Regulating Urban Ag

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Regulating Urban Agriculture

- Land Use Regulations
- Permitting Processes
- Other Regulatory Considerations
- Right to Farm Laws
Land Use Regulations

• Types of Zones
  ○ Urban ag zones
  ○ Industrial zones for food processing
  ○ Greenbelt zones
  ○ Overlay zones
Land Use Regulations

• Urban Ag Uses
  o Non-profit/commercial
  o Growing
  o Livestock/poultry
  o Bees
  o Marketing, distributing, selling

“Legally, we’re a farm.”
Brendan Keefe, New Haven, Conn.
Land Use Regulations

• Urban Ag Uses, Cont’d
  o Infrastructure
    • Hoop houses
    • Chicken coops
    • Greenhouses
    • Raised beds
    • Terracing
  o Composting
Overarching Considerations

- Community’s goals
- Piecemeal approach v. comprehensive regulation
- Bans?
- Use Considerations
  - Define urban ag activities allowed
  - Scale and intensity of use
  - Types and purpose of urban ag activities (and location)
  - Ancillary uses and structures including infrastructure
# Sacramento’s Urban Ag Uses

<table>
<thead>
<tr>
<th>ZONE CATEGORY</th>
<th>ALLOW BY RIGHT</th>
<th>ZA CONDITIONAL USE PERMIT</th>
<th>ACCESSORY USES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL ZONES</strong></td>
<td>MARKET GARDEN AND COMMUNITY GARDEN, PRIVATE UP TO 1 ACRE AQUACULTURE</td>
<td>MARKET GARDEN AND COMMUNITY GARDEN, PRIVATE EXCEEDING 1 ACRE</td>
<td>PRIVATE GARDEN, URBAN BEEKEEPING, AQUACULTURE</td>
</tr>
<tr>
<td><em>(RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, RMX, AND RO)</em></td>
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<tr>
<td><strong>COMMERCIAL ZONES (C-1, C-2, C-3, C-4, OB, OB-2, OB-3, SC)</strong></td>
<td>MARKET GARDEN AND COMMUNITY GARDEN, PRIVATE UP TO 3 ACRES; AQUACULTURE</td>
<td>MARKET GARDEN AND COMMUNITY GARDEN, PRIVATE EXCEEDING 3 ACRES</td>
<td>PRIVATE GARDEN AND URBAN BEEKEEPING</td>
</tr>
<tr>
<td><strong>INDUSTRIAL/MANUFACTURING</strong></td>
<td>MARKET GARDEN AND COMMUNITY GARDEN, PRIVATE HAVE NO UPPER SIZE LIMIT.</td>
<td>NA</td>
<td>PRIVATE GARDEN AND URBAN BEEKEEPING</td>
</tr>
<tr>
<td><em>(M-1, M-1(S), MIP, MRD, H, SPX, HC)</em></td>
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</tbody>
</table>

**Robinson Cole**
Restrictions on Use/Requirements for Use*

- Hours of operation
- Parking requirements
- Noise, lighting restrictions
- Fencing
- Setbacks
- Types of equipment and infrastructure allowed
- Maintenance requirements

* But remember FL’s Right to Farm Act
## Sacramento’s Urban Ag Stands

<table>
<thead>
<tr>
<th>Zone Category</th>
<th>Allow by right</th>
<th>Limitations</th>
<th>ZA Conditional Use Permit</th>
</tr>
</thead>
</table>
| **Residential Zones (RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, RMX, and RO)** | On-site urban agriculture stands* up to 120 sq. ft. | - Hours of operation: 8:00 am-7:00 pm (must be dismantled and removed during non-operating hours)  
- Days: Limited to Tuesdays & Saturdays, except on vacant lots  
- Prohibited on lots where a private garden is in front yard | On-site urban agriculture stands greater than 120 sq. ft. |
| **Commercial & Industrial Zones (C-1, C-2, C-3, C-4, OB, OB-2, OB-3, SC, M-1, M-1 (s), MIP, MRD, H, SPX, HC)** | On-site urban agricultural stands* up to 120 sq. ft. | - Hours: 8:00 am-7:00 pm | On-site urban agriculture stands greater than 120 sq. ft. |
Hartford’s Urban Ag Ordinance (2015)

- Home gardens as of right.
- Community gardens as a conditional use.
- “Community gardens must be maintained using organic agricultural practices.”
- Farmers’ markets are a conditional use.
- Bees and hens are welcome, roosters are not, and no on-site slaughtering of chickens.
Boston’s Article 89 (2013)

• Addresses:
  o Urban farms
  o Aquaculture, hydroponics, and aquaponics
  o The backyard keeping of hens and bees (conditional)
  o Farmers’ markets and farm stands

• Commercial farming on rooftops
• Neighborhoods can amend applicable use regs.
• Dimensional and managements regs for bees
Permitting Processes

- **Types of Permits**
  - As-of-right
  - Conditional use
  - Permits/licenses to sell
  - Permits/licenses for livestock or bees
Permitting Processes

- **Processes**
  - Inspections
  - Fees
  - Exemptions
  - Expedited/simplified permitting processes
  - Density bonuses
  - TDRs
  - Notification requirements
Ft. Lauderdale’s Urban Ag Ordinance (2012)

• Purposes:
  o Restore local ag businesses; and
  o Bring fresh produce to underserved areas.

• Permitting for community gardens & urban farms:
  o Site plan application
  o Maintenance plan
  o Hours of operation
  o Water management plan
  o Annual review for gardens
  o Notice to neighbors
Other Regulatory Considerations

- Removal of Common Barriers in Zoning Regs
  - Front yard or side yard gardening
  - Height restrictions on lawn vegetation
  - Prohibition on commercial urban ag

- Use of Non-Zoning Regs that Affect Private Land
  - Animal control ordinances
  - Residential composting ordinances
  - Nuisance ordinances
Florida’s Right to Farm Act (Fla. Stat. § 823.14)

- Local governments cannot limit farming activities that follow state BMPs.
Thank You