



# CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #12  
August 11, 2014

## ZONING CODE TEXT AMENDMENT SUMMARY

*Initiator:* Council Member Gordon  
*Introduction Date:* April 26, 2013 and July 18, 2014  
*Prepared By:* [Lisa Steiner](#), City Planner, (612) 673-3950  
*Specific Site:* Citywide  
*Ward:* Citywide  
*Neighborhood:* Citywide  
*Intent:* To amend the regulations pertaining to farmstands.

## APPLICABLE SECTIONS OF THE ZONING CODE

- Chapter 520, Introductory Provisions
- Chapter 535, Regulations of General Applicability
- Chapter 536, Specific Development Standards
- Chapter 537, Accessory Uses and Structures

## BACKGROUND

On April 26, 2013, Council Member Gordon introduced a zoning code text amendment for Chapter 520: Introductory Provisions, Chapter 535: Regulations of General Applicability, and Chapter 537: Accessory Uses and Structures. The intent of the ordinance amendment was to modify the regulations pertaining to farmstands. On July 18, 2014, Chapter 536: Specific Development Standards was introduced in order to amend additional language relating to retail sales from community gardens and market gardens.

In 2011, City Council adopted the *Urban Agriculture Policy Plan*.<sup>1</sup> The plan primarily focused on land use changes that could better support urban agriculture and a healthy, sustainable local food system in the City of Minneapolis. The plan built upon policies and guidance in both the *Minneapolis Plan for Sustainable Growth* and the *Homegrown Minneapolis Report*. Key recommendations in the *Urban Agriculture Policy Plan* included defining several urban agriculture related activities in the zoning code, altering some of the existing zoning standards related to community gardens and farmers' markets, incorporating urban agriculture into long range planning, and reviewing the city-owned land inventory for land that was well-suited for urban agriculture but not desirable for development.

The current regulations for farmstands were adopted in 2012 as part of a package of urban agriculture text amendments intended to implement the policies of the *Urban Agriculture Policy Plan* and better accommodate urban agriculture uses in the zoning code. The package of amendments addressed many different urban agriculture topics and removed many regulatory barriers to urban agriculture. At this time, farmstands were defined in this text amendment as temporary structures for the display and sale of food or ornamental crops grown on-site at a community garden, market garden, or urban farm.

The zoning ordinance currently allows farmstands accessory to community gardens, market gardens, and urban farms. A Temporary Use Permit must be obtained in order to operate a farmstand and farmstands are subject to certain standards. Farmstands can only sell products grown on-site, can only operate 15 days per year, and are limited to sales between 7 am and 7 pm. Only one stand and one temporary sign are allowed for a farmstand, which must both be removed when the farmstand is not in operation. Additionally, only one farmstand is allowed per zoning lot and farmstands are not allowed in the I3 General Industrial District.

The proposed amendments would allow farmstands as accessory to legally established community gardens, market gardens, and urban farms without the current requirement to obtain a Temporary Use Permit. The amendments as proposed would increase the allowed duration from 15 days to 75 days per calendar year. Also, farmstands are currently restricted to selling only products grown on-site. The proposed amendments would allow the sale of products from farms and gardens which are occupied and cultivated by the same producer, but are not necessarily grown on the exact site on which they are sold.

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<sup>1</sup> For a copy of the Urban Agriculture Policy Plan, see:  
[http://www.ci.minneapolis.mn.us/cped/planning/plans/cped\\_urban\\_ag\\_plan](http://www.ci.minneapolis.mn.us/cped/planning/plans/cped_urban_ag_plan)

## PURPOSE

### **What is the reason for the amendment?**

The reason for the amendment is to update the zoning code in order to allow farmstands to operate without requiring a Temporary Use Permit and to modify some of the current standards for farmstands. This will further remove regulatory barriers to urban agriculture and ease the sale of produce throughout the City of Minneapolis.

### **What problem is the amendment designed to solve?**

In addition to the reason stated above, the text amendment is also intended to remove an inconsistency with the Minnesota State Constitution by eliminating the requirement to obtain a Temporary Use Permit.<sup>2</sup> Additional changes to the standards for farmstands are also proposed in order to relax the standards and requirements for farmstands. Individual operators of farmstands would be able to aggregate produce from multiple sites to sell from one farmstand. Also, farmstands would be allowed to operate 60 more days per year than what is currently allowed.

### **What public purpose will be served by the amendment?**

The amendment allows farmstands and sales of produce without the requirement of a permit. However, it should be noted that only two Temporary Use Permits for farmstands have been issued since they were first allowed in 2012. There are other opportunities for selling produce in Minneapolis including both farmers' markets and mini-markets, which are essentially farmers' markets with less than 5 vendors. These markets may operate for 75 days per year but require Temporary Use Permits. The public purpose of this amendment is to expand options for individual operators to easily sell the products of their farm or garden.

### **What problems might the amendment create?**

Without the requirement of a permit, enforcement and public understanding of standards governing farmstands may be more challenging. When the urban agriculture text amendment package was adopted in 2012, concerns were raised that a farmstand would essentially be a commercial operation which could take place in a residential district. If a farmstand regularly attracted significant traffic and noise in a residential area, it could become a nuisance to neighbors. Relatively few commercial uses are permitted in residential zoning districts. Increasing the number of days per year that farmstands could operate and increasing the amount of produce that could be sold on one site by allowing aggregate sales could potentially increase the risk for farmstands to bother neighbors.

Additionally, governed by the same constitutional provision, farmstands are also exempted from licensing requirements. In essence, there would be no regulation of farmstands other than the standards incorporated into the zoning code.

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<sup>2</sup> Article 13, Sec. 7 of the Minnesota State Constitution states: *No license required to peddle. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.*  
[https://www.revisor.mn.gov/constitution/#article\\_13](https://www.revisor.mn.gov/constitution/#article_13)

## TIMELINESS

### **Is the amendment timely?**

The amendment is timely given that the city passed many urban agriculture amendments in 2012 and now expanded urban farming in Minneapolis has spurred interest in increased farmstand operation. The text amendment is also timely as the inconsistency of requiring a Temporary Use Permit with the constitutional provision was recently brought to the City's attention.

### **Is the amendment consistent with practices in surrounding areas?**

Staff performed a code search to obtain information on how other cities regulate farmstands around the state and nation. Many peer cities which have recently addressed urban agriculture in their zoning codes were evaluated for their treatment of produce sales. These cities included Boston, Cleveland, Denver, Detroit, Kansas City, Philadelphia, Portland, San Francisco, and Seattle. Given the statewide implications of the constitutional provision, many Minnesota cities were also studied, including Saint Paul, Rochester, Duluth, Bloomington, Brooklyn Park, Plymouth, and Eagan. See attachment 6 for a peer city analysis summary matrix.

#### *1. Boston*

In December 2013, Boston adopted a new chapter devoted to urban agriculture into their zoning code. Boston has a "Comprehensive Farm Review" administrative process for farms over 10,000 square feet. Accessory farm stands under 200 square feet in size are allowed wherever urban farms are allowed and where retail is allowed by the underlying zoning. Otherwise, farm stands are conditional.<sup>3</sup>

#### *2. Cleveland*

Cleveland established an Urban Garden district in 2007 which permitted community gardens and market gardens. Sales of produce from market gardens were also permitted. In 2010, the sale of produce from farm stands in residential districts was allowed as a conditional use. Only products made on or within 1,000 feet of the subject property may be sold on the premises of an agricultural use in a residential district, if at least 75 percent or 4,000 square feet of the site is used for agricultural purposes. No sales may be made before 8 am or after dusk. Farm stands in a required front yard in a one-family or two-family district must be removed from the yard when not open for public use. Farm stands cannot occupy more than 2 percent of the property's land area. In one-family and two-family districts, farm stands also must be smaller than 200 square feet in area. Finally, farm stands must be set back at least 18 inches from any lot line.<sup>4</sup>

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<sup>3</sup> Boston Redevelopment Authority, "Urban Agriculture Rezoning Initiative," <http://www.bostonredevelopmentauthority.org/planning/planning-initiatives/urban-agriculture-rezoning>; Article 89: Urban Agriculture, Boston Zoning Code <http://www.bostonredevelopmentauthority.org/getattachment/a573190c-9305-45a5-83b1-735c0801e73e>; Article 89 Made Easy: Urban Agriculture Zoning For The City of Boston, <http://www.bostonredevelopmentauthority.org/getattachment/4b74929b-920e-4984-b1cd-500ea06f1bc0>

<sup>4</sup> City of Cleveland, "Cleveland's Zoning for Urban Agriculture and Green Space," <http://planning.city.cleveland.oh.us/zoning/pdf/AgricultureOpenSpaceSummary.pdf>; City of Cleveland Zoning Code, <http://www.amlegal.com/library/oh/cleveland.shtml>

3. *Denver*

Denver's updated zoning code in 2010 allowed gardens and urban gardens in most zoning districts in the city. Sales of products derived from a garden accessory to a primary residential use were prohibited in residential districts. However, if a garden was accessory to a primary nonresidential use in a residential district or any other zone district, sales of products derived from a garden were allowed.<sup>5</sup> Also, in July 2014, the Denver City Council approved a zoning code text amendment to allow residents to sell raw, uncut produce and homemade cottage foods from their home. Sellers must have grown the produce in their home gardens or off-site at a community garden, urban farm, or another person's property, and must have prepared the cottage foods at their homes. As defined, cottage foods include non-potentially hazardous foods such as tea, honey, jams, jellies, and dried produce.<sup>6</sup>

4. *Detroit*

Detroit passed an urban agriculture ordinance in April 2013. Urban farms and gardens are permitted by-right in most districts of the city, although they are conditional uses in the more restrictive residential districts. Farm stands are allowed as accessory to urban farms or urban gardens. The sale of farm products is allowed as an accessory use on the property from which the farm product is grown or produced.<sup>7</sup>

5. *Kansas City*

In 2010, Kansas City amended their zoning code to address urban agriculture. A special use permit is required for on-site sales in residential districts. Sales of products produced on site are allowed from home gardens only between May 15 and October 15. Sales are only allowed from community gardens if the lot is not occupied or residentially zoned.<sup>8</sup>

6. *Philadelphia*

Community gardens and market or community-supported farms are permitted in all residential areas and most commercial and industrial areas. Sales are permitted on the same lot as the urban agriculture use or in locations where retail sales are an allowed use.<sup>9</sup>

7. *Portland*

In June 2012, Portland updated their zoning code to define and allow market gardens in all zones. In residential zones, on-site sales from a market garden are allowed as accessory to the agriculture use, though sales can only be conducted between 7 am and 9 pm and are only allowed 70 days per year.

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<sup>5</sup> Denver Zoning Code,

<http://www.denvergov.org/cpd/CommunityPlanningandDevelopment/Zoning/DenverZoningCode/tabid/432507/Default.aspx>

<sup>6</sup> New Home Occupation: Fresh Produce and Cottage Food Sales,

<http://www.denvergov.org/development/services/DenverDevelopmentServices/HomeProjects/InsidetheHome/HomeBusinesses/tabid/445283/Default.aspx>

<sup>7</sup> City of Detroit Urban Agriculture Ordinance,

[http://www.detroitmi.gov/Portals/0/docs/legislative/cpc/pdf/Urban%20Ag%20Ordinance%20Abridged\\_Apr2013.pdf](http://www.detroitmi.gov/Portals/0/docs/legislative/cpc/pdf/Urban%20Ag%20Ordinance%20Abridged_Apr2013.pdf)

<sup>8</sup> City of Kansas City Zoning and Development Code, <http://online.encode-360.com/regs/kansascity/Doc-Viewer.aspx#secid-3331>

<sup>9</sup> City of Philadelphia Zoning Code, <http://www.amlegal.com/library/pa/philadelphia.shtml>

On-site sales from community gardens are only allowed for three consecutive days on two occasions per year.<sup>10</sup>

#### 8. *San Francisco*

In 2011, San Francisco explicitly allowed urban agriculture, establishing a neighborhood agriculture use and a large-scale urban agriculture use. Neighborhood agriculture uses are less than 1 acre in size and are permitted in all districts. A change of use permit is required to establish a neighborhood agriculture use or large-scale urban agriculture use. Limited sales are allowed on-site as long as the sales do not occur within a dwelling unit. Sales must occur between 6 am and 8 pm. Value-added products where the primary ingredients are grown and produced on-site are also allowed in every district except residential districts.<sup>11</sup>

#### 9. *Seattle*

In 2010, Seattle updated their land use code to address urban agriculture. Urban farms and community gardens are allowed in all zones with some limitations in industrial zones. Urban farms with less than 4,000 square feet of planting area are permitted outright as an accessory use. Urban farms with over 4,000 square feet of planting area may be permitted as a conditional use and require a management plan. Retail sales are allowed, though in residential zones, retail sales and public use of the farm can only occur between 7 am and 7 pm.<sup>12</sup>

#### 10. *Saint Paul*

In November 2013, Saint Paul created a new primary use category for agriculture. In residential and traditional neighborhood districts, sales are limited to only products grown on site. These sales are limited to three sales per year and can only take place between 7 am and 7 pm. Sales cannot take place on a public sidewalk or boulevard. A conditional use permit is required for agriculture uses over 1 acre in size.<sup>13</sup>

#### 11. *Rochester*

Seasonal sales of farm produce are allowed as a temporary use and require a temporary use permit. Sale areas must be set back a minimum of 20 feet from any right of way.<sup>14</sup>

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<sup>10</sup> City of Portland Bureau of Planning and Sustainability, "Urban Food Zoning Code Update: Enhancing Portlanders' Connection to their Food and Community," <https://www.portlandoregon.gov/bps/article/402598>; City of Portland Zoning Code <https://www.portlandoregon.gov/bps/article/402481>

<sup>11</sup> San Francisco Urban Agriculture Alliance, "Overview of San Francisco's Urban Agriculture Zoning Ordinance," [http://www.sfuua.org/uploads/4/8/9/3/4893022/overview\\_of\\_sf\\_urban\\_ag\\_zoning\\_changes\\_final.pdf](http://www.sfuua.org/uploads/4/8/9/3/4893022/overview_of_sf_urban_ag_zoning_changes_final.pdf); San Francisco Zoning Code [http://www.amlegal.com/nxt/gateway.dll/California/planning/planningcode?fn=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$sync=1](http://www.amlegal.com/nxt/gateway.dll/California/planning/planningcode?fn=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

<sup>12</sup> Council News Release, <http://www.seattle.gov/council/newsdetail.asp?ID=10996&Dept=28>; Seattle Land Use Code, <http://clerk.ci.seattle.wa.us/~public/toc/t23.htm>

<sup>13</sup> City of Saint Paul, Ordinance for Agriculture and Farmers Markets with Tables, <https://stpaul.legistar.com/LegislationDetail.aspx?ID=1484390&GUID=95BBF0BE-FE57-4F1B-B4F3-05A2861AB2FC&Options=&Search=>

<sup>14</sup> City of Rochester Land Development Manual, [https://www.rochestermn.gov/departments/planning\\_zoning/landdevman.asp](https://www.rochestermn.gov/departments/planning_zoning/landdevman.asp)

12. *Duluth*

Accessory agriculture roadside stands are permitted accessory uses in three districts: rural conservation, residential-rural, and parks and open space districts. Sales are limited to those farm products produced on the premises. They are limited in size to 200 square feet and cannot be closer than 25 feet from a street or highway.<sup>15</sup>

13. *Bloomington*

Agricultural stands are allowed, though sales are limited to products grown on site and may only be sold when the products sold are in season.<sup>16</sup>

14. *Brooklyn Park*

Seasonal sales stands are allowed in community gardens, but all products must be grown within that community garden, and must be removed during the time of year when the garden is not open for public use.<sup>17</sup>

15. *Plymouth*

Plymouth requires an administrative permit for temporary outdoor sales by transient produce merchant or an interim use permit for up to 8 month a year. The permit specifies that no more than 10 sales activities are allowed per year and cannot occur for more than 90 days per calendar year.<sup>18</sup>

16. *Eagan*

Eagan's agricultural district allows stands for the sale of agricultural products. However, sales are limited to products grown on-site.

For the most part, the proposed text amendment will be in keeping with many of the peer cities studied nationally. However, the majority of peer cities studied do restrict sales to only products grown on-site, so Minneapolis would have a more relaxed standard than these cities by allowing aggregate sales of produce from a farmstand.

**Are there consequences in denying this amendment?**

If this amendment is denied, the zoning regulations and requirement of a Temporary Use Permit will continue to be inconsistent with the state constitutional provision and regulatory barriers for urban agriculture will remain. Additionally, farmstands will continue to be restricted to fifteen days per year and on-site sales only.

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<sup>15</sup> City of Duluth Unified Development Chapter, <http://www.duluthmn.gov/media/119145/Article3July2013.pdf>

<sup>16</sup> City of Bloomington Zoning, [http://www.amlegal.com/nxt/gateway.dll/Minnesota/bloomington\\_mn/partiithecode/chapter19zoning?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:bloomington\\_mn\\$anc=JD\\_19.05](http://www.amlegal.com/nxt/gateway.dll/Minnesota/bloomington_mn/partiithecode/chapter19zoning?f=templates$fn=default.htm$3.0$vid=amlegal:bloomington_mn$anc=JD_19.05)

<sup>17</sup> City of Brooklyn Park Code of Ordinances, [http://www.amlegal.com/nxt/gateway.dll/Minnesota/brooklyn/titlexvlandusage/chapter152zoningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:brooklynpark\\_mn\\$anc=JD\\_152.184](http://www.amlegal.com/nxt/gateway.dll/Minnesota/brooklyn/titlexvlandusage/chapter152zoningcode?f=templates$fn=default.htm$3.0$vid=amlegal:brooklynpark_mn$anc=JD_152.184)

<sup>18</sup> City of Plymouth Zoning Ordinance, <http://plymouthmn.gov/Modules/ShowDocument.aspx?documentid=754>

## COMPREHENSIVE PLAN

The amendment will implement the following applicable policies of [The Minneapolis Plan for Sustainable Growth](#):

**Public Services Policy 5.7: Protect and improve individual, community, and environmental health.**

5.7.3 Promote nutrition using strategies to ensure access to healthy foods for all residents.

**Environment Policy 6.15: Support local businesses, goods and services to promote economic growth, to preserve natural resources, and to minimize of the carbon footprint.**

6.15.2 Support the growth and development of local businesses.

**Open Space Policy 7.1: Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing.**

7.1.6 Support the creation and improvement of community gardens and food markets which sell locally and regionally grown foods.

**Open Space Policy 7.3: Maintain and improve the accessibility of open spaces and parks to all residents.**

7.3.4 Encourage the equitable spatial distribution of community gardens and food markets to provide all Minneapolis communities with access to healthy, locally grown food.

## RECOMMENDATIONS

**Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapters 520, 535, 536, and 537.

## ATTACHMENTS

1. Ordinance amending Chapter 520, Introductory Provisions
2. Ordinance amending Chapter 535, Regulations of General Applicability
3. Ordinance amending Chapter 536, Specific Development Standards
4. Ordinance amending Chapter 537, Accessory Uses and Structures
5. Letter of Support with additional recommendations – Homegrown Minneapolis Food Council
6. Farmstand Peer City Research matrix

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

By Gordon

**Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended by amending the definition in alphabetical sequence to read as follows:

*Farmstand.* A temporary structure for the display and sale of food or ornamental crops grown ~~on-site~~ at a community garden, market garden or urban farm.

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

By Gordon

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 535.360 of the above-entitled ordinance be amended to read as follows:

**535.360. Permitted temporary uses and structures.** The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this article. Outdoor temporary uses shall be exempt from the enclosed building requirement.

- (1) *Storage of building materials and equipment or temporary buildings.* The indoor or outdoor storage of building materials and equipment and temporary buildings for construction purposes may be allowed as a temporary use, provided that such storage or temporary building shall be located on the site under construction and shall not exceed the duration of such construction or one (1) year, whichever is less. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.
- (2) *Temporary real estate tract office.* Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which the tract office is located may be allowed as a temporary use, provided such office shall be located on the tract for a period not to exceed one (1) year. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.
- (3) *Temporary amusement events.* Indoor or outdoor temporary amusement events, including the erection of tents for such event, may be allowed as a temporary use, provided such use shall not exceed a duration of fifteen (15) days in one (1) calendar year. In the residence and office residence districts, such temporary amusement events shall be located on institutional and public uses property only.
- (4) *Seasonal outdoor sale of holiday items.* The seasonal outdoor sale of holiday items may be allowed as a temporary use. Such temporary use shall not exceed a duration of thirty-five (35) days in one (1) calendar year. In the residence and OR1 districts, such seasonal outdoor sale of holiday items shall be located on institutional and public uses property only.
- (5) *Farmers' markets, mini-markets and produce and craft markets.* Farmers' markets, mini-markets and produce and craft markets may be allowed as a temporary use. Such temporary use shall not exceed a duration of seventy-five (75) days in one (1) calendar year. In the residence and OR1 districts, farmers' markets, mini-markets and produce and craft markets shall be located on institutional or public use sites or on zoning lots of not less than twenty thousand (20,000) square feet. Temporary farmers' markets, mini-markets and produce and craft markets shall not be located in the I3 zoning district.
- (6) *Promotional activities involving outdoor sales and display.* Outdoor sales and display not otherwise allowed, may be allowed as a temporary use, provided such use shall not be located

in a residence or office residence district. Such temporary use shall not exceed a duration of fifteen (15) days in one (1) calendar year.

- (7) *Searchlights.* Searchlights may be allowed in the commercial and downtown districts as a temporary use, provided such use shall not exceed a duration of three (3) consecutive days and no more than fifteen (15) days in one (1) calendar year.
- ~~(8) *Farmstand.* Farmstands may be allowed as a temporary use provided that such temporary farmstand shall only sell products grown onsite and shall not exceed a duration of fifteen (15) days in one (1) calendar year. Such sales shall be limited to between 7:00 a.m. and 7:00 p.m. Farmstands shall be allowed only accessory to a lawfully established market garden, urban farm or community garden. Farmstands must be removed from the premises or stored inside a structure when not in operation. Only one (1) farmstand is permitted per zoning lot. One (1) temporary sign advertising only products grown on-site may be displayed during sales but must be removed from the premises or stored inside a structure when the farmstand is not in operation. Temporary farmstands shall not be located in the I3 zoning district.~~
- ~~(9)~~(8) *Exhibition or temporary market.* Exhibition or temporary markets may be allowed as a temporary use. Such temporary use shall not exceed a duration of one hundred eighty (180) days in one (1) calendar year. In the residence and OR1 districts, exhibition or temporary markets shall be located on institutional or public use sites.
- ~~(10)~~(9) *Additional temporary uses.* In addition to the temporary uses and structures listed above, the zoning administrator may allow other temporary uses and structures, not exceeding fifteen (15) days in one (1) calendar year, provided the zoning administrator determines that the proposed temporary use or structure is substantially similar to a temporary use or structure listed above in the manner provided for in Chapter 525, Administration and Enforcement, governing determination of substantially similar uses.

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

By Gordon

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by amending the following specific development standards in alphabetical sequence to read as follows:

*Community garden.*

- (1) Overhead lighting shall be prohibited.
- (2) No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.
- (3) ~~No retail sales shall be permitted, except as an approved temporary use, as specified in Chapter 535, Regulations of General Applicability.~~ Accessory retail sales are subject to the development standards for farmstands specified in Chapter 537, Accessory Uses and Structures.
- (4) The use shall not be located in a required interior side yard.
- (5) Outdoor growing associated with a community garden shall be exempt from the enclosed building requirements of the zoning ordinance.
- (6) Keeping of animals is prohibited.

*Market gardens.*

- (1) In the Residence and OR1 districts:
  - a. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land heavy equipment may be used to prepare the land between 7:00 a.m. and 7:00 p.m.
  - b. ~~No retail sales shall be permitted, except as an approved temporary use, as specified in Chapter 535, Regulations of General Applicability.~~ Accessory retail sales are subject to the development standards for farmstands specified in Chapter 537, Accessory Uses and Structures.
  - c. No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.
  - d. Shipment and delivery of products or supplies shall be limited to between 7:00 a.m. and 7:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.
  - e. Overhead lighting shall be prohibited.
- (2) In the C3A and downtown zoning districts market gardens shall be limited to rooftops or indoor operations unless accessory to a principal use located on the same zoning lot.

- (3) Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
- (4) The use shall not be located in a required interior side yard.
- (5) Keeping of animals is prohibited.
- (6) Outdoor growing associated with a market garden shall be exempt from the enclosed building requirements of the zoning ordinance.

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

By Gordon

**Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 537.110 of the above-entitled ordinance be amended by amending the following development standards in alphabetical sequence to read as follows:

*Farmstand.* Farmstands shall be allowed accessory to a community garden, market garden or urban farm, subject to the provisions of Chapter 535, Regulations of General Applicability, following:

- (1) The farmstand shall only sell products of the farm or garden occupied and cultivated by the same producer within the City of Minneapolis.
- (2) The farmstand shall not exceed a duration of seventy-five (75) days in one (1) calendar year.
- (3) Sales shall be limited to between 7:00 a.m. and 7:00 p.m.
- (4) Farmstands must be removed from the premises or stored inside a structure when not in operation.
- (5) Only one (1) farmstand is permitted per zoning lot.
- (6) One (1) temporary sign may be displayed during sales but must be removed from the premises or stored inside a structure when the farmstand is not in operation.
- (7) Farmstands shall not be located in the I3 zoning district.



# Homegrown Minneapolis

July 25, 2014

Dear Mayor Hodges and Members of the City Council,

As the Co-Chairs of the Homegrown Minneapolis Food Council, we are writing to communicate the Food Council's unanimous support at our July 9, 2014 meeting for Council Member Gordon's proposed zoning code text amendment to the Minneapolis farm stand ordinance, with three additional modifications.

The Food Council supports the proposed zoning code text amendments to the farmstand regulations, which would allow farmstands as accessory to legally established community gardens, market gardens, and urban farms without the current requirement to obtain a Temporary Use Permit, as well as to increase the allowed duration from 15 days to 75 days per calendar year and also allow the sale of products of farms and garden which are occupied and cultivated by the same producer, but are not necessarily grown on the exact site on which they are sold. We applaud these changes.

We recommend the following additional changes in relation to Title 20, Chapter 537, Section 537.110, under *Farmstand*,

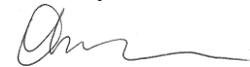
(3) Sales shall be limited to between 7:00 am and 8:00 pm

We believe that sales should be allowed until 8:00 pm instead of 7:00 pm. 8:00 is still a reasonable time for neighbors and would allow additional sales during the short window of time that farm stands have to sell to their neighbors who work during the day. Farm stand activity is quiet and will not result in significant disruption to neighborhoods.

(6) Multiple signs may be displayed during the growing season. We recommend that more than one sign be allowed and that signage be permissible throughout the growing season, as opposed to only during farm stand operation, to better accommodate communication with potential customers.

Urban farmers and market gardeners are contributing to the community's healthy food access opportunities, community vitality and our local economy. By supporting the farm stand amendments and our additional suggestions, they will have better opportunity to grow and sustain their enterprise and neighborhoods will have better access to healthy, local food. The Food Council strongly recommends that the City Council approve the farmstand ordinance amendment, along with our recommended additions.

Thank you,



Omari Chatman  
Co-Chair, Homegrown Minneapolis Food Council



Russ Henry  
Co-Chair, Homegrown Minneapolis Food Council

# Farmstand Peer City Research

	Use	District Specific Standards	Process	On-site Sales	Frequency	Time	Size/Location	Signs	Additional Notes
<i>National</i>									
<b>Boston</b>	"Urban Farm" and "Farm Stand"	Accessory farm stands allowed where urban farms allowed and wherever retail is allowed by underlying zoning; conditional otherwise	"Comprehensive Farm Review" process required for farms over 10,000 SF				1 farm stand allowed if under 200 SF in floor area; conditional otherwise	1 temporary may be displayed during sales hours	
<b>Cleveland</b>	"Community Gardens" and "Market Gardens"		Has to be approved, permitted by Board of Zoning Appeals if in residential district	Residential Districts: On-site items grown or products made from principal ingredients grown on site or within 1,000 feet		Residential districts: 8 am -dusk	Farm stand must be removed when not in use; cannot take up more than 2% of land area or be larger than 200 SF; must be set back 18 inches from any lot line		Sales in residential districts only allowed if agricultural use is only use of property or occupies at least 75% of property or at least 4,000 SF
<b>Denver</b>	"Garden" and "Urban Garden"	Residential Zone District specific provisions	Sales from garden accessory to primary residential use are prohibited in Residential Zone District; if accessory to non-residential use in Residential zone district, sales allowed.						Prohibition of sales from garden accessory to residential use in Res zone district currently under consideration for change, addition as new home occupation
<b>Detroit</b>	"Urban Garden" and "Urban Farm"		Conditional uses in more restrictive residential districts; Farm Stand is allowed as accessory use to urban farm or ur ban garden	Farm stand must be located on the property from which the farm product is grown or produced					Greenhouses, hoop houses, urban farms, and urban gardens are permitted by-right uses and conditional uses in all Residential, Business, and Industrial uses.
<b>Kansas City</b>	"Crop Agriculture" "Home Garden" and "Community Supported Agriculture"		Special Use Permit required for on-site sales of Crop Agriculture; Special Use Permit reqd for Community Supported Ag	On-site only		sales allowed from Home Garden use Only May 15 - October 15		1 temporary	
<b>Philadelphia</b>	"Community Garden" and "Market and Community Supported Farm"		Sales permitted on same lot as urban agriculture use or where retail sales are allowed use	On-site only					Permitted in all residential areas, most commercial districts, most industrial districts
<b>Portland</b>	"Community Gardens" and "Market Gardens"	Residential district provisions		Only food and value added products from produce grown on site may be sold	Residential zones, Market Garden: 70 days/year -- Community Garden sales only 3 consecutive days 2 occasions per year	Residential zones: 7 am- 9 pm	Max size for market gardens in residential zone; but larger market gardens require notification and meeting with neighbors		Market gardens allowed in all zones
<b>San Francisco</b>	"Neighborhood Agriculture" and "Large Scale Urban Agriculture"		Under 1 acre = Neighborhood Agriculture use, may be principal or accessory, permitted . Large Scale is conditional use in all residential districts; Change of Use Permit Required	On-site sales allowed but sales may not occur within dwelling unit; value-added products not allowed to be sold in residential districts but otherwise allowed		6 am - 8 pm			Also must meet water conservation requirements in other part of code if over 1000 SF; also, farm stands require a license; Neighborhood Ag allowed in all zoning districts
<b>Seattle</b>	"Urban Farms"	Residential Zone District specific provisions	Under 4,000 SF of planting area - Permitted by right as accessory use; Over 4,000 SF requires administrative CUP - must provide management plan and address potential impacts.	Residential Zone District: On or off-site; no other items can be sold on-site		Residential Zone District: 7 am - 7 pm	Residential Zone District: Structure size limited to 1000 SF (if no principal structure on lot)	Residential Zone District: 1 allowed, under 64 sq in	Commercial and Industrial zones: permitted as primary or accessory use

Use	District Specific Standards	Process	On-site Sales	Frequency	Time	Size/Location	Signs	Additional Notes
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**Minnesota**

<b>Saint Paul</b>	"Agriculture"	Residential only restrictions for ag uses under 1 acre.	Site Plan Review (\$30) for agriculture use; CUP if in res, tradl neighborhood, and business district AND over 1 acre	Residential/ Traditional Neighborhood districts: On-site sales limited to products grown on site	Residential/ Traditional Neighborhood districts: 3 per year (last minute amendment?)	Residential/ Traditional Neighborhood districts: 7 am-7 pm	Residential/ Traditional Neighborhood districts: Accessory Buildings must be under 1000 SF or 10% of parcel, whichever greater	Residential/ Traditional Neighborhood districts:1 allowed, under 6 SF
<b>Rochester</b>	"Agricultural Uses" and "Seasonal Sales of Farm Produce"		Temporary Use Permit required			Location: 20 feet from ROW		
<b>Duluth</b>	"Accessory Agriculture Roadside Stand"	Permitted accessory use only in 3 districts, rural conservation, residential-rural, and parks & open space		Sale of farm products produced on premises		Maximum 200 SF; can't be closer than 25 ft to street/highway		
<b>Bloomington</b>	"Agricultural Stands"			On-site		Only during season when products sold are in season		Nothing should prohibit the construction or maintenance of stand for sale of ag. products
<b>Brooklyn Park</b>	"Seasonal sales stands"			All products must be grown within community garden		Must be removed during time of year when garden is not open for public use		
<b>Plymouth</b>	"Transient Produce Merchant"		Administrative Permit for temporary outdoor sales; or Interim Use Permit for up to 8 months a year		Period specified in permit and in no case more than 90 days per calendar year, no more than 10 sales activities per year	Prohibited on unpaved landscaped areas		
<b>Eagan</b>	"Agricultural District"		Stands for the sale of agricultural products are a Permitted Use	Products must be raised on premises				
<b>Edina</b>	"Produce Stand"							Defined but not discussed otherwise
<b>Mankato</b>	"Agriculture"							Definition includes "incidental retail sales by the producer of products raised on the farm" but not otherwise discussed

(MN cities listed in order of population size)