
Urban Agriculture Text Amendment – Background Information & Preliminary Recommendations



Prepared by the: The City of Minneapolis, Community Planning and Economic
Development Department – Planning Division
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BACKGROUND:

As part of the implementation of the [Urban Agriculture Policy Plan](#) (UAPP) that was adopted by the Minneapolis City Council in April 2011, work on a zoning code text amendment is in process. The Urban Agriculture Policy Plan examines urban agriculture as a land use in our city and contains a variety of recommendations about land use and zoning, land availability and economic development.

Currently the Minneapolis Zoning Code has few accommodations for urban agriculture land uses. Community gardens are allowed in most zoning districts and standards are in place for farmers' markets. However, commercial gardening/farming, roof top farms, gardening as a home occupation, and various design issues are not clearly addressed. Many of the recommendations included in the adopted policy plan require zoning code changes. These changes have to be drafted in the context of the actual zoning code language and acted upon through a separate action of the City Planning Commission and City Council.

While the issues and opportunities for promoting urban agriculture and increasing the production and consumption of local food are expansive, this project focuses on addressing the recommendations from the UAPP specifically related to removing the regulatory barriers (zoning regulations) to establishing urban agriculture land uses. Recommendations not addressed through this process will be included in future text amendments and planning processes or are outside the scope of the Planning Division.

This document is organized into the following seven sections:

- Market Gardens
- Urban Farms
- Aquaponics & Aquaculture
- Community Gardens
- Farmers Markets
- Home occupations
- General Design & Development standards & Accessory Uses
- Other topics

Each section describes any existing zoning regulations, applicable recommendations from the UAPP (see a complete list in Appendix A) that will be implemented through amendments to the zoning code and the **draft** staff recommendations to amend the zoning code. Please note that these recommendations are preliminary and are subject to change.



Urban Agriculture Policy Plan:
*A Land Use and Development Plan
for a Healthy, Sustainable Local Food System*

Minneapolis, Minnesota
City Planning Commission Draft
February 22, 2011



Prepared by the:



The City of Minneapolis Community Planning and Economic Development
Department as an amendment to the Minneapolis Plan for Sustainable Growth

Funded by:



MARKET GARDENS

Market garden is the term used to describe smaller growing operations, similar in scale and intensity to a community garden, that sell commercially. Currently there are no regulations in the zoning code that address market gardens.

Recommendations from UAPP

- Define the following terms in the zoning code: community gardens, **market gardens**, urban farms, and anaerobic digesters. Further evaluate the appropriate zoning districts for these uses based on the guidance below. All urban agriculture zoning code text amendments would involve consultation with technical experts
- Allow market gardens in a variety of zoning districts
- Set a maximum lot area and other performance standards for market gardens so the use fits into a neighborhood context
- Establish standards for market gardens similar to or more stringent than those that have been established for community gardens, including no retail sales on-site, except as a temporary use, no overhead lighting, signage limited to a single, non-illuminated flat sign of four square feet, and no more than two vehicles parked on-site, excluding those parked within an enclosed structure
- Allow market gardens to be located on rooftops and on the ground
- In districts typically associated with high density development such as in Downtown districts, Growth Centers, and Activity Centers, encourage gardens on rooftops or as part of development rather than on the ground as a single use

Draft recommendations to amend the zoning code:

Definition: *Market garden.* An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building, to be sold or donated, that is smaller in scale than an urban farm.

Zoning districts: Allow as a permitted use in all residential, office residential, commercial and downtown zoning districts with specific standards related to size and location depending on the district.

Maximum Lot Area: In the residence and OR1 districts market gardens shall be permitted outright with a maximum planting area size of 10,000 sq. ft. or less; market gardens with a planting area greater than 10,000 sq. ft. will require a conditional use permit.

Development Standards:

- In the Residence and OR1 districts:
 - Mechanical equipment. Limit mechanized equipment to equipment that is similar in scale to that designed for household use shall be permitted. Allow for larger equipment during the initial preparation of the land.
 - Retail sales: Prohibit retail sales in the residence and OR1 districts except as an approved temporary use. Staff recommendation is to allow a farm stand as a temporary use, up to 15 days per year.

- Motor vehicles. Adopt community garden standards limiting the number of vehicles on site to no more than two, each with a gross vehicle weight of 10,000 pounds or less, may be parked on-site.
- Limit deliveries or pickups to occur only between 7 am to 7 pm.
- Signs. One identification sign is permitted, not exceeding 8 sq. ft. in area.
- Lighting: Overhead lighting shall be prohibited.
- Equipment: Require that any equipment or supplies needed for garden operations be enclosed or otherwise screened from sight.
- Exempt hoop houses, cold frames or other temporary structures used solely to extend the growing season for food and/or plants from the maximum floor area of all accessory structures, provided that the total size of such temporary structures shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area, whichever is greater, and shall not exceed a duration of one hundred eighty (180) days.
- In the C3A and downtown districts limit market gardens to rooftops or indoor operations unless accessory to a principal use located on the same zoning lot.
- Keeping of animals is prohibited.
Note: Staff is recommending that animals be prohibited accessory to urban agricultural land uses (i.e. community gardens, market gardens and urban farms) and to add standards for fowl, pigeons and other small animals accessory to residential uses. There are concerns about intensifying the scale and degree of this activity by allowing 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. Further, the Urban Agriculture Policy Plan does not provide policy direction to intensify these activities.
- Prohibit growing in the required interior side yard.
- Outdoor growing associated with market gardens shall be exempt from the enclosed building requirements of the zoning ordinance.

URBAN FARMS

An urban farm is a commercial growing operation that is generally larger in scale and intensity than a community garden or market garden and may not be an appropriate land use in all zoning districts. Currently there are no regulations in the zoning code that address urban farms.

Recommendations from UAPP

- Define the following terms in the zoning code: community gardens, market gardens, **urban farms** and anaerobic digesters. Further evaluate the appropriate zoning districts for these uses based on the guidance below. All urban agriculture zoning code text amendments would involve consultation with technical experts.
- Allow urban farms in Industrial districts and some Commercial districts.

Draft recommendations to amend the zoning code:

Definitions: *Urban Farm.* An establishment where food or ornamental crops are grown and processed to be sold or donated on the same lot or off site that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture and rooftop farms.

Zoning districts: Allow as a permitted use in the I1 and I2 zoning districts and as a conditional use in the C4 district.

Development Standards:

- Any equipment or supplies needed for farm operations shall be enclosed or otherwise screened from sight.
- Keeping of animals is prohibited.
- Prohibit growing in the required interior side yard.
- Outdoor growing associated with an urban farm shall be exempt from the enclosed building requirements of the zoning ordinance.

AQUAPONICS & AQUACULTURE

The practice of raising fish typically falls under aquaculture and aquaponics facilities. Both systems can be small or large in operation and can be conducted indoors or outdoors. Similar to other urban agriculture land uses, aquaponics and aquaculture uses are not currently included in the zoning code.

Recommendations from UAPP

- Further study aquaculture and aquaponics with the goal of developing a zoning code definition.

Draft recommendations to amend the zoning code:

Definitions: *Aquaculture.* The cultivation of aquatic animals, in a recirculating environment to produce whole fish that are distributed to retailers, restaurants and consumers.
Aquaponics. The combination of aquaculture and hydroponics to grow crops and fish together in a re-circulating system without any discharge or exchange of water.
Hydroponics. The growing of plants, in a water and fertilizer solution containing the necessary nutrients for plant growth.

Zoning districts: Include in the definition of urban farm and allow as a permitted use in the I1 and I2 zoning districts and as a conditional use in the C4 district. Allow as an accessory use to indoor market gardens located in the commercial or downtown zoning districts.

Development Standards:

- The operator shall maintain any required licensure through the Department of Natural Resources and the Department of Agriculture.
- The tanks shall not be connected to the sewer system.

COMMUNITY GARDENS

A community garden is generally considered any space where plants are grown and maintained by a non-profit organization or group of individuals to meet the needs of that community. Most often community gardens generate produce for individual consumption. However, some gardens focus on the teaching of gardening skills by an organization or focus on beautification over food production. The number of participants in community gardens can vary from just a few to many depending on the size of the parcel. Community gardens are managed and owned by a variety of organizations. Community gardens are currently allowed in most zoning districts including all residential districts.

Recommendations from UAPP

- Define the following terms in the zoning code: **community gardens**, market gardens, urban farms and anaerobic digesters. Further evaluate the appropriate zoning districts for these uses based on the guidance below. All urban agriculture zoning code text amendments would involve consultation with technical experts.
- Amend the development standards for community gardens to allow for larger, more visible signage and community bulletin boards within the garden areas, larger hoop houses, and the periodic sale of produce.

Draft recommendations to amend the zoning code:

Definitions: *Community Garden.* A use in which land managed by a group of individuals is used to grow food or ornamental crops, such as flowers, for donation or for use by those cultivating the land and their households. 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.

Zoning districts: Community Gardens are currently a permitted use in all zoning districts other than the B4 and I3 districts. No changes are proposed.

Development Standards:

- Existing standards:
 - (1) Overhead lighting shall be prohibited.
 - (2) Signage shall be limited to a single, non-illuminated, flat sign of four (4) square feet.
 - (3) No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.
 - (4) No retail sales shall be permitted, except as an approved temporary use, as specified in Chapter 535, Regulations of General Applicability.
- Proposed Changes:
 - Increase the maximum size of a sign from 4 square feet to 8 square feet.
 - Amend the temporary use regulations to allow for limited sales of produce grown on-site up to 15 days per year

- Exempt hoop houses, cold frames or other temporary structures used solely for growing plants from the maximum floor area of all accessory structures, provided that the total size of such temporary structures does not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area or, whichever is greater, and that it is a temporary structure.
- Prohibit growing in the required interior side yard.
- Add community bulletin boards as a permitted accessory use, limited to 8 square feet in area and six (6) feet in height.
- Exempt growing associated with community gardens from the enclosed building requirements of the zoning ordinance.

FARMERS MARKETS

The Minneapolis Zoning Code defines farmers markets as: “A publicly or privately operated establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area. Canopies may be allowed in order to provide protection from the elements for both the operators and the products.” Farmers markets can be large or small or temporary or permanent.

In Minneapolis there are three types or scales of markets. The City owned “municipal market” serves as a regional destination. “Public Markets” is the term used for a variety of privately operated farmers markets. “Local Produce Markets” (also known as “mini-markets”) are small farmers markets with a maximum of five vendors. In addition, mini-markets only allow vendors who produce and sell their own fresh vegetables, fruits or flowers.

On April 2, 2010, the City Council directed Regulatory Services and CPED-Planning staff to work with farmers’ market managers on potential revisions to the ordinances regarding farmers’ markets. On October 24, 2011, the City Council adopted amendments to Title 10 Food Code, Chapters 201 and 202 of the Minneapolis Code of Ordinances which pertain to public markets and the municipal market. Those amendments included creation of new “Farmers Market” and “Produce and Craft Market” license types; the formalization of the existing “Mini Market” license type with some additional flexibility in vendor types; and adopting an updated set of definitions. This zoning code text amendment includes changes that will make the zoning code definitions and standards consistent with the changes to Chapter 201 and 202.

Recommendations from UAPP

- Amend signage regulations to allow temporary farmers’ market signs (for local produce markets) to remain on-site all year, but require that the sign be removed after a farmers’ market closes permanently.

Draft recommendations to amend the zoning code:

Definitions: *Mini-Market.* A type of farmers market, limited to five or fewer market vendors, whose primary purpose is to improve access to locally grown agricultural products.

Produce and Craft Market. A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors consisting of agricultural producers, home processors, food market manufacturers, food market distributors and craft producers that manufactures or crafts non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of thirty (30) percent of market vendors in produce and craft markets shall be food market vendors (agricultural producers, food market manufacturers, food market distributors or home processors).

Zoning districts: Farmers markets are currently a permitted use in the OR2, OR3, all commercial district, all downtown districts and in the I1 and I2 districts. Farmers' markets are also allowed as a temporary use in the residence and OR1 districts on institutional or public uses sites or on zoning lots of not less than twenty thousand (20,000) square feet. Staff will amend the temporary use permits to add mini-markets and produce and craft markets to the temporary use permit standards.

Sign Regulations:

- *Add the following to existing regulations:* One (1) freestanding not exceeding eight (8) square feet in area and six (6) feet in height shall be allowed for temporary farmers' markets, mini-markets and craft and produce markets and may be permanently installed on the site year round, provided that it shall be removed if the temporary use permit is not reissued.

HOME OCCUPATIONS

Home occupation regulations are established to ensure that home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood.

Under the existing home occupation standards, all activity associated with the home occupation must be conducted within the dwelling unit. A strict interpretation of this provision could prohibit people from, for example, growing tomatoes outdoors that could be sold to neighborhood restaurants or at a local farmers market. A home garden where plants are grown to be sold off-site can be conducted in a way that is not all that different from a garden where plants are grown to be consumed by the occupants of the dwelling.

Recommendations from UAPP

- Change the home occupation standards to allow growing as an outdoor operation.

Draft recommendations to amend the zoning code:

Development Standards (existing standards with the proposed changes underlined):

- Amend the home occupation standards to exempt the growing of food or ornamental crops from the requirement that all activity associated with the home occupation is conducted only within an enclosed area of the dwelling, and allow for materials associated with the growing to be outside if located entirely to the rear of the principal structure and outside of any required yards.

GENERAL DESIGN & DEVELOPMENT STANDARDS & ACCESSORY USES

Some accessory uses and structures and projections of the principal structure are permitted in a required yard. Several accessory structures and uses associated with urban agriculture are not included in the zoning code, such as raised planting beds or hoop houses. Because these accessory uses are not included in the zoning code they are regulated by the general accessory use and structure standards.

Hoop houses, cold frames or other structures used to extend the growing season are typically seasonal or temporary in nature but can be permanent. These structures have always been permitted in the past but have been subject to the location and building coverage limits for all accessory buildings, making it difficult to have a garage, shed, and a greenhouse. The intent of the proposed accessory structures amendments 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.

Recommendations from UAPP

- Make provisions for trellises designed for growing food.
- Change the list of permitted obstructions in the front yard set back to allow for planting beds in front yards. A maximum height for the beds and minimum setbacks from the property lines should be determined.
- Amend the accessory use standards to include a hoop house as an enumerated accessory use with development standards, including size and height requirements for hoop houses specifically.
- Encourage the planting of produce as part of the required landscaping in new developments.

Draft recommendations to amend the zoning code:

- Allow arbors or other growing support systems and raised planting beds as a permitted obstruction in required front and rear yards
- Add the following definitions:
 - *Hoop house:* a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a hoop shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.
 - *Cold frame:* an unheated outdoor structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

- *Greenhouse:* A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants.
- Exempt hoop houses, cold frames or other temporary structures used solely for growing plants from the maximum floor area of all accessory structures, provided that the total size of such temporary structures does not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area or, whichever is greater, and that it is a temporary structure (removed within 180 days).
- Amend the site plan review regulations to explicitly allow edible landscaping as something that can be used to meet the landscaping requirements. *Note: there are existing points available for Planned Unit Developments that include gardens or on-site food production.*

OTHER TOPICS NOT COVERED IN THIS DOCUMENT

The two recommendations listed below that will require changes to the zoning ordinance have not been addressed in this document:

1. Examine which Industrial districts are appropriate for anaerobic digesters.
2. Explore incentives for installation of gardens as an interim use on stalled development sites.

Anaerobic Digesters:

At the time the zoning code text amendment was introduced by the City Council, CPED-Planning staff was directed to begin work to have the amendment adopted before the 2012 growing season (generally understood as March of 2012). Staff has begun to research anaerobic digesters, however, at this time staff recommends postponing any changes to the zoning code until further research is completed. This will allow staff time to provide better guidance on where this land use is appropriate and what specific development standards could be adopted to help mitigate potential impacts.

Interim use/ approval extension:

Staff has been asked to consider extending development approvals for development projects that allow urban agricultural uses on an interim basis until construction commences on the development. Under the current zoning ordinance, any decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, are valid for a period of one (1) year from the date of such decision. The zoning administrator, upon written request, may grant up to a one-year extension to this time limit. There is nothing that would prohibit the use of the subject site for any other permitted use during this approval period.

After a proposed development has been approved through the land use approval process there is potential for regulations to change prior to building permits being issued and construction commencing. The zoning ordinance is typically amended to further the adopted goals and policies of the City's comprehensive plan, including topical plans such as the Urban Agriculture Policy Plan. Quite often these contemplated changes address new circumstances not dealt with in the current ordinance. As staff has reviewed this recommendation further there are two main concerns. First, if policies or ordinances are updated through a community planning process during this extended approval period, when the development is eventually built it may not be in line with the current

community's expectations for new development. Second, preparing land for food production can require significant investments of labor and other resources as well as potential social investments. These investments should not be considered lightly in designating interim uses for vacant land.

Staff believes that if there is a larger initiative to consider extending the timeframe for land use approvals more broadly due to the economic climate, issues related to vacant land, etc., this recommendation should be revisited at that time.

Appendix A:

Recommendations in the Urban Agriculture Policy Plan related to the zoning code

1. Amend the zoning code to better accommodate urban agriculture uses	
	Define the following terms in the zoning code: community gardens, market gardens, urban farms, and anaerobic digesters. Further evaluate the appropriate zoning districts for these uses based on the guidance below. All urban agriculture zoning code text amendments would involve consultation with technical experts.
	Allow market gardens in a variety of zoning districts
	Set a maximum lot area and other performance standards for market gardens so the use fits into a neighborhood context.
1.1	Establish standards for market gardens similar to or more stringent than those that have been established for community gardens, including no retail sales on-site, except as a temporary use, no overhead lighting, signage limited to a single, non-illuminated flat sign of four square feet, and no more than two vehicles parked on-site, excluding those parked within an enclosed structure.
	Allow market gardens to be located on rooftops and on the ground.
	In districts typically associated with high density development such as in Downtown districts, Growth Centers, and Activity Centers, encourage gardens on rooftops or as part of development rather than on the ground as a single use.
	Allow urban farms in Industrial districts and some Commercial districts.
	Examine which Industrial districts are appropriate for anaerobic digesters.
1.2	Further study aquaculture and aquaponics with the goal of developing a zoning code definition.
1.3	Amend the development standards for community gardens to allow for larger, more visible signage and community bulletin boards within the garden areas, larger hoop houses, and the periodic sale of produce.
1.4	Amend signage regulations to allow temporary farmers' market signs (for local produce markets) to remain on-site all year, but require that the sign be removed after a farmers' market closes permanently.
1.5	Change the list of permitted obstructions in the front yard set back to allow for planting beds in front yards. A maximum height for the beds and minimum setbacks from the property lines should be determined.
1.6	Make provisions for trellises designed for growing food.
1.7	Change the home occupation standards to allow growing as an outdoor operation.
1.8	Amend the accessory use standards to include a hoop house as an enumerated accessory use with development standards, including size and height requirements for hoop houses specifically.
1.9	Explore incentives for installation of gardens as an interim use on stalled development sites.
3. Encourage innovative design in new development	
3.1	Encourage the planting of produce as part of the required landscaping in new developments.