



Key Issues with the City of Chicago's Proposed Urban Agriculture Zoning Amendment

Urban agriculture has great potential to improve life for city residents at all levels of income. However, the City of Chicago's approach to implementation and the proposed zoning amendment currently under consideration threaten to greatly diminish the opportunity. These new regulations directly impact one of the longest standing and most successful urban agriculture organizations in the country, the Resource Center, and several other organizations doing urban agriculture in the City.

The City has proposed an amendment to the current zoning code to address urban agriculture. The amendment is generally limited to:

1. defining two new Use Categories (definitions) addressing urban agriculture within the **17-17-0100 Use group and category descriptions**¹ section,
2. developing Use Standards in section **17-9-0100 Use standards**² for these newly defined *use categories*, and,
3. revising the Use Tables that apply and determine in which zoning district(s) each use is permitted.

There are a number of key issues related to specific provisions in the proposed amended code and to the process the City has followed.

Summary of Process Issues

Although the City did on occasion convene some stakeholders of urban agriculture, it ignored virtually all of the written recommendations of the Advocates for Urban Agriculture, a group that includes a great many stakeholders. The process remains broken. The department (HED) declined to meet with AUA representatives and responded to a written request for a meeting by answering a few questions not particularly helpfully. As Harry Rhodes of Growing Home said in an article for the Kansas City Center for Urban Agriculture, *"In my view, this [Chicago] commissioner said essentially 'thank you very much for your input, but we will be doing things our way'."*

Personnel from the department have told urban agriculture practitioners that their projects would likely be delayed if the amendment was not passed. This seems on the surface to be an attempt to gain support for passage — a perhaps subtler version of old fashioned Chicago intimidation.

At the Department of Zoning's recommendation, the Resource Center wrote and provided an alternative amendment (attached). The department declined to comment on the proposed alternate and has apparently not reviewed it.

The City has made many statements claiming the problems with the code will be fixed after passage of the amendment. Based on past experience, it seems naive to rely on such claims.

The City has issued statements including the Urban Agriculture FAQ which purport to answer questions about the amendment, but these statements often conflict with the actual code language. For example, the FAQ states that hoop house are not accessory structures (a technical code term), yet the code appears to include them in the definition.

Summary of Proposed Amended Code Issues

Urban agriculture offers the City significant potential benefit at all income levels, but City regulations are an impediment to realizing that potential rather than being a champion for it. Unfortunately the zoning regulations under current consideration threaten to make the problem even worse.

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The City has stated the potential problems with the revised code will be fixed after passage. This hardly seems the proper way to enact zoning reform, and past experience belies the claims of such corrective action after passage. Further, the City has issued responses to questions about the amendment, but these statements often conflict with the actual code language. To summarize the problems with the proposed Code amendment, it:

- increases cost substantially. Additional costs due to unnecessary regulation increases the cost of gardens and farms substantially with no benefit to the public. This reduces the number of gardens/farms that can be built.
- limits community gardens to 18,750 square feet (0.43 acres - six city lots) [Note: parking lot size is not limited regardless of district.]
- prohibits produce processing— even such simple things such as cleaning, cutting, and packing for transport. Cooking is prohibited even for individual plot renters for personal use. This means the great community-building activity of eating together in the garden is almost impossible.
- prohibits produce or plant sales by community gardeners, killing potential micro enterprise.
- prohibits community gardens in manufacturing districts and planned manufacturing districts (PMDs).
- limits urban farms to an uneconomic 25,000 square feet (0.57 acre) in most districts, without special review.
- places community gardens and urban farms in the Bed and Breakfast (17-9-0103) Use Standards category
- groups urban farms with on-site sales of construction materials, tool rental and construction company offices.
- prohibits urban farms in Residential Districts, Planned Manufacturing Districts (PMDs), and Planned Developments (PDs). This prohibits farms in more than 90% of the vacant, often derelict land in the City and prohibits both community gardens and urban farms in nearly all of CHA sites.
- requires excessive parking even where adequate street parking exists – 70 parking spaces for a one-acre farm in commercial and manufacturing districts– nearly half the site.
- requires asphalt paving for all parking. This conflicts with city policy of encouraging permeable paving.
- requires Asphalt paving increases storm water runoff raw sewage overflows Lake Michigan – exacerbating the multi-billion-dollar problem of the Metropolitan Stormwater Reclamation District.
- requires street trees at 25 feet on center, ignoring that produce needs sun – does not grow well in the shade.
- requires urban farms to be screened in most districts, negating the beautification benefits of urban farms and preventing much of the potential for education and community building.
- requires fencing to be “architectural” which is 3 to 5 times more than chain link.
- in many districts in which urban farms would be allowed under the amended ordinance (B1, B2, B3, and C1 Districts), farming would have to be conducted within fully enclosed buildings .

We strongly support a thoughtful review and strengthening of Chicago zoning code to define and regulate community gardening and urban farming. But the currently proposed revisions are not the solution. We look forward to working hand in hand with the City to develop a proper revision.

This summary is articulated more fully below. The relevant sections of the zoning code are referenced and copied in part in this document. For the full code, see the City's web site: <http://www.amlegal.com/library/il/chicago.shtml>

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Caveats as you read this document:

- A) The proposed amendment, though brief, has cascading impacts throughout the code because it references many current code provisions. The proposed amendment is available on the City's web site: http://mayor.cityofchicago.org/etc/medialib/mayor/ordinances/ordinances_pdfs_by/2010/december_08_2010.Par.11995.File.dat/UrbanAgOrforCCIntro.html
- B) What seems clear after a careful reading, is that the amendment was not considered or written with a comprehensive review of the relationship to or impacts on the ordinance as a whole. This is not meant to imply anything about the quality of work performed. The code is extensive and complex.
- C) This review reflects a literal reading of the code. If you have ever had to deal with the Zoning Department, you know that zoning administrators take the law extremely literally. You must not assume that your project will somehow pass muster just because some of the rules are obviously absurd.
- D) Much of what you read in this document may seem bizarre and unbelievable. If you have dealt with it, you know that Chicago's zoning code has many apparently peculiar provisions. Some, with explanation, actually make sense. Others are accidents of history that have never been reviewed for accuracy or appropriateness. All the comments here derive from careful reading of the current zoning ordinance and amendment by a seasoned professional³. Specific sections are referenced so you can look them up yourself.
- E) Many assume that problems in the code related to urban agriculture will get fixed after passage of the amendment. That may be true, but there is no agreement at present on what should be fixed or when. No adjustment process has been defined. The City officially rejected all of the recommendations of the Advocates for Urban Agriculture back in September of 2010 (AUA recommendations and commissioner's letter are attached).⁴

Under the current code, urban agriculture activities like City Farm (at Clybourn and Division), Growing Home's Wood Street Garden, and numerous community gardens are not explicitly defined uses. The code prohibits *anything* not explicitly defined⁵. Of course there are *any number* of common uses not explicitly defined in the code including for example *bookstores, stationary stores, garden centers, computer repair*, and many others.

However, under the current ordinance, for all these uses (and urban agriculture), the zoning administrator has the power (the sole power) to determine which use category is appropriate. All can be developed. And all have been developed, but the process can be slow and bumpy.

The current code gives the zoning administrator a great deal of power (too much power?) to prevent anything not specifically referenced in the code from being developed. Under the current code, Urban agriculture uses can easily be developed, but only with the approval of the zoning administrator, who history shows has been reluctant to make such approvals.

The proposed ordinance does not address the implications of the many other aspects of the code that affect urban agriculture.

Use Groups and Categories are Inappropriate

The zoning code has five major Use Groups: Residential, Public and Civic, Commercial, Industrial, and Other. Two *new* Use Categories are defined in the amendment (Community Gardens and Commercial Gardens or Greenhouses). As they stand, these definitions are problematic in several respects:

Community Gardens ⁶

The definition of community gardens

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- recognizes that community gardens clearly have a public benefit but limits the size (see below).
- prohibits produce processing— even such simple things such as cleaning, cutting, and packing for transport. Cooking is prohibited even for individual plot renters for personal use. This means the great community-building activity of eating together in the garden is almost impossible.
- prohibits produce or plant sales by community gardeners.
- prohibits processed product sales by gardeners (e.g. including for example pre-cut vegetables, pre-cleaned produce, packaged produce, or salsa).
- and by prohibiting sales, *prevents the opportunity for small-scale urban agriculture enterprise to grow or thrive in the neighborhoods*. The City has recently suggested that sales *might* be allowed at community gardens but nothing has been provided in writing. The actual amendment has not been adjusted to reflect this promise. The rules that would apply have not been shared.

Commercial Garden or Greenhouse ⁷

The definition for commercial garden or greenhouse was apparently written with the assumption that for-profit business would be the primary entities affected. Note: Greenhouses are referenced in the *current* code but are nowhere defined. In the amendment,

- Commercial Gardens and Greenhouse is placed in the amended code under the Commercial Use Group which *does not recognize that non-profit urban farms have public benefits⁸, not profit, as their prime purpose*. Those benefits include beautification, neighborhood revitalization, job creation, local food security, community building, food education, and others.
- the amendment places non-profit urban farms in the Construction Sales and Services Use Category which assumes there will be *sales of construction materials* on site and other uses such as tool rental or construction company offices. These activities are not the purpose of an urban farm. This assumption is inappropriate.
- the amendment *does not recognize that urban farms have none of the potential impacts* of a construction materials sales site such as heavy trucks and early sales hours and noisy traffic.

An Alternative

There's another alternative between public-oriented community garden and profit-oriented commercial venture: the non-profit Urban Farm. The definition below comes from a Resource Center amendment alternative presented to the City. Like Community Gardens, it would be placed in the Public and Civic Use Group not the Commercial Group. It provide adequate controls similar to Community Gardens but doesn't lump non-profit produce growing entities with construction material sales.

Non-Profit Urban Farm/Gardens alternative definition..

A neighborhood-based mission-driven development with the primary purpose of growing plants for beautification, consumption, education, recreation, and retail and wholesale sales/distribution through on-site farm stands, farmers markets, and other means. Propagation, processing, and storage of plant products for wholesale or retail sales in support of the non-profit mission. Products for sale may be produced/secured on- or off-site. Typical uses include but are not limited to, growing beds, hoop houses, greenhouses, tool and equipment storage, sheltered or open air gathering space, vertical/rooftop farming and hydroponic systems. Sites may be leased or owned. Sites shall be managed by public or civic entities, nonprofit organizations or other community-based organizations that are responsible for maintenance and operations. (Note: this definition fixes only a small number of the identified issues.) The Resource Center, at the City suggestion, developed an alternate amendment proposal. The City has declined to comment on the proposal.



Urban Agricultures Uses Not Allowed in Key Zoning Districts

Vacant lots are a major problem in many areas of the City. The majority of these vacant lots and areas are in residential zoning districts, in planned developments (like CHA property), and in neglected manufacturing districts. Many are in areas poorly served by food markets— i.e. food deserts. The amended code would prohibit development of urban agriculture in all of these areas.

Community Gardens would be prohibited in

- manufacturing districts
- planned manufacturing districts (PMDs).

Non-Profit Urban Farms

- *would be prohibited in residential districts, yet these represent more than 90% of the vacant land in the City*
- *would be prohibited in many PMDs, which have a high amount of vacant land in many cases*
- *planned developments are omitted from the amendment entirely (PDs) (e.g. CHA sites which are PDs — virtually all of them — would not be able to have community gardens or urban farms).*

The Parking Standards are Inappropriate in Many Cases

For Community Gardens

- Parking reductions in transit-served locations are not allowed.
- In several districts, parking requirements are based on employee counts. It's not clear how the number of employees will be determined. Would it be based on the number of employees of the managing organization? The number of community gardeners? The Zoning Department is given unlimited authority to determine the number which, based on experience, will result in a demand for far more parking spaces that are actually needed.

For Urban Farms

- In several districts including 17-10-0207-O Parking Group O (Construction Sales and Service) B, C, M dash 1, 1.5, 2, 3, parking requirements are based on employee counts. It's not clear how the number of employees will be determined. The Zoning Department is given unlimited authority to determine the number.
- For other districts including most business, commercial and manufacturing districts, parking is based on the square footage of the use (1.66 ps/1000sf)⁹. For a one-acre sites, this requirement would result in far more on-site parking than is practically needed. The City has suggested this would be changed—when and how have not been provided in writing.
- In several districts , a one acre site *would be required to provide more than 70 parking spaces — approximately 40% of the site (in other words, 17,500 square feet of asphalt).*
- Asphalt paving is required¹⁰. This contradicts city policy of encouraging permeable paving. Paved parking sheds an average 2.5 gallons of storm water per paved square foot per month in Summer. The average garden sheds virtually none. Stormwater runoff is a health hazard that causes flooded basements in many areas of the city and creates combined sewer overflows (CSOs) into rivers and lakes. The Metropolitan Stormwater Reclamation District spends billions managing stormwater problems. Gardens could be part of the solution. Vacant lots create runoff because they are not designed to infiltrate water — they are usually 90% construction debris from demolition.
- Urban gardens don't need sewers. The gardening construction (compost and wood chips) easily absorbs all rain. Sewers add to cost and go against stormwater best practices promoted by the City.
- In virtually every neighborhood where an Urban Farm can provide particular benefits — e.g. those in depopulated and disadvantaged areas — there is more than enough street parking to satisfy actual

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needs. Even when fully developed, which is likely to take twenty to fifty years or more, street parking will more than satisfy urban farm needs.

Use Standards Are Inappropriate

Use Standards create additional restrictions specific to various uses and range from defining the minimum lot area for a gas station, to rules for strip centers. The use standards have apparently not been reviewed with reference to Community Gardens or Urban Farms.

Community Gardens

The Use Standards for community gardens are located under the section in the code devoted to **17-9-0103 Bed and Breakfast**. It's not clear why the Department of Zoning believes this is the appropriate section for this use. In the amendment, Community Gardens

- are limited to 18,750 square feet (exactly 6 standard city lots) unless located in a Park or Open Space (POS) district. Note that there is no limit to the size of parking lots or vacant land.
- may not offer produce sales by gardeners
- typically provide 10' x 10' plots per gardener. Accessory structures, like tool storage and green/hoop houses, are limited to a total 100 square feet or 10% of the garden size, whichever is larger. For a maximum allowed garden (six lots), this means that only 10 to 12 people could have a hoop house when the typical 4 foot pathways between plots are counted. There just would not be room for more.
- have been required to provide street trees. Although not required by zoning, the City has been insisting that street trees be provided on 25 foot centers even though produce does not grow well in the shade.
- are not required to install fencing, but if installed it must be "architectural" fencing. Chain link is not allowed even though many of the City's vacant lots are surrounded by chain link. Wrought iron fencing is clearly what is expected. The cost of such fencing is 3 to 5 times more than chain link.

Non-Profit Urban Farms/Gardens.

The Use Standards for urban farms are located under the section in the code devoted to **17-9-0103 Bed and Breakfast** also. Under these rules, urban farms

- are limited in size to 25,000 square feet (about 1/2 acre) without special review¹¹ in most districts. Special review is required to develop a larger garden. Note: 25,000 sf is not large enough for an economically viable garden.
- may not sell produce in a tent or open air booth (like a farmers market). An enclosed *permanent* building is required.¹² This adds unnecessary cost.
- are required to provide street trees. Although not required by zoning¹³, the City has been insisting that street trees be provided on 25 foot centers even though produce does not grow well in the shade.
- are not required to install fencing, but if installed it must be "architectural" fencing. Chain link is not allowed even though many of the City's vacant lots are protected by chain link. Wrought iron fencing is expected. The cost is 3 to 5 times more than chain link.
- on city-owned sites, would be required to remove all environmental contamination. Total removal would be difficult if not impossible and not in compliance with best practices for remediation in which the final site use plays a key role, yet these farms are temporary.
- complying with the total removal rule would spend exorbitant and unnecessary sums
- In many districts in which urban farms would be allowed under the amended ordinance (B1, B2, B3, and C1 Districts), farming would have to be conducted within fully enclosed buildings¹⁴. This seems absurd and may be an error, but the City has not yet acknowledged it or provided a revised amendment.

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- must remove *all* contamination on City-owned land even if the farm is temporary and contamination can be demonstrated to have no impact on produce grown
- must remediate with barrier (six inches of clay or geotextile barrier) even if no contamination is found¹⁵
- City is requiring \$10M of insurance even though most contracts with the City require \$2M.
- are required to plant parkway trees¹⁶ at 25 feet on center on all public streets despite the fact that vegetables need sun and that these farms are temporary uses
- Screening from abutting-R zoning
 - must be masonry or wood, expensive and not necessary
 - must be planted with vines
 - is limited to 7 feet in height; not enough to keep out vandals
- In screening in B2 and C2 districts¹⁷: must screen at street frontages
 - preventing the beautification role
 - preventing much of the potential for education
 - reduces the potential to build community
 - reduces economic potential and mission support

¹ See the attached amendment for the amendment language.

² See the attached amendment for the amendment language.

³ This analysis was performed by Kevin Pierce, Resource Center Board Chairman. Kevin was a member of the consultant team that revised the Chicago Zoning Code in 2002–2004. He is Managing Director, Shaw Sustainable Design Solutions of Illinois, LLC, an architecture and planning firm providing sustainable design of high performance buildings and places. It's part of Shaw Environmental & Infrastructure a leading provider of environmental solutions and a worldwide subsidiary to Shaw Group, a Fortune 500 Company with 25,000 employees and 300 offices and locations in the US and abroad. Kevin has over 20 years experience in architecture and planning, and has spent the past twelve exclusively on sustainable design. He's helped advance sustainability throughout the region and has played a leadership role in key projects including the Chicago Center for Green Technology, the City of Chicago's flagship green building and the first LEED Platinum municipal building in the US. He is a LEED Accredited Professional and a Certified Energy Manager. He is a board member of the American Institute of Architects, Illinois. He has taught architecture and planning at the Illinois Institute of Technology, the University of Oregon, the University of Illinois, Chicago, and the Art Institute of Chicago. A member of the US Green Building Council, the American Institute of Architects, and the American Planning Association, Kevin is regularly invited to speak at national and regional conferences on architecture and sustainability.

⁴ In a letter of September 21, 2010, then Commissioner of Zoning, Patricia Scudiero stated “DPZ...disagrees with AUA’s recommendations...the terms and definitions of ‘community garden and ‘commercial garden/greenhouse’ will remain as proposed... [in the amendment]...The size limit for ‘community garden’ uses will remain as proposed... [in the amendment].”

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⁵ Specifically, the current zoning code states:

17-5-0204 Prohibited Uses. Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited. [*the “-” refers to the use tables for each zoning district*]

The code also states:

17-17-0101-D Determination of Appropriate Land Use Categories. When a specific use type *CANNOT* be classified into a Use Category or appears to fit into two or more Use Categories, the Zoning Administrator is authorized to determine the most appropriate Use Category.

*In other words, everything not explicitly permitted is prohibited, BUT the Zoning Administrator can classify ANY use as fitting into one of the existing use categories. This gives the Zoning Administrator the ability to find a use category for **any** proposed use if they are so inclined. This means a special ordinance focusing on definitions is not strictly needed.*

⁶ **17-17-0103 Public and Civic -F Parks and Recreation (proposed amendment).** Recreational, social, or multi-purpose uses typically associated with public parks, public open spaces, public play fields, public or private golf courses, or public recreation areas or buildings.

- Community Garden. A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution or personal use. Sites owned and managed by public or civic entities, nonprofit organizations or other community-based organizations that are responsible for maintenance and operations. Processing, storage and sale of plants or plant products are prohibited on site.

⁷ **17-17-0104 Commercial -I Construction Sales and Services (proposed amendment).**

Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as “Automotive” and/or “Heavy Equipment” use types. Typical uses include building materials stores, tool and equipment rental or sales and building contracting/construction offices.

1. **Commercial Garden or Greenhouse. Propagation, processing and storage of plants products for wholesale or retail sales. Typical uses include but are not limited to, growing beds, hoop houses, greenhouses, vertical farming and hydroponic systems.**

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⁸ Non-Profit Urban Farms can create the following public benefits and others:

- **offer high-quality, high-nutrition produce at reasonable prices.** City Farm, a project of the Resource Center (RC) currently sells on-site at a sliding scale to many CHA (Cabrini) residents and others. Lower prices are supported by higher value sales to restaurants seeking the best produce available. This is an opportunity to provide good produce to low-income residents.
- **be self-supporting economically** after start-up costs are met. A one-acre farm can be developed for about \$50,000. Annual revenues at City Farm are \$100,000/acre in 2010. Compare this to the typical Illinois corn or soybean farm yield of \$900 to \$1100/acre —100 times more!
- **create living-wage jobs.** City Farm employs three full-time workers and 20 seasonal workers. Currently, the cost to create a City Farm job is about \$12,500. Compare that with the average national cost of creating jobs which ranges from to \$31,000 to more than \$51,000 per job.
- **provide education on the entire food cycle:** production, distribution, preparation, consumption, waste-to-compost, through tours, participation in the Education Matters program, school visits, university engagement.
- **provide a place for neighborhood composting.** The farm could be a place for neighbors to bring leaves, grass clippings, and even food scraps for composting. This would reduce waste hauling cost for the City, keep valuable nutrients in the neighborhood, and enable composting for residents who would otherwise be unable to.
- **beautify and revitalize neighborhoods.** The LISC-funded quality-of-life plan for Washington Park and other neighborhoods has identified urban agriculture as a primary force for neighborhood revitalization. RC is working to build a 2-acre farm there.
- **build community.** Neighborhood-based urban agriculture provides community connections, a meeting place for residents, and a cause to rally around. City Farm has over 200 volunteers and 5000 visitors a year.
- **support community-based development.** RC turns vacant lots into attractive, productive places that can help showcase neighborhoods, improve property values, and provide a model for incremental change.

⁹ Applicable parking and use standards are noted in the use table for each zoning district. 17-10-0207-O Parking Group O- (Construction Sales and Service) B, C, M dash 1, 1.5, 2, 3: 1.66 spaces per 1,000 square feet

¹⁰ Applicable parking and use standards are noted in the use table for each zoning district. 17-10-1002-A Surfacing. All off-street parking areas and driveways except those serving detached houses must be improved with a compacted base, not less than 4 inches thick, surfaced with asphaltic concrete, or a comparable all-weather dustless material. Sand or gravel is not considered dustless material

¹¹ 17-3-0302 Commercial establishment size limits.

17-3-0302-A B1, B2, C1-1, C1-1.5 and C1-2 Districts. The gross floor area of commercial establishments in B1, B2, C1-1, C1-1.5 and C1-2 districts may not exceed **25,000 square feet**.

17-3-0302-B B3, C1-3, C1-5, C2 and C3 Districts. Commercial establishments are not subject to size limits in the B3, C1-3, C1-5, C2 and C3 districts, but some large commercial establishments require review and approval in accordance with the planned development review procedures of Sec. [17-13-0600](#). The mandatory planned development review thresholds for large commercial establishments are established in Sec. [17-8-0510](#).

17-3-0303 Industrial Establishment Size Limits. The gross floor area of industrial establishments in C1 and C2 districts may not exceed 25,000 square feet.

¹² 17-6-0403-F Use Table and Standards. Construction Sales and Service . Commercial Garden or Greenhouse (with outdoor operation) Accessory sale of goods produced on site shall not exceed 3000 square feet (**permanent indoor space**)



¹³ 17-11-0100 Parkway trees.

17-11-0101 Applicability. The standards of this section (17-11-0100) apply to all of the following, except as expressly exempted under Sec. 17-11-0102

¹⁴ 17-3-0304-A B1, B2, B3, and C1 Districts. All allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within **completely enclosed buildings** unless otherwise expressly stated. This requirement does not apply to off- street parking or loading areas, automated teller machines, outdoor seating areas or drive-through facilities that are allowed in such districts as a special use.

¹⁵ From City presentation by Brad Roback, July 14, 2010, Department of Zoning and Land Use Planning Sustainable Development Division:

1. Environmental site assessments(phaseIandII)
2. Hazardous contaminants are identified, the contaminants need to be removed
3. If no hazardous contaminants are identified, implementation of urban agriculture growing barrier

¹⁶ 17-11-0103-A Anyone undertaking or allowing the construction upon, improvement to, or use of any property that is subject to this section, must install and maintain parkway trees within that portion of the public parkway contiguous to the zoning lot in accordance with the provisions of Chapter 10-32 of the Municipal Code and the following requirements:

1. One parkway tree is required per 25 linear feet of street frontage.

¹⁷ 17-3-0304-B C2 and C3 Districts.

1. Outdoor display and storage. Outdoor display and storage is permitted in C2 and C3 districts, subject to the screening requirements of this section.

2. Screening.

(a) Outdoor storage or display areas that abut R districts along a side property line or rear property line or are separated from an R district by only an alley along a side property line or rear property line must be effectively screened from view of the R district by a solid wall, solid fence, or dense vegetative screen not less than 6 feet in height and not more than 8 feet in height. Fences and walls must be masonry or wood, sight-obscuring and planted with vines. Chain- link fencing is prohibited.

(b) The view of outdoor areas used to store goods and materials that are not available for retail sale to the general public must be **visually screened from all contiguous streets** other than alleys either by permitted structures or by a vegetative buffer that is at least 6 feet in height or by a combination of such features. Required screening must be located between the perimeter of the outdoor storage area and any property line abutting a public street, other than an alley. This screening requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.