

CITY OF SOMERVILLE
ORDINANCE NO. _____
IN THE BOARD OF ALDERMEN: _____

AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE TO ENCOURAGE URBAN AGRICULTURE IN SOMERVILLE ADDING DEFINITIONS, AND AMENDING THE TABLE OF USES AND THE FOOTNOTES TO THE TABLE OF USES TO ALLOW FARMS AS ACCESSORY RESIDENTIAL USES, AND TO ALLOW COMMUNITY GARDENS, COMMUNITY FARMS AND FARMING ON MUNICIPAL LAND.

WHEREAS, the City of Somerville is committed to increasing access to fresh, locally grown, wholesome foods for all residents; and,

WHEREAS, as a national leaders in innovative government practice, Shape Up Somerville and its local partners have established a wide and increasing variety of programs and initiatives for access to fresh food; and,

WHEREAS, state and national policies are encouraging home gardeners to produce their own food; and,

WHEREAS, there is local interest in additional community gardens, community farms and small commercial farms; and,

WHEREAS, growing local food eliminates both the need for fossil fuels in transporting food and the use of destructive chemicals that are a part of large scale food production operations; and,

WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a family food budget; and,

WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for students to learn about nutrition and where food comes from; and,

WHEREAS, new technologies for growing food, including indoor growing technologies such as aquaponics and hydroponics are the basis for new agricultural opportunities, partnerships and research; now,

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

Urban Agriculture Zoning Amendment
Submitted 4/12/12, Revised 8/16/12

1. Article 2: Definitions are hereby added to as follows (additions are underlined):

Agriculture, Urban (Urban Agriculture): An umbrella term that describes a range of food growing practices that may include the keeping of chickens and/or bees, but does not include other livestock.

Arbor: An accessory structure consisting of an open frame, freestanding or attached to another structure, with horizontal and/or vertical latticework often used as a support for climbing food or ornamental crops.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish waste to plant nutrients.

Cold Frame: An unheated outdoor structure built close to the ground, typically consisting of, but not limited to, a wooden or concrete frame and a top of grass or clear plastic, used for protecting seedlings and plants from cold weather.

Farm: The cultivation and tillage of the soil, the production, planting, caring for, treating, growing and harvesting of any agricultural, aquaculture, floricultural or horticultural commodities, the keeping and raising of hens and/or honey bees, sales subject to compliance of local, state, and federal regulations. Farming shall include aquaponic and hydroponic farms.

Farm/Greenhouse, Commercial: the primary use of a lot is commercial urban agriculture.

Farm/Greenhouse, Community: Urban agriculture or greenhouse operated by a non-profit agency

Farm, roof: Urban agriculture on a roof of a principal residential or accessory structure.

Farm, yard: Urban agriculture on a residential yard.

Farmstand: A temporary structure for the display and sale of clean, whole, unprocessed produce, eggs, or honey grown on-site.

Gardens: A planned space, set aside for the display, cultivation, and enjoyment of plants including vegetables, flowers, and fruits for private/personal use.

Garden, community: Gardens operated by the City of Somerville with a primary purpose of providing space for members of the community to grow plants for beautification, education, and recreation for personal use. Sales, processing and storage of plants or plant products are prohibited on-site.

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Garden, home/yard: An accessory use on a residential lot to grow plants for consumption, beautification, or recreation for personal use. The garden may be outdoors, in accessory greenhouses or on the roof of a structure. The ownership, care and control is the responsibility of a resident of the dwelling on the lot. Sales are prohibited.

Greenhouse: A structure, primarily of transparent material, in which temperature and humidity can be controlled for the cultivation or protection of plants or other agricultural products. All greenhouse structures are subject to setback and building code requirements.

Hens: Female chickens.

Honeybee: A common domestic honeybee, Apis mellifera species.

Hoop house: A temporary accessory structure typically made of, but not limited to piping or other material covered with translucent material for the purposes of growing food or ornamental crops.

Hydroponic: The cultivation of plants in nutrient solution rather than soil.

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2. Article 7: Permitted Uses, Section 7.11 Table of Uses is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

PRINCIPAL USE (unless specified otherwise)	DISTRICT														
	RA	RB	RC	NB	CBD	BA	BB	IA	IB (18)*	IP	OS	UN	ASMD	PUD B PUD B1	AOD
4. ACCESSORY RESIDENTIAL USES															
<u>k. Keeping of hens (20) (25) (26)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
<u>l. Keeping of honey bees (21) (25) (26)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
<u>m. Yard farm (22) (25) (26) (27)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
<u>n. Roof farm (23) (25) (26) (27)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
<u>o. Home/yard garden</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††

PRINCIPAL USE (unless specified otherwise)	DISTRICT														
	RA	RB	RC	NB	CBD	BA	BB	IA	IB (18)*	IP	OS	UN	ASMD	PUD B PUD B1	AOD
5. INSTUTIONAL USES															
<u>8. Community Gardens on Municipal Property</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††

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PRINCIPAL USE (unless specified otherwise)	DISTRICT														
	RA	RB	RC	NB	CBD	BA	BB	IA	IB (18)*	IP	OS	UN	ASMD	PUD B PUD B1	AOD
9. SALES OR RENTAL OF GOODS OR EQUIPMENT															
10. Commercial Greenhouse or Nursery Farm and/or Greenhouse															
<u>1. Commercial farm and/or Greenhouse without keeping of honey bees and/or hens: All operations conducted entirely within an enclosed building (27)</u>															
a. less than 5,000 s.f. of gross floor area			Y	Y	Y	Y	Y	Y		Y			Y	SPSR	††
b. 5,000 to 9,999 s.f. of gross floor area				SPD (17)	SPD	SPD	Y	Y		Y			Y	SPSR	††
c. 10,000 s.f. or more of gross floor area				SPSR (17)	SPSR	SPSR	SPSR	SPSR		SPSR			SPSR-A	SPSR	††

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2. <u>Commercial farm and/or Greenhouse without keeping of honey bees and/or hens: Operations, in part or in whole, conducted outside an enclosed building (27)</u>															
a. less than 5,000 s.f. of gross floor area				SP	SPD	SP	SP	SP		SP			Y	SPSR	††
b. 5,000 to 9,999 s.f. of gross floor area						SPD	SPD	SPD		SPD			SPSR-A	SPSR	††
c. 10,000 s.f. or more of gross floor area						SPSR	SPSR	SPSR		SPSR			SPSR-A	SPSR	††
3. <u>Commercial farm and/or Greenhouse with keeping of honey bees and/or hens: (27)</u>				<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>		<u>SP</u>			<u>SP</u>	<u>SP</u>	††
4. <u>Community Farm (25) (26) (27)</u>															
a. <u>Without the keeping of honey bees and/or hens</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
b. <u>With the keeping of honey bees and/or hens</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	††
5. <u>Community Greenhouse (25) (26) (27)</u>															

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a. <u>Without the keeping of honey bees and/or hens</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
b. <u>With the keeping of honey bees and/or hens</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	††
6. <u>Farm and/or Greenhouse as a principal or accessory use on Municipal Land and/or in Municipal Buildings (24) (25) (26) (27)</u>																
a. <u>Without the keeping of honey bees and/or hens</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	††
b. <u>With the keeping of honey bees and/or hens</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	††

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3. Article 7: Permitted Uses, Section 7.12. Footnotes to table of permitted uses, is hereby added to as follows (additions are underlined):

(20) Hens shall be subject to the following rules: 1) Hens may be kept per 7.11.4.k on residential properties only; 2) ownership, care and control of the hens shall be responsibility of a resident of the dwelling on the lot; 3) a maximum of 6 hens may be kept on a lot, although Health regulations may further limit the number and/or manner of keeping of hens on lots; 4) no roosters may be kept on lots in Somerville; 5) henhouses are subject to accessory structure setback requirements and, 6) Hens and henhouses are not permitted in front yards or in side yards that abut streets.

(21) Honey bees shall be subject to the following rules: 1) Honey bees may be kept per 7.11.4.l on residential properties only; 2) ownership, care and control of the honey bees shall be responsibility of a resident of the dwelling on the lot; 3) a maximum of 2 colonies may be kept on a lot, although Health regulations may further limit the number and/or manner of keeping of honey bees on lots; 4) structures for honey bees are subject to accessory structure setback requirements, and 5) Honey bees and beekeeping materials are not permitted in front yards or in side yards that abut streets.

(22) Yard farms shall be subject to the following rules: 1) Yard farms may be kept per 7.11.4.m on residential properties only; 2) ownership, care and control of the farm shall be responsibility of a resident of the dwelling on the lot; 3) Land devoted to agricultural use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass; 4) Yard farms may include greenhouses as accessory structures, subject to applicable setbacks and 5) Accessory structures to an agricultural use shall also be well maintained.

(23) Roof farms shall be subject to the following rules: 1) Roof farms may be kept per 7.11.4.n on residential properties only; 2) ownership, care and control of the farm shall be responsibility of a resident of the dwelling on the lot.

(24) Commercial farming/greenhouse, including but not limited to hydroponic and aquaponic farming, is permitted on municipal land, in municipal buildings, on roofs of municipal buildings and/or in greenhouses on municipal land. Products from such farms may be sold off-site, or sold on-site subject to the provisions of footnote #25.

(25) On-site sale of products from these uses are allowed subject to the following provisions: 1) Sales of products shall be permitted between the hours of 9:00am and 6:00pm, May 1 – Oct. 31 of each year; 2) Sales shall be permitted not more than three (3) days per week and not more than twenty-five (25) days per year; 3) Retail sale display areas shall not exceed fifty (50) square feet; 4) One farmstand is allowed per lot; however, no sales display or structure shall be located on public sidewalk, street or block vehicle and pedestrian flow; 5) Sales display, structure, and signage must be stored out of site while not in use; 6) Signage shall be limited to one (1) sign and not exceed six (6) square feet; and, 7) Proof of annual soil testing must be posted during all sales of produce.

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(26) Farms and Greenhouses shall be subject to building code requirements and any applicable rules and regulations established by the Health Department of the City of Somerville.

(27) Hoop houses, cold frames or other similar structures shall be allowed as accessory structures subject to the building code and subject to the following provisions (1) they shall not exceed a maximum height of six and one-half (6½) feet; (2) the cover shall be removed and stored when plants are not being cultivated.

4. Article 8: Dimensional Requirements, Section 8.6. Footnotes to Section 8.5 Table of Dimensional Requirements, is hereby amended as follows (additions are underlined):

11. Garages and accessory structures in residential districts: In any residence district, garages and other permitted accessory buildings shall not exceed fifteen (15) feet in height, but may extend within any side or rear yard up to but not closer than three (3) feet from any side or rear lot line, unless of fireproof construction. Arbors, hoop houses and cold frames may also extend within any front yard up to but not closer than one (1) foot from the lot line (also see §7.12.27). Replacement of pre-existing arbors not changing existing setbacks shall be permitted. However, where a Historic Carriage House is converted to principal use as part of a Historic Bed & Breakfast or a Historic Carriage House Occupation, and preexisting dimensions would be nonconforming for a principal structure, no additional zoning relief shall be required.