

**University of Wisconsin Oshkosh**

**Urban Agriculture  
Proposal for the Oshkosh City Council**

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## Executive Summary

Section 30-71 of the City of Oshkosh Land Use Regulations states what types of land uses and for which types of groups can be obtained as of peoples' rights and which require permits for. Specifically, according to section 30-76 (about agricultural land uses), a conditional use permit is required for any kind of household (except for rural housing) to cultivate on properties and for certain types of households to provide community and market gardens as well as agricultural services. The conditional use permit is nearly \$500 in the City of Oshkosh and even then, different sections of the regulations have different rules for building structures, conducting business, etc. However, urban farming retail will be the main focus due to the current dilemma of two stakeholders, Jenn and Adam Sattler, who would like to grow and sell produce on their urban orchard in their yard but aren't able to do so, even with a permit.

Therefore, this report, in return, analyzes the sustainable benefits that urban agriculture can have based on the three pillars of sustainability: environmental, economic, and social. Regarding the environmental impacts, when urban agriculture incorporates a diverse number of plants, pollinators are strongly impacted. In addition, pest infestation and pest control have been proven not to be major problems in urban agriculture. Small plots of urban farming practices have been shown not to be a huge problem in attracting pests but even if pests were to become a problem, there are a variety of effective pest management solutions towards reducing pest problems. Regarding the economic implications, urban agriculture can also allow for greater yields in crop production than industrial agriculture. It can also reduce food deserts by being more accessible to the community with healthier and more affordable food options. In terms of social factors, studies have shown that urban agriculture has had the greatest impacts on low-income communities and has also benefited a diversity of people regarding race.

This report also highlights four stakeholders who were interviewed and who could be significantly impacted by urban agriculture retail in Oshkosh. Jenn and Adam Sattler described the plans they had for their urban orchard as well as why they thought it was crucial for the city to allow them to grow and sell crops. Jacki and Justin Averkamp are neighbors of the Sattlers and expressed concerns about parking but still claim that the city should be able to allow them to grow and sell their produce. Kelly Matthews was the second president of the Oshkosh Food Co-op and explained how the business became a success as well as shared the environmental and economic aspects of it and also why she believes anyone in the city should be able to perform urban agricultural practices. Lastly, Michelle Schmid is the manager of the Oshkosh Farmers Market and she mentioned the types of vendors that the Oshkosh Farmers Market supports as well as why she thinks urban agriculture retail in Oshkosh is crucial.

This report also analyzes benchmarking assessments of the city ordinances of Appleton, Wisconsin, Milwaukee, Wisconsin, Detroit, Michigan, and St. Paul, Minnesota. In both Appleton and Detroit, certain types of urban farming plots have been defined for greater organization of urban agricultural practices in those locations. The city ordinances of Milwaukee specified the

duration that urban agriculture retail should take place (from between 8a.m. and 8p.m. per every day of retail but be limited to 180 days per year due to the limited growing season for crops). Finally, the city codes of St. Paul, have indicated a special type of permit designated specifically for urban agriculture. This is beneficial for urban farmers to adopt urban agricultural practices (and can also provide more local vendors to grocery stores and other produce markets in the city). Therefore, it is recommended that the city of Oshkosh should alter the codes to adopt those amendments.

Thus, this report analyzes more specific information about the current situation occurring between the Sattlers regarding urban agriculture, the sustainability implications of urban agriculture, a few stakeholders who would be impacted by urban agriculture retail, and benchmarking assessments of a few city ordinances and recommendations to the city of Oshkosh. The costs associated with urban agriculture projects, and potential barriers to urban agriculture are also briefly analyzed.

## Background

The current situation here in Oshkosh, Wisconsin involves two residents who approached the city with plans to start an urban orchard within the city limits on a residential plot. Jenn and Adam Sattler desire to cultivate their 1 acre property at 2614 Harrison St. with the intentions of producing cultivated crops for consumption as well as retail sales. There are currently no permits that pertain to specifically urban agriculture which would require the residents to obtain a conditional use permit to move forward with their plans. Their practices would then be guided by the home occupation regulations which currently restrict certain practices of businesses functioning at a residential home. One of these restrictions is the inability to sell produce on-site. Through significant research into scientific research papers, interviews with stakeholders and city planners as well as identifying similar city codes this paper will address four different regulatory barriers that pertain to Oshkosh, WI.

1. On-site sales of produce grown on the property.
2. Public and community tours and other uses
3. City definitions and descriptions of urban agricultural use practices
4. Conditional/special use permit application costs

Currently on-site sales and distribution of produce on residential properties is not permitted, online orders are permitted but customers are limited to two at a time. Haven spoke with numerous different city planners throughout Wisconsin and currently there seems to be no specific regulations in place that would restrict educational tours. As long as tours are free, they aren't customers and it is limited to under 75 people it should be allowed. If tours or gatherings exceed 75 people, a special permit would be required and it shall be limited to two events in a calendar year.

Currently, within chapter 30 - Article III - Land Use Regulation of the Oshkosh city municipal code, there are seven distinct definitions for varying practices within "Agricultural Land Uses" (Section 30-76). A conditional use permit application costs \$ 450 in Oshkosh, Wisconsin. This report will further analyse other cities' costs in the "Benchmarking" section of this paper.

<https://www.oshkoshwi.gov/WebLink/DocView.aspx?id=1077694&dbid=0&repo=Laserfiche&searchid=71ef7b99-af28-4b52-943a-df6f7b0ec3e5>

## **Significance for Sustainability**

In this section sustainability implications of urban agriculture will be addressed and analyzed through several scientific studies and data. The following studies are related to issues and implications that are relevant to Oshkosh, WI. As climate change continues to remain as one of the most pressing issues moving forward, exploring alternative strategies and practices for essential everyday functions is necessary. Agriculture has connected humans for thousands of years and is becoming more essential everyday as earth's population continues to increase. Currently, industrial agriculture poses numerous concerns regarding land use, fossil fuel use, accumulation of food-miles and much more (Massy, 2021). Urban agriculture in its roots is not a new concept, however dealing with the scale and complexities of modern cities makes it a new and difficult challenge to tackle.

Urban agriculture can be defined as production (beyond that which is strictly for home consumption or educational purposes), distribution and marketing of food and other products within the cores of metropolitan areas and at their edges. Within this definition, urban agriculture contains many distinct practices that vary greatly. Each of these unique practices will have varying degrees of effect to which they impact the environment, society and the economy. Addressing the overall sustainability implications regarding a specific practice of urban agriculture is important to ensure a healthy urban environment as well as understanding the possible benefits and negative impacts it may have for the many people within its surrounding community.

### **Environmental :**

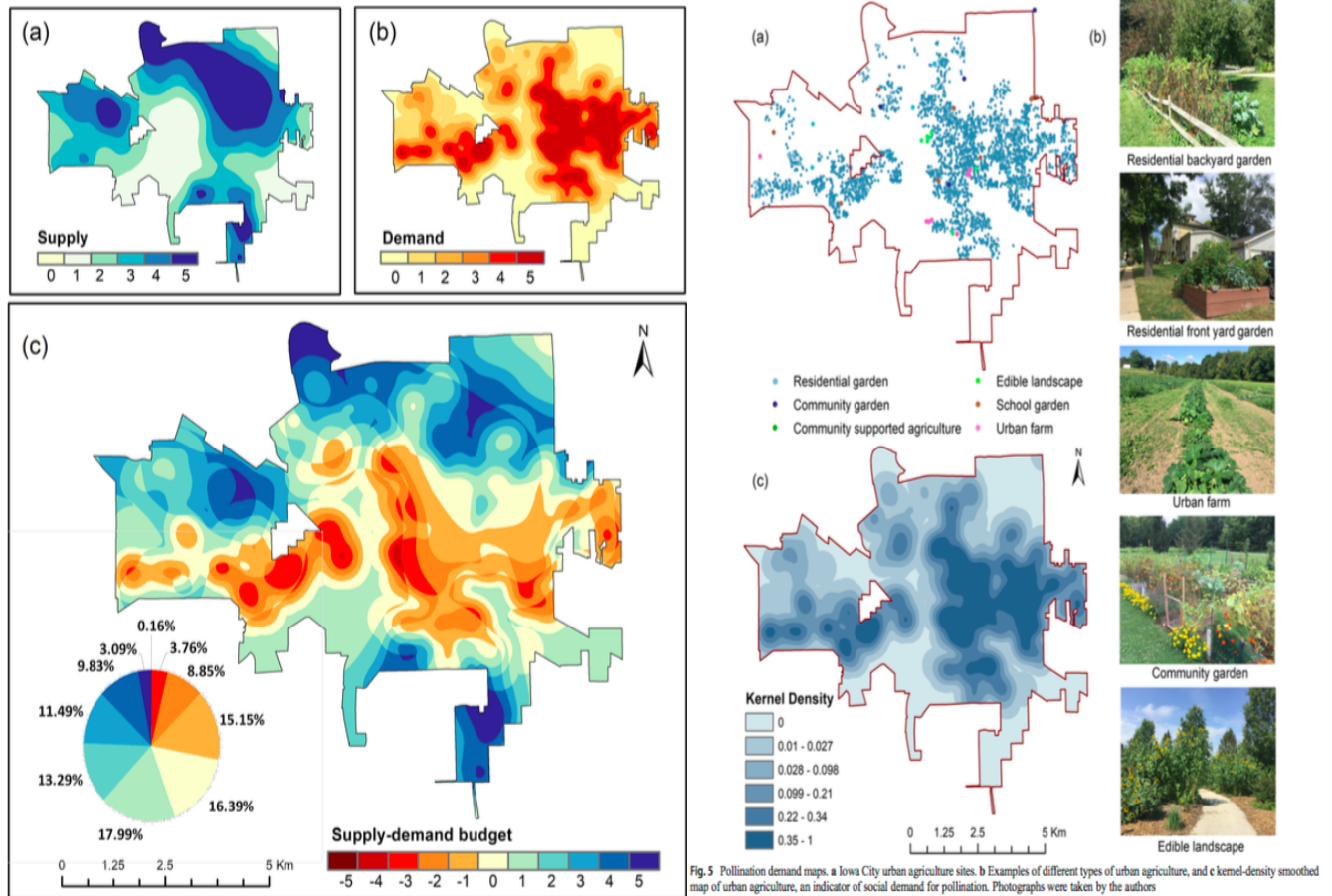
Because urban agriculture has been framed as a more environmentally friendly method of agriculture, it is important to understand why and if the claims are true. The biggest issues in industrial agriculture are those of land-use, fossil fuel consumption, water use and several more. Urban agriculture addresses some of these issues with alternative strategies that are more beneficial for the environment. With urban agriculture occurring within a metropolitan area the limitation and regulation will need to be addressed accordingly (Massy, 2021).

*Pollination :*

To examine the potential environmental impact urban agriculture has on pollinator health in cities, we can compare the different impacts that urban lawns and lots have vs urban farms. Urban farms and gardens are often a result of cities or residents attempting to revitalize neighborhoods and communities by transforming vacant lots or lawns into urban farms. While the effects of urban agriculture are still not fully understood, the negative impacts that barren lawns and concrete lots have on the environment are, especially when addressing pollinators in metropolitan areas. Very little plant diversity and non permeable surfaces make these areas dead zones for pollinators. Urban agriculture can create more effective management strategies for cities in their efforts to become more sustainable and revitalize both the environment and community pride.

In a 2019 study from Iowa, Zhao and co. use detailed land cover data and pollination models to examine the supply and demand relationship between urban ecosystems and urban agriculture within Iowa City limits. Surpluses of supply were found in natural areas and heavily-vegetated residential neighborhoods (highest supply found in small patches of native plants), whereas deficits were found to occur in resource-poor lawns and lots. Therefore it is critical to integrate the design and management of private residential gardens and urban agriculture into city-wide pollinator conservation strategies (Zhao, 2019).

Figure 1 :



This figure shows two different distribution maps of Iowa City. The left map shows the supply demand budget available to pollinators, where dark red represents the highest deficit in the budget and dark blue represents the highest surplus in the budget. The distribution map on the right shows the distribution of residential gardens, community gardens, urban farms and similar practices.

While we see a trend between distribution of urban gardens and farms and large deficits in the budget, this is due to these practices existing within the most densely populated areas of Iowa City. On a micro scale we see that small patches of native plants had some of the healthiest available supply for pollinators. Therefore producing a wide variety of native and non-native crops in an urban agriculture setting would surely serve as a more environmentally friendly and efficient strategy to ensure healthy pollinators within an urban setting, as more available vegetation for pollinators is greatly needed in dense urban areas (Zhao, 2019).



### *Pests :*

Research makes it clear that pests species are unlikely to become a problem in communities as a result of urban agricultural practices. Because urban farms are typically smaller scale and are located in closer proximity to other residential homes and properties, the potential for cultivation to draw in pests is important to think about. *Brassica* crops are commonly planted crops here in Wisconsin, plants typically used for produce include : bok choy, broccoli, cauliflower, cabbage, choy sum, kohlrabi, napa cabbage, rutabaga, turnip and some seeds used in the production of canola oil and the condiment mustard.

In a study (2018) conducted in Chicago, IL from Urban Ecosystems, Lowenstein and co. determine the potential for pest outbreaks at three different sites: residential gardens, community gardens, and urban farms. Herbivorous arthropods and their natural enemies were the focus of this study. Cabbage worms and Sap feeding aphids were monitored throughout a six month period. Predators were recorded using yellow sticky cards and consisted of lady beetles (Coleoptera: Coccinellidae), minute pirate bugs (Hemiptera: Anthocoridae), predatory wasps (Hymenoptera: Vespidae, Crabronidae), hover flies (Diptera: Syrphidae), long-legged flies (Diptera: Dolichopodidae), and lacewings (Neuroptera). They concluded that arthropod natural predators were abundant across all three sites, this suggests that urban agriculture may be a beneficial habitat that could potentially support regulating ecosystem service like biological control. Because a surrounding community would most likely not welcome swarms of pests, learning how a city farm may deal with this issue is key to gauging the environmental and social impacts it may have on a neighborhood or city (Lowenstein, 2018).

While it is still unclear the number of *Brassica* crops planned to be cultivated on the proposed plot at 2614 Harrison Street, it still serves as a useful study for how regulating ecosystems can occur in an urban agricultural setting. It also serves as a useful study for understanding pest suppression in future proposals of urban farms as these crops tend to be quite popular in Wisconsin.

### **Economic :**

One of the incentives of urban agriculture is the potential to supply healthy local food that supports the economy. With larger cities the result has been segregated communities often with little availability of healthy food options. Currently urban agriculture does not significantly contribute to overall food security and does not significantly contribute to economic growth within a city. However, there is potential for eliminating food deserts and can offer some economic improvements within a community.

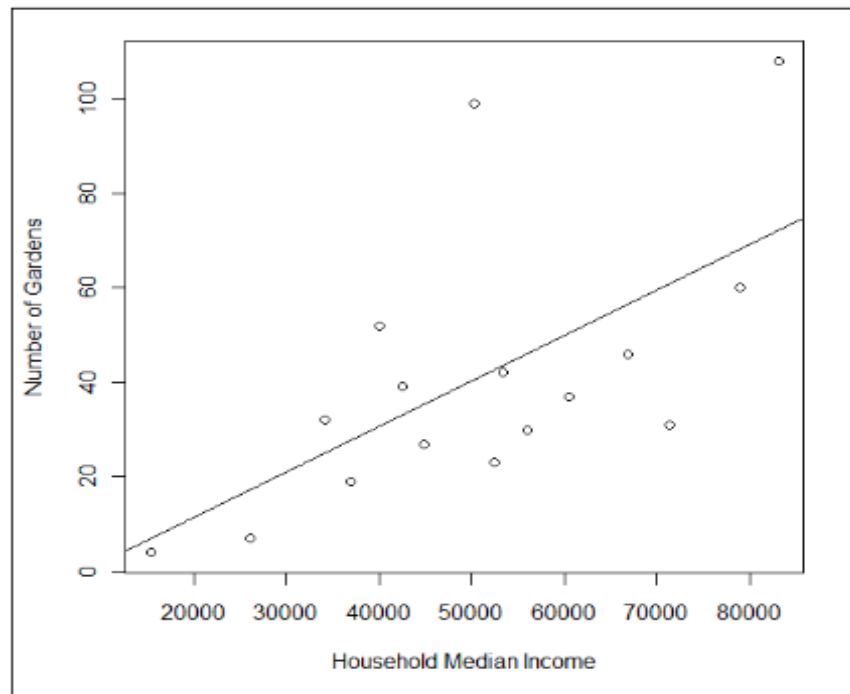
### *Madison, WI*

A study from Madison, WI (2017) analyzes CFP (Community Food Production) within the city and productive output of these gardens in terms of weight, gross and net market value, and

caloric value was determined through test plots tended by citizen scientists and used to estimate the absolute and relative contribution of CFP in Madison. The urban agricultural practices considered in this study were those of community gardens, residential gardens as well as urban farms. Overall The 48,184 gardens in the Madison Urban Area contributed a gross agricultural product of US \$9.4 million in 2010. CFP amounts to .08 percent of the total food needs in terms of dollars or .14 percent of total caloric need (Smith, 2014).

Within the city of Madison it is clear from this study that CFP does not substantially contribute to food security. Improved methods and techniques as well as more research is required to maximize effectiveness of CFP. It is worth noting that urban gardens that do provide potential benefits as caloric contribution per unit were beneficial to local areas. It is also worth noting that a case study, “The Contribution of Small-Scale Food Production in Urban Areas to the Sustainable Development Goals: A Review and Case Study” examined 17 sustainable development goals set by the United Nations General Assembly as a framework for impacts of urban agriculture. The data found and examined show that small-scale urban agriculture tends to have similar or higher yields than industrial agriculture, uses less synthetic inputs and products are typically consumed locally. Currently the impacts of urban agriculture are still less understood than those of industrial agriculture. With available data showing similar yields more comprehensive studies must be conducted to understand urban agriculture's full potential to food production.

Figure 1 :



This graph illustrates some of the economic and social complexities associated with urban agriculture. On the Y axis we have the number of gardens and urban farms and on the X axis we have household median income. As income increases we see a similar rise in the presence of urban gardens.

*Detroit, MI*

Urban agriculture also has the potential of eliminating food deserts - areas that have little to no access to fresh, affordable food. A study was conducted in Detroit, Michigan, that demonstrated the impact that urban agriculture had on Detroit. A well-known business known as Farmer Jack started up in several different areas in the city of Detroit in the 1960s. It provided fresh and affordable food to everyone in the nearby communities. However, in the 1990s and 2000s, bigger stores such as K-Mart, Meijer, and Walmart started to grow in the city and outcompeted Farmer Jack ("D-Town Farm"). The food at these places wasn't as affordable to residents in the area as the produce from Farmer Jack was. Thus, when the last Farmer Jack store was forced to shut down in 2007, many people in the area were only able to afford more unhealthy sources of food so that much of Detroit was in a food desert for a while (Hashim, 2015).

However, after nearly a decade, an urban market called "D-Town" started growing in the city. It was an alternative to what the bigger stores that had been expanding into town were providing except that the produce was home-grown on the markets' own private plots of land and it was cheap enough for most of the residents to afford. Thus, this example of urban farming reduced the number of food deserts that had existed in Detroit and even particularly benefited the African-American community who took up a large portion of the low-income population of Detroit. Thus, urban agriculture definitely has been demonstrated to eliminate food deserts by providing more affordable and healthier food as well as even benefit the low-income and African-American communities the most.

**Social :**

Because urban agriculture focuses on providing local food, community and social implications are a much larger point of emphasis than typical industrial agriculture. Urban agriculture has the potential to create tightly knit communities as well as instill a sense of pride within a neighborhood. Human connection now is as important as ever, and knowing where and from whom your produce is coming from has the potential to create stronger connections between neighbors, community members, and many others. Similar to the many environmental and economic implications of urban agriculture, the social implications are still widely unknown and understudied. With scientific data available and economic growth measured through food production these factors can be reasonably analysed through studies and experiments, while human connection and feelings can be a much more complicated issue to understand. Urban farms operate for a number of different reasons and encompass a wide variety of sustainable goals. Attempting to understand the main reasons for urban agriculture can help create proper framework for city policies.

Here we are examining a study from Emerald Insights that aims to identify what value urban farms placed on social goals. Typically urban farms place a priority in market-orientated operations, as owners often start these practices with the intent of making a living off it. The study found through a detailed survey of over 300 urban farms across the US that included over 30 questions regarding their practice that, the primary reasons farmers give for producing in urban areas include three with social aspects, incorporating education about food and/or

agriculture, community building, and increasing food security, and one that focuses on producing food for the market. The results are shown below.

Main goal	Number	Percent%
Community	75	21
Educate	67	19
Food security	36	10
For market	92	26

**Notes:**  $n=270$ ; excluded are 89 urban farms that had mission statements that were not easily classified or explicitly stated they produced food for personal use

**Source:** Authors' interpretation of 2012 National Survey of Urban Farms

Approximately two-thirds of the individuals practicing urban agriculture answering the survey have expressed an emphasis in one or more social goals. We can conclude that there are numerous similarities between farms that have similar social goals, such as : farm sales; use of organic production method; location in dense urban areas; and years the farms have been in business. The study found that farms with missions of improving the quality of life are more likely to be located in lower income neighborhoods and donate a higher share of their production, as well as are less likely to own land, compared to market-oriented farms. Identifying the different values of these urban farms, where they are located and their scale are all important factors in understanding what social benefits they will bring to a city and community (Dimitir, 2016).

Eliminating food deserts and contributing to food security creates a connection between economic goals and social goals. With the newly constructed Oshkosh Food Co-op off of Jackson St. many local businesses have applied to distribute produce through the Co-op. The location is important because that area had been a food desert for many college students who may not have had access to transportation and therefore healthy, fresh food options. Urban farms have the potential to contribute to the elimination of this food desert in Oshkosh even if they are not located in a food desert themselves (Interview - Kelly Matthews).

The proposed plot also desires to offer educational tours for students, community members and any interested. Offering the public and especially the youth a chance to mingle and learn about home cultivation of crops could lead to more sustainable food habits in Oshkosh in the future.

Finally it should be understood that while we identified these fundamental components of sustainability separately in three categories; environmental, economic and social, they are all deeply connected and affect each other in many ways. There are numerous more sustainable

impacts urban agriculture can have on a city, identifying and examining them all would take a great deal of time and effort. But having distinct definitions and strong understandings of the different practices and what major impacts they could potentially have on a city is manageable. We believe these issues covered are some of the more important and prominent impacts that the proposed Oshkosh plot would have on the city. More research will be required but this will serve as a starting point to further evaluate the current city code, and especially the sustainability implications related to urban agriculture and create a framework for updated code that allows the city and its residents to build healthier and more sustainable infrastructure in Oshkosh, WI.

## **Stakeholders**

### **Jenn and Adam Sattler**

Residents of Oshkosh working towards having their own urban agriculture plot

Jenn and Adam are two residents of Oshkosh who have established their own urban orchard in their yard and have been growing produce on it for 3 years now. They have a wide variety of fruits and vegetables that they grow in their backyard and have adapted certain strategies such as installing a thin path that is slightly indented in the ground to help drain water when it rains and prevent the plants from being flooded and even putting logs under the soil of some plants to discourage excessive water intake. Their goal is to be able to sell their produce as well as be able to bring groups of people and give them a tour.

The current city codes require them to obtain a permit for \$450 but then prohibit the sales and growth of their produce on their property despite having a permit. They claimed that they would just like to help out the community in a sustainable way and would also like to create profit to expand on the projects of their orchard. Their neighbors have talked about parking concerns that they would have if Jenn and Adam were to be able to sell their produce but the Sattlers have agreed to create signs or barriers along the borders of their yard to signal to customers of where they should park. With this agreement, a couple of the neighbors still support the idea of urban agriculture.

In the end, Jenn and Adam still seem uncertain why the city codes would prevent them from selling produce with a permit. They had many different creative ideas for the way they set up the orchard such as putting cans on some of the younger trees with a special type of substance to scare away the deer and even having special methods to keep the topsoil full of nutrients so that the plants could grow. They even had plans for setting up fences or some type of barrier along the borders of their yard and the neighbors' yards and have their yard organized with certain types of crops in given sections. Thus, with all their organization and preparation for growing produce and doing sales, they claim the city should allow them to do retail once they get a permit.

### **Jacki and Justin Averkamp**

Neighbors of Jenn and Adam Sattler

Despite not establishing their own personal urban farm in their yard, these individuals are very supportive of urban agriculture. In an interview, they said they weren't sure why the city has to have so many obstacles for people like Jenn and Adam to perform urban agriculture and also said they would be willing to purchase from their neighbors if they ever were able to sell their own produce. Currently, they get their own groceries from Pick N' Save which, in one way, forces them to commute to the store and in another way, means that they're supporting non-local partners (considering that Pick N' Save gets its produce from the Kroger Company, located in Cincinnati, Ohio). Therefore, for the main purpose of close proximity but also with a lower carbon footprint, the neighbors would be very supportive of their neighbor's orchard.

### **Kelly Matthews**

Second President of the Oshkosh Food Co-op

After taking over the president seat of the Oshkosh Food Co-op from Bridget Weber (a UWO student who came up with the idea and was the co-ops first president), she is a strong supporter of urban agriculture. Considering that the co-op strives to have as many local vendors as possible to function as a sustainable business, Kelly Matthews is confident that the Oshkosh Food Co-op would be supportive of urban agriculture businesses that would thrive if the city of Oshkosh would allow for urban agriculture to more easily grow (and having vendors that are even closer than the current ones would enhance the co-ops goal of supporting completely local businesses). Also, understanding that, because the food co-op received very little financial support from the City of Oshkosh in its startup, the city altering some of its municipal code could especially be more useful for all types of sustainable businesses in the future.

Kelly Matthews, therefore, is unsure why the city codes would prevent the retail of urban farming businesses in Oshkosh. She potentially thought that perhaps some vendors of certain food businesses could be hurt if more people in Oshkosh pursued urban agriculture and then more grocery businesses in the area would support those local vendors. However, because a food co-op's goal is to support local vendors, she claimed that none of the vendors at the Oshkosh Food Co-op, specifically, would be harmed. Despite this potential thought, though, she believes that the city should be open to urban agriculture, especially with a costly permit.

### **Michelle Schmid**

Manager of the Oshkosh Farmers Market

Michelle Schmid is very knowledgeable about urban agriculture. The Oshkosh Farmers Market doesn't have its own produce that it grows and sells itself but the market focuses on all types of peri-urban and urban farm vendors within the state. Although they aren't very focused on providing support particularly for urban farms, they are willing to help with any farmer's business as long as he/she is in Wisconsin. The Oshkosh Farmers Market also works with other farmers markets around the state, some of whom (such as Stevens Point and Madison) require that their vendors be within 30 miles of the municipality.

In terms of cooperation with Oshkosh's City Council, Schmid did mention how the city does tell the farmers market what certain things the market is and isn't allowed to do, but added that the farmers market and the city work well together. She did, however, seem to be surprised to hear how the city is making the implementation of urban agriculture so difficult and said that anyone who would like to have an urban farm and grow and sell produce on it should be able to do so. She also doesn't understand why the city prohibits urban agricultural retail when urban agriculture can provide so many environmental and economic benefits.

### **\*\*Additional Note\*\***

We reached out to the Sattler's other neighbors but they declined to answer questions due to current health issues within their family. Jenn had mentioned they had concerns about an increase in traffic flow as a result of the farm but that was their only major concern.

### **Benchmarking**

Benchmarking in this case is extremely important as we want to identify other examples, ideally from Wisconsin that addressed similar barriers in place here in Oshkosh. Identifying other cities and how they have dealt with these regulatory barriers can help Oshkosh create the most effective, efficient and sustainable changes within the current municipal code.

*Appleton, WI*

<https://www.appleton.org/home/showdocument?id=482>

<https://www.appleton.org/home/showdocument?id=24290&t=637695648843811876>

Appleton is an excellent example of a city that has allowed urban agriculture practitioners to operate with more freedom. On-site retail sales allows for residents to function with less restrictions and makes creating income more accessible to those that may not have alternative options for selling produce. Appleton's farmers market is quite large and successful so securing a spot may be difficult or expensive to some. Similarly in Oshkosh, some residents may not have that opportunity and allowing on-site sales would create more inclusive communities and offer fresh, healthy produce for residents of the city who may not be able to travel to farmers markets or those who live in food deserts. In Appleton's case they have a special use permit which functions in a very similar way a conditional use permit would. Below are excerpts from a plan commission meeting which addressed definitions of urban agriculture and adopted different regulations accordingly. This information was attained through communications with David Kress, a principal planner in Appleton, Wisconsin. Appleton remains our best example of similar code changes occurring. Located only fifteen miles North of Oshkosh, a very similar population size with a university as well, what works in Appleton should theoretically work in Oshkosh (Kress, David. "Appleton Municipal Code." 15 Nov. 2021).

## Definitions

### Section 23-22 / Add the following definitions

**Home Garden** means an accessory use of land or roof top involving the growing and harvesting of fruits, vegetable, flowers, and other plant and herb products primarily for the consumption or enjoyment of the owner or tenant of such property.

**Community garden** means land or roof tops that are managed and maintained by a group of individuals, an organization or business to grow and harvest fruits, vegetable, flowers, and other plant and herb products for education, for personal or group consumption or for donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed by members of the group and may include common areas maintained and used by group members.

**Market Garden:** See Urban Farm

**Urban farm** means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.



## **Section 23-66 / Special Use Permit**

Note: There are some cases in which a Special Use Permit for an urban farm may not be required. It should be made clear, however, that regardless of the review authority, whether it is Plan Commission and Common Council through a Special Use Permit review or through a staff review as a principal or accessory use, an Urban Farm Management Plan is proposed to be required whether a permitted or a special use and the minimum standards for an urban farm as noted below will apply to all Urban Farms.

For a Special Use Permit review, in addition to those standards and regulations of Section 23-66 Special Use Permits, an **Urban Farm** is subject to the following provisions:

### **Section 23-66(h)(17) Urban farm**

- a. Use of produce and sales.** Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week unless otherwise adjusted and stipulated by the Special Use Permit.

This is a small portion of a report from a 2012 Plan Commission meeting. Related text amendments were presented at this meeting and ultimately approved by the Common Council on May 16, 2012. Some of these Zoning Ordinance sections have been updated slightly since 2012, but the report does a good job capturing the topic in one document. The listing of zoning districts on page 6 of the report is still accurate.

Also, as stated in Sec. 23-66(h)(17), please note that these Zoning Ordinance standards and requirements are intended to work in concert with other applicable Municipal Codes including, but not limited to, Chapter 3 Animals, Chapter 4 Building, Chapter 7 Health, Chapter 9, Licenses, Permits, and Chapter 21 Vegetation, and any other applicable Appleton Municipal Code Chapter. These and any other applicable local, state, and federal regulations shall also apply.

The current situation in Oshkosh would fall under the Urban Farm definition. In the Sattler's situation, both the single-family dwelling and urban farm could occur on the same property, if the subject property were zoned R-1A, R-1B, R-1C, R-2, or R-3. In these zoning districts, a single-family dwelling is a principal permitted use, and an urban farm is a special use (allowed if a Special Use Permit is expressly authorized by Common Council). It also specifies that public use of a residential property with an operating business would be enforced in the same manner in which the retail sales are regulated.

Having communicated with David Kress, no known issues have arisen as a direct result of these amendments. The major concern among cities with allowing retail sales of produce on-site is parking and traffic. This was also a concern expressed by one of Jenn and Adam Satler's neighbors. Due to health concerns we were unable to discuss this concern in further detail, however we believe that the 2614 Harrison St. property which is located near industrial zones

would not experience significant changes in traffic flow as a result of our recommended amendments.

*Milwaukee, WI*

[https://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/Urban-Agriculture/pdfs/MilwaukeeCodeAudit\\_acknowledge.pdf](https://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/Urban-Agriculture/pdfs/MilwaukeeCodeAudit_acknowledge.pdf)

<https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-2/CH295-sub5.pdf>

Understanding how Milwaukee, WI has approached and managed urban agriculture could be quite beneficial to tackle similar barriers and regulatory issues in Oshkosh. Milwaukee remains as one of the most segregated cities in America, often communities of low-income and color do not have convenient access to fresh and healthy food. Urban agriculture has been presented as a potential solution to some of these issues. For these reasons Milwaukee remains as a location where urban agriculture is both widely incentivised and practiced. Besides allowing on-site retail sales up to 180 days in a calendar year, Milwaukee also conducted an EPA initiated urban agricultural audit in an attempt to identify regulatory barriers within the current municipal code.

The Milwaukee urban agricultural code audit analyses a number of different sections within the city code and makes recommendations on potential improvements moving forward. The purpose of the audit is to identify, for city staff, areas of the code that may: (1) need clarification of existing code language, (2) present potential barriers to the practice or expansion of urban agriculture, or (3) warrant expansion to include explicit support for and regulation of urban agriculture uses. The document also offers a review of best practices from sixteen other cities and states that is intended to provide ideas for further development of Milwaukee's Building and Zoning Code.

- **Sales:** The zoning code currently limits or prohibits sales uses such as Retail, Outdoor Merchandise Sales and Seasonal Markets in residential districts. Seasonal markets and on-site sales may be allowed up to 180 days on site, per Section 295-503-2-U. Many practitioners would like expanded permissions to include these activities on site.
- **Educational Uses:** Urban agriculture organizations often offer tours or specialty classes for school groups and community members. The zoning code currently limits or prohibits specialty schools in some residential districts. Tour offerings can create parking concerns as noted below.

This section of the Milwaukee urban agricultural code audit addresses the current state of regulations for sales on residential properties. As we understand it on-site sales are currently allowed through the special use permit by setting up seasonal markets up to 180 days per year. The following two excerpts come from the section mentioned above, Section 295-503 of the Milwaukee city code.

These regulations further guide what is and is not allowed on residential properties in Milwaukee. Hypothetically if the situation in Oshkosh were to occur in Milwaukee the property and practice would be considered a commercial farming enterprise which requires a special use permit.

*Detroit, MI*

[https://library.municode.com/mi/detroit/codes/code\\_of\\_ordinances?nodeId=PTIVDECO\\_CH20\\_HE](https://library.municode.com/mi/detroit/codes/code_of_ordinances?nodeId=PTIVDECO_CH20_HE)

<https://web.archive.org/web/20120106222532/http://www.georgiaorganics.org/Advocacy/urbanagriculturereport.pdf>

Urban Farm	A zoning lot, as defined in this article, over one acre, used to grow and harvest food crops and/or non-food crops for personal or group use. An orchard or tree farm that is a principal use is considered an urban farm. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.
Urban Garden	A zoning lot, as defined in this article, up to one acre of land, used to grow and harvest food or non-food crops for personal or group use. The products of an urban garden may or may not be for commercial purposes.
Orchard	The establishment, care, and harvesting of a group of more than ten (10) fruit or nut bearing trees. The products of an orchard may or may not be for commercial purposes. An orchard as a principal use is considered an urban farm.

Similar to Appleton and several other cities, they have distinct definitions for the different practices of urban agriculture. Currently, Detroit has fifteen different definitions of a wide variety of different cultivation practices. With unique definitions it is easier to further guide what these unique practices will and will not allow within the city's code. In Detroit anything over an acre shall be considered an urban farm while properties consisting of one acre or less shall be considered urban gardens. The situation in Oshkosh could potentially fall under both an urban garden or an orchard as the property is one acre but will have more than ten fruit-bearing trees. However, having more detailed definitions in place will surely create a better foundation moving forward for regulations that will follow.

### **DIVISION 3. SPECIFIC USE STANDARDS** **Subdivision H\_ Other Uses—Urban agriculture**

**Sec. 61-12-326. Farm products and uses; prohibited.**

The following farm products are prohibited from being produced on an urban garden or urban farm:

- (1) Farm animals, as described in Chapter 6 of the Detroit City Code
- (2) Prohibited tree species (Sec. 61-14-204) and any other plants prohibited under Chapter 57 of this Code or otherwise deemed injurious or invasive by the Forestry Division of the General Services Department
- (3) Oats, wheat, and rye, (in order to prevent rodents) except when used as a winter cover crop and not grown to full maturity

**Sec. 61-12-327. Sale of farm products.**

Sale of farm products grown or produced at urban gardens and urban farms is allowed as an accessory use at a farm stand located on the property of the urban garden or urban farm from which the farm product is grown or produced as defined in Sec. 61-16-81. Sale of farm products grown or produced at urban gardens and urban farms is also allowed at farmers markets as defined in Sec. 61-16-81 and subject to the provisions of Sec. 61-12-77, or directly to public or private entities, retail or wholesale.


In Detroit, sales of produce grown on the property are allowed as an accessory use at a farm stand on the property according to sec. 61-12-327.

## Permits

Whether urban agriculture practitioners are required to obtain a conditional use, special use or urban agriculture use permit, thorough inspections are necessary to evaluate the circumstances. Creating separate permits for specific practices should theoretically improve not only the accessibility of residents to understand and apply for these permits but also creating an easier process for city planners and inspectors. With Oshkosh now allowing urban beekeeping, chicken keeping as well as adopting a specific permit for solar panels which previously required a CUP, there has been a shift to more progressive and sustainable municipal code (Interview - Bradley Spanbauer). With these changes in place, now is as good a time as ever before to separate urban agriculture use into its own permit.

Conditional use permit / special use permit - Application costs

Oshkosh, WI - \$450  
 Milwaukee, WI - \$250  
 Platteville, WI - \$200  
 Detroit, MI - \$160  
 Madison, WI - \$495  
 Green Bay, WI - \$300

	<p align="center"><b>CITY OF ST. PAUL</b>          DEPARTMENT OF SAFETY AND INSPECTIONS          375 JACKSON STREET, SUITE 220          ST. PAUL, MINNESOTA 55101-1806          Phone: 651-266-8989 Fax: 651-266-9124          Visit our Web Site at <a href="http://www.stpaul.gov/dsi">www.stpaul.gov/dsi</a></p>	<p align="center"><b>URBAN AGRICULTURE APPLICATION</b></p> <p>File #: _____          Date Received _____</p>
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[https://www.stpaul.gov/sites/default/files/Media%20Root/Safety%20%26%20Inspections/dsi.zoning.Urban\\_Agriculture\\_App\\_v2019.pdf](https://www.stpaul.gov/sites/default/files/Media%20Root/Safety%20%26%20Inspections/dsi.zoning.Urban_Agriculture_App_v2019.pdf)

The city of St. Paul is a helpful example of a city with a more progressive system of municipal code in place. Having a specific permit designated for strictly urban agricultural use is a beneficial change in city code. The cost is \$32, including a \$16 soil test through the University of Minnesota. If a demand for urban agriculture continues to grow, having a specific permit dedicated to strictly urban cultivation could prove to be extremely beneficial for both residents interested in practicing as well as city employees dealing with permits. Currently this application requires urban agriculture to be considered the principal use of the property while remaining under one acre in size. Adopting a permit such as this could be potentially beneficial in the future, full permit application in the appendix.

## Recommendations

Therefore, given the information in the Benchmarking section of this paper, we recommend consideration of the following amendments to be taken regarding the City of Oshkosh codes:

- 1) A revision of urban agricultural definitions as well as the conditional use permit

This would allow for organization of different types of urban agriculture such as for urban orchards, community gardens, residential farms, etc. This would also make it simpler to specify certain requirements of each type of urban agriculture, which would also, therefore, be altered in the city codes. Defining different urban agriculture plots by size would also make it more likely to assign lower permit costs per acre of land (see number 3).

- 2) A specific time duration for urban farm retail to occur for 12 hours a day for 6 months

This would allow for retail sales of plants and produce grown on-site and other public uses of the urban farm to occur between the hours of 8:00 am and 8:00 pm every day of the week. It would also be limited to 180 days in a calendar year due to the growing season of the crops, unless specifically stipulated in the CUP.

- 3) A specific permit be created for urban agricultural practices for properties under 1 acre zoned residential and non-residential with similar regulations to that of the amended CUP.

Even if a small-scaled plot were to exist, assigning a specific permit for any piece of urban agricultural land under 1 acre would encourage more local urban farmers to grow their own produce and sell it to the public. This could also, therefore, provide certain businesses in Oshkosh, such as the Oshkosh Food Co-op and the Oshkosh Farmers Market, more local vendors.

- 4) A full review of the costs associated with the conditional use permit application process and adjusting the cost accordingly.

This would encourage more community members to partake in urban agriculture. This, then, would allow for more sustainable agricultural practices to be performed as well as provide individuals and groups to benefit economically from sales and expand their

impact.

### **Costs**

For a project of this extent, costs would likely be relatively minimal. With city municipal code and zoning ordinances already in place the primary costs to consider would be those of wages paid to city employees working to adopt these particular amendments. Time, effort and wages of employees who may research further into code as well as sustainability implications of urban agriculture would need to be considered as well. Carefully considering all possible effects these changes in city code may have is extremely important. As noted this report highlights many of these effects with the positives greatly outweighing the current system in place. If a new urban agricultural use permit were to be created the same costs would need to be considered when organizing and creating said permit. More significant costs may occur if a similar action to that of the Milwaukee urban agriculture audit were implemented. This would likely require outside employment and more in-depth research. These initial costs could potentially alleviate work, stress and costs when posed with similar situations in the future.

## Barriers

As seen with the Sattlers' neighbors, parking could often be a major concern for private urban farmers. Because customers may not always be sure of where exactly to park and will take advantage of any nearby space they find, preparation for displaying clear messages to customers about where they can and can't park would be very crucial. In addition, although customers should be signaled to only park in the retailer's driveway (if permitted), contacting all the neighbors, landlords, businesses, and other individuals or groups in the surrounding area who could be largely impacted by parking concerns, and ensuring that they are satisfied with any compromises regarding parking, such as with signs, fences, or other solutions, would ease the problem.

Another barrier could be with pests. As noted in the "Significance for Sustainability" section, pests are generally not a problem for smaller urban farming plots. However, they could be more of a concern for larger-scale urban farming practices. In one study comparing the effects of different types of pests on different sizes of urban farming plots, it was mentioned that larger-scale urban agriculture tends to attract more parasitoids (organisms that kill their hosts by living inside or on top of them) while smaller-scale urban agriculture attracts more predators (Arnold et al., 2019). This could be a threat to the ecology of the land as well as be a potential threat to the crops. However, conservation biological control (CBC) methods can be used to eliminate their threat. Particularly for larger plots, using natural vegetation, a diversity of plants around the exteriors of the plot as well as using a non-crop land have been proven to be most successful with the reduction of pests on large-scale plots (Arnold et al., 2019). As for smaller-scale plots, the reduction of predators, which would increase the number of insects, growing natural perennials as well as performing crop rotations would likely be the most effective with pest control (Arnold et al., 2019).



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## **Appendices**

## Appendix A



# MEMORANDUM

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"...meeting community needs...enhancing quality of life."

TO: City Plan Commission

FROM: Bruce Roskom, Planning Supervisor

DATE: April 23, 2012

RE: Chapter 23 Zoning Ordinance Amendments – Urban Farms, Community Gardens and Home Gardens

On March 12, 2012 the Plan Commission discussed Urban Farms, Urban Chickens, Bees and Fish and if the Zoning Ordinance should be amended to allow, in some shape or form, these uses as well as the appropriate coordination with other Departments and Municipal Codes in this regard when necessary. Instead of reiterating the information provided on March 12, 2012 the Memorandum to Plan Commission has been attached for reference.

The Urban Farm, Community Gardens and Home Gardens issues appear to be less complicated and problematic from a Code standpoint than the issues in regard to Urban Chickens, Bees and Fish which are much more complicated and complex from a multiple Municipal Code adjustment standpoint. With this in mind, it was determined that it would be appropriate to bring forward for public hearing Zoning Ordinance amendments relative to an Urban Farm land use and follow up at a later date with further discussion and public hearing(s) on potential Zoning Ordinance amendments as well as other Municipal Code adjustments for Urban Chickens, Bees, Fish and, possibly, other critters.

Consequently, Urban Chickens, Bees, Fish and other critters are not being presented as part of an Urban Farm, Community Gardens and Home Gardens use and the prohibition on Urban Chickens, Bees, Fish and other critters remains in place in the Municipal Code as well as the Zoning Ordinance. Currently, there are no proposals to be amended the Municipal Code to allow Urban Chickens, Bees, Fish and other critters. Only a Zoning Ordinance amendment to allow for an Urban Farm, Community Gardens and Home Gardens land uses, as defined, with those Zoning Ordinance amendments being proposed as described below.

## Definitions

### Section 23-22 / Add the following definitions

**Home Garden** means an accessory use of land or roof top involving the growing and harvesting of fruits, vegetable, flowers, and other plant and herb products primarily for the consumption or enjoyment of the owner or tenant of such property.

**Community garden** means land or roof tops that are managed and maintained by a group of individuals, an organization or business to grow and harvest fruits, vegetable, flowers, and other plant and herb products for education, for personal or group consumption or for donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed by members of the group and may include common areas maintained and used by group members.

**Market Garden:** See Urban Farm

**Urban farm** means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

### Section 23-66 / Special Use Permit

Note: There are some cases in which a Special Use Permit for an urban farm may not be required. It should be made clear, however, that regardless of the review authority, whether it is Plan Commission and Common Council through a Special Use Permit review or through a staff review as a principal or accessory use, an Urban Farm Management Plan is proposed to be required whether a permitted or a special use and the minimum standards for an urban farm as noted below will apply to all Urban Farms.

For a Special Use Permit review, in addition to those standards and regulations of Section 23-66 Special Use Permits, an **Urban Farm** is subject to the following provisions:

#### Section 23-66(h)(17) Urban farm

- a. **Use of produce and sales.** Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week unless otherwise adjusted and stipulated by the Special Use Permit.

- b. Mechanical Equipment:** The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, “farm tractor”, “all terrain vehicle” or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 am and 10:00 pm standard time or daylight saving time when in effect with the exception of snow removal equipment.
- c. Signs:** One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV.SIGNS including, but not limited to, setback and clearance standards.
- d. Agricultural chemicals and seeds.** All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- e. Accessibility.** The urban farm must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
- f. Planting area setback.** Development Standards. (See applicable zoning district for principal building/structure development standards).
- g. Size of buildings/structures.** All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoophouses and greenhouses may have a combined area of all buildings and structures shall not exceed 25% percent of the lot area. Roof top gardens on buildings are exempt from this standard
- h. Fences:** Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- i. Compost and Waste Management.** Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties.

No compost material generated off site shall be composted at an urban farm unless specifically approved by the City.

- j. Site Design.** The site must be designed so that water and fertilizers will not drain onto adjacent property or into the city's waste water system.
- k. Management Plan:** Urban farms must prepare a management plan, to be reviewed as part of the special use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems and includes any proposed mitigation measures. The management plan must include:
- i. A description of the type of equipment and vehicles necessary or intended for use in each season and the frequency and duration of anticipated use;
  - ii. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
  - iii. Disclosure of the spreading of manure or any other waste generated by the agricultural use;
  - iv. Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site;
  - v. Disclosure of whether the operation of the urban farm would involve 2,000 square feet or more of land-disturbing activity, or would otherwise require drainage and/or erosion control approval under Chapter 24 of the Municipal Code;
  - vi. A composting and waste management plan.
  - vii. Disclosure of any intent to invite the public to a program of events on the site.
  - viii. Site Plan contains, but is not limited to, the following:
    - Parking facilities
    - Planting area including plant types
    - Location and number of rest room/sanitary facilities
    - Fence type, height and location
    - Sign size and location
    - Area to be utilized for produce cleaning and preparation
    - Area to be utilized for sales
    - Equipment, materials and fuel storage area
    - Composting location

- ix. Identification of water source
- x. Any additional information that may be deemed appropriate by the Director of Community Development or designee
- xi. Lighting
- xii. Security

- l. Standard conditions of approval:** In addition to complying with Section 23-66 Special use permits of this Ordinance and in determining whether to approve, approve with conditions or deny the application, the City shall consider the potential impacts, including:
- i. **Water Quality and Soils.** Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  - ii. **Traffic and Parking.** Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
  - iii. **Visual Impacts and Screening.** Visual impacts relating to the proposed nature, location, design, and size of proposed buildings, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening.
  - iv. **Noise and Odor.** Impacts related to the location on the lot of the proposed urban farm, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
  - v. **Agricultural Chemicals.** Impacts related to the use of chemicals, including any fertilizer and pesticide.
  - vi. **Mechanical Equipment.** Impacts related to the operation of equipment, including noise, odors, and vibration.
- m. Compliance with Laws.** All urban farms and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

These Urban Farm standards and requirements are intended to work in concert with other applicable Municipal Codes including, but not limited to, Chapter 3 Animals, Chapter 4 Building, Chapter 7 Health, Chapter 9, Licenses, Permits, and Chapter 21 Vegetation and any other applicable Appleton Municipal Code



Chapter: These and any other applicable local, state and federal regulations shall also apply.

### Permitted Uses / Special Uses

Urban Farm use will be identified as a **Special Use Permit** as noted above in the following zoning districts:

**Section 23-92(e) Special Uses of an R-1A Single-family District**  
**Section 23-93(e) Special Uses of an R-1B Single-family District**  
**Section 23-94(e) Special Uses of an R-1C Single-family District**  
**Section 23-95(e) Special Uses of an R-2 Two-family District**  
**Section 23-96(e) Special Uses of an R-3 Multi-family District**  
**Section 23-100(e) Special Uses of a P-I Public Institutional District**

Urban farm use will be added as a **principal** permitted use pursuant to **Section 23-66(h)(17) Urban farm**, in the following zoning districts:

**Section 23-91(b) Principal Permitted Uses of the AG Agricultural District**  
**Section 23-112(b) Principal Permitted Uses of the C-1 Neighborhood Commercial District**  
**Section 23-113(b) Principal Permitted Uses of the C-2 General Commercial District**  
**Section 23-114(b) Principal Permitted Uses of the CBD Central Business District**  
**Section 23-131(b) Principal Permitted Uses of the M-1 Industrial Park District**  
**Section 23-132(b) Principal Permitted Uses of the M-2 General Industrial District**

Community Garden use will be added as either a Permitted or a Special Use in the following districts:

**Section 23-91(b) Principal Permitted Uses of the AG Agricultural District**  
**Section 23-100(e) Special Uses of a P-I Public Institutional District**  
**Section 23-131(b) Principal Permitted Uses of the M-1 Industrial Park District**  
**Section 23-132(b) Principal Permitted Uses of the M-2 General Industrial District**

Zoning Ordinance Amendment  
Urban Farms  
April 23, 2012

Page 7

Home Garden use will be identified as an accessory use in all districts being added as

**Section 23-43(c)(9) Home Garden.**

**Staff Recommendation**

Based on the analysis, Staff recommends, that the proposed Chapter 23 Zoning Ordinance amendment as noted and identified in this staff report, all as they relate to an Urban Farm, Community Garden and/or a Home Garden land use, BE APPROVED.

## APPLETON CODE

- d. The on-site production area and materials storage area for the products or goods manufactured on premises shall not occupy more than thirty percent (30%) of the gross floor area of the space occupied by the custom manufacturing use.

(17) *Urban farm.*

- a. **Use of produce and sales.** Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 a.m. and 8:00 p.m. every day of the week unless otherwise adjusted and stipulated by the Special Use Permit.
- b. **Mechanical equipment.** The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, rototillers, garden tractors, motorized weed trimmers, "farm tractor", "all terrain vehicle" or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 a.m. and 10:00 p.m. standard time or daylight savings time when in effect with the exception of snow removal equipment.
- c. **Signs.** One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV. SIGNS including, but not limited to, setback and clearance standards.
- d. **Agricultural chemicals and seeds.** All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- e. **Accessibility.** The urban farm must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
- f. **Planting area and principal building setbacks.** Development Standards. (See applicable zoning district for principal building/structure development standards).
- g. **Size of buildings/structures.** All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoophouses and greenhouses may have a combined area of all buildings and structures not to exceed twenty-five percent (25%) percent of the lot area. Roof top gardens on buildings are exempt from this standard.
- h. **Fences.** Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- i. **Compost and waste management.** Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. No compost material generated off site shall be composted at an urban farm unless specifically approved by the City.
- j. **Site design.** The site must be designed so that water and fertilizers will not drain onto adjacent property or into the City's waste water system.
- k. **Management plan.** Urban farms must prepare a management plan, to be reviewed as part of the special use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems and includes any proposed mitigation measures. The management plan must include:
  - i. A description of the type of equipment and vehicles necessary or intended for use in each season and the frequency and duration of anticipated use.
  - ii. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.

## ZONING

- iii. Disclosure of the spreading of manure or any other waste generated by the agricultural use.
  - iv. Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site.
  - v. Disclosure of whether the operation of the urban farm would involve two thousand (2,000) square feet or more of land-disturbing activity, or would otherwise require drainage and/or erosion control approval under Chapter 24 of the Municipal Code.
  - vi. A composting and waste management plan.
  - vii. Disclosure of any intent to invite the public to a program of events on the site.
    - viii. Site Plan contains, but is not limited to, the following:
      - Parking facilities;
      - Planting area including plant types;
      - Location and number of rest room/sanitary facilities;
      - Fence type, height and location;
      - Sign size and location;
      - Area to be utilized for produce cleaning and preparation;
      - Area to be utilized for sales;
      - Equipment, materials and fuel storage area;
      - Composting location.
  - ix. Identification of water source.
  - x. Any additional information that may be deemed appropriate by the Director of Community and Economic Development or designee.
  - xi. Lighting.
  - xii. Security.
1. **Standard conditions of approval.** In addition to complying with Section 23-66 Special use permits of this ordinance and in determining whether to approve, approve with conditions or deny the application, the City shall consider the potential impacts, including:
- i. **Water quality and soils.** Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  - ii. **Traffic and parking.** Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
  - iii. **Visual impacts and screening.** Visual impacts relating to the proposed nature, location, design, and size of proposed buildings, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening.

## APPLETON CODE

- iv. **Noise and odor.** Impacts related to the location on the lot of the proposed urban farm, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
  - v. **Agricultural chemicals.** Impacts related to the use of chemicals, including any fertilizer and pesticide.
  - vi. **Mechanical equipment.** Impacts related to the operation of equipment, including noise, odors, and vibration.
- m. **Compliance with laws.** All urban farms and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

These Urban Farm standards and requirements are intended to work in concert with other applicable Municipal Codes including, but not limited to, Chapter 3 Animals, Chapter 4 Building, Chapter 7 Health, Chapter 9, Licenses, Permits, and Chapter 21 Vegetation and any other applicable Appleton Municipal Code Chapter. These and any other applicable local, state and federal regulations shall also apply.

(18) *Outdoor storage area for recreational vehicles.*

- a. **Purpose.** The purpose of these regulations is to provide adequate and convenient areas for such outdoor storage of recreational vehicles while minimizing the visual, noise and environmental impacts to adjacent properties and public and private streets.
- b. **Requirements.** Outdoor storage areas for recreational vehicles are accessory uses to personal storage facilities (self-storage/mini-warehouses) and shall be a permitted accessory use in the M-2 District. No outdoor storage areas for recreational vehicles shall be constructed or established on a lot unless a personal storage (self-storage/mini-warehouse) facility has already been constructed on the same lot. In addition, all of the following requirements shall apply to outdoor storage areas for recreational vehicles:
  - i. **Applicable Outdoor Storage.** Outdoor storage shall be limited only to the following recreational vehicles: "camping trailer", "fifth-wheel trailer", or "motor home" as those terms are defined by §340.01, Wis. Stats., as well as boat trailers and boats, trailered snowmobiles, trailered jet-ski(s). All other vehicles, equipment and other items are prohibited from being stored within such outdoor storage area and on the lot.
  - ii. **Location.** No outdoor storage area shall be located between the principal building(s) and a front lot line.
  - iii. **Outdoor lighting.** All outdoor lighting used to illuminate such outdoor storage area shall comply with the outdoor lighting requirements of this chapter.
  - iv. **Surface material.** The surface material of the outdoor storage area and driveway leading from the lot line to such outdoor storage area shall be concrete or asphalt.
  - v. **Setbacks requirements.** The surface material of the outdoor storage area shall be located a minimum of fifteen (15) feet from a side and/or rear lot line.
  - vi. **Security requirements.** The perimeter (outer boundary) of the outdoor storage areas shall be secured with a continuous (with no break points) minimum eight (8) foot high fence or with continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or parcel or combinations of a continuous (with no break points) minimum eight (8) foot high fence and exterior building walls of existing and/or proposed buildings on the site or parcel in order to minimize unauthorized access to outdoor storage area, unless otherwise specified in this subsection.

## Appendix B

	<p><b>CITY OF ST. PAUL</b>                  DEPARTMENT OF SAFETY AND INSPECTIONS                  375 JACKSON STREET, SUITE 220                  ST. PAUL, MINNESOTA 55101-1806                  Phone: 651-266-8989 Fax: 651-266-9124                  Visit our Web Site at <a href="http://www.stpaul.gov/dsi">www.stpaul.gov/dsi</a></p>	<p><b>URBAN AGRICULTURE APPLICATION</b></p> <p>File #: _____                  Date Received _____</p>
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**The following must be submitted for your application to be considered complete:**

- Include:
- A) A site plan showing the location of all growing plots, structures, and fencing.
  - B) A soil lead test showing that lead levels are less than 100 parts per million or you must have raised planting beds with soil barriers and clean, imported soil.

APPLICANT  
(Main contact person for project)

Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

PROPERTY OWNER  
(If different than the applicant)

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

PROJECT

Project name / description: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Project address / Location: \_\_\_\_\_  
 \_\_\_\_\_  
 Farmers Market-Number of vendors: \_\_\_\_\_

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

\*There is a filing fee of \$32 for review of a site plan.

## Urban Agriculture

Definition: "Principal use of land for production of food or horticultural crops to be harvested, sold, or donated." (Zoning Code Sec.65.771)

-If your site plan shows an area greater than 1 acre, the [keeping of bees](#), or a temporary structure covering an area greater than 120 square feet, you will be responsible for obtaining the correct [permits](#) from the City of Saint Paul.

-Applicants can have soil lead tests done for \$16 through the University of Minnesota. Visit <http://soiltest.cfans.umn.edu/testing-services> for more information.

-Applicants using or producing compost, refer to our [compost regulations](#).

-All applicants are subject to obeying exterior property areas regulations found in the property maintenance code Sec. 34.08 and the nuisance ordinance Sec. 45.03.

Sec. 34.08. Exterior property areas.

- (1) *Sanitation.* All exterior property areas shall be maintained free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- (3) *Ground cover.* Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by suitable paving or by other means as shall be approved by the enforcement officer. In residential zoning districts, impervious surfaces, excluding the principal building, accessory structures, patios and swimming pools shall not exceed one thousand five hundred (1,500) square feet unless site or terrain conditions make this impractical. For the purposes of this section, an impervious surface includes driveways, sidewalks and surface parking areas.
- (4) *Insect and rodent infestations.* It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.

Sec. 45.03. Nuisance.

Nuisances include:

- (7) *Grass and weeds.* Grass which has grown upon any property to a height of eight (8) or more inches or weeds.
- (10) *Insects, rodents and pest harborage.* Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests. Bees or pigeons kept with written permission from and maintained in accordance with the regulations of the division of public health are exempt from the provisions of this chapter.
- (16) *Rank plant growth.* Overgrown, uncontrolled vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.