

ZONING FOR URBAN AGRICULTURE



A Guide for Updating
Your Community's Laws
to Support Healthy Food
Production and Access



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I. INTRODUCTION

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Over the past decade and a half, policymakers have increasingly prioritized urban agriculture. Specifically, they have focused on supporting and enacting policies that facilitate commercial, community, and personal food production within and around cities.¹ While these policy efforts should be applauded, in many ways they are long overdue, given the historical roots of urban agriculture.² In the United States, urban agriculture became prominent in the early twentieth century when “vacant lot cultivation associations” emerged as a means of providing jobs to unemployed workers.³ During World War II, Americans began to grow victory gardens at private residences and on public lands to reduce pressure on the food supply and provide food to their communities.⁴ In the 1960s and ’70s, racist zoning policies, violence, and blight contributed to a widespread abandonment of central, racially diverse urban neighborhoods by major supermarkets, a practice known as “supermarket redlining,” mirroring the post-World War II phenomenon of white flight.⁵ Black and Latinx farmers in these neighborhoods stepped into the gap and established abundant urban community gardens as an act of resistance and to provide healthy, fresh, and nutritious food to their communities.⁶

More recently, the COVID-19 pandemic exposed the fragility of the global food supply chain and raised awareness around the importance and resilience of local food production and urban agriculture.⁷ However, despite its transformative potential and deep roots both global and domestic, urban agriculture is only now beginning to draw the policy attention and resources it merits.⁸ At the same time, there are key challenges facing urban farmers, including restrictions on how land can be used and limited access to resources such as land and water.

Zoning is a regulatory tool used by local government to control what uses are allowed on a given tract of land within the community.⁹ Many barriers faced by urban farmers today are related to outdated municipal zoning codes, which can ban or restrict agricultural and food production activities such as composting, chicken-keeping, and even growing vegetable plants in front yards.

This guide is intended for use by planners, local policy makers, food policy councils, and members of the public who want to promote urban agriculture through zoning reform. Principally, the guide is aimed toward communities that have not yet taken an in-depth look at their zoning codes to analyze their impact on urban agriculture. These communities may benefit from some of this guide's suggested amendments to their zoning laws.¹⁰ Rather than providing an exhaustive analysis of all the work communities are pursuing this in space, this guide instead provides a set of initial ideas, inspiration, and support to those advocating for urban agriculture in their communities.¹¹

To that end, this guide:

- provides a general [overview of urban agriculture and zoning](#),
- explains [how zoning can support urban agriculture](#),
- considers action steps for advocates trying to [facilitate urban agriculture through zoning](#), and
- explores [emerging trends in zoning for urban agriculture](#).

A major objective of this resource is to advance the [Healthy Food Policy Project's](#) goal of identifying local policy options that support access to healthy food. To provide a current understanding of the national landscape and allow for comparison of practices and identification of potential barriers, it generally focuses on laws enacted within the last 15 years (2008-2023).



USDA/FPAC photo by Preson Keres



II. BACKGROUND

USDA Photo by Lance Cheung

Given the many ways urban agriculture takes shape—from rooftop and community gardens to aquaponics and beyond—it is useful to consider a working definition of urban agriculture and its relationship to zoning.

A. URBAN AGRICULTURE: A WORKING DEFINITION

The United States Department of Agriculture (USDA) defines urban agriculture as “the cultivation, processing and distribution of agricultural products in urban and suburban areas.”¹² Here, “urban” areas are defined as those containing at least 2,000 housing units or a population of at least 5,000 (the definition used in the 2020 Census).¹³ The Environmental Protection Agency (EPA) defines urban agriculture as “part of a local food system where food is produced within an urban area and marketed to consumers within that area.”¹⁴ EPA also defines urban farming to include:

animal husbandry (e.g., breeding and raising livestock), beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers.¹⁵

Additionally, EPA sees value in urban farms as they can “contribute to the revitalization of abandoned or underutilized urban land [. . . and provide] social and economic benefits to urban communities, and beneficial impacts on the urban landscape.”¹⁶ While others may define urban agriculture differently, these federal definitions influence federal funding decisions and program priorities.

These broad definitions of urban agriculture capture a wide array of agricultural activities.¹⁷ Differences in scale, production method, location, and goals for a given operation can make it difficult to talk about urban agriculture with precision.¹⁸ Production can also take place in a wide variety of locations, including vacant public and private land, rooftops, and indoor spaces with closed-loop aquaponics systems and varying degrees of livestock production.¹⁹ One helpful framework sorts these activities into three principal categories:

1. **home gardens:** “food producing spaces on private residential property used primarily by the property’s resident”
2. **community gardens:** smaller-scale agricultural sites, often serving a neighborhood, “where individuals and families grow food primary for consumption or donation”
3. **urban farms:** “larger-scale, more intensive sites where food may be grown by an organization or private enterprises, and often include entrepreneurial opportunities, such as growing food for sale”²⁰

There are many urban agricultural enterprises that may cross these categories (a community garden that grows food for sale, for example). While this guide focuses on all three categories, when communities are designing zoning reforms, they should consider which of these activities they want to permit or disallow, as these goals will influence the proposed reforms.²¹ Planners should also carefully consider the differing needs of commercial urban agriculture and home gardeners. Even when allowed, administrative costs related to zoning approval or permitting can limit the viability of commercial operations.

Notably, USDA currently does not report any data and statistics on urban farming activities in the United States, so it is difficult to determine the scope and prevalence of these activities across the country.²² The motivations for encouraging urban agriculture include ensuring local food and nutrition security,²³ countering food apartheid,²⁴ developing strong local and regional food systems, reducing food waste, building community, increasing the amount of open green space in cities, and raising property values.²⁵ Increasingly, support for urban agriculture is also driven by climate- and sustainability-related goals²⁶ as well as food justice- and social equity-related considerations.²⁷

Urban Agriculture at USDA

One of the most encouraging changes in urban agriculture policy in recent years has been the increasing visibility and funding support for urban agriculture within USDA. In the 2018 Farm Bill, USDA’s Office of Urban Agriculture and Innovative Production was established. This Office has already played an important role in increasing access to USDA programs targeted at urban farmers—including in making grants to nonprofits and local governments to support zoning reforms.

This change has been driven by advocacy from those requesting more USDA support for urban agriculture and its increasing economic importance.

Lisa Palmer, *Urban Agriculture Growth in US Cities*, *Nature Sustainability* 5-7 (2018); Renee Johnson & Tadlock Cowan, *Cong. Rsch. Serv.*, IF11210, 2018 Farm Bill Primer: Support for Urban Agriculture (2019).

B. LOCAL GOVERNMENT AND LAND-USE REGULATION

To understand the role that zoning plays in regulating urban land use, this section provides a high-level summary of how land-use regulation works in practice, including: (1) the legal considerations; and (2) the structure/operation of zoning laws.

Definition of Land Use

“Land use” is a term used to describe the human use of land. It represents the economic and cultural activities (e.g., agricultural, residential, industrial, mining, and recreational uses) that are practiced at a given place. Public and private lands frequently represent very different uses. For example, urban development seldom occurs on publicly owned lands (e.g., parks, wilderness areas), while privately owned lands are infrequently protected for wilderness uses.

Land use differs from land cover in that some uses are not always physically obvious (e.g., land used for producing timber but not harvested for many years and forested land designated as wilderness will both appear as forest-covered, but they have different uses).”

Definition of Land-Use Regulation

“Land-use regulation” generally includes laws that govern a landowner’s use and development of land. In the United States, land use is primarily regulated by local land-use laws implemented by a county, city, or town to govern how land is used within that jurisdiction.

Land-use laws/regulations generally consist of a land-use plan (or a document adopted by a community to shape future land use) and the zoning ordinances or the series of laws that are designed to conform actual land use to the desired conditions laid out in the land-use plan (also referred to as master plans and comprehensive land-use plans).

Land Use, EPA, <https://www.epa.gov/report-environment/land-use> (last visited Nov. 16, 2023).

1. How is Land Use Regulated?

Land-use regulation generally occurs at the level of local or municipal government.²⁸ The federal government’s authority to address land-use issues is limited under the U.S. Constitution.²⁹ Under the Constitution, states reserve the power to create laws to protect the health, safety, and general welfare of the public (the “police power”).³⁰ In practice, most states delegate the authority to enact land-use regulations to local government through: (a) constitutional or legislative delegations; and/or (b) enabling laws that expressly authorize zoning and other land-use regulations.³¹ In addition to delegating authority, state governments can preempt or limit a local government’s ability to regulate land use (for example, by limiting a local government’s ability to block affordable housing³² or denser housing for climate-related goals).³³ In short, while local governments depend on state law to give them the authority and desired latitude to govern land use, historically these decisions have largely been left to local control.³⁴

How is authority delegated to communities?

States typically delegate authority to communities in one of two ways:



Home rule provisions delegate limited areas of power from the state to municipalities.

States that allow home rule authority do so via state constitution or legislative statute. Often, home rule provisions allow municipalities to draft city charters and form a structure of governance, as long that structure does not conflict with state or federal laws.



Dillon's rule is the legal principle that generally governs municipalities that do not have home rule authority. Under Dillon's Rule, local governments are able to govern only on those issues that are specifically sanctioned by the state through an enabling statute or legislative action.

Home Rule, CELDF, <https://celdf.org/law-library/local-law-center/home-rule/> (last visited Nov. 16, 2023).

2. How Does Land-Use Regulation Operate?

Local land-use regulation is primarily embedded in two instruments: (1) the land-use plan; and (2) the zoning code.

Land-Use Plans

Land-use plans (also referred to as master plans and comprehensive land-use plans), help guide cities in exercising their delegated police powers by designating long-term goals for future development.³⁵ These plans are often seen as “road maps” that direct land use toward specific objectives established by the municipality.³⁶ Most state enabling laws that authorize local zoning *require* these plans to guide community decision making.³⁷ A land-use plan can support urban agriculture by explicitly affirming that this type of land use is beneficial and should be encouraged.³⁸ Local governments can also use land-use plans to develop additional policies and regulations that encourage and support urban agriculture more directly.³⁹

Zoning Codes

Zoning regulations are one of the principal tools used to achieve the local land-use objectives laid out in a land-use plan.⁴⁰ Zoning is a regulatory tool used by local government to control what uses are allowed on a given tract of land within the community.⁴¹ Historically, zoning has been focused on separating uses of land deemed incompatible—e.g., separating residential areas from agricultural or industrial areas.⁴² As a result, many zoning regulations designate permitted uses of lands by area, indicating which may be used for residential, industrial, agricultural, open space, and commercial zones.⁴³ Beyond use, a zoning ordinance will then often place additional restrictions on land within a specific zone—such as setbacks, number of structures, limits on the height of buildings, and other land-use-related restrictions tailored to that specific zone.⁴⁴ The zones generally have to be consistent with the land-use plan's objectives.⁴⁵



Law. Law is an umbrella term for a system of rules regulating conduct that can be enforced by a country, state, and/or municipality.



Act, Statute, or Legislation. An act or a statute is a written law enacted by a legislative body such as Congress or a state legislature.



Ordinance. An ordinance is a local law or decree enacted by a limited authority such as a city or town government. Ordinances are often related to local concerns such as public health, safety, or general welfare. Zoning and land use are topics commonly governed by ordinances.



Regulation. Regulations are rules with the weight of law. Federal and state administrative agencies who have been delegated rulemaking authority by the relevant legislative body can create and enforce regulations within a particular area of law (e.g., the EPA is a federal agency which has regulatory authority, delegated by Congress, over environmental protection at the federal level).

Mitchell Scacchi, *Civics 101: What Are The Differences Between Laws, Regulations, Ordinances, and Statutes?*, NHPR (Aug. 6, 2021), <https://www.nhpr.org/nh-news/2021-08-06/ask-civics-101-what-are-the-differences-between-laws-regulations-ordinances-and-statutes>.

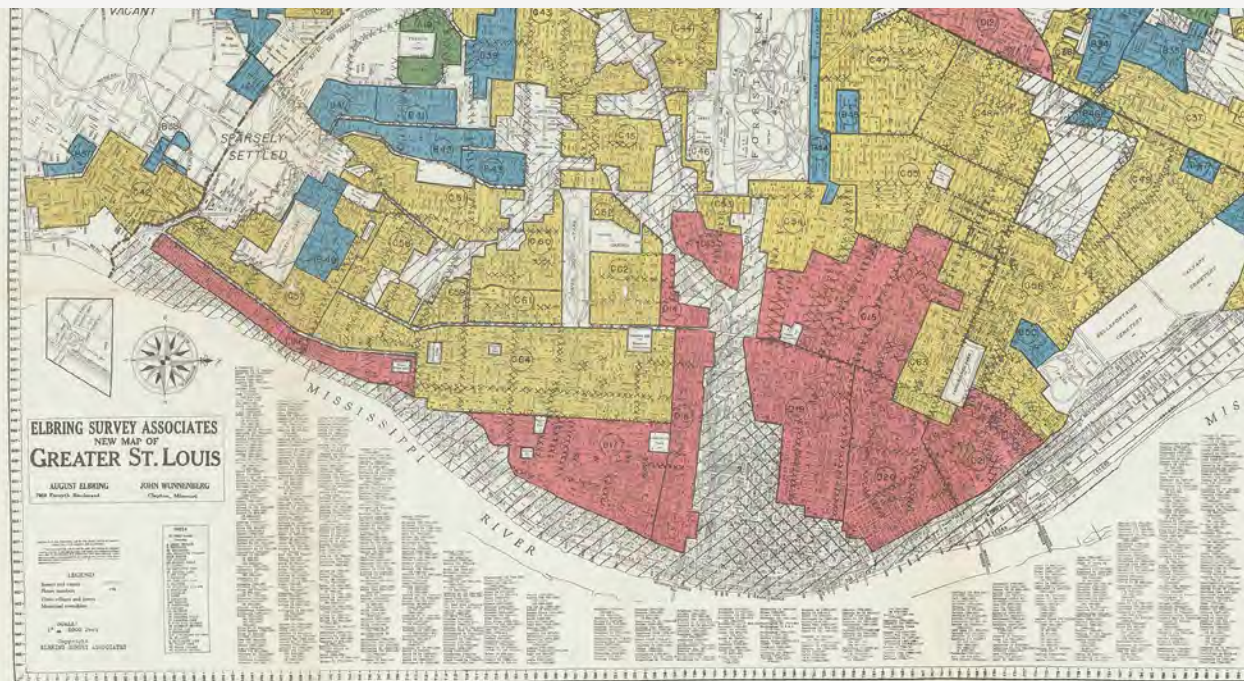
Zoning has shaped American urban life for nearly a century,⁴⁶ but there is increasing pushback regarding some of the consequences of rigidly separating uses of land—such as the proliferation of car-dependent, single-family-oriented suburban sprawl it has encouraged⁴⁷ and the perpetuation of racial inequities in the housing market,⁴⁸ among other issues.⁴⁹ In recent years, increasing scholarship and community organizing efforts around these inequitable outcomes have led to zoning reforms in some municipalities, such as more flexible zoning districts and other planning and policy tools. These types of reforms can help break down some of the more rigid land-use, and even criminal, laws and regulations that have historically served to limit communities' abilities to grow and process their own food in urban areas.⁵⁰

Exclusionary Zoning, Redlining, and Racial Inequity

From the beginning of the history of the United States, white people in positions of power have used property law and land-use controls to prevent or discourage racial integration, as well as to create barriers to the accumulation of wealth and political power by Americans from other racial and ethnic backgrounds.⁵¹ Starting with the end of chattel slavery, in response to the increasing freedom of Black Americans to migrate away from the South, policy makers at all levels of government have made particular use of zoning codes and housing policies to frustrate economic and social progress by historically disempowered racial groups.⁵²

Beginning in the 1930s, along with the New Deal's dramatic expansion of the federal administrative state, and continuing throughout the twentieth century, racially discriminatory land-use policies were implemented by both public institutions, like city or county zoning boards and federal lending agencies (who promulgated the infamous "redlined" maps which designated any neighborhood with a significant Black, Latinx, or Asian-American population as a high lending risk) and private actors, like neighborhood associations and real estate professional associations.⁵³ These policies had the effect of concentrating Black and other minority populations in city centers and stripping them of resources while incentivizing white residents—and accompanying jobs, institutions, and other economic and social resources—to move en masse to the rapidly expanding suburbs.⁵⁴

By the 1960s and '70s, these policies wrought havoc on many majority-Black or -Latinx urban neighborhoods, leading to depressed property values and widespread abandonment of property, an increased rate of crime associated with poverty (such as property theft and drug use and distribution), and a dramatic increase in extreme policing strategies and mass incarceration, particularly of Black men.⁵⁵ The modern urban agriculture movement largely originated as a community response to this "organized abandonment"⁵⁶ of these so-called "blighted" neighborhoods.⁵⁷



Map of St. Louis prepared for the Home Ownership Loan Corporation in 1940. Clearly visible are "redlined" neighborhoods, identified as D-grade or "hazardous" for mortgage lenders. University of Richmond, *Mapping Inequality*, <https://dsl.richmond.edu/panorama/redlining/map/MO/StLouis/context> (last visited Jan. 30, 2024).

C. HOW DOES ZONING AFFECT URBAN AGRICULTURE?

Zoning codes frequently restrict or prohibit agricultural activities, especially in residentially zoned areas.⁵⁸ There are a few reasons for this. First, “there is a sense that many land-use laws are ‘stuck in another era’ when farming in residential areas was viewed as a harm to be avoided” that relies on traditional zoning concepts regarding rigid separation of use.⁵⁹ Second, some argue that health and environmental considerations support separating agricultural use from other uses (to prevent the spread of disease or contamination of water supplies).⁶⁰ Third, zoning codes can restrict how a site is used even when agriculture is allowed, through setbacks, design requirements, or soil safety regulations.⁶¹ Lastly, some communities have barred agriculture in urban zones for aesthetic reasons (such as preventing front-yard gardens).⁶² In recent years, there has been a shift toward more permissive zoning to remove barriers and to encourage agricultural activities in the urban context in recognition of the valuable role urban agriculture can play.⁶³



Setback

The requirements that a building be set back a certain distance from the front, side or rear lot line.



Design Review

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design.





III. ZONING TO SUPPORT AND ENCOURAGE URBAN AGRICULTURE

USDA photo

Updating zoning codes to reduce restrictions on urban agricultural uses has the potential to increase residents' access to healthy food grown in their communities.⁶⁴ By ensuring that urban food production is properly addressed in local zoning, communities can also create a mixed-use land pattern that incentivizes healthy food production in all zones while still ensuring community concerns and quality of life issues are addressed (such as limiting nuisances like pests, or odors related to livestock production).⁶⁵ Municipalities with sufficient delegated authority can make these changes through targeted zoning code amendments⁶⁶ or as part of rewriting and replacing a community's entire zoning code.⁶⁷

When updating the zoning code to encourage and support urban agriculture, there are a few initial considerations and potential paths to explore:

- Provide clarity on agricultural definitions.
- Specify which zones permit urban agriculture and what types.
- Allow for on-site sales.
- Allow for small-animal husbandry.
- Allow for noncommercial urban agricultural production.
- Allow for accessory structures to support production.
- Promote equity/access in the zoning code.

Importantly, when updating a zoning code, local governments should encourage and enable strong and broad participation by community members in identifying needs and desired means to meet those needs.⁶⁸ This list of considerations corresponds, in part, to zoning-code-related policies identified in the University of Wisconsin-Madison's Food Policy Audit, which is based on the Center for Resilient Cities Food Policy Audit Tool.⁶⁹ Using these tools can be an effective way for communities to survey their zoning codes and policies, programs, and practices to identify areas where changes could better support urban agriculture.

A. PROVIDE CLARITY ON AGRICULTURAL DEFINITIONS

As a threshold matter, without clear definitions of agricultural terms, the zoning code may indirectly discourage urban food production or not permit the types of uses (such as support structures and commercial activities) that the community wishes to promote. Potential urban farmers may also have a difficult time discerning what is allowed and choose not to produce food for fear of incurring a violation or fine.⁷⁰

Action



Decide what types and scale of agriculture should be allowed and develop definitions designed to support these uses. Work to carefully define each term (use the [Drafting Definitions](#) resource on the Healthy Food Policy Project website as a baseline for developing definitions). See below for examples in varying degrees of detail and specificity.



Austin, Texas

Austin Code of Ordinances Chapter 25-2, section [25-2-7](#) clearly defines agriculture as including animal production,

“ . . . the use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis.”

AUSTIN, TEX., CODE ch. 25-2, §25-2-7 (2023).



Salem, Massachusetts

Salem, in 2022, passed a revision to [Section 10](#) of its Zoning Ordinance defines urban agriculture as excluding animal husbandry,

“[a]n umbrella term that describes a range of accessory food and plant growing practices, either for personal use or for sale as an accessory use . . . but does not include other livestock.”

SALEM, MASS., ZONING ORDINANCE § 10 (2022).



Seattle, Washington

Seattle Municipal Code, Title 23 section [23.84A.002](#) defines “agricultural uses” to include a variety of activities including animal husbandry.

“‘Animal husbandry’ means a use in which animals are reared or kept in order to sell the animals or their products, such as meat, fur or eggs . . .”

SEATTLE, WASH., CODE § 23.84A.002 (2023).

B. SPECIFY WHICH ZONES PERMIT URBAN AGRICULTURE AND WHAT SPECIFIC ACTIVITIES ARE ALLOWED

If specific agricultural activities are not enumerated as permissible uses of land, a prospective urban farmer may be hesitant to begin farming or invest in their operations due to concerns about the legality of their planned operation.⁷¹ Expressly allowing specific activities constituting urban agriculture as a permitted land use gives more permanence and authorization to urban farmers.⁷² Drafters should also be aware that even specifically permitted agricultural uses may still be subject to nuisance claims.⁷³ Dust and odors from composting, for example, have been challenged as nuisances by neighboring homeowners even where urban agriculture is permitted.⁷⁴

Action



Include agricultural uses in the use table (see example below from Boston). Ensure legal protection of these uses in zones where agriculture activities are allowed as either a permitted or conditional use. For instance, a home-scale vegetable garden is likely to be allowed as a permitted use in most districts, but an urban farm of significant size may trigger review as a conditional use. Alternatively, much of this flexibility could be achieved by implementing an overlay zone for urban agriculture (a zone that exists on top of or in addition to traditional use zones and provides standards and guidance for the specific target of the overlay district).⁷⁵



Use Regulations: Urban Farming Ground Level

Zoning Districts	Small (< 10,000 sf)	Medium (10,000 sf- 1 acre)	Large (Greater than 1 acre)
Residential	Allowed	Allowed	Conditional Use
Commercial	Allowed	Allowed	Conditional Use
Industrial	Allowed	Allowed	Allowed
Institutional	Allowed	Allowed	Conditional Use

Boston's Use Regulations, Urban Farming Ground Level, includes the permitted use table and clearly shows where agricultural uses are permitted.⁷⁶

For another example, Minneapolis's zoning scheme lists community gardens as a permitted use (not requiring additional approvals) in most zoning districts and includes specific development standards that apply (such as parking limitations, overhead lighting restrictions, etc.) to all community gardens, regardless of district.⁷⁷ Minneapolis' code also provides specific guidance for other forms of urban agriculture, such as market gardens and urban farms.⁷⁸

In designing a zoning scheme that fosters urban agriculture, unnecessary barriers should not be imposed on farmers looking to undertake this work.⁷⁹ Extensive permits or site plans required for an agricultural use will deter urban farmers from pursuing their projects, particularly if they are not well-resourced.⁸⁰ If the farming activity is small-scale, not intensive, or not potentially disruptive to neighbors, consider allowing these to be permitted uses (i.e., allowed without a permit).

Zoning codes typically have two primary ways of indicating what is allowed in a district.

Permitted uses are uses that are allowed as a matter of right. Each zoning district will list what uses are automatically allowed in that district without the need for detailed zoning approval. For example, a farm located in an agricultural zone will be allowed without seeking express authorization.

Conditional uses are uses that are allowed within a zoning district, but which may require special approval or compliance with certain requirements to ensure they fit within the zone, for example, if urban farms may be allowed as a conditional use within a residential district but may need to apply for a zoning permit that imposes requirements (like setbacks) to ensure compatibility with surrounding uses.

See e.g., SALT LAKE CITY, UTAH, CODE § 21A.33.010 (2023) (defining permitted and conditional uses in the city code.)

C. ALLOW FOR ON-SITE SALES

On-site sales allow urban farmers to gain additional compensation by selling directly to their consumers, increase access to healthy/local food, lessen barriers to entry, help facilitate mixed-use goals, and contribute to overall quality of life.⁸¹ Some zoning codes may not clearly allow on-site sale of produce, which significantly limits the ability of urban growers to generate revenue from their urban farming operations.⁸² On-site sales are not only the most profitable for urban growers but are simpler to operate than other sales channels.⁸³ Finally, on-site sales can ensure produce is available to the immediate neighborhood, rather than sold to distributors or other retail outlets.⁸⁴ However, zoning codes may lack sufficient clarity to assure producers that their activities are permissible or may bar these sales altogether on the grounds they are inconsistent with the character of the surrounding area.

Action



Allow on-site sale of produce and/or other agricultural products.⁸⁵ This policy change may require consideration of what types of sales to allow and whether or how to make on-site sales a permitted use or a conditional use in a specific zone.⁸⁶ Such an ordinance may include restrictions on hours of sales and could impose additional permit requirements to ensure balance between competing uses. Clarifying zoning codes and expanding the ability of farmers to sell their products directly can go a long way toward facilitating urban farming in any community.⁸⁷



Marion, Iowa

Marion's Zoning Code section [340-9.33](#) provides that farm stands, operated by a sole vendor, **are a permitted use in zones permitting retail uses and are a conditional use in zones not approved for retail uses.**

MARION, IOWA, CODE § 340-9.33 (2023).



Minneapolis, Minnesota

Minneapolis Zoning Code section [537.110](#) allows farmstands as an accessory use to a community garden, market garden or urban farm, **but farmstands shall not exceed 75 days in one calendar year.**

MINNEAPOLIS, MINN., CODE § 537.110 (2023).



Portland, Oregon

Code of the City of Portland, Oregon, Planning and Zoning Code section [33.237.100 \(B\)](#) provides market garden **onsite sales provisions for residential and nonresidential zones** and allows for the sale of value-added products made from produce grown on-site.

PORTLAND, OR., CODE § 33.237.100(B) (2023).



Kansas City, Missouri

Zoning and Development Code of the City of Kansas, Missouri section [88-312-02](#) allows, with some limitations, sale or donation of whole, uncut fresh food and/or horticultural products grown in **home gardens, community gardens, and on lands managed under a community supported agriculture model.**

KANSAS CITY, MO., CODE § 88-312-02 (2023).

D. ALLOW FOR SMALL ANIMAL HUSBANDRY

Restrictions on small animal husbandry can limit residents’ ability to produce additional food products, such as milk, eggs, honey, and/or fish products.⁸⁸ These may be products that urban consumers have particular difficulty finding locally, especially if they reside in an area without consistent access to fresh and affordable food.⁸⁹ Ensuring affordable access to these products is crucially important given how expensive these staple products can be (particularly eggs).⁹⁰

Action



Allow small animal husbandry while minimizing potential nuisance and conflict (specifically related to odor and noise).⁹¹ A few zoning strategies can be employed, including limiting the number and types of animals each household can keep, the amount of space required to keep animals, and whether husbandry is allowed as a permitted or conditional use.⁹² Additional regulations typically apply to backyard chickens⁹³ and beekeeping given their potential for nuisance.⁹⁴

Permitting this type of use in a local zoning ordinance may require public discussions among planners, municipal officials, and community members, and a willingness to compromise to reach an agreement on what kinds of animals are allowed in each district, how many animals are permissible, and under what conditions.⁹⁵ Additional planning should account for end-of-life management (slaughtering and meat processing) to avoid public health and nuisance concerns.⁹⁶ In some communities, restrictions on keeping livestock in urban areas may apply through health department regulations rather than the zoning code (for example, Baltimore, Maryland, Zoning Code section [14-307\(e\)](#) refers to regulations by the City Health Department and Department of Agriculture).

 <p>Fargo, North Dakota</p> <p>Fargo’s Zoning Ordinance sections 12-0306 requires a permit to raise backyard chickens and limits flock size to four, and requires a scaled diagram of the coop/run before approval will be granted.</p> <p>FARGO, N.D., CODE § 12-0306 (2023).</p>	 <p>Cleveland, Ohio</p> <p>Cleveland Land Use Code section 347.02 creates different allowances for residential and nonresidential animal-keeping (bees and small farm animals), including regulations on fencing, number and size of permitted animals, and license requirements.</p> <p>CLEVELAND, OHIO, CODE § 347.02 (2023).</p>	 <p>Boston, Massachusetts</p> <p>Boston, Massachusetts, allows a maximum of six hens and two beehives per lot under article 89.</p> <p>BOSTON, MASS., ZONING CODE, ART. 89 (2024).</p>	 <p>Golden, Colorado</p> <p>Golden, Colorado, allows up to two miniature goats or pot-bellied pigs per household, public or private school, or public property. Additionally, Golden section 18.26 provides allowances for the slaughter of chickens out of public view.</p> <p>GOLDEN, CO., CODE § 18.26 (2023).</p>
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E. ALLOW FOR NONCOMMERCIAL URBAN AGRICULTURAL PRODUCTION

Not all urban growers want to sell their products. Some may wish to instead grow food and other agricultural products for their own use, to distribute to friends and family, or to donate to community food banks. Even these noncommercial urban farmers may face regulatory barriers.⁹⁷ These barriers may restrict or impede an individual's ability to garden on their own property⁹⁸ and/or to access private or public lands to raise food.⁹⁹ Allowing residents to access and use land for noncommercial food production can increase their ability to grow food for themselves, their families, and their communities.¹⁰⁰ Zoning laws that allow these activities are especially important for communities where access to healthy food and green space are limited, as urban agriculture can help residents in urban neighborhoods connect with their food supply, their community, and the outdoors.¹⁰¹



Action

Specify where and how private as well as city-owned and other public land can be used for both personal or community production and under what circumstances.¹⁰²

It should be noted that these efforts are often facilitated by local laws other than the zoning code and implemented as public programs rather than as a regulatory scheme guiding private conduct.¹⁰³ For example, Seattle, Washington's P-Patch program, which allows the city to lease land to community gardens for a period of five years, is authorized by the same ordinance that establishes the city's Department of Neighborhoods and is administered by that department according to the terms laid out by the ordinance.¹⁰⁴



Maplewood, Minnesota

Maplewood's Ordinance [983](#) expressly allows for front-yard gardening in residential districts.

Maplewood, Minn., Ordinance 983 (June 11, 2018).



Golden, Colorado

Golden Planning and Zoning Code section [18.28.030](#) allows community gardens in all community mixed-use zone districts.

GOLDEN, CO., CODE § 18.28.030 (2023).



Milwaukee, Wisconsin

Milwaukee Zoning Code section [295-903-2-a](#) allows community gardens as a permitted use in institutional and park spaces.

MILWAUKEE, WIS., CODE § 295-903-2-a (2022).

F. ALLOW FOR ACCESSORY STRUCTURES TO SUPPORT PRODUCTION

Accessory structures (such as sheds, hoophouses, greenhouses, farm stands, composting bins, and fencing) may be necessary to support many urban agriculture practices.¹⁰⁵ Allowing for these structures in the zoning code and removing regulatory barriers to building them can support food production and help urban farmers extend their growing seasons.¹⁰⁶

Action



Clearly state where and when accessory structures are allowed within zones permitting urban agriculture. Where possible allow small structures, such as sheds, hoophouses, and farm stands, to be built without requiring permits.

Some cities require certain accessory structures to follow city building code requirements. For example, Austin, Texas, requires greenhouses to comply with the city's building code.¹⁰⁷ Milwaukee, Wisconsin, by contrast, requires hoophouses to obtain a building permit, even though the state's building code exempts agricultural structures from compliance.¹⁰⁸



Minneapolis, Minnesota

Minneapolis Zoning Code section [537.110](#) specifies greenhouses as an accessory use and hoop houses and other season extension structures as an accessory use with size provisions.

MINNEAPOLIS, MINN., CODE § 537.110 (2023).



Cincinnati, Ohio

Cincinnati's recently revised zoning ordinance section [1422.05](#) clarifies that smaller agriculture buildings do not require zoning approval or building permits and provides a clear framework for obtaining building permits and zoning approvals for larger agricultural structures.¹²⁴

CINCINNATI, OHIO, CODE § 1422.05 (2023).



USDA photo by Preston Keres

G. PROMOTE EQUITY/ACCESS IN THE ZONING CODE

An important consideration in improving zoning to allow urban agriculture is addressing equity concerns—such as access to healthy food and the impacts of zoning patterns on historically marginalized populations.¹⁰⁹ Changes in a city’s zoning code will not by themselves increase the number of urban farms and amount of urban food production.¹¹⁰ They will, however, make it easier for more people to produce food in and for their communities, and planners and policy makers must exercise particular care to ensure these uses benefit the entire community, particularly those most in need.¹¹¹

Without specific goals and policies to ensure equity in access to locally produced food, urban agriculture can potentially deepen inequities.¹¹² Further, urban food production in one neighborhood does not always mean that the people in that same area will have access to this locally produced food.¹¹³ It is also important to consider the impact policies will have in contributing to rising land prices.¹¹⁴ Overall, to ensure that all residents can grow and access agricultural products in their communities, cities should craft zoning changes with equity front of mind.

1. Include Equity as an Expressed Goal

Portland, Oregon’s zoning code specifically states that a goal of allowing urban agriculture is to “increase access to affordable, healthful, food for all, especially for those who may have limited options because of location, access, or income.”¹¹⁵ This statement focuses on urban agriculture as a tool for food access, rather than a potential by-product of such efforts. By specifically stating the goal of equitable food access for priority populations, Portland’s zoning code aims to create a culture and understanding that urban agriculture activities in Portland should benefit all Portlanders.

For another example of how zoning codes can be used to address equity and food access, Golden, Colorado’s Municipal Code requires farmers’ markets and neighborhood markets to accept SNAP benefits and to sell SNAP-eligible foods.¹¹⁶ This requirement helps to ensure that locally produced food is available for people who may otherwise not be able to access or afford such food. Overall, explicitly identifying equity concerns when making zoning changes is an important policy consideration and is also an area that could benefit from additional innovation.

Community Input

Planning departments may not be best positioned to achieve equity goals. Community input is critical to ensuring the needs of the most impacted are being considered. New Haven, Connecticut, for example, has developed a strong community input process for developing an Urban Agriculture Master Plan. See here for more information: <https://foodpolicy.newhavenct.gov/pages/urbanag>.

2. Increase Land Access Beyond the Zoning Code

A major barrier to participation in urban agriculture is access to land.¹¹⁷ For farmers looking to grow commercially, access to a community garden plot is unlikely to be sufficient to make their efforts productive or economically viable. Residents wanting to produce their own food may not have the financial means to pay for land rental fees. The ability to purchase or lease land from the city or other private landowners for agricultural use is often cost-prohibitive for community members that may benefit the most from urban food production. Whatever the type of land, the tenure of these farmers may not be secure—particularly in the face of rising land prices.¹¹⁸

Some cities have developed policies and programs that allow the use of vacant city lots for agricultural production,¹¹⁹ and may provide guidance on the soil remediation of potential contamination to protect public health.¹²⁰ Additionally, some cities have established land banks, which can help growers acquire urban farmland.¹²¹ Such policies can help bridge access and opportunity gaps for aspiring farmers who hope to enter into this type of business but lack robust financial resources.¹²² While these policies are often located outside the zoning code, it is important for cities to understand the challenges aspiring urban farmers face in accessing land and consider implementing land access policies that reduce barriers to opportunities to engage in urban agriculture.¹²³



Pittsburgh, Pennsylvania

Pittsburgh, for example, has recently developed a Vacant Lot Toolkit that provides guidance to farmers looking to gain access to city-owned vacant lots and to lay out clear processes for the city in getting these lots to urban farmers as efficiently as possible.

Pittsburgh Vacant Lot Toolkit, City of Pittsburgh Dep't of City Planning, <https://pittsburghpa.gov/dcp/toolkit> (last visited Mar. 10, 2023).



USDA photo by Christophe Paul



IV. STEPS FOR CHANGING A ZONING CODE TO BETTER PROMOTE URBAN AGRICULTURE

USDA photo by Lance Cheung

Zoning is highly localized, meaning that communities generally have their own procedures for how to amend a zoning code.¹²⁵ Most revisions to zoning codes begin with an entity like a Planning and Zoning Commission¹²⁶ (“Commission”), which is an elected or appointed board of officials that drafts and recommends zoning changes to a community’s government (such as a city council or board of selectmen). The city council or board of selectmen will make the ultimate decision on whether to approve such changes to the zoning code.¹²⁷ This section provides an overview of the process of zoning amendments and some general tips on how to pursue them.

1. **Before going to the Commission, gather a coalition of parties who would benefit from a zoning change promoting urban agriculture**, such as urban farmers, gardeners, community development organizations, community members, food pantries, local businesses, etc. It is important to include as many interested parties as possible in the process as early so all concerns and issues can be raised and discussed fully. If done well, this should involve an “intentional commitment to address power imbalances and overcome historical and ongoing barriers to inclusion (such as the law, policy, and systems that intentionally exclude Black, Indigenous, and other people of color) while supporting and looking to those most affected by inequities to lead the process.”¹²⁸ Engaged facilitation is key in order to ensure that all coalition members are able to meaningfully participate in these discussions.¹²⁹ It may also help to have a city official (such as a city council member or planning commissioner) involved in the early work with the coalition of stakeholders, as this community engagement will help build political support for the project (and help the group understand what obstacles they may need to overcome).¹³⁰
2. **The Commission may create a working group**, sometimes including community stakeholders, to help craft an amendment or new zoning section, depending on the proposed changes.¹³¹

3. **A public hearing will be held after the Commission drafts and proposes a zoning amendment**, where members of the community can raise concerns or voice support, and the Commission will decide whether to recommend the changes to the community's government.¹³²
4. **The recommended changes from the Commission go to the community's government and another public hearing on the proposed amendment(s) will be held before the town's elected officials.**¹³³
5. **The community's governmental body votes on the proposed change to the zoning code. If it passes, then it will be signed into law and become part of the community's zoning code.**¹³⁴
6. After passage, it can be helpful for the **community to publish a document or resource on the updated zoning code and how it impacts urban agriculture.**¹³⁵ Some cities also provide contact information for a city official and encourage residents to reach out with questions. This can create open lines of communication between potential growers and city officials and reduce confusion.

Several communities have developed tools to communicate how the local zoning works for urban farms, including:

[Baltimore, How to Be a Baltimore City Farmer; Regulations and Opportunities](#)

[Article 89 Made Easy: Urban Agriculture Made Easy: Urban Agriculture Zoning for the City of Boston](#)



USDA/FPAC photo by Preston Keres



USDA photo by Lauren Moore

V. EMERGING TRENDS IN URBAN AGRICULTURE

The following sections provide examples of some notable trends emerging from community advocacy for the growth of urban agriculture.

A. INNOVATIVE POLICIES TO INCENTIVIZE URBAN AGRICULTURE

Some communities have taken more innovative approaches to incentivizing urban agriculture, such as providing promotional or financial support to urban producers. These policies go beyond simply permitting urban agriculture as a land use and highlight the importance of these activities and the need for governmental support to foster urban agriculture. For example:



Cleveland, Ohio

Urban Agriculture Innovation Zone is a public-private redevelopment program which established a 28-acre zone where creative agricultural activities on vacant land are encouraged. The Innovation Zone is currently occupied by Rid-All Green Partnership, a Black-led nonprofit farm that provides job training and community programs in addition to its revenue-generating agricultural activities.

Urban Agriculture Zone, CLEVELAND CITY PLANNING COMM'N, <https://planning.clevelandohio.gov/oc/ag.html> (last visited Nov. 22, 2023).



Washington, D.C.

Section 47-868 of D.C. Law reduces property taxes by up to 90 percent for the portion of the property used continuously as an urban farm to encourage food production.¹⁵⁸

D.C. CODE § 47-868 (2023).

B. GOVERNMENT SUPPORT OF URBAN AGRICULTURE THROUGH PLANNING AND POLICY

As many communities have seen growth in urban agriculture, there has been a trend toward increasing local, state, and federal government support for this work. Support for urban agriculture takes shape through planning and policy efforts, such as local land-use law and zoning, in addition to grants and technical assistance from all levels of government. Subsequently, communities are devoting staff and significant resources to planning for the future of urban agriculture in their communities and to offer support to urban farmers. A few examples are:



Philadelphia, Pennsylvania

Philadelphia's Parks and Recreation Division drafted the community's first **Urban Agriculture Plan** to comprehensively provide support for expanding urban agriculture while centering equity.

About the Plan, Growing from the Root, <https://sites.google.com/view/phillyagplan/home?pli=1> (last visited Nov. 22, 2023).



New Haven, Connecticut

The City of New Haven created a Food System Policy Division to comprehensively develop its urban agriculture sector (which includes, but is not limited to, proposed land-use changes). In addition, the City received USDA grant funding to develop an urban agriculture master plan and is hosting a series of community meetings throughout 2023 to ensure the plan and vision are co-created and community-led.

Food System Policy Division, CITY OF NEW HAVEN, <https://foodpolicy.newhavenct.gov> (last visited Nov. 22, 2023); Razel Suansing, USDA Grants Promise a More Sustainable, Equitable New Haven Food System, YALE DAILY NEWS (Oct. 22, 2020), <https://yaledailynews.com/blog/2020/10/22/usda-grants-promise-a-more-sustainable-equitable-new-haven-food-system/>; Urban Agricultural Growth and Development, City of New Haven, <https://foodpolicy.newhavenct.gov/pages/67c6559e46dc4de2be7d1ba30d3f8cd2> (last visited Nov. 22, 2023).

Beyond local planning and policy, in recent years, state policy has been expanding to include more laws supporting urban agriculture.¹³⁶ At the federal level, urban farmers and urban farm advocates have increasingly been able to access formerly inaccessible USDA resources in the form of grants and technical assistance, and the 2018 Farm Bill established the Office of Urban Agriculture and Innovative Production, which is expressly dedicated to supporting food production in urban areas.¹³⁷ USDA grants may be used to expand urban agriculture through the development of urban agriculture plans, development of policies (including zoning reforms), and through direct support to farmers.¹³⁸

C. FURTHER INTEGRATION OF URBAN AGRICULTURE INTO LAND-USE PLANNING

Another trend in urban agriculture policy is communities' layering urban agriculture with other policy goals in order to provide important co-benefits.¹³⁹ Urban agriculture is compatible with a variety of other public policies related to quality of life and urban design that make these types of multivalent policies particularly attractive.¹⁴⁰

"Agrihoods" are a model for urban and suburban land-use development that integrate housing with agriculture and food production, often including a working farm and farmstand or other local food outlet within a residential development.¹⁴¹ Real estate developers are seeing "agrihoods" as an investment opportunity that capitalizes on the interests and values of current home buyers, but some interesting models include affordable housing as part of an "agrihood" development.¹⁴²

For example, just outside of Richmond, Virginia, in the Chesterfield neighborhood of Bensley, three community organizations, Happily Natural, Girls for Change, and Maggie Walker Community Land Trust, have partnered to develop Virginia's first affordable "agrihood" to bring together affordable housing and locally grown food.¹⁴³ The model they are proposing includes an incubator farm to provide outdoor access and fresh food to the residents and a training program for new and beginning farmers.¹⁴⁴

This specific project is designed explicitly to link housing "to amenities and food access, by placing them on the same site and fostering small communities with opportunities for recreation and food production."¹⁴⁵ According to project advocates, "[i]nstead of paying a HOA fee for landscaping, you would be paying a farmer to grow food for you . . . This can also be an incubator site for people who want to farm but don't have access to land . . ."¹⁴⁶

This project received a \$200,000 grant from USDA to assist with project planning, which advocates hope will lead to more widespread awareness of this project model. Importantly, these efforts should be considered alongside efforts to increase affordable housing so that community members can equitably access these opportunities.

Agroforestry is also becoming more popular within the context of urban agriculture.¹⁴⁷ Urban agroforestry refers to designing plantings to provide fruits, nuts, and other food products in a permaculture system that residents can benefit from.¹⁴⁸ These sites also serve as a buffer from air pollution, help improve water quality, and absorb stormwater runoff, while providing food to the community.¹⁴⁹ For one example, Austin, Texas, converted a public park to a food forest in 2014, which is planted with fruit and nut trees and is open for public foraging.¹⁵⁰ Zoning laws may need to be amended to allow for these forms of activity (as this activity faces similar barriers to other forms of urban agriculture) as more communities explore this concept.¹⁵¹



USDA photo by Lance Cheung

D. PUSHBACK TO URBAN AGRICULTURE?

Some communities experience pushback against urban agriculture—most typically concerns about noise, odors, and traffic related to the urban farm.¹⁵² Municipalities looking to support urban agriculture and reduce the pushback may be able to allay these criticisms by incorporating mitigating measures into their agriculture-related zoning measures, such as setbacks and appropriate limitations on bees, chickens, and other backyard livestock. Municipal and regional governments have generally found the benefits of facilitating urban agriculture more than outweigh the limited costs of neighbor complaints.¹⁵³

Neighbors' concerns are often magnified as the size and scale of an urban farm increases.¹⁵⁴ Another critique of urban agriculture reflects concerns about these farms contributing to gentrification and rising property prices while not actually benefiting the neighborhoods in which the farms are located.¹⁵⁵ Some communities are taking active steps to try to address this. Community land trusts in Detroit, for example, have acquired urban farmland to ensure that the existing community continues to have access to the land as property prices rise.¹⁵⁶ The Dudley Street Neighborhood Initiative in Boston is a community land trust that acquired land, now in community-ownership, as an effort to impede gentrification and expand urban farming activities.¹⁵⁷ While these efforts are laudable, additional public policy and innovation can enable further progress toward the goal of an equitable distribution of urban agriculture's benefits.



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USDA photo by Lance Cheung

VI. CONCLUSION

Local governments have the unique power to encourage urban agriculture through municipal ordinances, zoning codes, and land-use planning.¹⁵⁹ Urban agriculture can help cities achieve their goals of encouraging healthy eating, reducing inequities in the food system, increasing the food security of their constituents, supporting economic and community development, and creating green spaces to mitigate against climate change and beautify the built environment.¹⁶⁰ Additionally, it is important to understand that urban agriculture policies may have externalities that adversely affect certain populations in the form of unintended consequences, and including a variety of community members and organizations to provide input when drafting new zoning language may help mitigate or prevent some of these harms.¹⁶¹ Despite challenges, adopting agriculture-inclusive zoning code modifications can be a significant step towards increasing food production, healthy food access, and food and nutrition security for urban communities.¹⁶²

APPENDIX A: METHODOLOGY

This Guide is an update to a previous version from 2019. The research and analysis in that original Guide were based on portions of a Food Policy Audit Tool from the University of Wisconsin-Madison and the Center for Resilient Cities Food Policy Audit Tool.¹⁶³ [The audit spreadsheet can be found here.](#) This Food Policy Audit Tool can be a helpful instrument for local governments to identify existing food policy infrastructure and recognize where changes may be needed across government programs. This tool has an extensive list of 129 questions across four categories of the food system: equitable food access, land use and zoning, economic development, and public health. For more information on the research methodology for the original Guide developed in 2019, see the [Healthy Food Policy Project's Urban Agriculture Zoning Code Research Methodology](#).

For local governments that would prefer a zoning-specific audit tool for urban agriculture, the abridged Urban [Agriculture Audit Tool](#) created for this resource may be a useful instrument. The seven questions included in this tool relate directly to the suggested actions above in Section IV.

If your government has the resources to complete the full Food Policy Audit Tool, this could provide a wide-reaching scope of potential change. However, the abridged Urban Agriculture Audit Tool, coupled with this resource, provides concrete first steps in creating basic inclusions for zoning and urban agriculture. Regardless of which tool is used, an audit of current local government policies and programs can provide information on where improvements and changes can be made.

ENDNOTES

- 1 See, e.g., Esther Ngumbi, *Growing Urban Agriculture*, STANFORD SOCIAL INNOVATION REV. (Oct. 23, 2017), https://ssir.org/articles/entry/growing_urban_agriculture (detailing the benefits of promoting urban farms); see also Suzanne A. Heckler, *A Right to Farm in the City: Providing a Legal Framework Legitimizing Urban Farming in American Cities*, 747 VAL. U. L. REV. 217, 223-24 (2012) (profiling the origins of this movement).
- 2 Jared Green, *Urban Agriculture Isn't New*, THE DIRT (May 9, 2012), <https://dirt.asla.org/2012/05/09/urban-agriculture-isnt-new/>.
- 3 *Id.*
- 4 *Id.*
- 5 Yasamin Shaker et. al., *Redlining, Racism and Food Access in US Urban Cores*, 40 AGRIC. & HUM. VALUES 101, 102 (2022).
- 6 See, e.g., MONICA WHITE, *FREEDOM FARMERS: AGRICULTURAL RESISTANCE AND THE BLACK FREEDOM MOVEMENT* 118-19 (2018) (discussing the work of the Detroit Black Food Security Network to reclaim abandoned land as vibrant food production spaces); LEAH PENNIMAN, *FARMING WHILE BLACK: SOUL FIRE FARM'S PRACTICAL GUIDE TO LIVING ON THE LAND* 271-72 (2018).
- 7 Jessica L. Guarino et al., *Beyond Victory Gardens: Bolstering Resilience in Food Crisis Response*, 11 WAKE FOREST J. L. & POL'Y. 515, 515 (2020).
- 8 See, e.g., Rana Amirtamasebi, *The Northern American Urban Agriculture Experience*, WORLD BANK BLOGS (Feb. 6, 2012), <https://blogs.worldbank.org/sustainablecities/the-north-american-urban-agriculture-experience> (providing an overview of the development of urban agriculture across the United States); Ashley Gripper, *We Don't Farm Because It's Trendy: For Black Folks, Growing Food Has Long Been a Form of Resistance*, IN THESE TIMES (June 11, 2020), <https://inthesetimes.com/article/black-farmers-food-sovereignty-systemic-racism-land-reform-urban-farming>.
- 9 John Infranca, *The New State Zoning: Land Use Preemption Amid a Housing Crisis*, 60 B.C. L. REV. 825, 825 (2020).
- 10 Undertaking such a review is critical if a community wants to support urban agriculture as zoning and regulatory barriers are often identified as the most significant issues blocking these efforts. See, e.g., Kumudu Kopyawattage et al., *Barriers to Urban Food Production: Perspectives of Urban Food Producers*, 26 J. INT'L AGRIC. & EXTENSION EDUC. 147 (2019) (reporting on results of a survey in Columbus, Ohio, identifying land-use regulation as the greatest hindrance to expanded urban agriculture in that community).
- 11 For a more comprehensive treatment, see, e.g., KIMBERLY HODGSON ET AL., *URBAN AGRICULTURE: GROWING HEALTHY, SUSTAINABLE PLACES* (2011); Andrea Vaage & Gary Taylor, *Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Regulatory Barriers to Local Foods*, IOWA STATE UNIV. LEOPOLD CENTER 2 (2012), <https://www.planning.org/knowledgebase/resource/9136661/>. The Sustainable Development Code Project also provides helpful summaries of different types of regulations, many of which are referenced in this Guide. *Sustainable Development Code*, SDC, <https://sustainablecitycode.org/> (last visited Dec. 28, 2022).
- 12 See *Urban Agriculture*, USDA, <https://www.nal.usda.gov/farms-and-agricultural-production-systems/urban-agriculture> (last visited Nov. 27, 2022) (offering this definition from USDA while also explaining that there is “not a statutory or single formal definition of urban agriculture [and that] the definition differs depending on the policy, state or community”).
- 13 *Urban Area Criteria for the 2020 Census – Final Criteria*, 87 FED. REG. 16706, 16707 (Mar. 24, 2022).
- 14 *Agricultural Crops*, EPA, <https://www.epa.gov/agriculture/agricultural-crops#:~:text=and%20additional%20information.-,Urban%20Agriculture,-Urban%20Agriculture%20is> (last visited Nov. 16, 2023).
- 15 *Id.*
- 16 *Id.*

- 17 These activities, however, vary considerably from conventional agriculture and require a different toolbox to navigate the unique operating conditions presented by the urban environment. See, e.g., Urban Agriculture Toolkit, USDA 1-27 (Feb. 2016), <https://www.usda.gov/sites/default/files/documents/urban-agriculture-toolkit.pdf> (providing a summary document helping urban farmers in navigating starting up their operation).
- 18 Carolyn Dimitri & Stephanie Rogus, *Agriculture in Urban and Peri-Urban Areas in the United States: Highlights from the Census of Agriculture*, 30 RENEWABLE AGRICULTURE AND FOOD SYSTEMS 64, 64-78 (2015).
- 19 *Urban Agriculture*, AM. PLANNING ASSOCIATION, <https://www.planning.org/knowledgebase/urbanagriculture/> (last visited Nov. 27, 2022).
- 20 Heather Wooten & Amy Ackerman, *Seeding the City: Land Use Policies to Promote Urban Agriculture*, NAT'L POLICY & LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY 4 (Oct. 2011), https://changelabsolutions.org/sites/default/files/Urban_Ag_SeedingTheCity_FINAL_%28CLS_20120530%29_20111021_0.pdf.
- 21 See, e.g., Kyle Miller, *Preserving the Grass Root of Urban Agriculture*, AM. PLANNING ASSOC. (June 25, 2020), <https://www.planning.org/blog/9202192/preserving-the-grass-root-of-urban-agriculture/> (exploring the challenges that increasing technological innovation is presenting to the traditional view of urban agriculture – which may lead to future disconnects/zoning challenges).
- 22 RENEE JOHNSON & TADLOCK COWAN, CONG. RSCH. SERV., IF11210, 2018 FARM BILL PRIMER: SUPPORT FOR URBAN AGRICULTURE (2019). This is, however, beginning to change in part as USDA puts more of its resources to understanding this area. See ANU RANGARAJAN & MOLLY RIORDAN, USDA, THE PROMISE OF URBAN AGRICULTURE: NATIONAL STUDY OF COMMERCIAL FARMING IN URBAN AREAS 1-197 (2019), https://smallfarms.cornell.edu/wp-content/uploads/2022/06/Promise-of-Urban-Ag_Full_102919.pdf (discussing the proliferation of urban and peri-urban farming in the United States).
- 23 ALISON HAGEY ET AL., POLICYLINK, GROWING URBAN AGRICULTURE: EQUITABLE STRATEGIES AND POLICIES FOR IMPROVING ACCESS TO HEALTHY FOOD AND REVITALIZING COMMUNITIES 8 (2012), https://www.policylink.org/sites/default/files/URBAN_AG_FULLREPORT.PDF.
- 24 “Food apartheid” is a term coined by urban farmer and food justice advocate Karen Washington to more accurately describe the social and political conditions that contribute to a lack of food access in low-income neighborhoods, particularly those with higher concentrations of Black, Indigenous, and other people of color residents. FAQ, Karen Washington, <https://www.karenthefarmer.com/faq-index>. (last visited October 2, 2023). The term is meant to replace “food desert,” which both treats lack of food access as a natural phenomenon rather than a political one and also erases the “life, vibrancy, and potential” of communities that have been systematically deprived of resources. *Id.*
- 25 See, e.g., Sarah Schindler, *Of Backyard Chickens and Frontyard Gardens: The Conflict Between Local Governments and Localvores*, 87 TULANE L. REV. 232, 261-82 (2012) (providing overview of some of the motivations for expanding urban agriculture); see also Sara Dewey, *The Power of Urban Agriculture in Transforming a Community*, CONSERVATION LAW FOUNDATION (Dec. 23, 2021), <https://www.clf.org/blog/the-power-of-urban-agriculture-in-transforming-a-community/> (providing a summary of benefits related to urban agriculture); WHITE, *supra* note 6; PENNIMAN, *supra* note 6.
- 26 See, e.g., Urban Agriculture, USDA, <https://www.climatehubs.usda.gov/urban-agriculture> (last visited Nov. 27, 2022) (exploring the potential climate benefits related to urban agriculture).
- 27 Megan Horst et al., *The Intersection of Planning, Urban Agriculture, and Food Justice: A Review of the Literature*, 83 J. AM. PLANNING ASSOC. 277, 277-95 (2017); see also Rachel Surls, *Urban Farms Are Stepping Up Their Roles in Communities Nationwide*, CIVIL EATS (Nov. 10, 2022), <https://civileats.com/2022/11/10/urban-farms-food-access-community-support-fountain-heights-tri-cycle-alma-backyard-urban-agriculture/> (explaining other roles that urban farms are beginning to play for their communities); WHITE, *supra* note 6; PENNIMAN, *supra* note 6.
- 28 See, e.g., Edward Glaeser, *Reforming Land Use Regulations*, BROOKINGS (Apr. 24, 2017), <https://www.brookings.edu/research/reforming-land-use-regulations/>.
- 29 JEAN TERRANOVA, THE ROLE OF PREEMPTION IN URBAN AGRICULTURE, URBAN AGRICULTURE: POLICY, LAW, STRATEGY, AND IMPLEMENTATION 68 (Martha H. Chumbler, Sorell E. Negro, Lawrence E. Bechler eds., 2015).

- 30 Wooten & Ackerman, *supra* note 20, at 6. To this end, any proposed regulation must be consistent with protecting public health, safety, and welfare, or could risk being found unconstitutional. PETER W. SALSICH, JR. & TIMOTHY J. TRYNIECKI, *LAND USE REGULATION: A LEGAL ANALYSIS AND PRACTICAL APPLICATION OF LAND USE LAW 3-4* (3d ed. 2015).
- 31 SALSICH, JR. & TRYNIECKI, *supra* note 30, at 6; see also Nat'l Conf. of State Legislatures, *Urban Agriculture State Legislation*, <https://www.ncsl.org/research/agriculture-and-rural-development/urban-agriculture-state-legislation.aspx> (last visited Dec. 3, 2022) (profiling various ways state governments have worked to support urban agriculture, including through zoning reforms and enabling legislation).
- 32 Kenneth Stahl, *Home Rule and State Preemption of Local Land Use Control*, 50 *URB. LAW.* 179 (2021).
- 33 *State Preemption of Local Zoning Laws as Intersectional Climate Policy*, 135 *HARV. L. REV.* 1592 (2022).
- 34 Richard C. Schragger, *The Perils of Land Use Deregulation*, 170 *U. PENN. L. REV.* 120, 150-53 (2021) (exploring local government's authority in this area and the challenge of state-level land use regulation/reform).
- 35 Daniel Mandelker, *The Role of the Local Comprehensive Plan in Land Use Regulation*, 74 *MICH. L. REV.* 899, 923 (1976).
- 36 See John R. Nolon, *Comprehensive Land Use Planning: Learning How and Where to Grow*, 13 *PACE L. REV.* 351, 351-414 (1993) (providing overview of the role of the comprehensive land-use plan in local zoning schemes).
- 37 See Christopher Serkin, *Local Property Law: Adjusting the Scale of Property Protection*, 107 *COLUM. L. REV.* 883, 920-22 (2007) (explaining that most state enabling acts for zoning require both a plan and a zoning ordinance to guide decision-making).
- 38 Martha Harrell Chumbler, *Land Use and Zoning Tools: Integrating Agriculture into the Urban Landscape in URBAN AGRICULTURE: POLICY, LAW, STRATEGY, AND IMPLEMENTATION* 80 (Martha H. Chumbler, Sorell E. Negro, Lawrence E. Bechler eds., 2015).
- 39 *Urban Agriculture*, AM. PLANNING ASSOC., <https://www.planning.org/knowledgebase/urbanagriculture/> (last visited Nov. 28, 2022).
- 40 JOHN G. SPRANKING & RAYMOND R. COLETTA, *PROPERTY: A CONTEMPORARY APPROACH* 749 (5th ed. 2021). Most zoning takes place at the city or town level, but county or regional laws may also regulate some of the same uses. Zoning happens in two ways. First, communities can have a number of individual zoning laws that accumulate over time (such as a specific ordinance allowing backyard chickens). Alternatively, the community may adopt a single ordinance or set of laws governing land use as a single package. This Guide will refer to a community's collection of zoning laws as its zoning code and the individual provisions within that collection as zoning laws.
- 41 John Infranca, *The New State Zoning: Land Use Preemption Amid a Housing Crisis*, 60 *B.C. L. REV.* 825, 825 (2020).
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- 54 ROTHSTEIN, *supra* note 52, at 93-99; MICHELLE ALEXANDER, *THE NEW JIM CROW* 63-73 (2020).
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