

Urban Agriculture code changes 10-2012

Milwaukee Uban Agriculture audit:

Area for Clarification #1: *Update the agricultural use category in the zoning code to include beekeeping and aquaculture.*

- Current definition: **S295-201-473. RAISING OF CROPS OR LIVESTOCK** means the growing of crops, including any farm, orchard, community garden or other premises or establishment used for the growing of crops, or the use of land or buildings for the keeping of cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock
- Suggested revisions: Separate raising of crops from raising of livestock. This creates greater flexibility to allow “gardening” in places where we may not want to allow livestock.
- **S295-201-473. RAISING OF CROPS** means the growing of crops, including any farm, orchard, community garden or other premises or establishment used for the growing of crops
- **S295-201-xxx. RAISING OF LIVESTOCK** means, the use of land or buildings for the keeping of <> bees, aquaculture>> cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- A definition will have to be created for aquaculture. It is unclear if the definition should be in the zoning code or ch78: Suggested definition (from Asheville N.C.)
- **AQUACULTURE** means the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

(Note that raising of plants in a structure is already allowed in the zoning code with plant nurseries and greenhouses, with the addition of aquaculture an aquaponics use would be allowed)

Area for Clarification #2. *Clarify use classifications in the zoning code for beekeeping and chicken keeping, and update Chapter 78 of the Milwaukee City Code of Ordinances as needed.*

- DNS & the Health Department will have to modify Ch78 to include provisions for aquaculture and to clarify chicken keeping and beekeeping.

Area for Clarification #3. *Clarify whether accessory storage structures, such as sheds, may be permitted accessory uses on sites where agriculture is the principal use.*

- Suggested revision is to modify the code as noted below to clarify that accessory buildings used for agricultural purposes in residential zones are permitted even if there is no principal building.
- S295-505-3-b. Principal Building Required. No accessory building shall be located on a lot not containing a principal building <> unless the principal use of the parcel is for the raising of crops or the raising of livestock.>> If a principal building on a lot is removed, any accessory building on the lot shall also be removed within 60 days and the premises made compliant with this code.

(Note for item below personal instruction school is a catch-all that allows commercial uses in residential areas. Also code does not state that a school must be tied to a building so Concordia Gardens could be a personal instruction school and operate programs at its site. This covers the Walnut Ways, Growing Powers and Urban Ecology Centers too)

Areas for Additional Definition and Regulation #1. *Consider refining the use definition for Agricultural Use as appropriate to include considerations such as scales of agricultural use, accessory versus principal use, whether agricultural products are intended for sale, and regulation of sales in residential districts.*

- The suggested changes below will make it easier to operate agricultural-related personal instruction schools. No other changes are needed at this time.
- Personal instruction is permitted in all commercial zones
- It is a SU (special use standard) in all industrial zones except IH
- It is permitted in RO1 & RO2
- It is not permitted in RS1-RS5, RT1-RT3, & RM1-RM2
- It is limited use in RS6, RT4 & RM3-RM7. It is grouped with those non-res uses in commercial buildings.
- It is a special use in Parks districts
- Suggested Limited use standards for personal instruction schools in residential districts (except RO and RO2)
- All 3 of these standards must be met.
- The school is on a premises with a minimum of 15,000 square feet of lot area.
- The premises is used for the raising of crops or livestock
- The school provides instruction in the raising of crops or livestock.
- Or in RS6, RT4 and RM3-RM7 the following limited use standards can be used if the standards above are not met:
 - In the RS6, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.
- Make (all) personal instruction schools a special use in IH
- Make personal instruction schools a limited use in Parks districts: The limited use standard:
- The school provides instruction in the raising of crops or livestock.

Areas for Additional Definition and Regulation#2: Consider expanding the definition of agricultural use to include a general category for agricultural structures, developing standards regarding where such structures can be located, and addressing structural considerations.

- It is not necessary at this time to create a separate definition for agricultural structures. The existing code (below) defines any accessory building that is < 150SF as a shed and any accessory building that is larger than 150SF as a garage.
- The code should be modified as noted below to allow agricultural –related accessory buildings to be subject to the maximum lot coverage requirements for principal buildings instead of that for accessory buildings.
- S295-505-3-c Maximum Lot Coverage. See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area. << If the principal use of the property is for the raising of crops or the raising of livestock then the maximum lot coverage for all accessory structures will be the maximum lot coverage for principal buildings in that zoning district.

(Note that a regular interior lot in the RT4 zone allows 70% coverage by structures so an urban garden could cover most of its lot with sheds, garage, hoop houses, cold frames, cisterns etc...though I would not recommend such clutter)