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MEMORANDUM

DATE: March 1, 2012

TO: Zoning & Planning Committee

FROM: Aly Pennucci, City Planner

SUBJECT: Urban Agriculture Text Amendment – Summary of comments received

The Minneapolis City Planning Commission, at its meeting on January 23, 2012, took action to recommend that the City Council adopt the findings found in the staff report and approve the zoning code text amendment, amending chapters 520, 530, 535, 536, 537, 541, 543, 546, 547, 548, 549, and 550. The City Planning Commission further recommended that chapters 525, 527 and 551 be returned to the author.

Staff was directed to provide a summary of the comments received regarding this text amendment for the Zoning & Planning Committee. A summary of comments received in writing as well as comments heard at the January 23, 2012, meeting of the City Planning Commission, are provide below. Copies of written comments and the minutes from the January 23, 2012, City Planning Commission meeting have been forwarded to the committee. Following the comment summary, staff has provided additional information on the main topics addressed either in writing or at the public hearing.

Comment summary:

Staff received approximately 70 letters and thirteen (13) people spoke at the public hearing. All comments received to date are generally in support of the proposed amendment but there are a few specific topics covered in the proposed amendment that some people feel are too restrictive. At the public hearing, some of the speakers noted that: there is potential to grow green jobs in our community through urban agriculture, that the proposed amendments support the goals of the Homegrown Minneapolis efforts, that market gardens and urban farms will add green space and build community, and can help increase access to healthy local foods.

While overall the letters and comments support the staff recommendation, many of the letters received and several comments at the public hearing noted that parts of the of the proposed text amendment are too restrictive, specifically related to:

- Selling food grown on-site at market gardens, community gardens or as a home occupation,

- Limitations on the length of time a temporary hoop house can be established, and
- Prohibiting animals accessory to urban agriculture land use.

Staff also received approximately six (6) letters specifically in support of the proposed regulations prohibiting animals at community gardens, market gardens and urban farms and one comment at the public hearing was made to support this. A few of these letters go further and ask that the proposal to prohibit animals includes honeybees and fish. The person who spoke at the public hearing also noted that additional standards should be added to Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.

Staff received a letter and one person spoke at the public hearing asking that the number of days allowed for a temporary use permit for a farmers market, mini-market or produce and craft market be increased to more than seventy-five (75) days. Two people who work or have worked as farmers' market managers spoke at the public hearing asking that the regulations regarding the number of days be left unchanged.

Staff did not receive any written comments, nor were any comments made at the public hearing, in opposition to the text amendment. Staff did receive a comment at a community meeting from a resident who expressed concern about potential issues with accessory structures, specifically hoop houses, in regards to how they will be used and aesthetic concerns, and one phone call with questions regarding the sale of goods on-site in residential neighborhoods. Following the public hearing staff received one phone call from a resident with concerns regarding composting. Composting regulations are primarily housed in Chapter 244, Housing Maintenance Code, as such, staff directed the comments to the appropriate staff in the Department of Regulatory Services.

Additional information:

On-site sale at market gardens: The staff recommendation is to add a temporary use permit to allow farmstands, accessory to community gardens, market gardens and urban farms, up to 25 days per year and not more than 1 day per week. Staff based this recommendation on the recommendations in the adopted Urban Agriculture Policy Plan, input from community members and examples from other cities around the country that have adopted or are in the process of drafting similar regulations.

Introducing a temporary use permit to allow a farmstand to operate for up to 25 days per year and not more than 1 day per week will allow market and community gardeners limited ability to sell products at the location they are grown. The intent is that these goods will primarily be sold off-site (e.g. at farmers markets' or to area restaurants). By limiting the total number of days and days per week, and limiting the hours of operation, staff believes that such farmstands will primarily serve the immediate residential neighborhood and will not draw significant trade from outside the neighborhood. The Zoning Administrator has discretion to approve or deny a temporary use permit and place conditions on an approval. In addition, the Zoning Administrator can revoke a temporary use permit for lack of compliance with the conditions of approval or other zoning violations. A standard condition associated with a temporary farmstand would be that the use not generate excessive noise or traffic that might disrupt surrounding property owners.

Hoop houses: The staff recommendation is to add hoop houses as an enumerated accessory structure, add standards for the location of the structure and allow temporary hoop houses to exceed the maximum size for accessory structures by exempting such structures from the total area allowed for accessory structures and increase the maximum size from 676 square feet or ten (10) percent of the lot area to 1,000 square feet or fifteen (15) percent of the lot area. A temporary structure is determined by the building code; a temporary structure cannot be in place for more than 180 days. The intent of the proposed accessory structure amendment is to encourage and promote their use in urban agriculture by easing some of the typical regulatory barriers or limits often encountered with accessory structures such as limits on size. This is specifically focused on temporary structures; permanent accessory structures will be regulated as any other accessory structure in terms of size, location and lot coverage. A summary of the existing applicable regulations and the proposed changes are outlined below.

How it is today:

- Hoop houses are regulated like all other accessory structure under Chapter 537-accessory uses and structures;
 - Maximum size: 676 square feet or ten (10) percent of the lot area, not to exceed 1,000 square feet (this is the total area allowed for ALL accessory structures located on the property)
 - Maximum height: 12 feet per section 537.50 of the zoning code.
- Location on the lot (minimum requirements):
 - Must be six (6) away from the principal structure
 - Must be located outside a required front yard (20-25 feet from front property line or the line established by the front wall of the adjacent residential structures)
 - Must be located outside of required yards (typically 5 or 6 feet from a side or rear property line) *unless* it is located in the rear 40 feet of the lot; if located in the rear 40 ft. of the lot it can be located one (1) foot from a rear or side property line

Proposed Changes:

Distinguish between *temporary* and *permanent* hoop houses

- Permanent hoop house (up for more than 180 days)
 - Maximum size: 676 square feet or ten (10) percent of the lot area, not to exceed 1,000 square feet (this is the total area allowed for ALL accessory structures located on the property)
 - Maximum height: 12 feet per section 537.50 of the zoning code.
 - Location on the lot:
 - Must be 6 ft. away from the principal structure (no change proposed)
 - Must be located outside a required front yard (no change proposed)
 - Must be located outside of required side yard (*new requirement*)
 - Must be located in the rear 50 ft. of the lot (*new requirement*)
 - Must be located at least 20 ft. from adjacent residential structures (*new requirement*)
- Temporary hoop house (up for 180 days or less)
 - Only allowed accessory to a market garden, community garden or urban farm and cannot be installed on the property for more than 180 days
 - Maximum size: 1000 square feet or 15% of the lot area (*new requirement*)

- Maximum height: 12 feet per section 537.50 of the zoning code (no change proposed)
- Location on the lot:
 - Must be 6 ft. away from the principal structure (no change proposed)
 - Must be located outside a required front yard (no change proposed)
 - Must be located outside of required side yard (new requirement)
 - Must be located in the rear 50 ft. of the lot (new requirement)
 - Must be located at least 20 ft. from adjacent residential structures (new requirement)

Animals: Staff is recommending that small animals (chickens, pigeons, etc) be prohibited accessory to urban agricultural land uses (community gardens, market gardens and urban farms) and to add standards for fowl, pigeons and other small animals accessory to residential uses. These standards include additional regulations regarding accessory coops and animal runs and explicitly prohibits live slaughter. There are concerns about intensifying the scale and degree of this activity by allowing small animals associated with commercial uses and uses where there may be longer time periods of animals left unattended and the potential impacts on surrounding properties. The staff recommendation is to allow the keeping of honeybees accessory to urban agriculture land uses as well as any other use, subject to location standards and consistency with applicable regulations found in