

URBAN AGRICULTURE

A GUIDE FOR MUNICIPALITIES

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WHY THIS GUIDE WAS CREATED



01

In response to the increasing interest in urban agriculture, the University of Pittsburgh Institute of Politics and the Allegheny County Conservation District worked together to form the Urban Agriculture Special Committee, which developed the following guide. The purpose of this guide is to explain the benefits of urban agriculture activities and how to add permissive language to an existing zoning ordinance. To that end, the guide contains the following.

- ▶ A brief history and explanation of urban agriculture and what activities it includes
- ▶ Definitions for understanding urban agriculture language
- ▶ An overview of the benefits urban agriculture activities can bring to a community and the individuals who live there
- ▶ Regulations for urban agriculture activities and guidance for incorporating the language into an existing zoning ordinance
- ▶ Additional resources for individuals who wish to practice urban agriculture in a safe and considerate way

For many of the urban agriculture activities discussed in this guide, two types of regulations are presented: (a) those that are central to ensuring animal and public safety and (b) nonessential regulations that may be beneficial to communities.

CENTRAL STANDARDS APPEAR IN BLACK, AND OPTIONAL STANDARDS APPEAR IN GREEN.

▶ **EVERY COMMUNITY IS DIFFERENT,**

so the standards included in this guide may not be a perfect fit for all areas. Municipal leaders in urban, suburban, and rural areas would do well to consider which of the suggestions are appropriate for their respective communities and utilize the corresponding language accordingly. The guide is structured to facilitate this process by explaining how certain decisions were made.

Additionally, standards and regulations included in this document may contradict a municipality's existing regulations. It is important for municipal leaders to recognize and address such potential conflicts prior to adopting new urban agriculture ordinances. The most likely scenarios for potential conflicts are noted throughout the document.

DEFINITIONS

ACCESSORY USE

The use of a lot, tract, or parcel that is clearly secondary, incidental, and subordinate to the principal use

APIARY

Any place where one or more colonies or nuclei of bees are kept

BEE

Any stage of the common hive of honeybee (*Apis mellifera*) or other species of the genus *Apis*

COLONY

A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood

COMMUNITY GARDEN

A lot comprised of one or more tax parcels that is used by a group of individuals in the community to grow and harvest food or non-food crops primarily for personal or group use or donation. A community garden may be divided into plots for cultivation by one or more individuals and/or groups, or it may be cultivated by individuals and/or groups collectively.

COMPOST

Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, perhaps including raw and uncooked kitchen food waste. Commonly this process specifically excludes bones, meat, fat, grease, oil, raw manure, and milk products, which are difficult to break down and can cause odor and nuisance issues.

COMPOSTING

The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product

CONDITIONAL USE

A use that, because of special requirements or characteristics, is permitted only by conditional use permit and which must comply with all terms and conditions of the permit

COOP

A structure, not necessarily attached to the ground, with a top and sides that is designed to provide shelter and protection for small animals or birds

DOMESTIC FOWL

A gallinaceous bird kept chiefly for its eggs and flesh, such as a domestic cock or hen, turkey, pheasant, and other similar animals

FARM ANIMAL

Any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm; not an “exotic animal” or a house pet such as a dog, cat, or similar animal

FARM STAND

A structure, often temporary, for the display and sale of permitted products, such as vegetables, produce, flowers, orchard products, and similar non-animal agricultural products grown or produced on the general property of the community garden or market garden upon which the stand is located

FARMERS’ MARKET

A pre-designated area, with or without temporary structures, where vendors and individuals who have raised vegetables or produce (or have taken the same on consignment for retail sale) sell vegetables, produce, flowers, orchard products, locally produced packaged food products, and/or animal agricultural products

FLYWAY BARRIER

A barrier composed of a fence, vegetation, hedge, or combination thereof, which directs bees quickly into the sky

HIVE

Any frame hive, box hive, box, barrel, log, gum, skep, or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees

MARKET GARDEN

A garden or orchard where food is grown primarily to be sold for profitable or non-profitable/charitable purposes. It may be sold directly to consumers, restaurants, or stores.

NUCLEUS COLONY

A smaller hive, sometimes in a smaller box, consisting of bees in all stages of development, as well as food, a laying queen, and enough workers to cover three to five combs

APIARY OPERATION

Includes all colonies owned by an individual and located in any permanent location or locations within the Commonwealth

PARCEL

A tract or plot of land of any size that may or may not be subdivided and improved

PERMITTED USE

Any use permitted alone or in conjunction with another use in a particular district, provided it conforms with all requirements applicable to that district

PREDATORY BIRD

An owl, hawk, falcon, eagle, or similar bird that feeds principally by catching living prey

PRINCIPAL USE

The primary use of any lot, tract, or parcel which is permitted without a conditional use permit

SIMILAR ANIMAL

Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards, and other nuisances

TRACT

A contiguous parcel of land under common ownership

VALUE-ADDED PRODUCT

A product created by a change in the physical state or form of a primary product that enhances its value, as demonstrated through a business plan; or the physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value of the commodity or product

URBAN AGRICULTURE has a rich history in the United States.

A BRIEF HISTORY

WHAT IS URBAN AGRICULTURE?

The activities that make up urban agriculture can include, in a broad sense, the growing, processing, marketing, distributing, and consuming of food and other products through growing plants and raising animals in and around a village, town, or city.^{i,ii}

Such activities can be public, private, or commercial and can exist in a variety of forms, including community gardens, market gardens, and backyard animal keeping. When done successfully, these activities also produce environmental, health, social, and economic effects that can positively impact a community and increase its resilience. Because of these benefits, it is important that communities create conditions and structures that encourage and support urban agriculture activities.

03

VICTORY GARDENS

During WWII, Victory Gardens were promoted by the federal government as a patriotic duty and provided 41% of produce consumed in the U.S.ⁱⁱⁱ



- ▶ Urban gardens provide food and activity in growing cities.

1940s

1890s

1930s

- ▶ During the Great Depression, families rely on backyard and community gardens for food.



► Urban agriculture is connected to the burgeoning sustainable cities movement.^{vi}



► At the forefront of the revitalization of community gardening, the Green Guerillas organize in New York City to beautify and make use of a growing number of vacant lots.^{iv}

PENNSYLVANIA AS A LEADER

Philadelphia becomes home to the world's first completely solar-powered indoor farm, and Pittsburgh announces plans to build the world's largest urban farm.^{vii,viii}

1973

1990s

2017

1950s

1976

2006

SCHOOL GARDENS

School gardens became a popular type of community garden.



► The USDA begins the Urban Garden Project, designed to help people experiencing poverty in urban areas learn about and begin to grow food.^v

► The Omnivore's Dilemma is published, helping to spur a national "eat locally" movement and encouraging further development of urban agriculture in the process.

BENEFITS OF URBAN AGRICULTURE

ENVIRONMENTAL



Increasing opportunities for activities such as community and market gardens in urban spaces can impact both the local and larger environments in various ways.

- ▶ Increasing biodiversity through the cultivation of native plants^{ix} and an increase in pollinator habitat
- ▶ Providing cleaner air because of the filtration of air particles by plants
- ▶ Providing protection from extreme weather, especially heat island effects, when traditionally paved and impermeable sites are replaced by green spaces, such as community or market gardens
- ▶ Increasing stormwater retention which results in reduced risks of flooding, groundwater contamination, and depleted groundwater levels
- ▶ Recycling of organic waste through composting practices^x and conversion of organic waste into chicken and other animal feed
- ▶ Mitigating the effects of burning fossil fuels through carbon sequestration^{xi,xii}

SOCIAL



Urban agriculture activities frequently take place on common parcels of land and involve the efforts of many in a community. Such gardens provide a natural way for community members to meet their neighbors, host events, and socialize in ways that may otherwise be unavailable to them. The social benefits of urban agriculture include the following.

- ▶ Revitalizing a community by developing relationships among community members through informal interactions and increasing levels of community involvement^{xiii}
- ▶ Strengthening community resilience by creating a more flexible emergency response in the event the current food system should change^{xiv, xv} and by developing internal support networks
- ▶ Increasing community pride as residents become more engaged^{xvi}
- ▶ Educating community members by providing opportunities for learning about food, nutrition, cultural diversity, and sustainable living^{xvii}

HEALTH-RELATED



Allowing community members to produce food in their own neighborhoods improves both a community's access to healthier food and residents' own personal health.

- ▶ Increasing the consumption of fresh fruit and vegetables for gardeners, their families, and their neighbors^{xviii}
- ▶ Improving personal mental well-being through stress reduction as a result of participating in and connecting with nature through the act of gardening^{xix,xx}
- ▶ Creating more opportunities for physical activity for residents active in the gardens and those living around the green space^{xxi}

ECONOMIC



Urban agriculture activities also provide opportunities for economic development and improvement in a community.

- ▶ Encouraging entrepreneurship and providing workforce training opportunities for residents involved in urban agriculture activities, especially in economically distressed areas^{xxii,xxiii}
- ▶ Increasing property values in the community surrounding a market or community garden, particularly in distressed neighborhoods^{xxiv}
- ▶ Increasing a community's self-reliance as it begins to rely less on other regions for food and more on its own urban agriculture practices^{xxv,xxvi}

CURRENT PRACTICES

Urban and suburban communities across the nation have incorporated language in their zoning ordinances to support urban agriculture activities. Finding the appropriate balance between regulations and support is important for a community to take full advantage of the benefits urban agriculture offers. Too few regulations can allow for undesirable conditions for animals and residents, but too many regulations can unnecessarily limit benefits.

In some instances, urban agriculture has been incorporated into a zoning ordinance as a conditional use or special exception rather than permitted by right. However, it is important for a municipality to consider carefully the potential effects of placing such restrictions on urban agriculture, as this can create an unnecessarily burdensome process, inadvertently placing exorbitant time and financial strains on the municipality and limiting community benefits. For example, the City of Pittsburgh's first attempt at allowing urban agriculture permitted certain activities only as special exceptions, which resulted in a backlog of applications and reviews.^{xxvii}

ORDINANCE GUIDE

Urban Agriculture in Existing Zoning

The standards in this guide are meant to be incorporated into a municipality's existing zoning ordinances. These standards are written to allow urban agriculture activities in a way that is appropriate, sanitary, safe, and mindful of minimizing the potential concerns of neighbors. The activities discussed include community and market gardens; the keeping of domestic fowl, miniature goats, other farm animals, and bees; and farmers markets, all of which can be effectively conducted in nearly all zoning districts.

Urban Agriculture in an Overlay District

An alternative to allowing urban agriculture activities in all zoning districts is to establish an Urban Agriculture District as an overlay to existing districts already in a zoning ordinance. Overlay districts do not replace an area's base zoning, but instead allow for special uses within the borders of the overlay district. These types of districts can share the same borders as existing zoning districts, comprise part of a district, or cut across multiple districts. This method allows municipal leaders to determine where urban agriculture activities would be most beneficial and/or target specific areas where the benefits of urban agriculture would have the best chance at being fully realized. An overlay district can be added to a municipality's zoning map to include areas where urban agriculture is deemed an appropriate use of land.





► **CLEVELAND, OHIO**, has updated its zoning code to allow for urban garden areas, farm animals and bees, and agriculture in residential areas. Additionally, Cleveland City Council implemented urban agriculture overlay districts that would allow for more intensive uses of urban agriculture within designated areas of the city.^{xxviii}

DEFINITIONS

The terms and definitions on page 6 of this guide can be added to zoning ordinances as needed. Examine any existing definitions in the ordinances for potential conflicts.

PERMITTED USES

In the section of the zoning ordinances that lists permitted uses for all zone districts, add the following as accessory uses.

- ▶ The keeping of domestic fowl
- ▶ The keeping of miniature goats and sheep
- ▶ The keeping of bees

Add the following as a permitted principal use in all zoning districts.

- ▶ Farmers' markets

Add the following as permitted principal or accessory uses.

- ▶ Community gardens, which may occasionally sell items grown at the site
- ▶ Market gardens, including the sale of crops produced at the site

Note: When they appear as accessory uses, community and market gardens are most often accessory to a church, school, community center, or similar organization.

Add the following as permitted accessory uses in all zoning districts.

- ▶ Farm stands
- ▶ Composting

SUGGESTED CRITERIA

The following sections could be incorporated into existing municipal zoning ordinances pursuant to the headings.

- ▶ **IF A MUNICIPALITY IS CONCERNED** about allowing residents to keep animals and bees on parcels where there is no occupied residence, such as where the principal use is a community or market garden, the municipality could require that a care plan be submitted for the animals and bees. Another option, used in the City of Philadelphia, Pa., could be to allow animals and bees on residential parcels as well as at facilities used for educational purposes, such as schools.





COMMUNITY GARDENS

shall be governed by the following regulations.

HOURS OF OPERATION.

Operation using machinery may begin at sunrise or 7:00 am, whichever is earlier, and must end at sunset or 9:00 pm, whichever is later. Automatically functioning equipment, such as sprinklers, is not considered operation.

ADDITIONAL USES AND STRUCTURES.

Community gardens may include any of the following features: raised and/or accessible planting beds, compost bins, picnic tables, garden art, rain barrel systems, rest room facilities or portable toilets, signage, storage sheds, and children's play areas.

WASTE CONTAINERS.

All community gardens shall have suitable containers for waste and recyclables that are regularly serviced.

SALES.

A community garden may include a seasonal farm stand only for the sale of items grown at the site; no other merchandise may be sold. Stands shall be removed from the premises or stored inside a building on the premises or off site when the garden is not in operation. Sales must occur on-site and only between 7:00 am and 9:00 pm.

¹Chicago's regulations for community gardens can be found in 17-9-0103.5 of the Chicago Municipal Code, accessible here: [http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicago_il](http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il)

²Portland's regulations for community gardens can be found in 33.237.200 of the Portland Municipal Code, accessible here: https://www.portlandoregon.gov/bps/title33_complete_print.pdf

³Pittsburgh's regulations for community gardens can be found in 912.07.A of the Pittsburgh Municipal Code, accessible here: https://www.municode.com/library/pa/pittsburgh/codes/code_of_ordinances?nodetd=PIZOCO_TITNINEZOCO_ARTVUSRE_CH912ACUSST_912.07URAGACUS

⁴Boston's regulations for on-site sale of produce can be found in 89.12 of the Boston Municipal Code, accessible here: https://www.municode.com/library/ma/boston/codes/redevelopment_authority?nodetd=ART89URAG_S89-12FAMAFAS

COMMUNITY GARDENS

► **REGULATIONS FOR COMMUNITY GARDENS VARY IN CITIES AROUND THE NATION.**

Community gardens primarily function as a secondary backyard for individuals in the community, with much of the produce being consumed by the gardeners and their families. To encourage increased food access for as many community members as possible, this guide does not regulate the size of community gardens. Some areas, such as the City of Chicago, Ill.,¹ do limit the size of community gardens, whereas other cities, such as Portland, Ore.,² and Pittsburgh,³ do not.

Many cities, such as Portland, Chicago, and Boston, Mass.,⁴ regulate the sale of produce. In Boston, sales in residential zones are conditionally allowed, whereas Portland limits the frequency of sales, and Chicago allows only incidental sales. In this guide, on-site sales are allowed but must not be the primary purpose of the community garden, ensuring that a community garden is first and foremost a community rather than commercial project.

MARKET GARDENS

► **IN MANY CITIES**, such as Boston;⁵ Seattle, Wash.;⁶ and Portland,⁷ the size of market gardens (sometimes referred to as urban farms) is regulated depending on where they are located. In some cities, such as San Francisco, Calif.,⁸ although market and community gardens are allowed in residential zones, sales are not permitted. This stricter regulation is often a result of a desire to protect residential communities from the potential effects of market gardens, which are primarily commercial in nature. This guide presents maximum area

and alternate regulations for residential and nonresidential zones as options. Specifically, the two-acre limit in residential areas is based on the fact that, to be efficiently maintained, a larger plot typically requires heavier machinery than is generally appropriate for residential areas. It is important to remember that although allowing market gardens of all sizes may not be best for all communities, too many restrictions and limitations can stunt the positive impacts these gardens can have on neighboring stores, restaurants, and individuals.



MARKET GARDENS

shall be governed by the following regulations.

HOURS OF OPERATION IN RESIDENTIAL ZONES.

In residential zones, operations using machinery may begin at sunrise or 7:00 am, whichever is earlier, and must end at sunset or 9:00 pm, whichever is earlier. Automatically functioning equipment, such as sprinklers, is not considered operation.

AREA. The area of a market garden includes the area under cultivation, the area covered by any structures associated with the garden, the compost pile, any off-street parking, and any other area associated with the activities of the garden.

MAXIMUM AREA.

1. In any high-density residential zone, the area of a market garden shall not exceed two (2) acres.
2. In other residential and nonresidential areas, there shall be no maximum size for market gardens.

SALES.

1. ON-SITE SALES. A market garden may include a seasonal farm stand for the sale of items grown at the site only. No other merchandise shall be sold. Sales shall fall within the parameters of the following regulations.

a. NONRESIDENTIAL ZONES.

In nonresidential zones, the following regulations apply to on-site sales.

- i. Exterior display is allowed.
- ii. Only produce grown on site and processed goods (jams, pickles, etc.) made from produce grown on site may be sold.

b. **RESIDENTIAL ZONES.** In residential zones, on-site sales are allowed as accessory to the agriculture use, and the following regulations apply.

- i. Exterior display is allowed.
 - ii. Only produce and value-added products made from produce grown on site, such as jams and pickles, may be sold.
 - iii. Sales are allowed only between 7:00 am and 9:00 pm.
2. **OFF-SITE SALES.** Off-site sales are subject to any existing Pennsylvania regulations for the sale of produce.

⁵Boston's regulations for urban farms can be found in 89.4 of the Boston Municipal Code, accessible here: https://www.municode.com/library/ma/boston/codes/redevelopment_authority?nodeId=ART89URAG_589-12FAMAFast

⁶Seattle's regulations for urban farms can be found in 23.42.051 of the Seattle Municipal Code, accessible here: https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_III_LAUSRE_CH23.42GEUSPR_23.42.051URFA

⁷Portland's regulations for market gardens can be found in 33.237.100 of the Portland Title 33, Planning and Zoning Code, accessible here: https://www.portlandoregon.gov/bps/title33_complete_print.pdf

⁸San Francisco's regulations for market gardens can be found in 102.35 of the San Francisco Planning Code, accessible in full here: [http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_102.35](http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_102.35) and accessible as an amendment here: <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0066-11.pdf>



FARMERS' MARKETS

shall be governed by the following regulations.

Farmers' markets, when allowed by and operated in compliance with the county or local health jurisdiction (or, where none exists, the Pennsylvania Department of Agriculture),⁹ shall be permitted and be additionally governed by the following regulations.

- ▶ **THE MARKET SHALL NOT** operate more than one day per week in residential areas.
- ▶ **MARKET HOURS SHALL NOT** exceed eight hours in duration.
- ▶ **AT LEAST HALF OF THE VENDORS SHALL** sell produce from an agricultural operation or food, live plants, or cut flowers. No used items or prepackaged nonfood items may be sold.
- ▶ **THE MARKET SHALL NOT** obstruct a path that is part of a required pedestrian circulation system.

⁹More information on the existing regulations for farmers' markets can be found here: <http://www.agriculture.pa.gov/Protect/FoodSafety/Retail%20Food/Pages/Farmers-Markets.aspx>

¹⁰Philadelphia's regulations for farmers' markets can be found in 9.213 of the Philadelphia Municipal Code, accessible here: [http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa](http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa)

A vibrant outdoor farmers' market scene. In the foreground, a man in a red cap and tan jacket walks away from the camera, carrying a blue bag. To his right, a woman in a dark jacket is selecting produce from a wooden crate filled with green leafy vegetables. In the background, other shoppers are seen under various colored umbrellas (red, blue, green). A sign for 'KUMPARICKA' is visible on a building in the distance. The scene is set under large, leafy trees, creating a dappled light effect on the ground.

FARMERS' MARKETS

- ▶ **FARMERS' MARKETS PROVIDE ANOTHER OPPORTUNITY FOR INDIVIDUALS TO ACCESS LOCAL, AFFORDABLE, AND HEALTHY FOOD.**

Pennsylvania has existing regulations for farmers' markets. In Philadelphia,¹⁰ additional regulations for farmers' markets were added to the city's ordinances, including limiting the time and locations for operation, as well as the products that may be sold. The suggested additional regulations in this guide would help ensure that farmers' markets remain true to their purpose without disrupting the broader community.

DOMESTIC FOWL

▶ **IN MANY CITIES**, including Boston,¹¹ Seattle,¹² and Salt Lake City, Utah,¹³ roosters are prohibited. Although roosters generally are not allowed because of noise, some cities allow them with restrictions, such as Stamford, Conn.,¹⁴ where it is stipulated that crowing should not be annoying to any person living in the area, and that if it is, the rooster will be removed. Before prohibiting them outright, local officials should consider the unique needs of their communities and the possibility of allowing roosters on certain sized lots, with restrictions that can help mitigate possible concerns.





THE KEEPING OF DOMESTIC FOWL

shall be governed by the following regulations.

- ▶ The keeping of domestic fowl and other small animals is regulated differently in many cities around the country. For example, Seattle¹⁵ allows as many as eight domestic fowl on any lot, along with limited numbers of other small animals, which, although not explicitly defined, may include cats, dogs, rabbits, goats, etc. San Francisco¹⁶ does not allow more than four small animals, including dogs, rabbits, chickens, turkeys, geese, ducks, doves, cats, etc. Cleveland¹⁷ prohibits the keeping of geese and turkeys in addition to predatory birds.

¹¹Boston's regulations for urban farms can be found in 89.10 of the Boston Municipal Code, accessible here: https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART89URAG_S89-10ACKEHOBE

¹²Seattle's regulations for keeping bees can be found in 23.42.052 of the Seattle Municipal Code, accessible here: https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IILLAUSRE_CH23.42GEUSPR_23.42.052KEAN

¹³Salt Lake City's regulations for keeping chickens can be found in 8.08.065 of the Salt Lake City Code, accessible here: http://extension.missouri.edu/foodsystems/documents/articles/SaltLakeCityUT/Chickens_ORDINANCE.pdf

¹⁴The Stamford ordinance on poultry can be found in Section 111-2 of the municipal code, accessible here: https://library.municode.com/ct/stamford/codes/code_of_ordinances?nodeId=COOR_CH111PUSANWE_S111-2PO

¹⁵Seattle's regulations for keeping animals can be found in 23.42.052 of the Seattle Municipal Code, accessible here: https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IILLAUSRE_CH23.42GEUSPR_23.42.052KEAN

¹⁶San Francisco's regulations for keeping animals can be found in Article 1 Section 37 of the San Francisco Municipal Code, accessible here: [http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_102.35](http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_102.35)

¹⁷Cleveland's regulations for keeping animals can be found in 347.02 of the Cleveland Zoning Code, accessible here: <http://www.nlc.org/sites/default/files/SCI%20Documents/34702farmanimalsandbees.pdf>

¹⁸In some instances, fowl or animals are adequately protected from predators by the fencing already required for their outdoor areas. In such cases, the additional measure of requiring them to be locked inside a shelter at night is not necessary. However, if a municipality believes further protection is necessary to ensure the safety of fowl or animals, requiring additional features, such as electric fencing or nighttime enclosure, could be appropriate.

¹⁹Federal and state laws regulate the processing and selling of meat and poultry. A summary of the regulations and exemptions can be found on Penn State Extension's Web site, in their Farmer's Guide to Processing and Selling Meat or Poultry: <http://extension.psu.edu/food/entrepreneurs/regulations/pennsylvania-regulations/farmers-guide-to-processing-and-selling-meat-or-poultry>

AMOUNT. Domestic fowl may be kept in the following numbers.

1. On lots smaller than 20,000 square feet but at least 2,000 square feet, as many as eight fowl may be kept.
2. On lots 20,000–40,000 square feet, as many as 12 fowl may be kept.
3. On lots larger than 40,000 square feet, an additional fowl is permitted for each additional 1,000 square feet.

CONSENT. If a lot has more than one (1) dwelling unit, all adult residents and the owners of the lot must consent in writing to allow fowl on the property.

SHELTER. The fowl must be provided with a covered, predator-resistant coop that is properly ventilated, designed to be easily accessed, cleaned, and maintained, and the coop must be at least three square feet per fowl.

STORAGE OF FEED. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

LOCATION. On any residentially zoned lot, fowl shall be located at least 10 feet from any property lines. In the instance of multiple contiguous lots under the same ownership, the lots shall be treated as one lot.

OUTDOOR AREA. During daylight hours, fowl must have access to the coop and also have access to an outdoor area that is adequately fenced to protect them from predators and prevent them from roaming onto neighboring properties.

PROTECTION. Fowl must be closed in a coop from dusk to dawn to be further protected from predators.¹⁸

SLAUGHTERING. Fowl may be humanely killed by or at the direction of the owner or keeper thereof in accordance with existing state and federal regulations.¹⁹

PROHIBITIONS. No predatory birds, guinea fowl, or roosters may be kept.



THE KEEPING OF MINIATURE GOATS AND SHEEP

shall be governed by the following regulations.

²⁰In some instances, fowl or animals are adequately protected from predators by the fencing already required for their outdoor areas. In such cases, the additional measure of requiring them to be locked inside a shelter at night is not necessary. However, if a municipality believes further protection is necessary to ensure the safety of fowl or animals, requiring additional features, such as electric fencing or nighttime enclosure, could be appropriate.

²¹Federal and state laws regulate the processing and selling of meat and poultry. A summary of the regulations and exemptions can be found on Penn State Extension's Web site, in their Farmer's Guide to Processing and Selling Meat or Poultry: <http://extension.psu.edu/food/entrepreneurs/regulations/pennsylvania-regulations/farmers-guide-to-processing-and-selling-meat-or-poultry>

²²Seattle's regulations for keeping animals can be found in 23.42.052 of the Seattle Municipal Code, accessible here: https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.42GEUSPR_23.42.052KEAN

²³San Francisco's regulations for keeping goats can be found in Article 1, Section 27 of the San Francisco Municipal Code, accessible here: [http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_102.35](http://library.amlegal.com/nxt/gateway.dll/California/planning/article1generalzoningprovisions?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_102.35)

²⁴Cleveland's regulations for keeping animals can be found in 347.02 of the Cleveland Zoning Code, accessible here: <http://www.nlc.org/sites/default/files/SCI%20Documents/34702farmanimalsandbees.pdf>

²⁵25 Pa. Code § 91. General Provisions
25 Pa. Code § 91.36. Pollution Control and Prevention at Agricultural Operations
25 Pa. Code § 83 Subchapter D. Nutrient Management

AMOUNT. Two (2) miniature, pygmy, dwarf goats or sheep, plus any number of their offspring younger than 12 weeks, may be kept on any lot. The keeping of only one miniature, pygmy, dwarf goat or sheep is prohibited. Only female or altered male miniature, pygmy, or dwarf goats or female sheep shall be permitted. No bucks or larger breeds of rams shall be allowed.

LOCATION. On any residentially zoned lot, goats shall be located at least 10 feet from any property lines. In the instance of multiple contiguous lots under the same ownership, the lots shall be treated as one lot.

SHELTER. Goats must be provided with a covered, predator-resistant shelter that is properly ventilated, designed to be easily accessed, cleaned, and maintained.

STORAGE OF FEED. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

OUTDOOR AREA. During daylight hours, goats must have access to the shelter and also have access to an outdoor area, which shall be in total at least 150 square feet per goat, as well as adequately fenced to protect them from predators and prevent them from roaming onto neighboring properties.²⁰

PROTECTION. Goats must be closed in the shelter from dusk to dawn.

SLAUGHTERING. Goats may be humanely killed by or at the direction of the owner or keeper thereof in accordance with existing state and federal regulations.²¹

MINIATURE GOATS & SHEEP

► **LIKE FOWL, SMALL FARM ANIMALS SUCH AS GOATS AND SHEEP ARE REGULATED DIFFERENTLY FROM COMMUNITY TO COMMUNITY.** As mentioned in the section regarding fowl, Seattle²² allows three small animals, which can include miniature goats, in addition to eight fowl. However, larger farm animals, including sheep, are permitted only on lots of at least 20,000 square feet. San Francisco²³ allows only two female goats for the exclusive use of the owner. In Pittsburgh as well as Cleveland,²⁴ on residential lots of at least 24,000 square feet, two farm animals, such as sheep and goats, are permitted, with an additional

animal allowed for every additional 2,400 square feet. Regulations for lots in other zoning districts are less restrictive. Cleveland also mandates the location of stables for such animals, whereas Seattle requires specific setbacks.

The regulations in this guide, such as the prohibition of keeping only one such animal and allowing it adequate outdoor space, are based on what is best for the health of the animal. The optional regulations allow communities to tailor the ordinances for any specific challenges they may face. Applicable state and federal regulations also apply.²⁵



BEEKEEPING

shall be governed by the standards of the Pennsylvania Department of Agriculture in addition to the following regulations.²⁵

RACE. Bee colonies shall consist of only European Honey Bees.

HIVES. All bee colonies shall be kept in hives with moveable combs, which shall be kept in sound and usable condition.

FENCING OF FLYWAYS. In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height, consisting of a solid wall, fence, dense vegetation, or combination thereof, which is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

WATER. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths, or other water sources where they may come in contact with humans, birds, or domestic pets.

QUEENS. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to re-queen the colony.

COLONY DENSITIES. It shall be unlawful to keep more than the following number of colonies on any tract, based upon the size or configuration of the tract on which the apiary is situated.

1. For property with a minimum of 2,000 square feet, the resident is permitted to keep two (2) colonies. For every additional 2,000 square feet of property, the resident is permitted two (2) additional colonies.
2. Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

NUCLEUS COLONY. For each two (2) colonies authorized under colony densities, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine-and-five-eighths-inch depth, 10-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 60 days after the date it is acquired.

²⁵Pennsylvania's Bee Law, 3 Pa. Code § 21, requires every apiary to be registered with the state for a fee of \$10. More information on Pennsylvania's regulations and associated penalties for apiaries, which are primarily centered around preventing diseases, can be found in the Pennsylvania Code or on Pennsylvania's Department of Agriculture Web site: <http://www.agriculture.pa.gov/Protect/PlantIndustry/Apiary/Pages/default.aspx>

²⁶PA's best practices can be found here: <http://www.agriculture.pa.gov/Protect/PlantIndustry/Apiary/Documents/Revised%20PA%20Advisory%20Board%20BMP%203-21-2017.pdf>

BEEES

► **THE REGULATIONS FOR BEES INCLUDE STANDARDS FROM OTHER CITIES' ORDINANCES REGARDING BEES, SUCH AS BOSTON, CLEVELAND, SEATTLE, AND MADISON, WIS.**

In those cities, setbacks are always required, but the distance varies from 3–25 feet depending on whether the setback is from a public sidewalk, a dwelling unit, or a lot line. Standards for colony density range from two colonies per lot (in Boston) to four colonies for lots less than 10,000 square feet (in Seattle) to one colony for every 2,400 square feet in residential areas and one colony for every 1,000 square feet for all other zoning districts.

The regulations for colony density in this guide reflect regulations currently in place for the City of Pittsburgh. The Pennsylvania Apiary Advisory Board's voluntary general best management practices for maintaining European Honey Bee colonies, from which some of the following standards are taken, encourage seeking expert advice for determining optimal hive densities. Those best practices can be viewed on the Pennsylvania Department of Agriculture's Web site.²⁶



SIGNS & PARKING

In the section of a zoning ordinance where signs and parking are regulated, include the following provisions.

▶ **IF A ZONING ORDINANCE DOES NOT INCLUDE SUCH SECTIONS,**

the following regulations may be written into the other standards and criteria above.

- ▶ **IN COMMUNITY AND MARKET GARDENS,** permitted signs shall be limited to identification (of gardens, individual plants, etc.), information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with existing regulation.
- ▶ **SIGNS IN COMMUNITY OR MARKET GARDENS** shall not exceed nine (9) square feet in area per side (front or back) and shall not exceed six (6) feet in height.
- ▶ **EACH COMMUNITY AND MARKET GARDEN** that will offer on-site sales, as well as all farmers' markets, shall have adequate parking options. Off-street parking for a community garden or market garden shall be either unpaved or surfaced with gravel or similar loose material or paved with pervious paving material. Interior walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

SIGNS & PARKING





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▶ ADDITIONAL RESOURCES

- Although the ordinance regulations strive to provide an appropriate standard of practice to maintain public safety and the health of animals, it would be beneficial for a municipality to make additional resources available to individuals interested in or currently practicing urban agriculture. A county's conservation district or the Penn State Extension Office should be able to direct municipal leaders to local organizations that provide support, resources, and education regarding urban agriculture.
- ▶ **ANIMAL WELFARE**—an overview of Pennsylvania's regulations regarding animal welfare
<https://pspca.org/fight-cruelty/pennsylvanias-animal-cruelty-laws/>
 - ▶ **MANURE MANAGEMENT MANUAL PROGRAM (CHAPTER 91)** (smaller operations with animals or manure spreading)—This Web site serves as the central resource guide on Pennsylvania's manure-management regulations.
<http://extension.psu.edu/plants/nutrient-management/manure>
 - ▶ **NUTRIENT MANAGEMENT, ACT 38** (higher-density agricultural animal operations with manure)—These Web sites are the resource guide and regulatory language for Act 38 and are designed for use by farmers, citizens, local governments, and conservation districts.
<http://extension.psu.edu/plants/nutrient-management>
<http://extension.psu.edu/plants/nutrient-management/act-38>
 - ▶ **COUNTY CONSERVATION DISTRICT LISTING** (local resource and regulatory assistance)—a directory of each County Conservation District with contact information
https://pacd.org/?page_id=59
 - ▶ **U.S. DEPARTMENT OF AGRICULTURE URBAN AGRICULTURE TOOLKIT AND RESOURCE GUIDE FOR FARMERS AND GARDENERS**—a toolkit and a resource guide with information for urban farmers, gardeners, and their communities
<https://www.usda.gov/sites/default/files/documents/urban-agriculture-toolkit.pdf>
<https://www.nal.usda.gov/afsic/urban-agriculture>
 - ▶ **AGRICULTURAL EROSION AND SEDIMENT CONTROL (CHAPTER 102)**—the main resource center on Pennsylvania's erosion and sediment control requirements for farmers, as well as a link to the section of the Pennsylvania Code dealing with agricultural erosion and sediment control
<http://extension.psu.edu/plants/nutrient-management/manure/overview-of-deps-manure-management-manual/the-basics-of-agricultural-erosion-and-sedimentation-requirements>
<http://www.pacode.com/secure/data/025/chapter102/chap102toc.html>
 - ▶ **BENEFITS OF URBAN AGRICULTURE**—a report from Johns Hopkins on the benefits and limitations of urban agriculture, including a detailed bibliography
http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/research/clf_reports/urban-ag-literature-review.pdf
 - ▶ **RESOURCES ON AND FOR SMALL FARMS AND URBAN FARMING**—two organizations with a lot of material on the various aspects of urban agriculture, both best management practices and educational materials on regulations and sources of assistance
<http://smallfarms.cornell.edu/resources/>
<http://www.nacdnet.org/general-resources/>
 - ▶ **URBAN SOILS**—further reading and resources on urban soils and their particular qualities and considerations
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052835.pdf
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/use/?cid=nrcs142p2_053986
 - ▶ **URBAN FARMING PHOTO GALLERY**—photos of urban farms, gardens, practices, and management techniques
http://content.time.com/time/photogallery/0,29307,1825907_1740743,00.html
<http://www.urbanfarming.org/intphoto.html>

▶ APPENDIX

ADDITIONAL SUPPORT

Incorporating urban agriculture language into a municipality's zoning ordinance is a manageable way to begin allowing and regulating urban agriculture activities. As the practice continues to grow, additional actions can further ensure safe and beneficial practices.

- Provide opportunities for individuals to use certain public and/or under-utilized land, including sidewalk buffers, roadway corridors, underutilized parks, and vacant city-owned land, for food production (e.g., the City of Pittsburgh's Adopt-a-Lot program).
- Begin or continue to support urban agriculture infrastructure-related policies and programs, such as programs to inventory, acquire, and dispose of vacant property for urban agriculture; brownfield cleanup programs; and local procurement policies for city departments' food purchases and farmers' market sales of primarily locally sourced produce.
- Establish a municipal compost program.²⁷
- Provide water-access agreements for individuals running community or market gardens.
- Begin a lending/leasing program for agricultural tools and equipment.
- Offer a variety of funding sources for urban agriculture activities, including grants and credits, especially for programs that encourage educational opportunities, jobs, social events, and other common benefits related to urban agriculture, including the reduction of blight and the retention of stormwater.

²⁸In 25 Pa. Code § 281, Pennsylvania state law allows municipalities to begin composting programs. More information can be found in Chapter 281 of the Pennsylvania Code.

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