

	<b>Ordinance</b>	<b>Date</b>	<b>Types of Uses Defined</b>	<b>Zones Where Urban Ag Permitted</b>
<b>Chicago</b>	Draft Amendment to Ch 17 - Zoning	Proposed Dec. 2010	"Community Garden" appears to be defined (in § 17-17-0103-F Parks and Recreation) as "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." "Commercial Garden or Greenhouse" appears in § 17-3-0207 Use Table and Standards, but is not defined.	Community Garden would be permitted in all residential districts (§ 17-2-0207). Commercial Garden or Greenhouse would be permitted in light (M2) and heavy (M3) industrial districts (§ 17-3-0207).
<b>Seattle</b>	Ordinance 123378	In effect as of 9/23/10	The basic idea: Community Gardens (CG) means noncommercial growing of plants for household use; Urban Farm (UF) means commercial growing of plants for sale. There are actually five defined agricultural uses: 1. "Animal Husbandry" (AH) means use in which animals reared or kept to sell animals or their products such as meat, fur or eggs; 2. "Aquaculture" (AQ) means use in which food fish, shellfish or other marine foods are raised to sell them or their products; 3. "Community Garden" (CG) means "a use in which land managed by a public or nonprofit organization, or a group of individuals, is used to grow plants and harvest food or ornamental crops from them for donation or use by those cultivating the land and their households"; 4. "Horticulture" (HC) means "use, other than an urban farm, in which plants are grown for the sale of them or their products or for use in any business, and in which other customarily incidental products may be sold"; 5. "Urban Farm" (UF) means "a use in which plants are grown for sale of the plants or their products, and in which the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold." (All under §23.84A.002 "A")	Depends on type of use. In residential small lot, residential single family, and all residential multifamily zones: CG permitted as principal use (§23.43.006.E, §23.44.006.C, §23.45.504); UF ≤4000 sqft planted area permitted outright as accessory use to any primary use permitted outright or allowed by permit (§23.43.040.E, §23.44.042.A, §23.45.504.C); UF >4000 sqft planting area may be allowed by conditional use permit (§23.43.040.E, §23.44.042.B, §23.45.504.C). In commercial zones: both CG and UF are permitted outright in all zones (§23.47A.004); HC and AQ are permitted outright, but with size restrictions of 10k and 25 sqft in neighborhood commercial zones 1 and 2 (§23.47A.004); AH is an accessory use in all commercial zones. In all industrial zones; both CG and UF are permitted, "except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as vertical farming" (§23.50.012.B.14); AQ is permitted outright; HC and AH are prohibited.

	<b>Drafting process, opportunity for public participation</b>	<b>Size Limit?</b>	<b>Commercial Use?</b>
<b>Chicago</b>	Little public participation in process prior to submission of draft ordinance to city council.	Community Gardens shall not be larger than 18,750 square feet, except in park and open space (POS) districts. There is no size limit for community gardens in the POS1 and POS2 districts (§ 17-9-0103.5-A). There is no size limitation mentioned for Commercial Gardens.	For Commercial Gardens in M2 and M3 zones, "Accessory sale of goods produced on site shall not exceed 3000 square feet (permanent indoor space)" (§17-9-0103.3)
<b>Seattle</b>		Residential zones: UF up to 4000 sqft w/o permit; above 4000 w/ DPD permit. Commercial zones: permitted w/o size restriction, except aquaculture and horticulture, which are limited to 10,000 sqft in zone NC1 and 25,000 sqft in zone NC2 (§ 23.47A.004). Industrial zones: horticulture and animal husbandry not permitted; aquaculture permitted w/o restriction; community gardens and urban farms permitted w/o restriction except in "designated manufacturing and industrial centers" where permitted only on rooftops and/or as vertical farming (§ 23.50.012).	For UF, allowed pursuant to definition: "a use in which plants are grown for sale of the plants or their products, and in which the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold" (§ 23.84A.002 "A" 5). In residential zones, UF retail sales must happen btw 7am-7pm, and commercial deliveries are limited to one per day (§23.42.051.A.2-3) In commercial zones, size limits that normally apply to outdoor sales do not apply to permitted agricultural uses (§23.47A.011.B); normal restrictions on distance between outdoor sale of food in commercial lot and adjacent residential lot also do not apply to agricultural use (§23.47A.011.E.1).

	<b>Temporary Use Permitted?</b>	<b>Processing allowed on-site?</b>	<b>Sales allowed on site?</b>	<b>Accessory buildings - space limit</b>
<b>Chicago</b>	No mention.	Not for Community Gardens (at least not in POS districts): "Processing... of plants or plant products [is] prohibited on site." (§ 17-17-0103-F) No mention of processing restrictions for Commercial Gardens.	Not for Community Gardens (at least not in POS districts): "sale of plants or plant products [is] prohibited on site" (§17-17-0103-F). Sales allowed for Commercial Gardens, but space restricted to 3000 sq ft permanent indoor space.	For Community Gardens, "Accessory buildings, such as sheds or greenhouses shall not exceed more than 10% of the site area, or 100 square feet, whichever is greater" (§ 17-9-0103.5-B). Other than restriction on accessory sales space, no space limit mentioned for Commercial Gardens (this is especially vague).
<b>Seattle</b>			Yes: In residential areas, sales allowed between 7am and 7pm daily (§ 23.42.051.A.2). On site sales do not count as commercial pick-ups (§ 23.42.051.A.3)	For UF in residential zone, if there is no principal structure on the lot, max. gross area of all farm structures is 1000 sq ft, w/ 12 ft max. height. In all zones, total gross floor area of all structures for Community Garden use may not exceed 1,000 square feet on any lot (§ 23.42.053.A); Structures limited to 12 feet in height (§ 23.42.053.B); Structures subject to development standards of zone as they apply to accessory structures (§ 23.42.053.C)

	<b>Accessory buildings - classification</b>	<b>Landscaping Restrictions?</b>	<b>Off-site compost allowed?</b>	<b>Other comments</b>
<b>Chicago</b>	For Community Gardens, mention only made of "Sheds or greenhouses" - no mention made of hoopouses, nor of temporary/permanent distinction. For Commercial Gardens, mention made of "permanent indoor space" with respect to "accessory sale", but no mention made of permanent structures for other use, or of non-permanent structures.	None mentioned.	No, neither for Commercial Gardens/Greenhouses, nor for Community Gardens. : "Composting is limited only to the materials generated on site, and must comply with the standards of Section 7-28-715 of the Municipal Code." (§ 17-9-0103.3 and §17-9-0103.5-C)	
<b>Seattle</b>	"Greenhouse means a structure or portion of a structure, made primarily of glass or other translucent material, for which the primary purpose is the cultivation or protection of plants" (§ 23.84A.014 "G"). Solarium is defined as a "room, porch or other area, that is designed to admit sunlight, is part of a larger structure, is enclosed substantially entirely by glass or another transparent material, and is not primarily used for the cultivation or protection of plants" (§ 23.84A.014 "S").	Urban farms in residential zones may be required to landscape to reduce visual and noise impacts, as indicated by director of planning and development (§ 23.42.051.B.3)		Keeping of animals addressed in § 23.42.052, not discussed here. Permitted heights, rooftop coverage, and setback of greenhouses also not discussed here, but addressed in various sections of the ordinance.

	<b>Ordinance</b>	<b>Date</b>	<b>Types of Uses Defined</b>	<b>Zones Where Urban Ag Permitted</b>
<b>Baltimore</b>	Draft §14-305 (CG) and §14-327 (UA)	Draft proposed April 2010	"Community Garden" (CG) defined as "An open space area that is used for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family." "Urban Agriculture" (UA) defined as "The cultivation, processing, and marketing of food within the City, which may or may not include the use of intensive production methods, extended growing seasons, and on- site sale of produce." (§1-202(3))	In single-family residential zones, CG is permitted, UA is conditional (§8-201). Same in open space district (§7-201), Rowhouse and multifamily residential districts (§9-201), commercial districts (§10-201), office residential district (§12-301)
<b>San Francisco</b>	Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34	Introduced by Dept. of Planning and then-Mayor Newsom on Dec. 15, 2010	"Neighborhood Agriculture" and "Urban Industrial Agriculture." Neighborhood Agriculture (NA) is "a use that occupies less than 1 acre for the production of food or horticultural crops to be harvested, sold, or donated and comply with the controls and standards herein. The use includes, but is not limited to, home, kitchen, and roof gardens. Farms that qualify as Neighborhood Agricultural use may include, but are not limited to, community gardens, community-supported agriculture, market gardens, and private farms. Neighborhood Agricultural use may be principal or accessory use. Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on otherwise vacant property, but may not occur within a dwelling unit. Food and/or horticultural products grown that are used for personal consumption are not regulated." (Draft § 102.34(a)) The draft section lists physical and operational standards that apply to Neighborhood Agriculture. Urban Industrial Agriculture (UIA) is "The use of land for the production of food or horticultural crops to be harvested, sold, or donated that occur: (a) on a plot of land 1 acre or larger or (b) on smaller parcels that cannot meet the physical and operational standards for Neighborhood Agriculture." (Draft 102.34(b))	In all zones, residential and commercial, NA is permitted; UIA is conditional.

	<b>Drafting process, opportunity for public participation</b>	<b>Size Limit?</b>	<b>Commercial Use?</b>
<b>Baltimore</b>	Public website maintained soliciting public comment and feedback on draft zoning ordinance: www.rewritebaltimore.org. Also, multiple public meetings attended by hundreds of citizens.	No mention of size limit for either CG or UA.	For CG, "Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises or stored inside a structure on the premises during that time of the year when the garden is not open for public use. Only one (1) farmstand is permitted per zoning lot." (§14-305(5)) Same for UA, but multiple farmstands permitted. (§14-327(4)) UA by definition involves marketing. (§1-202(3))
<b>San Francisco</b>	Not clear how much public process there was prior to introduction of draft in Dec. 2010. According to NYTimes in August 2010, "AnMarie Rodgers, a San Francisco city planner and the daughter of an Iowa pig farmer, is circulating a draft zoning change — one that has not been made public — that she hopes will be introduced in mid-September. It has the support of Mayor Gavin Newsom." <a href="http://www.nytimes.com/2010/08/13/us/13bcfarm.html">http://www.nytimes.com/2010/08/13/us/13bcfarm.html</a>	Less than 1 acre for Neighborhood Agriculture; over 1 acre classed as Urban Industrial Agriculture.	"Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on otherwise vacant property, but may not occur within a dwelling unit" ( the hours of 6 a.m. and 8 p.m." (Draft § 102.34 (a)). On-site "Sale of food and/or horticultural products from the use may occur between the hours of 6 a.m. and 8 p.m." (Draft § 102.34 (a)(5)). Sales of processed or value added goods is prohibited (Draft § 102.34 (a)(6)).

	<b>Temporary Use Permitted?</b>	<b>Processing allowed on-site?</b>	<b>Sales allowed on site?</b>	<b>Accessory buildings - space limit</b>
<b>Baltimore</b>	CG is a permitted temporary use, and has same restrictions as permanent CG regarding sales, buildings, etc.	Yes for UA but requires management plan. (§14-327(1)(ii)) No mention for CG, so presumably not.	Yes, for both CG and UA.	For CG, only one farmstand per site. For UA, no limit on structures for extending growing season: "Greenhouses (permanent or temporary), high tunnels/hoop-houses, cold-frames, and similar structures used to extend the growing season are permitted. There is no limit on the number or square footage on these structures." (§14-327(2)). For UA, "The combined area of all [permanent] structures is limited to fifteen percent (15%) of the lot area." Permanent structures are limited to tool sheds, shade pavilions, barns, rest-room facilities and planting preparation houses. Buildings must be set back from any lot line a minimum distance of ten (10) feet. No structure may exceed twenty-five (25) feet in height. (§14-327(3))
<b>San Francisco</b>	No mention	Sale of processed food is prohibited, but no explicit mention is made of processing per se.	"Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on otherwise vacant property, but may not occur within a dwelling unit" ( the hours of 6 a.m. and 8 p.m." (Draft § 102.34 (a)). On-site "Sale of food and/or horticultural products from the use may occur between the hours of 6 a.m. and 8 p.m." (Draft § 102.34 (a)(5)). Sales of processed or value added goods is prohibited (Draft § 102.34 (a)(6)).	Greenhouse would remain a conditional use in residential zones, as it is currently. §209.5. No mention of hoop-houses.

	<b>Accessory buildings - classification</b>	<b>Landscaping Restrictions?</b>	<b>Off-site compost allowed?</b>	<b>Other comments</b>
<b>Baltimore</b>	For CG, "Permanent structures are prohibited. However, temporary greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures are permitted to extend the growing season. Accessory structures, such as sheds, gazebos and pergolas, are also permitted." (§14-305(4))	Other than setbacks, none mentioned.	No mention	Public participation is particularly impressive, but in the context of a wholesale revamping of the entire zoning code, not just urban ag.
<b>San Francisco</b>	Greenhouse not defined	"If the farmed area is enclosed by fencing, the fencing must be wood fencing or ornamental fencing as defined by Planning Code Section 102.32" (Draft § 102.34(a)(2))	No mention of where compost can come from or go to. However, "Compost areas must be setback at least 3 feet from property lines." (Draft § 102.34(a)(1))	Found the draft ordinance on website of SF Small Business Commission: <a href="http://www.sfgsa.org/index.aspx?page=3812">http://www.sfgsa.org/index.aspx?page=3812</a> Not clear how or if it might be changed now that Edwin Lee is the interim mayor.

	<b>Ordinance</b>	<b>Date</b>	<b>Types of Uses Defined</b>	<b>Zones Where Urban Ag Permitted</b>
<b>Cleveland</b>	Chapter 336 (Urban Garden District); Ch. 337 (Ag in residential districts); Ch. 336A (Urban Ag Overlay District)	Ch. 336 adopted 2007; Ch. 337 adopted 2010; Ch. 336A was pending for adoption in 2010, not clear if adopted.	“Community garden” means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. 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." (§336.02.a) "“Market garden” means an area 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." (§336.02.b)	Ch. 337 permits agriculture as a principal use on all vacant residentially zoned lots. Ch. 336 established the “Urban Garden District” as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community." (§336.01) Ch. 336A would allow the City to designate particular areas for larger-scale farming activities, but only in areas specifically designated through ordinances adopted by City Council through a rezoning process.
<b>Nashville</b>	SUBSTITUTE ORDINANCE NO. BL2009-479 amending § 17.04.060 of the Metropolitan Code	Effective July 30, 2009	“Commercial community gardening” (CCG) means an individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale. Commercial 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. “Non-commercial community gardening” (NCCG) means a group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. 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. Non-commercial community gardening refers to crops for use/consumption by growers only. § 17.04.060	NCCG is a Permitted use in Agricultural Districts, Single-Family Districts, One and Two-Family zoning districts, Commercial Districts, and Industrial Districts. § 17.08.020. CCG is a Permitted use in the AR2a zoning district, as well as Commercial Districts Industrial Districts. § 17.08.020. CCG is a Special Exception use in the certain other districts.

	<b>Drafting process, opportunity for public participation</b>	<b>Size Limit?</b>	<b>Commercial Use?</b>
<b>Cleveland</b>	Unclear	Unclear	Ch. 337 permits sale of produce from farm stands in Residential Districts as conditional use with BZA approval, in consideration of established factors.
<b>Nashville</b>	Unclear	None stated	Commercial Community Gardens seem to allow commerce, by definition.

	Temporary Use Permitted?	Processing allowed on-site?	Sales allowed on site?	Accessory buildings - space limit
<b>Cleveland</b>	No mention	No mention	Conditional use.	In the Urban Garden District "the combined area of all buildings, EXCLUDING greenhouses and hoopouses, shall not exceed fifteen percent (15%) of the garden site lot area." (§336.05 (a)-(c))
<b>Nashville</b>	No mention	No mention	No mention	No mention

	<b>Accessory buildings - classification</b>	<b>Landscaping Restrictions?</b>	<b>Off-site compost allowed?</b>	<b>Other comments</b>
<b>Cleveland</b>	"Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use" (§336.05(f)). "(c) "Greenhouse" means a building made of glass, plastic, or fiberglass in which plants are cultivated. (d) "Hoophouse" means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape. (e) "Coldframe" means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold." (§ 336.02 (c)-(e))	Ch. 337 permits 4-foot high vinyl-coated chain link fences in front yards of urban agriculture uses, whereas chain link fences are otherwise prohibited in front yards in Residential Districts.	No mention	Unclear from summary on planning commission website if overlay district (Ch. 336A has been adopted). <a href="http://planning.city.cleveland.oh.us/zoning/cpc.php">http://planning.city.cleveland.oh.us/zoning/cpc.php</a>
<b>Nashville</b>	No mention	Board of zoning appeals has authority to require landscape buffering for properties abutting a residentially zoned property. §17.16.230 A(1).	Several requirements concerning compost on site, including that compost cannot cover more than ten percent (10%) of the total area of the property, but no mention of bringing material to compost from other sites, or taking compost to other sites.	<a href="http://www.nashville.gov/mc/ordinances/term_2007_2011/bl2009_479.htm">http://www.nashville.gov/mc/ordinances/term_2007_2011/bl2009_479.htm</a>

	Ordinance	Date	Types of Uses Defined	Zones Where Urban Ag Permitted
<b>Kansas City</b>	§88-312-01 (Crop Ag) and §88-312-02 (Home, Community, CSA)	Jun 1, 2010	Four Categories defined: 1. "Home Garden" (HG) is a garden that gardeners and their family or housemates maintain on the site where they live, eating the produce themselves, or selling or donating it (§88-312-02-A). 2. "Community Garden" (CG) is a garden maintained by a group of individuals who eat the produce they grow, or sell or donate it (§88-312-02-B). 3. "CSA Farm" (CSA) is a farm on which food is grown and harvested for shareholder consumption, or for sale or donation, and at least part of the harvest is sold or exchanged for labor to shareholders (§88-312-02-C). 4. "Crop Agriculture" (CA) means growing and harvesting food crops for off-site sale or donation at locations where retail sales are allowed (§88-312-01).	In residential zones: HG and CG are permitted; CSA generally requires a Special Use Permit (Table 110-1). In office and commercial zones, downtown, and manufacturing zones, all categories are permitted (Table 120-1, 130-1, 140-1).
<b>Portland</b>	Use Categories, §33.920	Apr 24, 2010	""Agricultural use"" defined as including ""activities that raise, produce or keep plants	
<b>Milwaukee</b>	Chapter 295	2005	Ordinance doesn't define separate community garden or urban farm categories.	"Raising of Crops or Livestock" and "Plant nursery or greenhouse" permitted in all residential zones (Table 295-503-1), but prohibited in all commercial zones (Table 295-603-1). In Parks districts, raising of crops or livestock is permitted, and plant nursery or greenhouses are a limited use (Table 295-903-2-a).

	Drafting process, opportunity for public participation	Size Limit?	Commercial Use?
<b>Kansas City</b>	Unclear		Home Gardeners are allowed to sell produce on-site if it is whole and un-cut between May 15 and Oct. 15. Community Gardeners can sell fresh, whole, un-cut produce grown on-site if there is no house on the lot. If CSA farmers want to sell produce on-site in addition to the regular CSA, they must apply for an On-site Sales Permit. Crop Ag farmers they must have a Special Use Permit to sell produce on-site.
<b>Portland</b>			
<b>Milwaukee</b>			

	<b>Temporary Use Permitted?</b>	<b>Processing allowed on-site?</b>	<b>Sales allowed on site?</b>	<b>Accessory buildings - space limit</b>
<b>Kansas City</b>	Unclear			
<b>Portland</b>				
<b>Milwaukee</b>				

	Accessory buildings - classification	Landscaping Restrictions?	Off-site compost allowed?	Other comments
<b>Kansas City</b>		For CSAs, farmed areas must be set back at least 3 feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses. (§88-312-02-C.1)		Ordinance is online: <a href="http://www.zoningplus.com/regs/kansascity/">http://www.zoningplus.com/regs/kansascity/</a>
<b>Portland</b>				
<b>Milwaukee</b>				