



## DRAFT Chapter 336A — Urban Agriculture Overlay (UAO) District

### 336A.01 Purpose

The “Urban Agriculture Overlay (UAO) District” is established for the following principal purposes:

- (a) to provide appropriately located and sized land for urban agriculture use;
- (b) to facilitate local food production and improve community health;
- (c) to provide local opportunities for agriculture-based entrepreneurship and employment;
- (d) to enhance the environment and improve stormwater management;
- (e) to ensure safe and sanitary conditions for urban agriculture uses;
- (f) to protect nearby residential areas from any adverse impacts of agricultural use; and
- (g) to ensure that land best suited for non-agricultural use remains available for such use.

### 336A.02 Mapping and Applicability

- (a) Mapping.** The UAO District shall be mapped on the Zoning Map as an overlay district in areas where it has been determined that urban agriculture is an appropriate use of the land. The minimum size of a UAO District, composed of a single parcel or multiple contiguous parcels, shall be one (1) acre.
- (b) Applicability.** The regulations of the underlying district shall govern except where in conflict with any regulation of the UAO District, in which case the regulation of the UAO District shall govern.
- (c) Land Use Analysis.** To assist the City Planning Commission and City Council in determining whether urban agriculture is an appropriate use of particular properties, the City Planning Commission staff shall prepare or cause to be prepared a land use analysis that evaluates the suitability of particular properties for urban agriculture and non-agricultural uses. This analysis shall be presented to the City Planning Commission and City Council prior to a decision on designating land as a UAO District.

### 336A.02 Definitions

- (a) “*Urban Farm*” means a parcel of land or multiple contiguous parcels 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.
- (b) “*Community Garden*,” “*Market Garden*,” “*Greenhouse*,” “*Hoophouse*,” and “*Coldframe*” are as defined in Section 336.02.
- (c) “*Farm Animals*,” “*Predatory Birds*,” “*Similar Animals*,” “*Coops and Cages*,” and “*Enclosures*” are as defined in Division 347.02(l).
- (d) “*Subject Property*,” for purposes of this Chapter, means a parcel of land or two or more adjacent parcels of land in agricultural use.

### 336A.03 Permitted Principal Uses

In addition to the principal or main uses permitted in the underlying zoning district, urban farms, market gardens and community gardens shall be permitted in a UAO District.

### 336.04A Permitted Accessory Uses

In addition to the accessory uses permitted in the underlying zoning district, the following accessory uses shall be permitted in a UAO District:

- (a) greenhouses, hoophouses, coldframes, and similar structures used to extend the growing season;
- (b) benches, bike racks, raised/accessible planting beds, composting, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
- (c) buildings, limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336A.05;
- (d) off-street parking and walkways, paved with pervious material, loose materials or hard-surfacing.

### 336A.05 Setback, Height and Coverage Regulations

Buildings and other structures in a UAO District shall be developed and maintained in accordance with regulations of the underlying district except as follows.

- (a) Buildings.** Buildings no greater than thirty-five (35) feet in height shall be set back from property lines of an adjoining Residential District a minimum distance of five (5) feet. Buildings exceeding thirty-five (35) feet in height shall be set back from Residential District property lines a minimum of one (1) foot for each five (5) feet of building height. Buildings other than greenhouses shall cover no more than fifteen percent (15%) of the land area of an urban agriculture use.
- (b) Fences.** Fences are permitted as regulated in the underlying zoning district and Chapter 358, except that in a UAO District, chain link fences up to six (6) feet in height are permitted in all locations, unless the underlying district is a Residential District. In Residential Districts, a chain link fence in a front yard or side street yard shall be set back from the street line at least five (5) feet, with grass or other vegetation planted in front of the fence. If the urban agriculture use in a Residential District is located adjacent to a Residential-zoned lot that is occupied by a house, any fence above four (4) feet in height shall be set back a distance that is at least equal to the required front yard setback for adjoining lots in a Residential District.

### 336A.06 Keeping of Farm Animals and Bees

The keeping of farm animals and bees in a UAO District shall be governed by the following regulations, as well as the regulations of Section 347.02 and the regulations of Section 205.04 regarding licensing and applicable state and federal law.

**(a) Small Size Animals.** The keeping of chickens, roosters, ducks, geese, turkeys, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.

- (1) Number.** No more than one such animal shall be kept for each 100 square feet of land area, except that no more than one rooster shall be kept for each 10,000 square feet of land area.
- (2) Setbacks.** The coops or cages housing such animals shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except that roosters shall be kept at least twenty (20) feet from the lot line of a Residential District outside of the UAO District.
- (3) Prohibitions.** No predatory birds or roosters raised for fighting may be kept on any property under the regulations of this Section.
- (4) Coops and Cages.** All animals shall be provided with a covered, predator-proof coop or cage or other shelter

that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles.

**(5) Enclosures and Fences.** Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

**(b) Medium Size Animals.** The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations. No more than one such animal shall be kept for each 4,000 square feet of land area. Stables or other enclosures for such animals shall be set back at least twenty (20) feet from any street, at least five (5) feet from any property line, and at least seventy-five (75) feet from the lot line of a Residential District outside of the UAO District.

**(c) Large Size Animals.** The keeping of horses, cows, alpacas, llamas and similar farm animals, and barns, stables, and enclosures for the keeping of such animals, shall be governed by the following regulations in all zoning districts. No more than one such animal shall be kept for each 8,000 square feet of land area. Stables or other enclosures for such animals shall be set back at least twenty (20) feet from any street, at least ten (10) feet from any property line, and at one hundred (100) feet from the lot line of a Residential District outside of the UAO District.

**(d) Bees.** The keeping of bees, and associated beehives, shall be governed by the following regulations.

**(1) Number.** No more than one (1) beehive shall be kept for each 1,000 square feet of lot area.

**(2) Locations and Setbacks.** No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.

**(3) Fences and Shrubs.** A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

**(4) Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

**(5) Prohibitions.** No Africanized bees may be kept on a property under the regulations of this Section.

### **336A.07 Supplemental Regulations**

**(a) Composting.** Composting shall be conducted in a manner that controls odor, prevents infestation and minimizes run-off into waterways and onto adjacent properties. Composting may not be conducted for sale unless permitted by the underlying zoning.

**(b) Retail Sales.** Regardless of the underlying zoning district, retail sales of agricultural products, plants, eggs and honey are permitted for an urban agriculture use in a UAO District.

**(c) Slaughtering.** Chickens, ducks, rabbits, and other similar small animals raised on the subject property may be slaughtered on the site if inside a building or if screened from view from adjacent properties.

### **336A.08 Permit Requirements**

Except for agriculture uses permitted in Residential Districts outside of UAO Districts, no urban agriculture use in a UAO District shall be established without submission of an application and site plan to the City's Department of Building and Housing and subsequent issuance of a Certificate of Occupancy or Use Permit. A Building Permit shall be required for installation of all buildings, fences and other structures except as provided in Division 347.02(i) regarding the keeping of farm animals and bees.