**Step 2: Identify challenges and opportunities**

**Step 3: Become familiar with federal, state, county, and local regulations**

**Step 4: Develop ordinance components**

<sup>36</sup> The Center of Excellence in the Elimination of Disparities at Chicago surveyed growers, planners and other local food stakeholders in 2011 to gather input on challenges and obstacles preventing a vibrant local food system in the region. See <http://ceedchicago.csw.uic.edu/>.



## STEP 1: Involve Stakeholders

Gaining stakeholder input is an important step not only in incorporating local food language in a municipality's comprehensive plan, but also in developing language relating to urban agriculture.

The best way to begin any public engagement process is to create a strategy based on clear objectives. Public participation objectives can range from educating residents about proposed ordinance changes, to active involvement in the drafting of ordinance language.

The first section of this document already includes guidance on stakeholder involvement, such as working with a food policy council. Beyond this, there are additional groups that are important to involve in the development of ordinances, which are more technical than comprehensive plans.

Coordination among departments within counties and municipalities, such as health, planning, public works, economic development, transportation, and solid waste can facilitate development and enforcement of ordinances. Local governments may find that partnering with other agencies, organizations, businesses, and other stakeholders with common and related goals may enhance their ability to implement policies and regulations once they are adopted. State and federal agencies such as the Illinois Environmental Protection Agency (IEPA), the US Environmental Protection Agency (U.S. EPA), the Illinois Department of Agriculture, (IDOA), and the US Department of Agriculture (USDA) are also valuable partners in ordinance development, as are educational institutions active in food policy and research such as the University of Illinois (especially Cooperative Extension), Chicago State, the University of Chicago, and the Center for Governmental Studies at Northern Illinois University. There also may be opportunities to draw on the expertise of not-for-profits and community groups involved in local food and health issues. Additional stakeholders to consider engaging include growers, distributors, processors, transporters, representatives from businesses (such as restaurants), schools, and health care providers, during the planning for specific ordinance considerations.

In general, it is recommended that communities include local food within their comprehensive plan or other policy document before beginning work on an ordinance. This is true of most other planning topics as well — it is helpful to have discussions about goals, policy directions, targets, and other high-level items before beginning the detailed work of creating an ordinance.

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## STEP 2: Identify Challenges and Opportunities

Local growers, planners and stakeholders have identified clear, consistent ordinances and/or an urban agriculture ordinance as critical to laying the groundwork for a successful local food system.

In addition, they have voiced concern over certain barriers to building a vibrant local food system in this region, some of which may be addressed by modifying existing ordinances or adopting a separate urban agriculture ordinance. A local government may want to conduct a survey of growers and other stakeholders to identify any ordinance-related obstacles to farming, gardening, selling, or consuming fresh food in the community.

The first section of this document, Including Local Food in Comprehensive Plans, recommends that communities collect and evaluate data in order to form a “snapshot” of local food in the community, including food access data, an inventory to identify land potentially available for urban agriculture activities, and socioeconomic and demographic data. If a community has incorporated local food in their comprehensive plan (which is recommended prior to ordinance revisions) and developed a snapshot, it may point to issues that urban agriculture ordinances and ordinance language can help address.

For example, a local jurisdiction may have a number of brownfields. These parcels could be prioritized for use as community gardens and urban farms and articulated in rules, incentives, and procedures in ordinances. Conversion to urban agriculture in these areas can help revitalize and beautify neighborhoods and enhance community engagement. In an upcoming LTA project, CMAP will collaborate with Kane County to create a decision making framework for inventorying and prioritizing the county’s public land with the purpose of highlighting local food related opportunities. The framework will include associated code amendments to transition and permit urban agricultural land uses. The site prioritization process created for Kane County will be made available for use region-wide.

Another community may be challenged with an insufficient amount of open space, in which case a local government may want to encourage urban agriculture activities as permitted uses in certain zoning districts, as they confer many of the same benefits as open space. Existing gardens and farms may be rezoned as permanent open space or as separate agriculture districts.

In communities where access to fresh fruits and vegetables is a challenge, revising existing and/or creating new ordinances can increase access by allowing community gardening in all zones, allowing fruits and vegetables to be grown in front yards and on rooftops, and by establishing incentives for urban agriculture activities.

An analysis of demographic and socioeconomic data may also point to issues that can be addressed in ordinances. For example, communities suffering from a high unemployment rate, for example, may want to consider incenting urban farms that have an educational component. Communities with large aging populations may want to insure their ordinances allow and encourage community gardening, a popular activity well-suited to seniors.

Additional challenges and community responses are discussed in a 2003 report on community food security. “Urban Agriculture and Community Food Security in the United States: Farming from the City Center to the Urban Fringe,” a publication of The Community Food Security Coalition’s North American Urban Agriculture Committee.<sup>37</sup>

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<sup>37</sup> Community Food Security Coalition’s North American Urban Agriculture Committee. “Urban Agriculture and Community Food Security in the United States: Farming from the City Center to the Urban Fringe.” 2003. See <http://www.foodsecurity.org/PrimerCFSCUAC.pdf>.

## STEP 3: Become familiar with federal, state, county, and local regulations

In considering local food related ordinances, a local government will want to become familiar with regulations or guidelines related to food and waste at the county, state, or federal level, such as those associated with transferring or selling compost, food safety and handling, brownfields, pollution control, and the Americans with Disabilities Act.

A local or county government may have existing ordinances and regulations that impact production, packaging, transporting, marketing, distributing, serving, and/or selling local food products. Potential conflicts or inconsistencies might be found in health and sanitation codes, zoning, nuisance laws, compost laws, signage regulations, soil erosion regulations, and stormwater regulations. A review of these ordinances and regulations can identify barriers and opportunities relating to urban agriculture.

### Public Health

Protecting the public from food borne illness is under the purview of public health departments, primarily impacting urban agriculture activities that relate to selling, receiving, and donating food, including food handling, preparation, transportation, storage, and others. There are requirements, rules, and/or guidelines on permitting, licensing, and inspections at various levels of government, and combinations of different levels of government depending on the topic. Local governments operate under the State of Illinois' Food Service Sanitation Code<sup>38</sup> and Retail Food Store Sanitation Code.<sup>39</sup> In some cases, cities and villages in the region have their own public health departments, taking over some of the responsibilities that a county health department or the state would be responsible for. Both are required to abide by the state code but may enact regulations that are more stringent.

A municipality may want to look closely at health codes as they can impact urban agriculture and local food access in a number of ways. The codes may determine whether and how animals can be kept, and food safety rules that apply to mobile food vendors, farmer's markets, farm stands and other places that sell food. Governments at different levels are reassessing laws for opportunities to safely relax some restrictions in their efforts to support local food production and consumption. In one county in northeastern Illinois, mobile food units and pushcarts no longer need to comply with certain requirements relating to the necessity of water and sewage systems, providing that other specified requirements are met. In another example, as of January, 2012, the State of Illinois allows certain products that are produced in home kitchens to be sold under a cottage food operation provision of the Food Handling Regulation Enforcement Act<sup>40</sup> and the Sanitary Food Preparation Act.<sup>41</sup>

### Composting

Composting, sometimes referred to as resource or waste recovery, is a key element in the continuous cycle of sustainable agriculture practices. The State of Illinois defines composting as the biological treatment process by which microorganisms decompose the organic fraction of the waste, producing compost. The Illinois Pollution Control Board's standards and regulations are administered by the IEPA, which regulates composting of landscape, food scrap, and livestock waste. Local governments may have composting regulations that apply to their jurisdictions, provided they are not less stringent than the State's. As of 2010, an Illinois public law allows businesses, organizations, and schools to compost their food scraps and organic matter and investors may form food waste composting facilities.<sup>42</sup>

The State does not require a permit for garden composting operations, which is defined as one that has no more than 25 cubic yards or yard materials or compost present at one time and is not engaged in commercial activity.<sup>43</sup> For composting landscape waste and food scraps on farms, compost must be 1/4 mile from the nearest non-farm resident, and 1/2 mile from the nearest populated area. The site must be protected from flooding, may not discharge runoff, and must be located 200 feet from the nearest potable

38 Illinois Food Sanitation Code, 77 Ill. Adm. Code 750.

39 Illinois Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760.

40 Food Handling Regulation Enforcement Act, 410 ILCS 625/4 (2012). See <http://bit.ly/FPZJ7p> for a technical information bulletin summarizing the new provisions in the Act.

41 Sanitary Food Preparation Act, 410 ILCS 650/11, (2012). See <http://bit.ly/FPZJ7p> for a technical information bulletin summarizing the new provisions in the Act.

42 415 ILCS

43 Illinois Administrative Code, Title 35, Standards for Compost Facilities.

44 See <http://www.epa.state.il.us/agriculture/waste.html>.

45 See <http://cfr.regstoday.com/40cfr.aspx>.



Green Organics Composting.

water. If compost is sold, a siting permit is required. A permit is also required for a location that will receive off-site generated organic wastes. Permitting and other information can be found on the Illinois Environmental Protection Agency (IEPA) Agricultural Waste website.<sup>44</sup>

For composting animal waste, the State publishes guidelines which are applicable to both worm and backyard chicken manures, which pertain to the topics addressed in this toolkit. These guidelines are quite detailed, and based on the Code of Federal Regulations, (CFR, Title 40, Protection of Environment 503, Standards for the Use or Disposal of Sewage Sludge.<sup>45</sup>

## Organic Certification

The USDA's National Organic Program regulates the standards for any farm, wild crop harvesting, or handling operation with the intent to sell an agricultural product as organically produced. Organic is a labeling term that indicates that the food or other agricultural product has been produced through approved methods that integrate cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity. Synthetic fertilizers, sewage sludge, irradiation, genetic engineering, hormones, and antibiotics may not be used. According to the USDA, producers are turning to certified organic farming systems as a potential way to lower input costs, decrease reliance on nonrenewable resources, capture high-value markets and price premiums, and boost farm income.<sup>46</sup>

It should be noted that farms that are not certified organic, and therefore not identified in food outlets, may employ valuable sustainable practices, such as minimizing the use of chemical pesticides.

<sup>46</sup> For more information, see [http://www.usda.gov/wps/portal/usda/usdahome?navid=ORGANIC\\_CERTIFICATIO](http://www.usda.gov/wps/portal/usda/usdahome?navid=ORGANIC_CERTIFICATIO).

<sup>47</sup> According to the U.S. EPA, "the risks associated with contaminant levels in soil may be much lower than expected based on test results because of the bioavailability of the contaminant in the soil." It describes bioavailability of a contaminant as the amount of contaminant that can be taken up by your body. Citing the example of soils that are rich in lead, it notes that treatment with phosphate and compost has been shown to reduce the bioavailability of soil lead, decreasing the risk of exposure to people.

## Brownfields

Brownfields are abandoned, unused, or underused industrial and commercial properties. The U.S. EPA and IEPA administer voluntary programs, technical assistance, and funding related to brownfields and land revitalization. According to the U.S. EPA, community gardens are an effective approach to cleaning up and maintaining abandoned, vacant lots. Land that has the potential for gardens or urban farms may need to be tested for harmful contaminants such as heavy metals and other hazardous substances due to previous use for industrial or commercial operations.<sup>47</sup> The Agency recommends that communities consider a site's land use history and test the soil accordingly to help identify and correct any problems. The U.S. EPA can provide technical assistance to test, and competitive grants to clean up these properties.<sup>48</sup> The IEPA offers site evaluation services to determine potential costs of cleanup and administers both the Municipal Brownfields Redevelopment Program and the Brownfield Cleanup Revolving Loan fund to help clean up municipally-owned brownfield sites.

Extensive information is available from the U.S. EPA on techniques for addressing contaminated soils as it relates to urban agriculture, including building raised beds, using soil amendments to stabilize contaminants in soil, and replacing contaminated soil with clean soil.<sup>49</sup> The Agency's Brownfields and Land Revitalization website has additional information on laws and statutes, grants and funding, tools, and technical information specifically related to urban agriculture and improving local, sustainable food systems.<sup>50</sup>

## Americans with Disabilities

The Americans with Disabilities Act (ADA) has requirements for accessibility to community gardens. If funding comes from a government agency, or the garden is on public property, accommodations for people with disabilities must be made in order to comply with the Act. Private and not-for-profit community gardens that are open to the public are required to be accessible to people with disabilities. If a facility employs fifteen or more people, additional reasonable accommodations for employees apply. Communities may want to consider additional accommodations such as requiring a certain number of beds to be raised high enough for elderly or disabled persons to garden.<sup>51</sup>

<sup>48</sup> For more information on these grants, see <http://www.epa.state.il.us/land/brownfields/brnasst2.html>

<sup>49</sup> See the U.S. EPA's community and urban gardening fact sheet at <http://bit.ly/PpTakD>.

<sup>50</sup> See <http://bit.ly/NAZY8W>.

<sup>51</sup> For more information, go to the ADA website at <http://www.ada.gov/>, or contact the office at 800-514-0301.



## STEP 4: Develop ordinance components

The following components are typically addressed by ordinances relating to urban agriculture:

- **Definitions**
- **Zones and/or locations allowed**
- **Size**
- **Use and sale of products**
- **Structures/Accessory buildings**
- **Landscaping**
- **Fencing**
- **Signage**
- **Parking**
- **Operating rules and standards**
- **Composting**
- **Chickens**

Where applicable, components are addressed separately as they apply to community gardens, commercial gardens, urban farms, and in a few instances, home gardens, all of which are defined in the next section.

### Define urban agriculture uses

A number of different definitions are used to distinguish urban agriculture activities and their related components. How a local government defines an activity or use relates directly to the regulations it establishes. Some cities, for example, include in their definition of community gardens the growing of ornamental crops as well as food, and treat them no differently in the regulations that govern the two activities, but rather base the ordinances and regulations that pertain to each on whether those products are intended for sale.

Other considerations that definitions may address include the number of gardeners or people operating an urban farm, ownership of the land (e.g., owned or leased by the city, a group of individuals, or not-for-profit), and whether urban agriculture products must be certified organic or involve specified sustainable practices. Appendix C provides basic definitions for home gardens, community gardens, and urban farms that local governments can adapt by adjusting for their purposes and inserting into their ordinances. This section discusses potential content of definitions for home gardens, community gardens, commercial gardens, and urban farms, in order of the intensity of the urban agriculture activity.

#### Home Garden

Some cities do not provide definitions of home gardens, especially if there are no restrictions other than the underlying zoning and other regulations that apply to the dwelling unit (single or multi-family) or neighborhood. On the other hand, cities may define home gardens very specifically, and include, for example, allowable locations — e.g., front and backyards, rooftops, courtyards, balconies, and windowsills. Kansas City’s definition goes beyond that by including the option to sell products from the garden:

*Food and/or horticultural products grown in the home garden may be used for personal consumption, and only whole, uncut, fresh food and/or horticultural products grown in a home garden may be donated or sold on-site within a reasonable time of its harvest.<sup>52</sup>*

<sup>52</sup> Kansas City, Missouri, Municipal Legislation 100299, Ch. 88 §312-02-A.

### Community Garden

Typically, the term community garden refers to a garden on a plot of land on which a group of individuals grows food or ornamental crops for their own use or consumption, or for donation to a food pantry or church. Community garden definitions usually specify that products cannot be sold, or can be sold on a limited basis. Chicago, and many other cities, include in their definitions provision that surplus food may be sold, on condition that selling produce is not the primary purpose of the garden. Some definitions are more detailed and include additional language, such as the parties responsible for managing the garden. The following is an example of a more detailed definition from Cleveland:

*Community garden means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.<sup>53</sup>*

### Commercial Garden

A commercial garden<sup>54</sup> is differentiated from a community garden by the specification that products can be sold for profit. In some cases, a local government's ordinance does not distinguish this use from an urban farm, and use only one term to refer to this use. As with community gardens, a definition of a commercial garden may include the parties responsible for management and maintenance, the types of products that can be sold, whether it can be farmed individually, by a group, or both, and whether organic certification or other sustainable practices are required. Portland, Oregon's proposed definition provides additional details:

*Market gardens are gardens or orchards where food is grown to be sold. It may be sold directly to consumers, restaurants, or stores. Market gardens tend to be more intensively cultivated and smaller scale than typical farms. A market garden can be the only use on a site or it may be on the same site as a house or building.<sup>55</sup>*



Image courtesy of flickr user lindsaybanks.

### Urban Farm

Cities that have separate definitions for urban farms and commercial gardens generally make the distinction based on size, level of intensity of the activity, amount of sales, and other considerations. The primary purpose of an urban farm is selling products. Urban farm definitions typically include activities ancillary to growing food. Chicago's definition also includes language on locations where urban farms are allowed.

*Urban Farm. Growing, washing, packaging, and storage of fruits, vegetables and other plant products for wholesale or retail sales.*

1. **Indoor Operation.** All allowed activities must be conducted within completely enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems, and aquaponics systems.
2. **Outdoor Operation.** Allowed activities are conducted in unenclosed areas or partially enclosed structures. May include indoor operations in conjunction with outdoor operations. Typical operations include growing beds, growing fields, hoop houses, and orchards.
3. **Rooftop Operation.** All allowed activities occur on the roof of a principal building as a principal use or accessory use. Typical operations include growing beds and growing trays.<sup>56</sup>

<sup>53</sup> Cleveland, Ohio, Municipal Code part III, Ch. 336, § 2(2007).

<sup>54</sup> Some cities refer to these as "market" gardens. From here on, this document uses the term commercial garden, unless citing a specific ordinance where the term market garden is used.

<sup>55</sup> Portland, Oregon, Proposed Urban Food Zoning Code, Ch.1.

<sup>56</sup> Chicago, Illinois, Municipal Code, Title XVII, § 9 (2012).

## Identify zones where urban agriculture activities are allowed

Zoning plays a significant role in ordinances relating to urban agriculture, whether it is treated as a separate district, an allowed use within existing zoning districts, or a combination of both. Specifying the legal standing of urban agriculture activities in applicable zones is as important as defining terms to clarify to both growers and neighbors the parameters for the use and activities on the land. Local governments have the option of using their ordinances to either permit urban agriculture as-of-right (no land use approval required, though restrictions may still apply), or apply conditions for the use. It may be classified as a principle, accessory, intermittent, or temporary use of land. San Francisco, for example, permits community gardens outright in residential areas by interpreting them as parks and open space, which are included in the list of uses permitted in residentially zoned areas.<sup>57</sup> Portland, Oregon includes community gardens in their list of permitted uses in parks and open space zones.<sup>58</sup> Cleveland's zoning ordinance permits agriculture as a *principal* use on all vacant residentially zoned lots, and the sales from farm stands in residential districts as a *conditional* use.<sup>59</sup> Pittsburgh, Pennsylvania allows urban agriculture throughout the city as an *accessory* use.<sup>60</sup>

A local government may designate a separate urban agriculture zoning district, which can preserve land and/or protect gardens and urban farms from future changes in use. Cleveland has an Urban Garden District zoning category, in which all other uses are prohibited. For other areas, the code allows the City to rezone an area as an urban agriculture overlay district for larger-scale farming activities.

Another option is to zone for agriculture as a conditional use. As such, it may be considered suitable to a zoning district but not necessarily to every location within it, so a landowner is required to seek approval first. Treating urban agriculture as a conditional use offers the advantage of insuring residents that their issues are heard and addressed, but the permit application process and review may be time consuming and costly. An alternative to placing conditions on the use is for a community to establish operating standards that mitigate potential conflicts with neighbors and others. To use the previous example of San Francisco, the city permits neighborhood agriculture<sup>61</sup> in all parts of the city, but it must adhere to operating standards that include, for example, limits on the use of mechanized farm equipment.<sup>62</sup>

The following is a discussion of zoning approaches applying to community gardens, commercial gardens, and urban farms. Most cities reviewed for this document did not place restrictions on home gardens.

### Community Gardens

A number of cities allow, with specified standards, community gardens in most or all zoning districts, such as residential, commercial, mixed use, open space, institutional, and vacant land. Seattle allows community gardens in all zones, and specifies that for industrial zoned land in a designated manufacturing and industrial center, community gardens are limited to rooftops and sides of buildings. Many cities, such as Chicago, allow produce from the gardens to be sold as long as sales are secondary to the main purpose of the garden.<sup>63</sup>

Including community gardens in the list of allowable uses within a zoning category makes it clear to growers and neighbors that this is a legitimate use of the land. Portland, Oregon's approach is to include community gardens in their definition of parks and open space.<sup>64</sup>

### Commercial Gardens

The difference between community and commercial gardens, i.e., that products from commercial gardens are intended to be sold, is a distinction that can prompt a community to exclude them from certain districts, such as residentially zoned areas. There is wide variation in cities across the nation in zoning for commercial gardens, as well as in the operating standards regulating activities associated with them. Some cities have eased restrictions on the commercial activity associated with gardens, compared to the restrictions imposed on other commercial activities (in commercial zones, for example). More details about the selling of products from commercial gardens are described later in this document.

### Urban Farms

As with commercial gardens, the zones where urban farms are allowed and the accompanying operating standards vary widely among cities. In Chicago, urban farms are prohibited in residential districts (where commercial activity is restricted) as well as in certain business districts, where commercial activities must take place indoors.<sup>65</sup> Seattle's ordinance is less restrictive and allows urban farms in residential, commercial, manufacturing, and industrial zones (limited to rooftops and sides of buildings in designated manufacturing and industrial centers).<sup>66</sup>

57 San Francisco, California, Planning Code, § 209.5)

58 Portland, Oregon, Municipal Code Title XXXIII, Ch.33, §920.460.A.

59 Cleveland, Ohio, Municipal Code part III, Ch. 337, § 25(2010).

60 Pittsburgh, Pennsylvania, Title 9, Art. V, Ch.912, § 912.07

61 In San Francisco, "Neighborhood Agriculture" includes backyard gardens, community gardens, community supported agriculture, market gardens and private farms.

62 San Francisco, California, Planning Code, § 102.34.

63 Chicago, Illinois, Municipal Code, Title XVII, § 7 (2012).

64 Portland, Oregon, Municipal Code Title XXXIII, Ch.33, §920.460.A.

65 Chicago, Illinois, Municipal Code, Title XVII, § 2,3 (2012).

66 Seattle, Washington, Municipal Code Title XXIII, Subtitle IV, Div. 2, Ch. 23.84A.



## Identify size limits

Ordinances typically base size restrictions on the type of agricultural activity (e.g., community gardens, urban farms, nurseries) and/or the zoning district where allowed. Size restrictions can be used to differentiate community gardens, commercial gardens, and urban farms, and different regulations may be triggered at specific sizes.

### Community gardens

One ordinance approach to the size of community gardens is to impose no limits in most districts where they are allowed. This is common in cities that limit selling produce grown in community gardens, likely because they may be expected to have less impact on residents or neighboring uses. When a maximum size limit is included in the ordinance, it is often in the one-half to five acre range. A number of factors may be considered when determining an appropriate size limit, such as density of development and the zoning classification where community gardens are permitted. For example, in Chicago the maximum size of a community garden is 25,000 square feet, unless the garden is located in an open space or park district, in which case there is no size restriction.<sup>67</sup> This limit is intended to prevent a single community garden from dominating a block or detracting from existing residential or commercial character. However, there may be more than one community garden on a single block.<sup>68</sup>

Another approach is to designate community gardens as a conditional use rather than a permitted use in some or all zones where the gardens are allowed. This allows size limits to be determined case by case, or with specific conditions, and/or with the input of neighboring property owners.

### Commercial Gardens

Since commercial garden use includes selling products grown in the garden, a local government may base size limitations on the zone in which they are allowed in order to control potential impacts on neighboring uses. Different limits may apply, for example, to residential and commercial zones. A local government may want to focus less on size restrictions than the physical and operational standards for the activity. Some cities apply the same size restriction to commercial gardens as they do to urban farms.

### Urban Farms

Ordinances across the country vary in size restrictions for urban farms. Limits may be based on a number of factors, such as the zone where the farm is located and the nature of the farm's products. Chicago imposes no limits on the size of urban farms. Austin, Texas, limits urban farms to five acres; however, plant nurseries in commercial zones are limited to one acre. In some cases, a different administrative process is triggered for farms beyond a certain size.<sup>69</sup> In Seattle, urban farms larger than 4,000 square feet are allowed, but must seek an administrative conditional use permit.<sup>70</sup>

<sup>67</sup> Chicago, Illinois, Municipal Code, Title XVII, § 7 (2012).

<sup>68</sup> Chicago Urban Agriculture FAQ, accessed 3/9/2012.

<sup>69</sup> Austin, Texas, City Code, Title 14, § 14-7-1.

<sup>70</sup> Seattle, Washington, Municipal Code Title XXIII, Subtitle IV, Div. 2, Ch. 23.84A.

## Specify allowed uses and sale of products

The definition of community gardens in most ordinances specifies that selling produce is not the primary purpose of the garden, and its use is limited to gardeners and neighbors, and/or is donated. It is typical, however, to allow gardeners to sell *surplus* produce from the gardens, as is the case in Chicago.<sup>71</sup> Cleveland's regulations provide that sales may occur in residential districts if the zoning board determines, after public notice and hearings, that the sales will meet a community need without adversely affecting the neighborhood.<sup>72</sup> The board considers a number of factors, such as the proximity to homes, traffic volume, and availability of parking. Some cities allow community gardens to sell produce consistent with regulations for garage sales in residential zones.

Since the primary purpose of commercial gardens and urban farms is the sale of products, the use and sales (such as amount that can be sold) are not restricted to the same extent that community gardens may be. Chicago's 1-acre non-profit City Farm, for example, sells 10,000 to 20,000 pounds of food each year to restaurants, at its farm stand and a farmers market, and to people who buy shares of its crops.<sup>73</sup>

Additional factors to consider in regulating sales may include, but are not limited to:

- hours of operation
- number of days/months/seasons
- size of space devoted to selling products
- where sales can take place (indoors or outdoors, for example)
- presence of residences on the property
- allowed zoning districts
- extent of processing or value-added allowed (if any)
- parking
- traffic

## Describe structures/accessory buildings allowed

A local government may find it appropriate to require conformance to other ordinance sections for regulations on some or all structures allowed in different zoning categories, and/or add to the list of allowable structures in existing ordinances to support urban agriculture activities.

In defining permitted structures, a local government will take into consideration the zoning districts where farms and gardens are allowed and activities they wish to support, such as on-site sales, visitors, extending growing seasons, composting, beekeeping, and raising animals. Cities that have created a separate zoning category for urban agriculture as the primary use typically permit a broad range of structures and their characteristics. Cleveland, for example, allows the following structures in the Urban Garden District:

- greenhouses
- hoop houses (typically refers to greenhouses with plastic roofs over hoop-shaped piping)
- cold-frames (see Appendix C for definitions)
- raised planting beds
- compost bins
- tool sheds
- barns
- restrooms with composting toilets
- planting preparation houses
- seasonal farm stands
- chicken coops
- beehives

The height limit for related buildings in the district is twenty-five feet.<sup>74</sup>

Additional structures found in city ordinances include covered trash receptacles, seating areas, bike parking, and rain barrels. Factors to consider when developing regulations for structures include, but are not limited to:

- setback of structures from property lines
- size (e.g., floor area, percent of site covered, height)
- location and placement on property
- off-street parking
- maintenance
- temporary versus permanent structures
- number of structures

71 Chicago, Illinois, Municipal Code, Title XVII, § 7 (2012).

72 Cleveland, Ohio, Municipal Code part III, Ch. 337, § 25(2010).

73 *USA Today*, September 9, 2011.

74 Cleveland, Ohio, Municipal Code part III, Ch. 336, § 5(2007).

## Landscaping

As is the case with defining permitted structures, a local government may either refer to landscaping regulations for the zones in which the agricultural activity is allowed, or modify them for urban agriculture activities. Some ordinances include relaxed landscaping standards to support gardens and urban farms in certain zones, since height limits for lawns and vegetation, for example, can be a deterrent. Chicago has amended their zoning ordinance to exempt some of the landscaping requirements placed on other uses, provided the design is acceptable to the Department of Housing and Economic Development.<sup>75</sup>

Depending on the zone and intensity of urban agriculture activity, local governments may want to require landscaping buffers. Seattle specifies that urban farms may be required to landscape in order to reduce visual and noise impacts in residential areas.<sup>76</sup> Cleveland's residential district zoning requires that any open lot area between a fence and a street line be planted with vegetation.<sup>77</sup>

The American Planning Association's *Zoning Practice* article on urban agriculture recommends tailoring ordinances to encourage sustainable land-use practices and avoid less desirable commercial or industrial urban agriculture projects. This could reduce requirements for landscaping and screening.<sup>78</sup>



Image courtesy of USDA.

## Fencing

Aside from fencing requirements for beekeeping and raising animals, fencing regulations may differ depending on zoning district, location within the district, and type of agriculture activity allowed. A common approach is to allow fencing for urban agriculture in locations where it may otherwise be prohibited by city code. In these cases, it is common to include regulations for the size, materials, and/or types of fences permitted. For agriculture in residential districts, Cleveland's zoning permits fencing 4-foot high vinyl coated chain link fences in front yards of urban agriculture uses in residential areas, whereas chain link fences are otherwise prohibited in front yards in residential districts.<sup>79</sup> For Urban Garden Districts, fences may not exceed six (6) feet in height, and must be at least fifty percent open if they are taller than four feet. They must be wood, chain link, or ornamental metal.<sup>80</sup>

Some cities don't require fencing, but require design review and approval by a board or department director to insure that the fence is compatible with the character of nearby properties. Sometimes approval is required only for fencing exceeding a specified size. For community gardens and urban farms in Chicago, fencing, screening, and other landscape features may be required for large parking areas and outdoor work areas depending on the location and activity taking place. If fencing is required, the code specifies that the type must be acceptable to the Department of Housing and Economic Development.<sup>81</sup>

## Signage

Signage for urban agriculture activities may have the same restrictions as those of the zoning district where the activities are allowed. It is typical to allow only un-illuminated signs of specified maximum dimensions in residential areas. In Cleveland's Urban Garden District, signs are permitted as follows:

*“Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.” It further states that signs are “limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in accordance with the regulations of Section 336.05.”<sup>82</sup>*

75 Chicago, Illinois, Municipal Code, Title XVII, § 7 (2012).

76 Seattle, Washington Municipal Code, Chapter 23 §42.051 (2010).

77 Cleveland, Ohio, Municipal Code part III, Ch. 337, § 25B (2010).

78 Nina Mukherji and Alfonso Morales, “Zoning for Urban Agriculture,” *Zoning Practice*, no. 3 (March 2010);4, <http://www.planning.org/zoningpractice/2010/pdf/mar.pdf>.

79 Cleveland, Ohio, Municipal Code part III, Ch. 337, § 25B (2010).

80 Cleveland, Ohio, Municipal Code part III, Ch. 336, § 5(2007).

81 Chicago, Illinois, Municipal Code, Title XVII, § 7 (2012).

82 Cleveland, Ohio, Municipal Code part III, Ch. 336, § 4(2007).



## Parking

Parking regulations related to urban agriculture activities tend to differ according to type of agriculture activity, number of employees (if applicable), the zoning district, and existing parking conditions. City ordinances vary widely in specifying whether parking is allowed, prohibited, or required. For example, Seattle provides that no parking is required for urban farms or community gardens in residential areas. Chicago's ordinance requires one off-street parking space for every four urban farm employees.<sup>83</sup>

## Additional operating rules and standards

In addition to parking, landscaping, signage and fencing, local governments may want to specify performance standards and operating rules to better integrate urban agriculture activities into neighborhoods and zones where they are permitted. Some cities require management plans as a condition for approval in some zones, although this may present unnecessary barriers if too detailed (the highly detailed section of the Model Zoning Ordinance in Appendix A may not be appropriate in many cases, especially if urban agriculture will be permitted as of right in certain districts). For commercial gardens, a community may want to address maintenance, security, water supply, and run-off, storage of seed and fertilizer, and use of organic and sustainable growing practices. For urban farms, additional language can be provided relating to site plans, operating hours, equipment use, application of chemicals and manure, sediment and erosion control, parking, waste, and composting. Some cities go further and detail specific maintenance activities required, such as watering, pruning, and removal of dead or diseased plant material.

Seattle's ordinance allows urban farms in residential zones, but requires detailed operating rules to avert potential conflicts. In addition to those requirements noted above, urban farms in residential zones must also use mechanical equipment designed for household use only, use no more than two motor vehicles for operations, and limit the hours and days of sales, deliveries, and pickups. Where urban farms in residential zones require a conditional use permit, that permit is based on the additional considerations of potential visual impacts and screening, noise and odors, and vibration of mechanical equipment.<sup>84</sup> Again, this level of detail and requirements may be applicable to only a small number of communities in the region.

## Specify beekeeping regulations

A lack of wild honeybees over the last several years has greatly increased the need for domestic honey bees to be used for the pollination of plants. Honeybees play a vital role in the economic success of agriculture and horticulture in the State. The IDOA created the Bees and Apiaries Program (<http://www.agr.state.il.us/programs/bees/>) to assist beekeepers with management and protection of honeybee colonies. There is no fee to register colonies, and IDOA will inspect beehives free of charge to detect diseases and provide information on treatment.

The State requires beekeepers to register annually and regulates inspections, abatement of colonies infected with diseases or exotic strains of bees, and transportation of bees. In association with the IDOA, the Illinois State Beekeepers Association (<http://www.ilsba.com/>) provides information on good beekeeping practices in addition to instructions and a number of useful links and publications including a draft ordinance. The model ordinance in Appendix A includes language on beekeeping in backyards, community gardens, and urban farms. It addresses required distance from lot lines, fencing, location and placement of hives on the lot, the direction hives face, and limits on the number of hives allowed. The model ordinance ties the number hives allowed to the square footage of the lot area. In Chicago, beekeepers are allowed up to five hives as an accessory use on residential and commercial properties.

The City of Evanston's beekeeping ordinance<sup>85</sup> includes the following considerations in addition to those provided in Appendix A of this document:

- Signage indicating presence of a hive
- Maintenance
- Re-queening if needed<sup>86</sup>
- Availability of convenient source of non-stagnant water

<sup>83</sup> Chicago, Illinois, Municipal Code, Title XVII, § 17 (2012).

<sup>84</sup> Seattle, Washington Municipal Code, Chapter 23 §42.051 (2010).

<sup>85</sup> Evanston, IL, Municipal Code title IX, Ch. IV, § 9 (2011).

<sup>86</sup> The ordinance states if instances of a colony exhibiting unusually aggressive characteristics or swarming occur, a beekeeper must re-queen a colony selected from stock bred for gentleness and nonswarming characteristics.



Image courtesy of Heritage Prairie Farm.



Image courtesy of Heritage Prairie Farm.

## Specify regulations on keeping chickens

Increasingly, cities are allowing residents to keep animals such as chickens, goats, ducks, and rabbits. This section focuses on keeping backyard chickens in residential areas. Appendix A in this document includes additional language on keeping chickens in community gardens and urban farms.

The City of Chicago has no ordinance or specific language regarding backyard chickens. They are not prohibited, but may not be kept for slaughter and are subject to nuisance, cleanliness, and humane treatment laws. Many cities that do include language or ordinances on chickens typically specify requirements such as licenses or permits, limits on the number of chickens allowed (by lot or square feet), setbacks, and prohibition of roosters. The coop structures may also be subject to requirements, such as:

- Easy access for cleaning
- Water tight structures
- Ventilation
- Minimum square footage per chicken (such as 10 square feet)
- Protection from predators

Not all cities specify a limit to the number of chickens residents can keep. In this region, Naperville is amending their ordinance to allow up to eight on a typical lot,<sup>87</sup> Batavia six,<sup>88</sup> and Downers Grove, four fowl aged eighteen weeks or older and four fowl under the age of eighteen weeks.<sup>89</sup> Required setbacks from neighboring residences range from ten to thirty feet. Cleveland's approach is to require a minimum of 100 square feet per chicken. Some cities, such as Milwaukee, have adopted backyard chicken ordinances on a one-year trial basis. Citizens are required to obtain written consent from their neighbors and pay a nominal permit fee.<sup>90</sup>

The IDOA Bureau of Animal Health and Welfare administers a number of regulations that pertain to chickens, including but not limited to: the Humane Care for Animals Act, the Feeding of Garbage to Animals Act, and the Dead Animals Disposal Act. Local animal control ordinances may factor in to any new ordinances or revisions and should be examined for consistency.

<sup>87</sup> Naperville, Illinois, Municipal Code, Title X, Chapter 4, § 10.

<sup>88</sup> Batavia, Illinois, Municipal Code, Title V, Ch. 4, § 1 (2011).

<sup>89</sup> Downers Grove, Illinois, Municipal Code, Ch. 5, § 19.

<sup>90</sup> Milwaukee, Wisconsin, City Charter, §4-06-3.





Image courtesy of David Johnson, Edible Michiana.



# Appendices

## Appendix A: Resources for Including Local Food in Comprehensive Plans

The following resources include further examples, guides, reports, and local programs in northeastern Illinois relating to planning.

### Local Food in Local and County Plans<sup>91</sup>

- Baltimore, Maryland, see [bit.ly/NBzb4p](http://bit.ly/NBzb4p).
- Berkeley, California, see <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=494>.
- Cleveland, Ohio, see <http://bit.ly/Uljo6z>.
- Dane County, Wisconsin, see <http://bit.ly/POTmNy>.
- Evanston, Illinois, see <http://www.cityofevanston.org/sustainability/food-cycle/>.
- Kansas City, Michigan, see <http://bit.ly/Puu4RE>.
- King County, Washington, see [bit.ly/Ovzqqq](http://bit.ly/Ovzqqq).
- Madison, Wisconsin, see <http://www.cityofmadison.com/planning/ComprehensivePlan/>.
- Marin County, California, see [bit.ly/OxTvQD](http://bit.ly/OxTvQD).
- Richmond, California, see <http://www.healthycommunitiesbydesign.org/>.
- San Francisco, California, see <http://bit.ly/OxTQTe>.

### State and Regional Local Food Plans and Guides

- CMAP-GO TO 2040: Promote Sustainable Local Food, see <http://www.cmap.illinois.gov/2040/local-food-systems>.
- American Planning Association: Food Systems, see <http://www.planning.org/nationalcenters/health/food.htm>.
- Liberty Prairie Foundation: Building Communities with Farms, see <http://prairiecrossing.com/libertyprairiefoundation/index.php>.

- Mid-Ohio Regional Planning Commission: Local Food Assessment and Plan, see <http://www.morpc.org/energy/center/LocalFoods.asp>.
- Delaware Valley Regional Planning Commission: Food Systems Planning, see <http://www.dvrpc.org/Food/>.
- Illinois Local and Organic Food and Farm Task Force: “Local Food, Farms, & Jobs: Growing the Illinois Economy,” see <http://www.foodfarmsjobs.org/>.

### Programs and Reports

- Let’s Move! Campaign, see <http://www.letsmove.gov/>.
- Illinois Farm to School Programs, see <http://www.farmtoschool.org/IL/programs.htm>.
- The Reinvestment Fund: Pennsylvania Fresh Food Financing Initiative, see <http://www.thefoodtrust.org/pdf/FFFI%20Brief.pdf>.
- Dave Swenson, Department of Economics, Iowa State University, Leopold Center for Sustainable Agriculture: “Selected Measures of the Economic Values of Increased Fruit and Vegetable Production and Consumption in the Upper Midwest.” See <http://www.leopold.iastate.edu/pubs-and-papers/2010-03-selected-measures>.
- Policy Link and The Food Trust: “The Grocery Gap, Who Has Access to Healthy Food and Why It Matters Report.” See [http://www.policylink.org/site/c.lkIXLbMjRjE/b.5860321/k.A5BD/The\\_Grocery\\_Gap.htm](http://www.policylink.org/site/c.lkIXLbMjRjE/b.5860321/k.A5BD/The_Grocery_Gap.htm).
- American Planning Association: Urban Agriculture: Growing Healthy, Sustainable Places. Planning Advisory Service, Report number 563, 2011. See <http://www.planning.org/apastore/Search/Default.aspx?p=4146&a=1003>.

<sup>91</sup> Many of these links were compiled from a document produced by the Urban Agriculture Committee Meeting for the Community Food Security Coalition, September 10, 2009.

## Local Organizations in Northeastern Illinois

- Advocates for Urban Agriculture, see <http://auachicago.wordpress.com/>.
- Angelic Organics, see <http://www.angelicorganics.com/>.
- Angelic Organics Learning Center, see <http://www.learnrowconnect.org/>.
- Blacks in Green (BIG), see <http://blacksingreen.org/>.
- Center for Urban Transformation, see <http://www.cutchicago.org/>.
- Chicago Botanic Garden - Windy City Harvest, see <http://www.chicagobotanic.org/info/windycityharvest.php>.
- Chicago Conservation Corps, see <http://chicagoconservationcorps.org/blog/>.
- Chicago Food Policy Advisory Council, see <http://www.chicagofoodpolicy.org/>.
- Chicago Honey Co-op, see <http://www.chicagohoneycoop.com/>.
- Chicago Permaculture Meetup Group, see <http://permaculture.meetup.com/65/>.
- Chicago Sustainable Business Alliance, see <http://foresightdesign.org/business/>.
- Cob Connection, see <http://www.ghpcommunityofwellness.org/directory/5144>.
- Consortium to Lower Obesity in Chicago Children, see <http://www.clocc.net/>.
- Delta Institute, see <http://www.delta-institute.org/>.
- Faith In Place, see <http://www.faithinplace.org/>.
- Familyfarmed.org, see <http://www.familyfarmed.org/>.
- Fresh Taste, see [http://freshtaste.typepad.com/my\\_weblog/policy/](http://freshtaste.typepad.com/my_weblog/policy/).
- Garfield Park Conservatory, see <http://www.garfield-conservatory.org/>.
- Good Earth Food Alliance - W. Central IL, see <http://www.goodearthfoodalliance.com/>.
- Green Chicago Restaurant Co-op, see <http://www.buygreenchicago.org/>.
- Green City Market, see <http://www.chicagoreencitymarket.org/>.
- Greencorps Chicago, see <http://bit.ly/S7o8c8>.
- Growing Home, see <http://www.growinghomeinc.org/>.
- Growing Power, see <http://www.growingpower.org/>.
- Healthy Schools Campaign, see <http://www.healthyschoolscampaign.org/>.
- Healthy South Chicago, see <http://bit.ly/RD1yZs>.
- Illinois Stewardship Alliance, see <http://www.ilstewards.org/>.
- Imagine Englewood If, see <http://www.imagineenglewoodif.org/>.
- Little Village Environmental Justice Organization, see <http://lvejo.org/>.
- Midwest Permaculture, see <http://www.midwestpermaculture.com/>.
- NeighborSpace, see <http://neighbor-space.org/main.htm>.
- OPENLANDS, see <http://www.openlands.org/>.
- Operation Frontline Chicago, see <http://www.nearnorthhealth.org/services/OFL/index.html>.
- Prairie Crossing - a conservation community, see <http://prairiecrossing.com/index.php>.
- Resource Center :: City Farm, see <http://www.resourcecenterchicago.org/70thfarm.html>.
- Seven Generations Ahead, see <http://www.sevengenerationsahead.org/>.
- Slow Food Chicago, see <http://www.slowfoodchicago.org/>.
- Slow Food USA, see <http://www.slowfoodusa.org/>.
- Springfield Locavore, see <http://www.springfieldlocavore.com/>.
- Sustain Illinois, see <http://www.sustainillinois.com/>.
- The Land Connection, see <http://www.thelandconnection.org/>.
- The Organic Gardener, see <http://www.theorganicgardener.net/>.
- The Talking Farm, see <http://www.thetalkingfarm.org/>.
- University of Illinois Extension, see <http://web.extension.uiuc.edu/state/>.
- Urban Habitat Chicago, see <http://www.urbanhabitatchicago.org/>.

## Appendix B: Resources for Urban Agriculture Ordinances

### Model Ordinances and Guides

- **Seeding the City, Land Use Policies to Promote Urban Agriculture**  
<http://changelabsolutions.org/publications/seeding-city>  
 Public Health Law and Policy, National Policy and Legal Analysis Network to Prevent Childhood Obesity (now called ChangeLab Solutions) published this document in 2011. In addition to policy plan language, this toolkit provides model language for ordinances that can be tailored to individual communities to promote urban agriculture.
- **Beyond the Farmer's Market: Planning for Local Food Systems in Illinois**  
<http://bit.ly/U8oQK6>  
 The University of Illinois Extension published this guide in 2008 to assist communities in building or improving local food systems. It recommends actions that can be taken within each component of the food system.
- **Local Food Networks, From Policy to Reality**  
[http://www.crplanning.com/pdfs/susdo6\\_09/agforest.pdf](http://www.crplanning.com/pdfs/susdo6_09/agforest.pdf)  
 The Minnesota Pollution Control Agency produced a 2008 series of model ordinances for sustainable development. This document offers both a landscaping ordinance for regulating front and back yard food production, and a local food production district ordinance.
- **Establishing Land Use Protections for Community Gardens**  
[http://www.michigan.gov/documents/mdch/communitygardenpolicies\\_303374\\_7.pdf](http://www.michigan.gov/documents/mdch/communitygardenpolicies_303374_7.pdf)  
 Public Health Law and Policy, National Policy and Legal Analysis Network to Prevent Childhood Obesity published this document in 2009 to assist communities with zoning and general plan language to protect and expand community gardens and establish them as an approved use.
- **Establishing Land Use Protections for Farmers' Markets**  
<http://bit.ly/OthGQ6>  
 Public Health Law and Policy, National Policy and Legal Analysis Network to Prevent Childhood Obesity published this document in 2009 to assist communities with zoning and plan language to protect and expand farmers' markets and establish them as an approved use.

### Additional Resources

- **American Planning Association's (APA) Enhancing Urban Food Systems (EIP-16)**  
<http://www.planning.org/pas/infopackets/subscribers/pdf/EIP16all.pdf>  
 This 2009 compilation of APA documents and articles, reports, and guidebooks on local food is an APA Planning Advisory Service "Essential Information Packet." Documents in the packet address urban agriculture ordinances as well as a number of topics, including community food security and access to healthy food, the planner's role in local food systems, the intersection between planning and health, and strategies to promote local food systems.
- **Food Policy Councils: Lessons Learned**  
[http://goodfoodlosangeles.files.wordpress.com/2011/01/fpc\\_final\\_dist-5-indd.pdf](http://goodfoodlosangeles.files.wordpress.com/2011/01/fpc_final_dist-5-indd.pdf)  
 This document addresses the purpose, various structures, successes, and challenges of local and state policy councils. It also includes recommendations for building successful councils.
- **Urban Agriculture: A sixteen city survey of urban agriculture practices across the country**  
<http://www.georgiaorganics.org/Advocacy/urbanagreport.pdf>  
 Turner Environmental Law Clinic produced this document in 2011 for Georgia Organics. "This report surveys the zoning ordinances of 16 cities and explores how these cities have incorporated urban agriculture into their land use plans."



## Funding and Technical Assistance

- **Know Your Farmer, Know Your Food**

[http://www.usda.gov/wps/portal/usda/usdahome?navid=KYF\\_GRANTS](http://www.usda.gov/wps/portal/usda/usdahome?navid=KYF_GRANTS)

This site lists USDA programs, grants, loans, and other support to strengthen local and regional food systems.

- **The National Sustainable Agriculture Coalition's Guide to USDA Funding for Local and Regional Food Systems, First Edition, 2010.**

<http://bit.ly/NZP1PZ>

This guide provides more detailed information on the USDA and its funding programs, including “details of fifteen grants and programs that are relevant to local and regional food systems development.” Case studies of projects that received funding are also included.

- **Brownfields Assessments Grants**

[http://www.epa.gov/brownfields/grant\\_info/assess/assessment\\_factsheet.pdf](http://www.epa.gov/brownfields/grant_info/assess/assessment_factsheet.pdf)

The U.S. EPA assessment grants provide funding to inventory a site, identify past uses, determine contamination, conduct cleanup, plan for redevelopment, and conduct community involvement activities.

- **U.S. EPA Brownfields and Urban Agriculture Resources Website**

<http://www.epa.gov/brownfields/urbanag/resources.htm>

U.S. EPA publishes a number of resources for pursuing agriculture projects as part of brownfield redevelopment and reuse, including interim guidelines for safe gardening practices.

- **Illinois Municipal Brownfields Redevelopment Program**

<http://www.epa.state.il.us/land/brownfields/grants/brownfields-grant-checklist.pdf>

The Illinois Environmental Protection Agency offers these grants to investigate and clean up brownfield properties.

- **Illinois Brownfields Redevelopment Loan Program**

<http://www.epa.state.il.us/land/brownfields/brnasst2.html>

This program offers low interest loans to support efforts by local governments and private parties to clean up brownfields sites that have already been assessed for contamination.

## Innovative ordinance and code provisions

In addition to revising and creating new ordinances, cities across the nation have initiated a number of regulations, programs, incentives, and other support to encourage urban agriculture. A sampling of these programs is provided below.

- The Chicago-funded NeighborSpace was established through an intergovernmental agreement between the City of Chicago, Chicago Park District and the Forest Preserve District of Cook County to help community members acquire and preserve small community gardens. In addition to providing leadership and financial support, the organization provides basic liability insurance for those using the land.  
See <http://neighbor-space.org/whatwedo.htm>.
- The City of Milwaukee offers Seasonal Garden Plot Permits for residents who would like to garden on a vacant lot next to their house or work with their neighbors to create a community green-space. They also offer three year leases to allow community gardens more secure tenure on city-owned land.  
See <http://bit.ly/TotmSx>.
- Minneapolis allows community gardens to be a permanent use, and keeps an inventory of community kitchens that can be used by individuals or small businesses to prepare, store, or preserve food.
- Portland encourages front-yard plantings and allows growing in the parking or planting strip of the public right-of-way.  
See <http://bit.ly/PNYDhh>.
- Woodbury County Iowa has The Local Food Purchase Policy that states that locally produced organic food must be purchased when a department of the County serves food in the usual course of business. The county also provides a 100% tax rebate on agricultural land that is converted to organic production.  
See <http://bit.ly/PO1irg>.
- New York City's Green Thumb urban gardening program provides assistance and support to more than 600 gardens throughout the city. It helps groups buy plants, and provides tools, mulch, and technical assistance such as educational workshops. It also works with gardeners on environmental initiatives.  
See <https://bitly.com/#>.
- Seattle's P-Patch program provides community gardeners with water as part of their yearly fee. The program oversees 75 gardens.  
See <http://www.seattle.gov/neighborhoods/ppatch/>.
- Seattle's Green Factor scoring system requires developers to demonstrate their projects meet goals to increase quantity and quality of planted areas in the city. Bonuses are provided for food cultivation.  
See <http://www.seattle.gov/dpd/permits/greenfactor/>.

## Appendix C: Model Urban Agriculture Ordinance

Excerpted from “Seeding the City: Land Use Policies to Promote Urban Agriculture,” Public Health Law and Policy, 2011.

<http://bit.ly/PHKtzb>



# Seeding the City

Land Use Policies to Promote Urban Agriculture

nplan

NATIONAL POLICY & LEGAL ANALYSIS NETWORK  
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# Model Zoning Ordinance for Urban Agriculture

The following section contains model language for communities to tailor and adopt as amendments to their existing zoning laws, or as part of a comprehensive zoning update. As noted above, cities vary considerably by size, density, availability of land, and demand for urban agricultural activities. There is no one-size-fits-all approach when it comes to zoning for urban agriculture, so we present a number of options in an à la carte fashion for communities to select as appropriate.

Language written in italics provides alternate options or explains the type of information that should be inserted in the blank spaces in the ordinance. “Comments” discuss alternatives, examples from different cities, or additional information. The local jurisdiction will need to determine where the ordinances would best fit within its existing code, make other amendments as necessary for consistency, and follow the appropriate procedures for amending the zoning law.

## Definitions and Types of Uses

The way a community defines the different types of agriculture is extremely important because those definitions will guide decisions about what types of agriculture are appropriate in different areas within the community. “Urban agriculture” describes a spectrum of activities. We divide it into three major types of agricultural activities (home garden, community garden, and urban farm), but some communities may wish to subdivide it into more, or different, categories.

Key considerations are:

- The size of the land area;
- The location of the area;
- The number of users of the property (and possibly traffic generated by the activity); and
- The purpose of the operation (e.g., private or commercial).

Some communities may wish to distinguish between community gardens and urban farms by the nature of the activity and intensity of use (food grown for personal consumption or donation versus food grown for sale). Others will want to distinguish by the size of the operation. The advantage to providing multiple definitions is that it allows the jurisdiction the flexibility to apply appropriate standards and regulations to each type; for example, there is likely no need to require a conditional use permit for a small-scale neighborhood garden, but there may be important reasons for doing so with larger-scale gardens where food grown is sold on-site. Additionally, it allows the jurisdiction to designate specific zones where different types of activity may be allowed, allowed conditionally, or prohibited altogether. Make sure that the definitions are sufficiently distinct so that residents and officials are clear about the differences.

The key to promoting urban agriculture within a community is to eliminate unnecessary barriers while ensuring safe practices and adequate protection for gardeners, farmers and neighboring landowners.



## USE DEFINITIONS

	Home Garden	Community Garden	Urban Farm
<b>Definitions</b>	<p>A home garden shall mean the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.</p> <p><i><b>Comment:</b> This definition is drafted specifically for residential properties. It is broad enough to include on-site gardens at home daycare sites or board and care homes, without permitting a home gardening business.</i></p> <p><i>Few communities place restrictions on the growing of produce in backyards. Some communities, however, restrict landscaping in front yards. In Sacramento, Calif., for example, residents were limited in the percentage of space they could use for cultivating fruits and vegetables in their front yards (but were successful in amending their zoning ordinance to eliminate that restriction).<sup>67</sup></i></p>	<p>A community garden shall mean privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.</p> <p><i><b>Comment:</b> Community gardens may be cultivated on a wide variety of sites, including underutilized or vacant public or private property, schools, universities, hospitals, or private companies, and as a temporary or permanent use.<sup>68</sup> Community gardens may be used to fill different needs: a food source or recreation for individuals lacking access to home gardens, community building, education (such as school gardens), or to support an institution's food services (such as hospital or institutional gardens). This definition is broad enough to encompass all of these types of community gardens. Some communities may wish to expressly include institutional gardens in their definition of community gardens.</i></p>	<p>An urban farm shall mean privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs, [and/or for animal products, livestock production, or value increase] by an individual, organization, or business with the primary purpose of growing food for sale.</p> <p><i><b>Comment:</b> This definition is drafted to identify urban farms as commercial enterprises (including both for-profit and nonprofit), regardless of the type of land upon which they are sited and the type of entity operating the site (i.e., individual, private, or nonprofit corporation).</i></p> <p><i>From a land use perspective, a profit-making enterprise is distinguished from the primarily non-commercial activities of home and community gardens by the scale of activities and intensity of use. Whether the farm is owned or operated by a for-profit or not-for-profit entity does not affect the actual use of property. Some communities, however, may wish to distinguish farms based on type of corporate structure. In that event, the community could subdivide the urban farm category into two categories (for-profit and nonprofit commercial enterprises.)</i></p>

Seeding the City: Land Use Policies to Promote Urban Agriculture Use Definitions

**USE DEFINITIONS**

	Home Garden	Community Garden	Urban Farm
<p><b>Alternative or Additional Definitions</b></p>	<p><i>Describe property more specifically:</i> Home gardens include the front or backyard, rooftop, courtyard, balcony, windowsills, fence, and walls.</p>		<p><i>Alternate terminology:</i> Market Gardens Commercial Gardens Small-Scale Entrepreneurial Agriculture</p> <p><b>Comment:</b> <i>In some communities, state laws may limit “agricultural” uses in urban areas. For this reason as well as local preference or political palatably, communities have used other terms for urban farms. Cleveland uses the term “market garden,” defined as “an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.”<sup>69</sup></i></p> <p><i>Nashville uses the terms “commercial community gardening” and “non-commercial community gardening” to distinguish between agriculture for personal consumption and agriculture where the intent is growing food for sale.<sup>70</sup></i></p> <p><i>Kansas City defines “Community Supported Agriculture” as “an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.”<sup>71</sup></i></p>

USE DEFINITIONS			
	Home Garden	Community Garden	Urban Farm
<b>Size Limits</b>	<p>[No regulation]</p> <p><b>Comment:</b> In many communities, there is likely no need to regulate home gardens, including size limits.</p>	<p>Community gardens may consist of lot sizes of no more than [number of square feet/acres].</p> <p><b>Comment:</b> Some communities may prefer to distinguish community gardens from urban farms by size limitations rather than by commercial and noncommercial activity.</p> <p>If the community is allowing sales on- or off-site at community gardens, it needs to make sure that the community garden can be distinguished from an urban farm. Some communities may wish to limit the size of community gardens to ensure they remain primarily noncommercial activity.</p> <p>In San Francisco's urban agriculture law, urban agriculture is divided into two categories: neighborhood agriculture and large-scale urban agriculture. "Neighborhood agriculture" is defined as an urban agricultural activity that is less than one acre in size, including backyard gardens, community gardens, community-supported agriculture, market gardens, and private farms, and allows limited sales and donation on the site of production.</p> <p>"Large-scale urban agriculture" is defined as a use of land for the production of horticultural crops that occurs on a site greater than one acre or on lots smaller than one acre but that do not meet the physical and operational standards for the neighborhood agriculture use.<sup>72</sup></p> <p>Pittsburgh requires a minimum lot size of three acres for urban agriculture use.<sup>73</sup></p>	<p>Size limitations.</p> <p><b>Comment:</b> See comment on size limitations under "Community Gardens."</p>



**USE DEFINITIONS**

	<b>Home Garden</b>	<b>Community Garden</b>	<b>Urban Farm</b>
<b>Where Use Is Allowed</b>	<p>Home gardens are a permitted use in all residential districts.</p> <p><i><b>Comment:</b> To promote and protect urban agriculture, it is important to make sure home gardens are included in all residential districts, including multifamily and public housing.</i></p>	<p>Community gardens are a permitted use in the following zones: residential, multifamily, mixed-use, open space, industrial, [add other zoning districts] subject to regulations.</p> <p><i><b>Comment:</b> To promote and protect urban agriculture, it is important to make sure community gardens are an allowed use in all appropriate districts. Provided the garden use is subject to adequate regulations, a community garden should need no additional land use authorization.</i></p>	<p>Urban farms shall be a conditional use in [residential] districts and subject to regulations in all districts:</p> <p><i><b>Comment:</b> Communities may be comfortable with allowing all farms or smaller urban farms as a permitted use in certain districts, including residential.</i></p> <p><i>San Francisco's ordinance permits the Neighborhood Agriculture use, defined as an urban agricultural activity that is less than one acre in size, in nearly all zoning districts (subject to physical and operational standards) and requires conditional use authorization for urban industrial agriculture in residential districts.<sup>74</sup></i></p>

## Regulations of Uses

Setting forth the rules under which the property can be used for agricultural purposes ensures success. We offer proposed regulations that communities can use to develop their own policy. In some situations, these regulations can be part of a permitted or approved use; in other communities, these regulations could be part of a conditional use.

### REGULATION OF USES/OPERATING STANDARDS

	Home Garden	Community Garden	Urban Farm
<b>Compliance with All Laws</b>	[No regulation]	All community gardens and their users must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the garden premises. Site users may not introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.  <i>Comment: Generally, municipalities are preempted from regulating pesticide use. Consult with your local government attorney before prohibiting all pesticide use.</i>	All urban farms and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.  <i>Comment: See comment on pesticide use under “Community Gardens.”</i>
<b>Soil Testing</b>	[No regulation]  <i>Comment: Most communities will want to encourage all gardeners, including home gardeners, to test their soil for lead and other harmful contamination and to implement precautionary measures, particularly where children are gardening. Ensuring children are not ingesting soil and preventing soil dust is particularly important to prevent children’s exposure to lead exposure. Municipalities should work with local gardening organizations, state university extensions, and others to help educate residents about soil safety and health. See the “Resources” section for more information on safe gardening practices.</i>	Prior to establishment, site users [or municipal employees] shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology (if needed) shall be provided to and kept on file with the City [insert department name] Department.  <i>Comment: Soil safety is one of the most difficult issues facing municipalities when developing urban agriculture programs. Municipalities and advocates need to consider what requirements to impose before converting property into an agricultural use. The EPA’s interim guidelines for safe gardening practices suggests that historical property assessments, soil testing for hazardous ...</i>	Prior to establishment, site users shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology (if needed) shall be provided to and kept on file with the City [insert department name] Department.  <i>Comment: See the comments on soil safety under “Community Gardens.” The option above is an informal version of the Phase I ESA, suggested by the EPA.</i>

Seeding the City: Land Use Policies to Promote Urban Agriculture		Regulations of Uses	
REGULATION OF USES/OPERATING STANDARDS			
	Home Garden	Community Garden	Urban Farm
<b>Soil Testing con't.</b>	[No regulation]	<p><b>Comments continued:</b> ... materials, and mitigation measures are all methods for determining site safety.<sup>75</sup></p> <p><i>The language listed above, essentially a modified form of an ESA, is suggested by the EPA. Municipalities need to consider who should do the assessment – the municipality or site users – and who should interpret the testing results and determine what, if any, mitigation measures are required. Many municipalities lack staff with expertise in soil testing. Municipalities should consider partnering with local gardening organizations and universities.</i></p> <p><i>In practical terms, any requirement to submit information prior to establishing an urban agriculture use is likely to go hand-in-hand with urban agriculture as a conditional, rather than permitted, use. Applicants would submit their findings as a component of the conditional use process.</i></p>	<p><b>Continued:</b> <i>Alternate soil testing requirement:</i></p> <p>Site users must provide a Phase I Environmental Site Assessment (ESA). Any historical sources of contamination identified in the ESA must be tested to determine type and level of contamination; appropriate remediation procedures must be undertaken to ensure that soil is suitable for cultivation.</p> <p><b>Comment:</b> <i>Alternatively, localities could require a Phase I ESA.<sup>76</sup> This is a potentially more resource-intensive requirement for the urban farm applicant. A Phase I ESA is a historical search of the property to determine if there are any past uses that could have caused contamination to the soil. To minimize costs, the municipality could conduct the assessment. Or, they could require those wishing to establish a new urban farm to have an assessment conducted.</i></p>
<b>Operating Standards</b>	[No regulation]	<p>Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements; must have a garden coordinator to perform the coordinating role for the management of the community gardens and to liaise with the City; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator [or those of the leadership team members] and a copy of the operating rules shall be kept on file with the City [insert department name] Department [or the lead community garden nonprofit organization, as appropriate].</p>	<p>Management plan required.</p> <p>Urban farms must prepare a management plan, to be reviewed as part of the conditional use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:</p> <ul style="list-style-type: none"> <li>• A site plan, including lighting;</li> <li>• Operating hours;</li> <li>• A description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;</li> </ul>



## REGULATION OF USES/OPERATING STANDARDS

	Home Garden	Community Garden	Urban Farm
<b>Operating Standards con't.</b>	[No regulation]	<ul style="list-style-type: none"> <li>• The land shall be served by a water supply sufficient to support the cultivation practices used on the site.</li> <li>• The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.</li> <li>• All seed, fertilizer, and animal feed shall be stored in a sealed, rodent-proof container [<i>and housed within an enclosed structure</i>].</li> <li>• To the extent permitted under federal and state law, site users must use organic and sustainable growing practices.</li> </ul> <p><i>Comment: To function effectively, a community garden must have established operating rules and a garden coordinator or leadership team.<sup>77</sup> In this ordinance, a municipality could 1) require that gardens have rules, as the model language does above; 2) provide a complete listing of rules; or 3) give authority for a particular city or county department or officer to establish community garden rules and require each community garden to adhere to those rules. A municipality could also choose to address some or all of the requirements for operating a community garden in this or an accompanying ordinance.</i></p> <p><i>As described more fully in the section on “Pesticide and Environmental Laws,” pesticide use is regulated under federal and state law. A city may be prohibited from regulating pesticide use through local law. A city may be able to restrict or prohibit pesticide use in community gardens on its property in its proprietary capacity (as the property owner as opposed to as a regulator). Consult with your local government attorney.</i></p>	<ul style="list-style-type: none"> <li>• Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes they are intended for;</li> <li>• Disclosure of the spreading of manure;</li> <li>• A proposed sediment and erosion control plan;</li> <li>• Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site;</li> <li>• A proposed composting and waste management plan.</li> </ul> <p><i>Comment: Not all communities will want to require management plans. Communities could instead set forth standards regulating the above practices and impose them as regulations. Take care to ensure that any environmental or pesticide regulations are consistent with federal and state law and that composting, waste management, equipment use, and operating hours are addressed.</i></p>

## REGULATION OF USES/OPERATING STANDARDS

	Home Garden	Community Garden	Urban Farm
<b>Compost and Waste Management</b>	Compost materials shall be stored [ <i>at least _____ feet from adjacent property</i> ] and in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties.	Compost materials from the garden or gardeners shall be stored [ <i>at least _____ feet from adjacent property</i> ] and in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. Waste shall be collected regularly by the municipality. Gardeners shall ensure that containers are placed in specified location to assist municipality in waste removal.	Composting and waste management must be managed according to the farm management plan.
<b>Accessibility</b>	[ <i>No regulation</i> ]	<p>The garden must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between different components of the garden and must follow universal design principles whenever possible.</p> <p>[<i>A minimum of _____ percent of the garden must contain raised beds that are designed for access by gardeners using wheelchairs or with other mobility impairments.</i>]</p> <p><b>Comment:</b> <i>Communities are using different strategies to address the needs of gardeners with disabilities. The Palm Desert, Calif., community garden has an entire garden (151 plots) that is handicapped accessible; Cambridge, Mass., requires that all newly established community gardens have a minimum of 5 percent, but not less than one, raised bed plots. Communities should ensure that all residents have access to community gardens.</i></p>	The farm must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.

## REGULATION OF USES/OPERATING STANDARDS

	Home Garden	Community Garden	Urban Farm
<b>Landscaping and Setback Requirements</b>	<p><i><b>Comment:</b> Some communities have particular landscaping or setback requirements, such as limits on tree or plant heights, which may restrict the type of plants used in home gardens. Some restrictions serve important purposes such as fire safety; others are purely aesthetic. Communities should be sure to reconcile new urban agriculture provisions with existing landscaping requirements.</i></p> <p><i>Kansas City, Miss., prohibits row crops in the front yard of some residentially zoned and occupied property.<sup>78</sup></i></p>	<p><i><b>Comment:</b> Some communities have particular landscaping or setback requirements and may want to require urban agriculture uses to blend with neighboring properties. Communities should consider existing requirements to determine their impact on the agricultural uses and whether the standards need adjusting.</i></p>	<p><i><b>Comment:</b> See comment under “Community Gardens.”</i></p>



**Incidental and Accessory Uses**

As described above, an incidental or accessory use is a use that is dependent on or affiliated with the land’s primary use. Zoning codes often enumerate accessory uses permitted with the main use. We list incidental uses below for communities to include and decide whether they may be permitted as part of the primary use or require express approval.

**INCIDENTAL AND ACCESSORY USES**

	<b>Home Garden</b>	<b>Community Garden</b>	<b>Urban Farm</b>
<b>Fencing</b>	Fences are permitted as regulated in the underlying zoning district.	<p>Fences are permitted as regulated in the underlying zoning district.</p> <p><i>Alternative:</i></p> <p>Fences shall not exceed [eight feet] in height, shall be at least [50 percent] open if they are taller than [four feet], and shall be constructed of wood, chain link, or ornamental metal. For any garden that is [15,000 square feet in area or greater] and is in a location that is subject to design review and approval by the [City Planning Commission or Landmarks Commission], no fence shall be installed without review by the [City Planning Director, on behalf of the Commission], so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.</p> <p><b>Comment:</b> <i>Municipalities usually have requirements regarding fences in their zoning or building codes. If the municipality has existing regulations, it may not need this provision, unless the preferred fencing for urban agriculture differs from existing law.</i></p> <p><i>In many urban areas, community gardeners prefer the security of locked gates to prevent vandalism and theft; in other areas, garden users might oppose fencing due to the cost and the desire to allow public access to gardens or portions of gardens.</i></p>	<p>Fences are permitted as regulated in the underlying district.</p> <p><i>Alternative:</i></p> <p>Fences shall not exceed [eight feet] in height, shall be at least [50 percent] open if they are taller than [four feet], and shall be constructed of wood, chain link, or ornamental metal. For any garden that is [15,000 square feet in area or greater] and is in a location that is subject to design review and approval by the [City Planning Commission or Landmarks Commission], no fence shall be installed without review by the [City Planning Director, on behalf of the Commission], so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.</p> <p><b>Comment:</b> <i>Municipalities usually have requirements regarding fences in their zoning or building codes. If the municipality has existing regulations, it may not need this provision, unless the preferred fencing for urban agriculture differs from existing law.</i></p>

## INCIDENTAL AND ACCESSORY USES

	Home Garden	Community Garden	Urban Farm
<b>Structures</b>	Structures are permitted as regulated in the underlying zoning district.	<p>Definitions:</p> <p>A <b>greenhouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.</p> <p>A <b>hoophouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of growing plants.</p> <p>A <b>cold frame</b> shall mean an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.</p> <p>Only the following accessory uses and structures shall be permitted: <i>[sheds for storage of tools limited in size to _____] or subject to the requirements of section _____</i>, greenhouses, hoophouses, and cold frames, in which plants are cultivated, benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, <i>[beehives, chicken coops, barbecue grills, outdoor ovens, and children’s play areas]</i> shall be permitted. The combined area of all buildings or structures shall not exceed <i>[15 percent]</i> of the garden site lot areas.</p>	<p>Definitions:</p> <p>A <b>greenhouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.</p> <p>A <b>hoophouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of growing plants.</p> <p>A <b>cold frame</b> shall mean an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.</p> <p>Only the following accessory uses and structures shall be permitted:</p> <ul style="list-style-type: none"> <li>• Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rain barrel systems, <i>[chicken coops, beehives, and children’s play areas]</i>;</li> <li>• Greenhouses, hoophouses, cold frames, and similar structures used to extend the growing season;</li> <li>• Buildings, limited to tool sheds, shade pavilions, restroom facilities with composting toilets, planting preparation houses and <i>[barns]</i>, in conformance with <i>[reference regulations or requirements relating to building and setback standards here]</i>, <i>[provided that maximum lot coverage of all buildings, structures, and paved areas does not exceed [15 percent] of the farm lot area]</i>.</li> </ul>

**INCIDENTAL AND ACCESSORY USES**

	Home Garden	Community Garden	Urban Farm
<b>Structures con't.</b>		<p><b>Comment:</b> <i>Some communities may wish to allow community gardeners to erect sheds for the storage of tools on garden sites. The municipality should make sure that any provision regarding sheds conforms to state and local building laws.</i></p>	<ul style="list-style-type: none"> <li>• Roadside stand, farm stand: The stand may not be permanently affixed to the ground and must be readily removable in its entirety.</li> <li>• The maximum area of a roadside stand shall be [300] square feet in ground area. No more than one roadside stand is allowed on any one premise.</li> <li>• Off-street parking and walkways, in conformance with [reference regulations or requirements related to parking and walkways here].</li> </ul> <p><b>Comment:</b> <i>Erection of buildings or other structures is governed by state and local building laws. The municipality should make sure that any provision regarding structures conforms to other applicable laws (e.g., allowing annual or biannual sales as a fundraiser).</i></p>
<b>Signage</b>	No signage permitted.	<p>Any signs shall comply with applicable [City/County] ordinances.</p> <p><i>Alternative:</i></p> <p>[One] unilluminated sign not exceeding [six square feet or three feet in height] in conformance with the regulations of [reference other sign laws or requirements].</p> <p><b>Comment:</b> <i>Sign requirements may raise First Amendment issues. Be sure to consult with your local government attorney on sign requirements.</i></p>	<p>Any signs shall comply with applicable [City/County] ordinances.</p> <p><i>Alternative:</i></p> <p>Allowed [one] temporary, unilluminated sign not exceeding [six square feet or three feet in height] is permitted on-site, in conformance with the regulations of [reference other sign laws or requirements].</p> <p><b>Comment:</b> <i>See signage comment under "Community Garden."</i></p>



**INCIDENTAL AND ACCESSORY USES**

	Home Garden	Community Garden	Urban Farm
<b>Use of Produce/ Produce Sales</b>	<p>Produce shall be grown [<i>primarily</i>] for resident’s use or donation [<i>only</i>].</p> <p><i>Alternative:</i></p> <p>Food and/or horticultural products grown in the home garden may be used for personal consumption, and [<i>only whole, uncut, fresh food</i>] and/ or horticultural products grown in a home garden may be donated or sold on-site within a reasonable time of its harvest. The sales may only take place during [<i>add seasonal or time of day limitations on sales</i>].</p> <p><b>Comment:</b> <i>Some communities enable home gardeners in certain districts to sell homegrown produce from their homes. Kansas City, Miss., allows home growers to sell whole, uncut fresh food from May 15 through October 15.<sup>79</sup></i></p> <p><i>Communities considering home sales should consider the following issues:</i></p> <ul style="list-style-type: none"> <li>• <i>Whether commercial activity is compatible with the other uses in the district;</i></li> <li>• <i>The potential for increased pedestrian and automobile traffic;</i></li> <li>• <i>State food retail codes (which may require a food retail permit to sell produce or products made from produce).</i></li> </ul>	<p>Produce shall be grown primarily for personal or shared use or donation [<i>or for sale</i>].</p> <p><b>Comment:</b> <i>One option is for communities to prohibit sale of community garden produce; another is to allow limited sales of community garden produce on- or off-site (e.g., allowing an annual sale as a fundraiser). If so, it is important to ensure that related laws are addressed (see comments under “Home Garden”) and that the community garden is distinguishable from a commercial farm, if both definitions will be used in the code.</i></p>	<p>Retail sales [<i>of plants and produce grown on-site or products that are processed off-site but made from products grown on-site</i>] and other public use of the farm may occur between [___] and [___] [<i>add hours</i>] every day of the week during [___] and [___] [<i>add months or seasons</i>].</p> <p><b>Comment:</b> <i>If needed to accommodate neighboring property owners, communities may want to limit sales according to growing seasons.</i></p>

## Animals

Animals are an important part of agriculture, but can raise concerns about nuisances, including noise and odors, particularly in densely populated cities. Many communities have existing laws related to the keeping of poultry and farm animals. Some are remnants of earlier times, when it was common to keep a kitchen garden and raise animals at home for food.

Our model policy addresses beekeeping and chickens, two of the most common forms of urban livestock.<sup>80</sup> (Some communities, such as Seattle, are including a wide range of animals in their urban agriculture ordinances, such as pigs, rabbits, and other poultry like geese.<sup>81</sup>) We address only the land use considerations related to animal raising; that is, we address factors specific to the use of the land for raising animals without causing nuisances or other negative impacts for neighboring property users. As noted in the text below, community regulations vary regarding animals, due to factors such as environmental density, climate, political will, and types of natural predators. We do not address all of the factors required for ensuring that animals are adequately tended and cared for. Similarly, we do not address the federal, state, or local laws that control animal slaughtering or sales of animals or animal products. Municipalities interested in allowing home or commercial slaughtering should consult a local attorney with expertise in this area.

Animal welfare is controlled primarily by state and local law. (The federal Animal Welfare Act<sup>82</sup> applies to animals in interstate or foreign commerce used in research, in exhibitions, or as pets.<sup>83</sup> It does not apply to farm animals, including poultry or livestock, used or intended to be used for food.<sup>84</sup>) All 50 states and the District of Columbia have animal cruelty laws that

protect animals from unnecessary suffering or cruel mistreatment.<sup>85</sup> Although the state laws prohibit cruelty, they often do not set standards determining appropriate care for farm animals. Some states and local governments do set standards for cats, dogs, and other animals raised as pets.<sup>86</sup>

Two animal welfare organizations provide standards for humane farm animal care. Humane Farm Animal Care, a nonprofit charity dedicated to improving the lives of farm animals by providing viable and monitored standards for humane food production, has established Humane Farm Animal Care standards.<sup>87</sup> The Animal Welfare Institute has established Animal Welfare Approved standards for the care and keeping of animals. These standards are formulated for large farming operations, but are helpful models for municipalities to consider when drafting standards of care.<sup>88</sup> The City of Vancouver has established regulations regarding appropriate care of backyard chickens.<sup>89</sup>

Before adopting land use laws related to animals, be sure to check state and local animal welfare and control laws to ensure that the land use laws are compatible with the other requirements relating to the inspection, licensing, and enforcement of animal welfare. Communities should be clear whether state or local animal control officers are responsible for enforcement of these laws and, if local enforcement is required, that local officers have sufficient training in the care of these animals. Finally, if state law permits, communities should consider adopting local animal welfare standards to ensure that farm animals within their jurisdictions are adequately and humanely cared for.

## ANIMALS

	Home Garden	Community Garden	Urban Farm
<b>Beekeeping</b>	<p>Honeybee apiaries are a [<i>permitted accessory</i>] use to a home, subject to the following regulations:</p> <p>The apiary is properly registered pursuant to [<i>state law</i>];</p> <p>Beekeeping practices are consistent with the standards of [<i>enter organization name here</i>];</p> <p>The number of hives is limited to one per each [<i>24,000</i>] square feet of lot area; no beehive shall be kept on a lot smaller than 2,400 square feet in area;</p> <p>Hives are not located within 25 feet of any lot line except when situated eight feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight feet above the adjacent existing lot grade and behind a solid fence or hedge six feet high.</p> <p>No beehive shall be kept in a front or side yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.</p> <p><b>Comment:</b> <i>Many states regulate beekeeping; some require owners to register the number of colonies and location of each apiary.<sup>90</sup></i></p> <p><i>Both Cleveland and Seattle allow beekeeping as a permitted use in residential districts, subject to certain regulations.<sup>91</sup> Seattle requires hives to be located more than 25 feet from any lot line except if the hive is situated eight feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or situated less than eight feet above the adjacent existing lot grade and behind a solid fence or hedge six feet high ...</i></p>	<p>Honeybee apiaries are a [<i>permitted accessory</i>] use to community gardens, subject to the following regulations:</p> <p>The apiary is properly registered pursuant to [<i>state law</i>];</p> <p>Beekeeping practices are consistent with the standards of [<i>enter organization name here</i>];</p> <p>The number of hives is limited to one per each [<i>24,000</i>] square feet of lot area; no beehive shall be kept on lots smaller than 2,400 square feet in area;</p> <p>Hives are not located within 25 feet of any lot line except when situated eight feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight feet above the adjacent existing lot grade and behind a solid fence or hedge six feet high.</p> <p>No beehive shall be kept in a front or side yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.</p> <p><b>Comment:</b> <i>See comments under "Home Garden." Some communities may not be comfortable with allowing beekeeping as a permitted use in all community gardens. The community could require conditional use or allow beekeeping as a permitted use upon additional conditions, such as allowing the gardeners to vote annually on whether to allow an apiary on-site.</i></p>	<p>Honeybee apiaries are a [<i>permitted accessory</i>] use to urban farms, subject to the following regulations:</p> <p>The apiary is properly registered pursuant to [<i>state law</i>];</p> <p>Beekeeping practices are consistent with the standards of [<i>enter organization name here</i>];</p> <p>The number of hives is limited to one per each [<i>24,000</i>] square feet of lot area; no beehive shall be kept on lots smaller than 2,400 square feet in area;</p> <p>Hives are not located within 25 feet of any lot line except when situated eight feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight feet above the adjacent existing lot grade and behind a solid fence or hedge six feet high.</p> <p>No beehive shall be kept in a front or side yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.</p> <p><b>Comment:</b> <i>See comments under "Home Garden."</i></p>

Seeding the City: Land Use Policies to Promote Urban Agriculture		Animals	
ANIMALS			
	Home Garden	Community Garden	Urban Farm
<b>Beekkeeping con't</b>	<p><i>Comment con't: ...parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.<sup>92</sup></i></p> <p><i>Several cities require minimum lot sizes for the keeping of colonies. Cleveland requires a minimum lot size of 2,400 square feet to host a hive.<sup>93</sup> Seattle allows for no more than four hives, each with only one swarm, on lots containing less than 10,000 square feet.<sup>94</sup> The City of Vancouver allows two hives on lots containing less than 10,000 square feet.<sup>95</sup></i></p>		
<b>Chickens</b>	<p>The keeping of hens is a [<i>permitted accessory</i>] use to a home garden, subject to the following regulations:</p> <p>The chicken owner is properly registered and licensed pursuant to [<i>state/local</i>] law;</p> <p>Animal care practices are consistent with the standards of [<i>enter reference to animal welfare laws or organization name here</i>];</p> <p>There must be no less than [<i>10</i>] square feet allocated per chicken;</p> <p>The coops or cages housing the chickens may not be located in the front or side yard areas and shall not be located within [<i>five feet</i>] of the property line.</p> <p>The chickens, coops, and cages must be adequately maintained to control odor and prevent infestation.</p> <p>[<i>No more than [4] hens may be permitted per home garden.</i>]</p> <p><b>Comment:</b> <i>Some communities permit the raising of hens in home gardens for personal use (i.e., no chicken or egg sales or slaughtering) as a permitted accessory use (i.e., without requiring any land use permits).<sup>96</sup></i></p>	<p>The keeping of hens is a [<i>permitted accessory</i>] use to a community garden, subject to the following regulations:</p> <p>The chicken owner(s) is properly registered and licensed pursuant to [<i>state/local</i>] law;</p> <p>There must be no less than [<i>10</i>] square feet allocated per chicken;</p> <p>The coops or cages housing the chickens may not be located in the front or side yard areas and shall not be located within [<i>five feet</i>] of the property line.</p> <p>The chickens, coops, and cages must be adequately maintained to control odor and prevent infestation.</p> <p>[<i>No more than [5] hens may be permitted per community garden.</i>]</p> <p><b>Comment:</b> <i>See comments under "Home Garden." Like beekkeeping, some communities will not want to permit the keeping of chickens in community gardens without further approvals.</i></p> <p><i>Allowing animals in community gardens presents the problem of oversight as gardeners may not attend to the garden every day.</i></p>	<p>The keeping of hens is a [<i>permitted accessory</i>] use to an urban farm, subject to the following regulations:</p> <p>The chicken owner is properly registered and licensed pursuant to [<i>state/local</i>] law;</p> <p>There must be no less than [<i>10</i>] square feet allocated per chicken;</p> <p>The coops or cages housing the chickens may not be located in the front or side yard areas and shall not be located within [<i>five feet</i>] of the property line.</p> <p>The chickens, coops, and cages must be adequately maintained to control odor and prevent infestation.</p> <p>[<i>No more than [x] hens may be permitted per urban farm.</i>]</p> <p><b>Comment:</b> <i>See comments under "Home Garden" and "Community Garden." Depending upon where the urban farms are located, communities may wish to permit additional hens and require fewer square feet per chicken and lesser setbacks from adjoining property.</i></p>



## Seeding the City: Land Use Policies to Promote Urban Agriculture

## Animals

ANIMALS			
	Home Garden	Community Garden	Urban Farm
<b>Chickens con't.</b>	<p><b>Comment con't:</b></p> <p>Regulations regarding the number of chickens permitted, the space allocation per bird, and the size or type of structure vary across cities; there is no gold standard as of yet.</p> <p>Factors such as climate, density of the environment, and the type or urban predators impact standards. One option is to limit the total number of birds per lot regardless of lot size, or to limit the number by virtue of lot size. Another option is to allow a certain number of birds as a permitted use and require a conditional use permit to exceed those standards.</p> <p>Some communities permit only hens and prohibit or limit the keeping of roosters due to concerns about noise and cockfighting operations. Some communities, including Cleveland and Seattle, allow a variety of domestic fowl.</p> <p>Cleveland requires a minimum of 100 square feet per animal (fowl and rabbits). It requires coops and cages to be located more than five feet from a side yard and 18 inches from a rear yard.<sup>97</sup></p> <p>Seattle does not expressly address the amount of space per bird and allows up to 8 domestic fowl on any residential lot as a permitted accessory use. Structures housing domestic fowl must be located at least 10 feet from any structure that includes a dwelling unit on an adjacent lot.<sup>98</sup></p> <p>Vancouver requires structures to be more than one meter from any property line.<sup>99</sup> It prohibits roosters and limits backyard hens to four per lot.<sup>100</sup></p> <p>Animal Welfare Approved requires 1.8 square feet of indoor space and an additional 4.0 square feet of additional foraging area for a total of 5.8 square feet minimum space per chicken.<sup>101</sup></p> <p>Animal slaughtering and sales and the sale of eggs are regulated by federal and, often, state law.</p>	<p><b>Comment con't:</b></p> <p>Some cities only permit animals on property where there is residence, presumably to ensure that caretakers manage the animals regularly and are more easily identified and held accountable for nuisance or animal welfare violations.</p>	

**Incidental and Accessory Uses**

As described above, an incidental or accessory use is a use that is dependent on or affiliated with the land’s primary use. Zoning codes often enumerate accessory uses permitted with the main use. We list incidental uses below for communities to include and decide whether they may be permitted as part of the primary use or require express approval.

**INCIDENTAL AND ACCESSORY USES**

	<b>Home Garden</b>	<b>Community Garden</b>	<b>Urban Farm</b>
<b>Fencing</b>	Fences are permitted as regulated in the underlying zoning district.	<p>Fences are permitted as regulated in the underlying zoning district.</p> <p><i>Alternative:</i></p> <p>Fences shall not exceed [eight feet] in height, shall be at least [50 percent] open if they are taller than [four feet], and shall be constructed of wood, chain link, or ornamental metal. For any garden that is [15,000 square feet in area or greater] and is in a location that is subject to design review and approval by the [City Planning Commission or Landmarks Commission], no fence shall be installed without review by the [City Planning Director, on behalf of the Commission], so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.</p> <p><b>Comment:</b> <i>Municipalities usually have requirements regarding fences in their zoning or building codes. If the municipality has existing regulations, it may not need this provision, unless the preferred fencing for urban agriculture differs from existing law.</i></p> <p><i>In many urban areas, community gardeners prefer the security of locked gates to prevent vandalism and theft; in other areas, garden users might oppose fencing due to the cost and the desire to allow public access to gardens or portions of gardens.</i></p>	<p>Fences are permitted as regulated in the underlying district.</p> <p><i>Alternative:</i></p> <p>Fences shall not exceed [eight feet] in height, shall be at least [50 percent] open if they are taller than [four feet], and shall be constructed of wood, chain link, or ornamental metal. For any garden that is [15,000 square feet in area or greater] and is in a location that is subject to design review and approval by the [City Planning Commission or Landmarks Commission], no fence shall be installed without review by the [City Planning Director, on behalf of the Commission], so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.</p> <p><b>Comment:</b> <i>Municipalities usually have requirements regarding fences in their zoning or building codes. If the municipality has existing regulations, it may not need this provision, unless the preferred fencing for urban agriculture differs from existing law.</i></p>







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