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Office of Councillor Leland Cheung

22.80 URBAN AGRICULTURE

22.80.010 PURPOSE.- This Chapter is adopted to establish zoning regulations for the operation and establishment of Urban Agriculture activities and also to provide framework for the siting, upkeep, and any modification of Urban Agriculture activity that address public safety and minimizes impacts on residents in the City of Cambridge. Notwithstanding the provisions of this Chapter, the requirements of all local, state and/or federal regulations applicable to a project must be met, particularly the State Building Code.

22.80.020 DEFINITIONS.- In this Chapter:

(1) Farm Structure.- The term “farm structure” is defined as a common agricultural structure associated with an agricultural use such as growing and harvesting crops, and raising livestock, including barns, sheds, shade pavilions, cold storages for crops grown and raised on site, slaughterhouses, hay or feed storage, livestock shelter or shade structures, feed or hay shelter structures, loafing sheds, poultry coops, and farm equipment storage units.

(2) Planning Board.- The term “Planning Board” means the Planning Board of the City, established under the provisions of Massachusetts General Laws, chapter 41, sections 70 through 72, as described in Section 2.68 of the City's Municipal Code.

(3) Rooftop Greenhouse.- The term “rooftop greenhouse” is defined as the conversion of a rooftop into a productive growing space, using a glass (or similar) building in which plants are grown that need protection from cold weather.

(4) Urban Agriculture Activity.- The term “Urban Agriculture activity” means any growing of plants or raising of animals within the city limits.

(5) Urban Farm.- The term “Urban Farm” is defined as a location the primary purpose and use of which the cultivation of plants and horticultural crops.

(6) Zoning Ordinance.- The term “Zoning Ordinance” means the City's zoning ordinance as described in Section 17.04.010.

22.80.030 APPLICABILITY.- The provisions of this Chapter apply to Urban Agriculture activities, except—

(1) Urban Agriculture activities that received zoning approval by the Cambridge Planning Board or by the Cambridge City Council prior to the adoption of this Chapter; or

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(2) Urban Agriculture activities or Farm Structures erected pursuant to a building permit issued prior to the adoption of this Chapter.

22.80.040 REQUIREMENTS.-

- (1) Ground level urban farms less than 10,000 square feet—
- (a) may operate, be erected or designed to be used, in whole or in part in any zoning district set forth in Chapter 3.00;
 - (b) are subject to the applicable height limits and setback limits of its underlying zoning district; and
 - (c) are subject to the signage requirements, as described in subsection (6).
- (2) Ground level urban farms 10,000 square feet or greater but less than one acre—
- (a) may operate, be erected or designed to be used, in whole or in part in any zoning district set forth in Chapter 3.00, subject first to Comprehensive Review, as described in Section 22.80.050;
 - (b) are subject to the applicable height limits and setback limits of its underlying zoning district; and
 - (c) are subject to the signage requirements, as described in subsection (6).
- (3) Ground level urban farms one acre or greater—
- (a) may operate, be erected or designed to be used, in whole or in part in any zoning district set forth in Chapter 3.00, subject first to Comprehensive Review, as described in Section 22.80.050;
 - (b) are subject to the applicable height limits and setback limits of its underlying zoning district; and
 - (c) are subject to the signage requirements, as described in subsection (6).
- (4) Unless otherwise noted, the following requirements apply to farm structures less than 5,000 square feet:
- (a) Such farm structures may operate, be erected or designed to be used, in whole or in part, only in industry, business, special, and office districts, as described in Chapter 3.00.
 - (b) Such farm structures shall not operate, be erected or designed to be used, in whole or in part in residence zoned areas, as described in Chapter 3.00.
 - (c) Rooftop greenhouses less than 5,000 square feet shall be no higher than 25 feet, measured from the roof surface.
 - (d) Urban farms less than 5,000 square feet may operate, be erected or designed to be used, in whole or in part in any zoning district set forth in Chapter 3.00.
 - (e) Rooftop farm structures less than 5,000 square feet are subject to the applicable height limits in the underlying zoning except for rooftop greenhouses, which are permitted to rise a maximum of 25 feet above the roof surface. *(See section 22.834(b)).*

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(f) Unless located in industry zoned areas, as described in Chapter 3.00, farm structures visible from a public street or public open space are subject to Comprehensive Review, as described in Section 22.80.050.

(5) Unless otherwise noted, the following requirements apply to farm structures 5,000 square feet or greater:

(a) Rooftop greenhouses 5,000 square feet or greater—

(i) shall only operate, be erected or designed to be used, in whole or in part, in industry, business, special, and office districts, as described in Chapter 3.00;

(ii) shall not operate, be erected or designed to be used, in whole or in part in residence zoned areas, as described in Chapter 3.00; and

(iii) shall be no higher than 25 feet, measured from the roof surface.

(b) Urban farms less than 10,000 square feet may operate, be erected or designed to be used, in whole or in part, only in industry, office, business, and special districts, as described in Chapter 3.00.

(c) Rooftop farm structures are subject to the applicable height limits of the underlying zoning, except rooftop greenhouses, which are permitted to rise a maximum of 25 feet above the roof surface. *See section 22.834(b).*

(d) Unless located in an industry zoned area, as described in Chapter 3.00, farm structures visible from a public street or public open space are subject to Comprehensive Review, as described in Section 22.80.050.

(6) Sign Requirements.- The following requirements apply to ground level urban farms:

(a) Ground level urban farms are required to post one identification sign not exceeding 4 square feet in total area, attached at a height of no more than 5 feet and no less than 2 feet high to a structure or fence stating the—

(i) name of the farm; and

(ii) contact information of the farm operator.

(b) Temporary signage shall be allowed for a farm stand during sales hours (at Farmer's Markets, for example) but must be removed whenever the farm stand is not in operation.

(c) Signage and Temporary signage shall not encroach upon sidewalks, driveways, or other rights of way, and shall not to create a nuisance or hazard.

22.80.050 COMPREHENSIVE REVIEW.- The purpose of Comprehensive Review (or "CR") is to ensure that Urban Farms are sited and designed in a manner consistent with the aesthetic norms of the neighborhood.

(1) The Planning Board shall perform CR of Urban Agricultural activities at regularly scheduled intervals, not less than 4 times per year.

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- (2) The Planning Board shall set and announce the date for CR no less than 1 month prior to the appointed CR date.
- (3) Materials required in Section 22.80.060 shall be submitted to the Planning Board no less than 2 weeks before the appointed CR date.
- (4) Unless the proposed project has prior approval from the City Council, CR is required for the construction of—
 - (a) ground level urban farms 10,000 square feet or greater but less than one acre;
 - (b) ground level urban farms one acre or greater;
 - (c) rooftop greenhouses;
 - (d) rooftop farm structures that are visible from a public street or public open space, other than within industry zoned areas.
- (5) A CR decision shall be superseded by a majority vote of the City Council.

22.80.060 INFORMATION REQUIRED TO SUBMIT AN APPLICATION FOR COMPREHENSIVE REVIEW.- A complete application for Comprehensive Review shall include—

- (1) a sketch plan showing planted areas, footprints for all farm structures, driveways, parking areas, and landscape buffers;
- (2) a sketch drawing of proposed farm structures;
- (3) recent photographs of the existing site and abutting properties;
- (4) proposed plans for irrigation and controls for storm runoff, as required by the Inspectional Services Department;
- (5) a signage plan showing proposed location and positioning;
- (6) a description or illustration of the dimensions, location, and appearance of all proposed urban Agriculture Activities, including screening, fencing, and landscaping; and
- (7) if applicable—
 - (a) a description or illustration of any existing buildings remaining along with the proposed urban agriculture activities;
 - (b) a description or illustration of any urban agriculture structures as they are visible from a public street or public open space; and
 - (c) a lighting scheduling and plans to mitigate light pollution.

22.80.070 DESIGN GUIDELINES FOR URBAN AGRICULTURE.-

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1. *Site Plan.-*
 - a) *Site planning, including location of farm structures, vehicle access, parking areas, and pedestrian access, should be designed to enhance the surrounding buildings and open spaces. In addition, placement of farm structures should respect significant landscape features of the site, such as rock outcroppings, draining areas, and mature trees.*
 - b) *Vehicular access and egress to and from an urban farm should minimize traffic impacts on adjacent roadways and provide safe visual access for drivers and pedestrians*
 - c) *Parking zones are permitted within the side or rear setbacks of the property.*
 - d) *Composting as an accessory to urban farming should not be located in the front setback and shall compose no more than five percent of the lot area.*

2. *Structures.- New structures related to the functions of urban agriculture shall be compatible with the size, scale, and material of the surrounding built and natural environment.*

3. *Perimeter Fencing and Screening.-*
 - a) *Perimeter fencing for ground level urban farms shall not be made of plywood sheeting or un-coated metal chain link. The use of masonry, pickets, decorative metal, post and rail, wrought iron, or board-type wood are encouraged.*
 - b) *Screening shall fall under the same guidelines as perimeter fencing, and shall also encourage the use of street trees and shrubbery. Trees and shrubbery shall be planted densely so as to provide adequate screening.*
 - c) *Street-facing landscape elements such as screening, perimeter fencing, street trees, and signage should be compatible with the surrounding architecture and environment*

4. *Lighting.*
 - a) *Lighting for ground level urban farms, roof level urban farms, and rooftop greenhouses shall be limited to that required for operational and safety purposes.*
 - b) *Lighting used for urban agriculture purposes shall be implemented so as not to create a nuisance through excessive brightness to abutting uses.*
 - c) *A lighting schedule shall be provided as a component of Comprehensive Review, as described in Section 22.80.060.*

5. *Materials*
 - a) *For greenhouses, at least seventy percent of all roofs and walls should consist of transparent materials.*
 - b) *For hoophouses, materials should consist of flexible PVC or metal tubing and transparent plastic covering.*

22.80.080 DESIGN, MAINTENANCE, COMPOSTING, AND SAFETY REQUIREMENTS.-

- (1) *Composting.-*

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- (a) Composting as primary use for an urban farm shall only be allowed in industrial zoned districts, as described in Chapter 3.00.
- (b) Composting as accessory use shall comprise no more than 5 percent of the approved lot area.
- (c) Composting operations are subject to regulations administered by the Massachusetts Department of Environmental Protection, under 310 CMR 16.00 and by the Massachusetts Department of Agricultural Resources, under 330 CMR 25.00, Agricultural Composting Program.
- (d) Compost bins shall not—
 - (i) exceed a height of 8 feet from ground level in ground level urban farms; and
 - (ii) exceed a height of 8 feet from roof level in rooftop farms.
- (e) Compost bins and structures in ground level urban farms shall be setback a minimum of 5 feet from property lines.
- (f) In residential districts, as described in Chapter 3.00, compost bins and structures shall not be located in a front-yard or side-yard that abut a street.

(2) Safety Requirements.-

- (a) The cultivation and tillage of the soil, the production, planting, caring for, treating, growing and harvesting of any agricultural, aquaculture, floricultural or horticultural commodities, and the keeping and raising of hens and honey bees, are subject to local, state, and federal regulations.
- (b) Proof of annual soil testing must be provided to the Planning Board prior to the establishment of an urban farm and prior to the sale of urban farming products.

(3) Maintenance.-

- (a) At all times, Urban Farms shall be maintained in a healthy growing condition.
- (b) It is the intention of the City Council that Urban Farming, when conducted in accordance with this title, should not violate local nuisance or hazard laws.

22.80.090 ACCESSORY KEEPING OF HENS.-

- (1) Accessory keeping of hens may occur in ground level urban farms in any zoning district set forth in Chapter 3.00.
- (2) There shall be no more than 8 adult hens per each urban farm.
- (3) Roosters are expressly forbidden in any urban farm.
- (4) The onsite slaughtering of hens is prohibited in any urban farm.
- (5) Design.- Chicken coops and runs—

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- (a) shall not exceed 8 feet tall by 8 feet wide.
 - (b) must allow a minimum of 2 square feet per hen and one nest per 2 hens within; and
 - (c) must allow a minimum of 4 square feet per hen.
- (6) Setbacks.- Chicken coops and runs—
- (a) shall be setback a minimum of 5 feet from property lines in any zoning district set forth in Chapter 3.00, unless there is a solid, opaque barrier, such as a wall or fence along the property line;
 - (b) shall not be located in a front-yard; and
 - (c) shall not be located within a 15 foot buffer of habitable structures on adjacent properties in residence zoned districts, as described in Chapter 3.00.
- (7) Materials and Screening.-
- (a) Coops shall be made of washable and sanitizable material, including fiberglass or plastic.
 - (b) Runs shall have a securely built frame and shall be covered in a mesh wire material.
 - (c) Runs shall be designed to be predator proof.
 - (d) Unless in an industrial zoned area, as described in Chapter 3.00, any portion of a coop or run directly visible from a street or public owned space shall be screened by an opaque fence, buffer, or landscape element at least 4 feet in height.
- (8) Free Ranging.-
- (a) An Urban Farm owner/operator shall—
 - (i) obtain the written consent of all residents and property owners who have legal access to the premises for free-ranging; and
 - (ii) supervise free-ranging of adult egg-laying hens.
 - (b) Free-ranging is not permitted in a front-yard or side-yard that abut a street or public open space.

22.80.100 ACCESSORY KEEPING OF HONEY BEES.-

- (1) Accessory keeping of honey bees shall only occur in ground level and roof level urban farms, in any zoning district set forth in Chapter 3.00 of the Zoning Ordinance .
- (2) There shall be no more than 2 hives in ground level and roof level urban farms.
- (3) No hive shall exceed 5 feet in height and 20 cubic feet.
- (4) Setbacks.-
 - (a) Setback from the property line is not required where there is a wall, fence, or similar barrier between the urban farm lot and the adjacent property.
 - (b) Hives shall be set back 5 feet from the property line where there is no wall, fence, or similar barrier between the urban farm lot and the adjacent property.

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(c) Hives shall not be located in the front yard or in the side yard in any zoning district set forth in Chapter 3.00.

(d) Hives shall not be located within 10 feet of a street or public open space.

(5) Hive Placement and Flyways.- For any ground level hive within 25 feet of the doors or windows of a building on an abutting lot—

(a) the hive opening must face away from doors and windows; or

(b) a flyway of at least 6 feet in height, composed of a dense barrier shall be established in front of the opening of the hive, such that honey bees fly upward and away from the abutting properties.

(6) Rooftop Hive Beekeeping Requirements.-

(a) Hives shall be set back 5 feet from the edge of the roof.

(b) For a rooftop hive that is within 25 feet of the doors or windows of a building on an abutting lot—

(i) the hive opening must face away from doors or windows; or

(ii) a flyway of at least 6 feet in height, composed of a dense barrier must be established in front of the opening of the hive, such that honey bees fly upward and away from the abutting properties.

(c) Compliance with State and Local Laws.- Beekeeping shall comply with applicable federal, State, and local laws and regulations

22.80.110 AQUACULTURE, AQUAPONICS, AND HYDROPONICS.-

(1) Aquaculture, Aquaponics, and Hydroponics facilities shall operate, be erected or designed to be used, in whole or in part only in industrial zoned districts, as described in Chapter 3.00.

(2) Urban farms with structures for Aquaculture, Aquaponics, and Hydroponics are subject to Comprehensive Review, as described in Section 22.80.050.

(3) Aquaculture, Aquaponics, and Hydroponics facilities shall comply with applicable federal and State regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.

22.80.120 FARMERS MARKETS AND FARM STANDS.-

(1) A Farmer's Market shall occur only where retail is allowed in the underlying zoning district.

(2) The operation of a Farmer's Market shall require a permit from the City of Cambridge's Inspectional Services Department – Food and Sanitary Division.

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- (3) There may be only one Farm Stand per ground level Urban Farm or roof level urban farm and greenhouse, given—
- (a) accessory farm stands sell and distribute only the horticultural and agricultural products which are allowed where urban farms are allowed (See section 22.80.040), provided further that the stand does not exceed 200 square feet in total floor area;
 - (b) the construction of a farm stand is conditional and subject to review by the Planning Board prior to its construction and operation; and
 - (c) accessory farm stands shall not encroach upon sidewalks, driveways, or other rights of way, and shall not be erected so as to create a public nuisance or hazard.

22.80.130 ABANDONMENT OF AN URBAN FARM.-

- (1) In this Section, “abandoned site” means a ground level or roof level urban farm that fails to operate for more than one year except where the City of Cambridge’s Inspectional Services Department provides written consent for non-operation.
- (2) The owner/operator shall physically remove all farm structures, and clear and restore an abandoned site to its original state no more than 120 days after the date of discontinued operation.
- (3) Such site clearing shall consist of—
- (a) physical removal of farm structures, equipment, and machinery; and
 - (b) disposal of composting and agricultural waste in accordance with local and state waste disposal regulations.
- (4) If the owner/operator fails to remove the farm structures, equipment, and machinery in accordance with the requirements of this Section within 120 days of abandonment, the Inspectional Services Department shall enter the property and conduct removal activities.

22.80.140 REGULATIONS.- The Cambridge City Manager may promulgate regulations to administer this Chapter

22.80.150 SEVERABILITY.- The provisions of this Chapter are severable, and if any provisions of these sections shall be held invalid by any court with jurisdiction over these Titles, such decision shall not impair or otherwise affect any other provisions of these sections.

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