Addendum:

Urban Agriculture Policy Barriers and Recommendations in Oklahoma City

2013 Smart Growth Code Audit

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Summary

This paper analyzes several barriers to urban agriculture found in Oklahoma City's municipal code. I study how other cities have addressed similar policy barriers, and propose recommendations for overcoming these barriers. I identify three major groups of barriers: lack or unclear definitions in the code, restriction on food producing animals in urban areas, and challenges to community gardens and urban farmsteads. Because there is so little mention of urban agriculture, I argue there is a tremendous opportunity to integrate urban agriculture focused reforms into Oklahoma City's Code of Ordnances to explicitly include community gardens, urban farmsteads, backyard chickens, apiary, and certain accessory structures related to urban agriculture. Many other American cities have recently enacted reforms permitting and regulating urban agriculture, and I believe further research and work should be done.

Introduction

Purpose

The purpose of this paper is to identify the most significant policy barriers to urban agriculture in Oklahoma City. This project analyzes the Oklahoma City Municipal Code of Ordinances, summarizes best practices, and offers recommendations for policy changes related to the Code.

The scope this study is part of a larger student team project to audit the city's code using the Smart Growth America auditing tool. Our team covers parking and circulation, land uses, housing and construction, and this component on Urban Agriculture is designed to complement the rest of the team's work. The Urban Agriculture audit was not included in the Smart Growth tool, and part of my work on this project was to create an auditing tool for urban agriculture with regard to sustainability focused policies.

This paper is concerned with what I determine to be the most significant barriers to urban agriculture in Oklahoma City's code, but it is not comprehensive. This paper does not include any mention of sales and distribution: on premise stands, farmer's markets, farm to schools, or local produce retail. This is typically a crucial component to urban agriculture reforms in other cities I studied, and I chose not to include it because it did not seem to be as significant of a barrier. Along similar lines, I did not consider barriers related to food security or economic development in relation to urban agriculture as being within the scope of this study. Additional work and research on urban agriculture reform in Oklahoma City should address these issues.

Issue

Agriculture and food security are concerns nearly all cities have historically addressed (Reader 2004: 15). In terms of long term sustainability of cities, Stephan Barthel and Christian Isendahl studied the archaeological evidence from Mayan cities and Byzantine Constantinople. They concluded that both cities required a "considerable capacity of proximate food sources" in order to maintain "long-term urban resilience" and both examples extensively used urban

gardens, farmsteads, water management and waste recycling to achieve this resilience (2013: 231).

American Cities are in a unique position to address urban agriculture. A host of changes over the 20th century have occurred in relation to agriculture and foodways in American cities. Production developments such as crop science, refrigeration, interstate shipping, industrialized food processing as well as shifts in urban areas such as zoning, greenfield housing developments, and large supermarkets have completely changed the traditional, local foodways of many American cities (Mukherji 2010). Many cities depend heavily on national and international food supply chains rather than local producers and home-grown foods.

Urban agriculture reforms have the potential to greatly alter the environmental sustainability of Oklahoma City. Food produced within a city's boundaries reduces fossil fuels used for transportation. The close proximity also allows products to be harvested and distributed close peak freshness which reduces the need for energy and land used for storage and distribution. Also, food produced within already built areas can potentially reduce the need for food produced from exurban greenfields and ecosystems.

Urban agriculture sites can manage storm water runoff, re-use rainwater, remediate polluted soils, and compost organic waste. Community gardens and urban farmsteads have the potential to educate and raise environmental awareness, as well as create sites where cultural agriculture and medicinal practices and knowledge are maintained (Gorby 2013). Despite challenges presented by zoning and the 20th century shift in American foodways, urban agriculture reforms can address issues directly related to Oklahoma City's environmental sustainability.

Methodology

Similar to the other parts of this project, I used an auditing tool to assess City's code. Unlike the other projects, I did not have a tool ready to go. This project began by surveying research on urban agriculture and land use in America. I found a considerable body of research on urban agriculture in global cities, particularly in cities undergoing post-colonial economic reforms. I also found a considerable amount of research on urban agriculture as it relates to food security, food sovereignty, and economic development. I focused my literature review on work most related to urban agriculture policy changes in American cities. Documents from cities that underwent a similar process of code review were most helpful, particularly a student assessment of urban agriculture in Seattle (Erikson et al. 2009) and an EPA code audit of urban agriculture in Milwaukee (EPA 2012). Also helpful were recent land use law articles by Jeffrey LeJava (2012) and Sarah Shindler (2012), as well as policy papers from the American Planning Association (Raja et al. 2008) and others (Hodgson 2011).

I then drafted an auditing tool based on what these other groups and authors determined to be the most significant challenges and barriers to agriculture in other cities. After applying this tool, I narrowed down what I believed to be are the three most significant "groups" of barriers within the code. After determining these barriers, I searched for best practices in other cities. Lessons from these best practices inform my recommendations in this paper.

Barriers and Recommendations

Lack of Urban Agriculture Definitions

Issue	Is urban agriculture defined in the code? Are there any restrictions on agricultural uses?
Barrier	No definitions are currently in place. Interpreting what is urban agriculture versus nuisances or restricted uses is difficult. Agriculture is specified as a use in traditionally zoned agricultural zoning, but all current agricultural zoning classifications require a low enough density to preclude urban agriculture.
Citation	§ 59-8150. Agricultural Use Unit Classifications § 35-61 WEEDS AND NOXIOUS PLANTS § 59-6100 ZONING BASE DISTRICTS
Code	No Code available
Recommendation	Create clear definitions for urban agriculture and practice in the code. Establish "tiers" of use intensity. Amend use standards to include urban agricultural uses and permit accessory structures related to urban agriculture.

Issue
Urban Agriculture is not defined in Oklahoma City's Code of Ordinances. Moreover, little information is given to distinguish vegetable gardens from weeds, pets from livestock, and what agricultural uses are defined by right in zoning classifications which contain a density of greater than one unit per acre.

Challenges
One of the major challenges to promoting urban agriculture is determining whether or not it is defined, specified, and allowed in urban areas. While there is no restriction specified against urban agriculture, accessory structures such as hoop houses, crop shades, trellises, and storage sheds, there is also no specification that these are allowed by right. This becomes an issue when gardens a placed in front yards, between the frontage of a house or building and the sidewalk or street. There is little in the code to distinguish rank weeds from crops except that weeds are distinguished from "produce for human consumption grown in a tended and cultivated garden" which does not create a "hazard" to fire or traffic (Oklahoma City § 35-61).

In a policy paper written for planners addressing urban agricultural issues in 1999, Soonya Quon observers that a "key policy problem may be that UA is simply not recognized or named as a

land-use activity" (Quon 1999: 29). A lack of definition for urban agriculture, uses, and permitted structures hinders the development of community gardens, as well as neighborhood and community supported agriculture. Vacant lot and edible landscape program can also be difficult to implement without any clear definition of support, right, or restriction (Kaufman 2000: 78). Finally, regulation supporting best practices for urban agriculture are difficult to teach and enforce without any clear guidelines in the code.

Best Practices

Cleveland has a section of code devoted entirely to the creation of Urban Garden Districts. Main and Accessory uses to urban agriculture are defined as well as community gardens and the ability to sell produce on premise (Cleveland § 336.01)

Philadelphia's code similarly defines an "Urban Agriculture Use Category" among land use standards. This category defines use standards for runoff, on premise sales, and community gardens (§ 14-603(15)).

Chattanooga has a specific zoning category (A-1) for urban agricultural use. This zoning category allows for on premise sales, sign, and contains specific area and height urban agricultural uses on lots (Chattanooga § 38-451).

Lessons

Urban Agriculture can be amended as a Separate Zoning/Land Use Category.

Defining Agriculture as a use standard can clarify any future conflicts that may arise from "mixed" use of urban agriculture in various zoning categories.

Clear definitions in a single location can help promote urban agriculture by making rights and restrictions easy to find and understand.

Recommendations

Oklahoma City should create a land use definition of urban agriculture that encompasses size and location requirements, accessory structures, community gardens, on premise sales, and food producing animals by right. Create tiers of agricultural use to bridge the differences between personal gardens up to small urban farms and full blown industrial agriculture. Incorporate urban garden or agricultural districts into the comprehensive land use plan for the city.

Birds, Beasts, and Bees

Issue	Are chickens allowed outside of agriculturally zoned areas? Are other food producing animals permitted, such as pigs, goats, or bees?
Barrier	Minimum lot size of one acre. No mention of apiary permissions/restrictions.
Citation	*§ 59-9350.8*
Code	"C. The site shall be at least at least one acre in size. For purposes of this section, lot and/or parcel size shall be defined to mean net usable area, excluding public and private street rights-of-way."
Recommendation	Require a minimum of two chickens if any chickens are present, and a maximum of eight chickens. Restrict roosters under the acre size limit. Create new setback requirements for coop locations in higher density lots Create provisions for humane treatment. Restrict where animals can be kept on the property (setbacks, distances, etc). Create waste disposal requirements.

Issue

"Urban Chickens" have been a rallying cry of sorts. Long restricted from urban areas, many cities with provisions for urban agriculture have allowed chickens back into the urban areas and neighborhoods with a few key restrictions.

Challenges

There are major challenges with permitting food producing animals in higher density areas, particularly single family residential areas with small yards. Nuisance, animal welfare, building cages, hives or pens, and disposal of waste are key concerns. As commercial agriculture grew around the middle of the 20th Century, many ordinances were passed to restrict any kind of food producing fowl, livestock, or insect to the agricultural fringes. Similar to the challenges integrating pre-war mixed use, one of the major barriers may be neighbor and community acceptance, as well as developing an extended network of monitoring and enforcing health and safety requirements.

Best Practices

Seattle allows up to eight domestic fowl on a single family residential property, and allows additional fowl on lots over 10,000 square feet containing urban farms or community gardens. Coops must be 10 feet away from any structure, and roosters are not allowed. Beekeeping is

restricted to a maximum of 4 hives on lots under 10,000 square feet, with defined setback requirements for the hives. Livestock are not allowed on lots under 20,000 square feet (Seattle Municipal Code: *§ 23.42.052*).

Denver recently amended their code to permit food producing animals in residential areas. The code allows for each lot to have up to a total of 8 chickens and/or ducks and 2 small goats, with provisions for location on the lot and setback requirements. A paid license is required. (Denver Municipal Code: *§ 8-91*).

Cleveland allows one chicken, duck or rabbit for every 800 square feet of lot area in residential areas with requirements for coop setbacks. One chicken for every 400 square feet may be kept outside of residential areas. Roosters are restricted. Apiary is allowed on lots over 2,400 square feet, with one hive per every 2,400 square feet. Africanized bees are restricted (Cleaveland Municipal Code: *§ 347.02*).

Many other cities have recently passed similar ordinances permitting domestic fowl and apiary (St. Louis, MO; Midland, TX; Gary, IN) in single family residential and urban areas.

Lessons

Permitting 8 to 12 Chickens with Rooster Restrictions is a common practice.

Setbacks and locations on a lot are important.

Licenses and neighborhood approval used in some cities can mitigate nuisance concerns.

Recommendations

Allow chickens in residential zones. Restrict lots under one acre to 8 chickens with a minimum requirement of 2 chickens. Restrict roosters in lots under and acre in size, and create a set of feasibly setback requirements for coops in these areas.

Allow Apiary as a conditional use, and restrict the number of hives based on land density. Create specific lot setback requirements. Ban the keeping of Africanized bees.

Community Gardens, CSA's and Vacant Lot Remediation

Issue	Are community gardens permitted in public areas, donated/leased land or vacant lots? Is community supported agriculture permitted (CSA)? Are small to mid size farming and urban farm-steading operations permitted? Are on premise sales from these operations permitted? Is there a procedure to temporarily farm and or remediate soils in vacant lots?
Barrier	There is no mention of community gardens or CSA's in the code. Farming is restricted to agricultural zones (AA, RA, RA2), which are required to maintain low densities. If these operations are conducted in residential areas, on premise sales could be restricted, as could accessory structures such as fences, sheds, raised beds, and trellises. There is no program for activating and regulating vacant lots or public spaces, and the current code could misinterpret gardens in vacant areas as being in violation of maintaining clean/safe/secure conditions.
Citation	*§ 24-55*
Code	"All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this article so as not to cause a blighting problem or adversely affect the public health or safety."

Issue

Community gardens are an important part of a City's urban agricultural plan. Community Gardens, Community Supported Agriculture, and Urban Farms occupy a kind of literal middle ground between personal home gardens. Community gardens and CSA's offer opportunities for residents without yards or space to garden to produce fresh food.

Many community gardens are important social centers. Community gardens can be seen as a kind of neighborhood commons with the ability to educate and offer a context for social gardening. Community gardens can help shape and reinterpret social narratives about a place. They can form a cultural practice by raising and producing plants and traditional medicines as well as maintaining traditional forms of agricultural practice. They can also be important spaces to maintain and swap seeds and distribute produce. CSA sites can also play an important role in food security as well.

Challenges
The major issue facing community gardens and urban farms is that there is no set provision in the code. Appropriating empty lots and open spaces, especially in close proximity to neighborhoods and urban communities faces the risk of running into conflicting or restrictive land use codes. It is possible that a community supported garden or urban farm may be mistaken for an overgrown plot of weeds, and would be subject to being cut and cleared. As evidenced by other cities, these programs tend to require partnerships and coalitions with public, private, and non-profit stake holders (Narvaez 2012: 80).

Best Practices
The City of Seattle partners with a community garden program known as the "P-Patch" program. The City is authorized by the code to lease land specifically for the program (Seattle 3.35.080).

Milwaukee runs a program to facilitate community gardens in vacant lots called Milwaukee Urban Gardens (MUG). This program is a non-profit partnership with the city, which receives approval from the City Development Office (Broadway 2009: 26).

Cleaveland allows for both community gardens small commercial farms designated as "market gardens" within defined "urban garden district" areas. City Fresh is an example of a successful CSA which uses provisions in the code to produce and distribute fresh produce (Flachs 2010).

Lessons
Community Gardens play an important role in the success of urban agriculture programs.

Community Gardens and Urban Farms need a provision mitigating traffic and conflicting land use requirements for sales or distribution.

Vacant lot gardens and remediation programs require some kind of administrative support from the city.

Neighborhoods are crucial supporters of community garden programs.

Recommendations
Allow Community Gardens as defined use category in zoning categories which include or are in close proximity to neighborhoods. Allow on premise sales, sign requirements, and temporary stands or structures. Allow accessory structures such as fences, rainwater collection, and storage facilities.

Create a use category of urban farms between the scale of operation of community gardens and rural, traditional agriculture operations.

Create a vacant lot remediation program that allows agriculture as a conditional use. Create a land inventory of open space locations most suited to urban agriculture. Work with communities and urban farmers to use or lease open, vacant, and unused urban spaces for agriculture.

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Appendix: Code Auditing Table

Audit Questions	**Y**	**N**	**Applicable Oklahoma City Code and Comments**	**Link to OKC Code (If Applicable)**	**Possible Improvements to Codes and Possible Barriers**	**General Comments**
1.1 Is Urban Agriculture Defined in the Code of Ordinances		X	Nothing stated. All agricultural use/zoning/row crops require a maximum density of one dwelling per acre. Also see "(26) Urban area means any area not located within an AA Agriculture Zoning District." § 31-1	§ 59-6100	Define urban agriculture as a use in zoning with greater density.	
1.2 Are agricultural uses defined by scale of use?		X	No. Agricultural use is limited to		Create Tiers of agricultural use, from	
1.3 Are accessory structures to agriculture defined by right? (hoop houses, fences, sheds, watering apartus, sun shades, trellses, etc)		X	None mentioned.		Incorporate accessory structures related to agricultural/gardening scale into the code.	
1.4 Are edible landscape requirements for parks, medians and public		X	No code mentioned	§ 59-11150.	Assign public and private edible landscaping a point value in the landscaping code.	

spaces mentioned in the code?						
1.5 Are community gardens permitted in single family residential zones?		X	No mention.	-	Create community gardens as an approved use	
1.6 Are on premise sales or farmer's markets allowed in commercial or retail zones?	X		"§ 39-1. Use of public markets for vending required.permanent link to this piece of content (a) No person shall stand in or occupy any place in or upon any street, street crossing, sidewalk or other public way other than places designated by proper authority as market places for the purpose of trading in, selling, crying, exhibiting, or vending any goods, chattels, merchandise, patent articles, patent rights, medicines, nostrums or drugs. (b) The provisions of	§ 39-1		

			Subsection (a) of this section shall not apply to: (1) persons selling grains, fruits, and vegetables of their own production, provided that the streets shall not be blocked or obstructed thereby; "			
1.7 Are vegetable and/or produce gardens differentiated form weeds?	X		" Rank weeds means all vegetation at any state of maturity which: a. exceeds 12 inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere	§ 35-61		

			with the mowing of said weeds;"			
2.1 Are there lot size restrictions for agricultural uses?	X		"A.AA Agricultural District. The AA District creates and preserves areas intended primarily for agricultural purposes. It permits low intensity residential development along with certain essential commercial and institutional uses. It is not intended to provide a lower standard of development than in other districts. The types of uses, area and intensity of use regulations are designed to encourage and protect agricultural uses on a permanent basis, or until such time as urbanization takes place and an appropriate change in district classification is made."	§ 59-6100.	Reduce the lot size required for urban farmsteading and small urban farms.	These are density restrictions, which limit the minimum size of a lot above a certain threshold. The desnsity restrictions preclude urban and built up areas.

2.2 Are front yard gardens permitted in any land use cagetory? If so how are they defined? Are there garden height or bulk restrictions?	X		"(4)Rank weeds means all vegetation at any state of maturity which: a.exceeds 12 inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds"..."Rank weeds" does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use."	§ 35-61	Explicity define produce gardens by right in front yards, and set clear limits on height, setback, and area percentage requirements.	They are not permitted by right. The definitions of "produce for human consumption " and "cultivated garden" are a little unclear or too general. The 12 inch height limit is a potential barrier, as is the exception for land zoned for agricultural use. This indicates a need for explicit definitions of agriculture in urban zones.

2.3 Are there site standards for the location of fowl coops, apiary hives, or livestock pens?	X		"F No building or enclosure in which animals are quartered shall be located closer than 200 feet to any dwelling, church, school building or place of business on adjacent properties. (An enclosure is any area, corral, open-sided shelter or enclosed shelter, which has artificial flooring or is substantially denuded of permanent vegetation as a result of animal activity, and would include unfenced areas that become areas of animal congregation such that permanent forage is removed.) G. No rooster shall be tethered closer than 400 feet to any dwelling, church, school building or place of business on adjacent properties. H. No enclosure in which roosters are	-	Create setback and site location standards for properties under and acre in size, as the current distances preclude most urban areas of the city.	

			quartered shall be located closer than 400 feet to any dwelling, church, school building or place of business on adjacent properties.			
3.1 Are chickens allowed to be kept in residential zones?		X	"The site shall be at least at least one acre in size...No building or enclosure in which animals are quartered shall be located closer than 200 feet to any dwelling, church, school building or place of business on adjacent properties. "	§ 59-9350.8	Allow 8-12 chickens in all residential areas. Restrict roosters. Revise coop location and setback requirements.	This is really a "yes." Chickens are allowed in low density residential areas with lots over an acre in size. However, the lot size and setback requirements preclude almost all urban areas and present a barrier.
4.1 Are produce stands and sales permitted on premise?			Nothing is expressly prohibited relating to this in the code.	-		On premise sales may run into conflicts with single family residential zoning based off of implied use restrictions.

4.2 Are eggs allowed to be sold on premise?	X		Exemption of "farmers or truck gardeners who offer for sale or sell, or who peddle and sell from house to house, fresh fruits, vegetables, butter, eggs and farm products produced and raised by such farmers and gardeners from lands owned and cultivated or controlled by them; "	§ 21-394		No specific restrictions of eggs are mentioned in the City's Code, althought State regulations may apply.
5.1 Are there specific regulations on the use and storage of rainwater?		X	Land disturbing activity does not include "such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in minor soil erosion...agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm	§ 57-158	Permit rainwater storage and greywater watering systems, especially for community gardens.	

			ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings"			
5.2 Are there any regulations on composting and biodegradable waste disposal?		X	Nothing mentioned.		Possibly amend code to permit composing with certain setback requirements in parks and residential areas.	
6.1 Are there open space requirements directed towards preserving agricultural land?	X		"Plats for property zoned RA2 or RA shall contain notes setting forth the maximum number of dwelling units permitted under the density regulations of the applicable zoning district and prohibiting the splitting of lots so as to permit housing lots in excess of the maximum number of units allowed. The plat shall also contain notes prohibiting development of designated open space areas and shall describe easements, covenants, or other legal instruments related to the	§ 59-12150	Strengthen the requirement to include "hard" urban growth boundaries. Work to create infill programs that preseve open space with food producing lots.	

			development and maintenance of designated open space areas."			