

ARTICLE 89

**URBAN AGRICULTURE**  
(Article inserted on Month Day, Year)

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SECTION 89-1. **Statement of Purpose.** The purpose of this Article is to establish zoning regulations for the operation of Urban Agriculture activities and to provide standards for the siting, design, maintenance and modification of Urban Agriculture activities that address public safety, and minimize impacts on residents and historic resources in the City of Boston.

SECTION 89-2. **Definitions.** The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article 2A, except as set forth in this Section 89-2 or as otherwise specified in this Article. For the purposes of this Article, the following words and phrases shall have the meanings indicated:

1. “Aquaculture,” means the cultivation of aquatic animals in a recirculating environment to produce whole fish that are distributed to retailers, restaurants and consumers.
2. “Aquaponics,” means the cultivation of fish and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants and consumers.
3. “Beekeeper,” means a person or persons managing and maintaining Honey Bees in a Hive or Hives.
4. “Chick,” means a Chicken under the age of fourteen (14) weeks.
5. “Coldframe,” means a temporary, unheated outdoor structure, no higher than thirty-six (36”) inches, used for protecting seedlings and plants from the cold. Coldframes may be erected for up to 6 months during any given calendar year.
6. “Colony,” means a natural group of Honey Bees having a queen or queens.
7. “Composting,” means a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.
8. “Comprehensive Farm Review,” means an evaluation by the Urban Design staff of the Boston Redevelopment Authority for the overall design and siting of an Urban Farm and Farm Structures. Activities defined as Urban Agriculture must conform to the Zoning Code, specifically this Article 89, in all other respects, and must be processed and approved by the Inspectional Services Department for the City of Boston.

9. “Coop,” means an enclosed shelter in which a Chicken lives.
10. “Farm Area,” means the area of a Lot designated for activities and uses, as defined in Section 89-2 of this Article, Urban Agriculture.
11. “Farmers’ Market,” means a market where farmers, producers and other vendors sell whole produce; value-added agricultural products such as jams, jellies, and pickles; prepared food; plants; flowers; meats; dairy products; shellfish and finfish; and other food-related products. Preference shall be given to those vendors who have produced what they sell from plants, livestock and other products raised on their farms or harvested from coastal waters.
12. “Farm Stand,” means a Farm Structure such as a table, stall or tent, operated by a sole vendor for the sale of agricultural or horticultural products.
13. “Farm Structures,” means those structures that may include but are not limited to sheds (tool and packing), compost bins, shade pavilions, Farm Stands, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as Greenhouses, Hoophouses, Coldframes, and similar structures.
14. “Greenhouse,” means a permanent structure made of glass, plastic, or fiberglass in which plants are cultivated year round under controlled temperature and humidity settings.
15. “Ground Level Urban Farm,” means the use of a Lot on the ground plane for Urban Agriculture for commercial purposes, whether for profit or non profit.
16. “Hen,” means a mature egg-laying female Chicken.
17. “Hive,” means a manufactured receptacle or container prepared for the use of Honey Bees that includes movable frames, combs and substances deposited into the Hives by Honey Bees.
18. “Honey Bee,” means a subset of bees in the genus Apis, primarily distinguished by the production and storage of honey and the construction of perennial, colonial nests out of wax.
19. “Hoophouse,” means an outdoor structure made of flexible PVC piping or other material covered with translucent plastic,

constructed in a “half-round” or “hoop” shape, generally tall enough for a person to enter standing up.

20. “Hydroponics,” means the propagation of plants using a mechanical system designed to circulate a solution of minerals in water, for distribution to retailers, restaurants and consumers.
21. “Open Air Rooftop Farm,” means an unenclosed area of a rooftop that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
22. “Pullet,” means a Hen under the age of one (1) year.
23. “Roof Level Urban Farm,” means the use of a roof for Urban Agriculture for commercial purposes, whether for profit or non profit.
24. “Rooftop Greenhouse,” means a permanent structure located on a roof made of glass, plastic, or fiberglass in which plants are cultivated year round.
25. “Run,” means an outdoor enclosure generally made of wire mesh.
26. “Urban Agriculture,” means the use of a Lot for the cultivation of food and/or horticultural crops, Composting, Aquaponics, Aquaculture and/or Hydroponics. Such use may include the Accessory Keeping of Animals or Bees where Allowed by Underlying Zoning, and on-site sales where retail uses are Allowed by Underlying Zoning..
27. “Urban Farm, Ground Level, Large,” means a Ground Level Urban Farm with a Farm Area greater than one (1) acre that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
28. “Urban Farm, Ground Level, Medium,” means a Ground Level Urban Farm with a Farm Area greater than or equal to ten-thousand (10,000) square feet but no greater than one (1) acre that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
29. “Urban Farm, Ground Level, Small,” means a Ground Level Urban Farm with a Farm Area less than ten-thousand (10,000) square feet that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.

30. “Urban Farm, Roof Level, Large,” means a Roof Level Urban Farm with a Farm Area greater than one (1) acre that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
31. “Urban Farm, Roof Level, Medium,” means a Roof Level Urban Farm with a Farm Area greater than or equal to five-thousand (5,000) square feet but no greater than one (1) acre that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
32. “Urban Farm, Roof Level, Small,” means a Roof Level Urban Farm with a Farm Area less than five-thousand (5,000) square feet that is used for Urban Agriculture for commercial purposes, whether for profit or non profit.
33. “Vertical Agriculture,” means an exterior building wall or other vertical structure designed to support the growing of agricultural or horticultural crops.

SECTION 89-3. **Applicability.** No Urban Agriculture activity shall be conducted, or Farm Structure erected, except in compliance with the provisions of this Article. The provisions of this Article apply to all Urban Agriculture activities, whether such activity is a primary use or an accessory use or subuse; provided, however, that the provisions of this Article shall not apply to any of the following:

1. Any Urban Agriculture activity for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and provided that such Zoning Relief has been or is thereafter granted by the Board of Appeal pursuant to such appeal; or
2. Any Urban Agriculture activity conducted or Farm Structure erected pursuant to a building permit issued prior to the first notice of hearing before the Zoning Commission for adoption of this Article.

Notwithstanding the above, any replacement of either such Urban Agriculture activity or Farm Structure described in Sections 89-3.1 and 89-3.2 with another Urban Agriculture activity or Farm Structure must comply with all the requirements of this Article.

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Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A.

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**SECTION 89-4. Urban Farm, Ground Level.**

1. Urban Farm, Ground Level.

| ZONING   | USE REGULATIONS:<br>URBAN FARM, GROUND LEVEL |                                |                                |
|--|--|--------------------------------|--------------------------------|
|  | Small<br>(less than 10,000 sf)               | Medium<br>(10,000 sf - 1 acre) | Large<br>(greater than 1 acre) |
| <b>Residential</b><br>(i.e., 1F, 2F, MFR)          | Allowed                                      | Allowed                        | Conditional Use                |
| <b>Commercial</b><br>(i.e., L, LC, NS, B, CC, EDA) | Allowed                                      | Allowed                        | Conditional Use                |
| <b>Industrial</b><br>(i.e., I, M, LI)              | Allowed                                      | Allowed                        | Allowed                        |
| <b>Institutional</b><br>(i.e., IS, NI, CF)         | Allowed                                      | Allowed                        | Conditional Use                |

(a) Use Regulations. The primary activity to be performed on an Urban Farm or within a Farm Structure shall be the cultivation of plants and horticultural crops; other activities may be subject to permitting.

i. Urban Farm, Ground Level, Small.

Small Ground Level Urban Farms are Allowed in all Districts and Subdistricts.

ii. Urban Farm, Ground Level, Medium.

Medium Ground Level Urban Farms are Allowed in all districts and Subdistricts.

iii. Urban Farm, Ground Level, Large.

Large Ground Level Urban Farms are Allowed in all Industrial districts and Subdistricts. Large Ground Level Urban Farms are Conditional in all other Districts and Subdistricts.

(b) Maximum Height of Farm Structures. Farm Structures, including but not limited to Hoophouses, sheds and shade pavilions, shall be no higher than ten (10') feet from the ground, unless otherwise specified below:

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- i. Coldframes shall be no higher than thirty-six (36") inches from the ground surface.
- ii. Greenhouses shall be no higher than eighteen (18') feet from the ground surface.
- iii. Free-standing supports for Vertical Agriculture, such as trellises, shall be no higher than fifteen (15') feet from the ground surface.
- iv. Walls for Vertical Agriculture shall be subject to applicable height limits in Underlying Zoning.

(c) Setbacks for Farm Structures.

- i. All Farm Structures must be set back at least five (5') feet from all property lines.

**SECTION 89-5. Urban Farm, Roof Level.**

| USE REGULATIONS:<br>URBAN FARM, ROOF LEVEL AND ROOFTOP GREENHOUSE |                               |                               |                                |                    |
|---|-------------------------------|-------------------------------|--------------------------------|--------------------|
| ZONING  | Open Air                      |                               |                                | Rooftop Greenhouse |
|   | Small<br>(less than 5,000 sf) | Medium<br>(5,000 sf - 1 acre) | Large<br>(greater than 1 acre) | Any Size           |
| <b>Residential</b><br>(i.e., 1F, 2F, MFR)                         | Allowed                       | Conditional Use               | Conditional Use                | Conditional Use    |
| <b>Small-scale Commercial</b><br>(i.e., L, LC, MFR/LS)            | Allowed                       | Conditional Use               | Conditional Use                | Conditional Use    |
| <b>Large-scale Commercial</b><br>(i.e., NS, B, CC, EDA)           | Allowed                       | Allowed                       | Allowed                        | Allowed            |
| <b>Industrial</b><br>(i.e., I, M, LI)                             | Allowed                       | Allowed                       | Allowed                        | Allowed            |
| <b>Institutional</b><br>(i.e., IS, NI, CF)                        | Allowed                       | Allowed                       | Allowed                        | Allowed            |

1. Rooftop Greenhouse.

(a) Use Regulations. The primary activity to be performed on an Urban Farm or within a Farm Structure shall be the cultivation of plants; other activities may be subject to permitting.

- i. Rooftop Greenhouses are Allowed in all Large-scale Commercial, Industrial, and Institutional districts and Subdistricts.
- ii. Rooftop Greenhouses are Conditional in all other Districts and Subdistricts.

(b) Maximum Height. Rooftop Greenhouses shall be no higher than twenty-five (25') feet from the roof surface.

2. Urban Farm, Roof Level.

(a) Use Regulations. The primary activity to be performed on an Urban Farm, or within a Farm Structure shall be the cultivation of plants; other activities may be subject to permitting.

i. Urban Farm, Roof Level, Small.

Small Roof Level Urban Farms are Allowed in all Districts and Subdistricts.

ii. Urban Farm, Roof Level, Medium.  
Medium Roof Level Urban Farms are Allowed in Large-scale Commercial, Industrial and Institutional districts and Subdistricts. Medium Roof Level Urban Farms are Conditional in all other Districts and Subdistricts.

iii. Urban Farm, Roof Level, Large.  
Large Roof Level Urban Farms are Allowed in Large-scale Commercial, Industrial and Institutional districts and Subdistricts. Large Roof Level Urban Farms are Conditional in all other Districts and Subdistricts.

(b) Maximum Height of Farm Structures. Farm Structures, including but not limited to Hoophouses, sheds and shade pavilions, shall be no higher than ten (10') feet from the roof surface, unless otherwise specified below:

- i. Coldframes shall be no higher than thirty-six (36") inches from the roof surface.
- ii. Any composting must be contained within an enclosed bin that does not have direct contact with flammable materials.
- iii. Free-standing supports for Vertical Agriculture such as trellises shall be no higher than fifteen (15') feet from the ground surface.
- iv. Walls for Vertical Agriculture shall be subject to applicable height limits in the applicable Underlying Zoning.

**SECTION 89-6. Comprehensive Farm Review, Design Requirements and Design Guidelines for Urban Agriculture.**

1. Purpose of Comprehensive Farm Review. The purpose of the Comprehensive Farm Review (“CFR”) requirement of this Section 89-6 is to ensure that Urban Farms are sited and designed in a manner that is sensitive to the surrounding neighborhood. In addition, any Urban Agriculture activities that are designed as part of a new building, including but not limited to Rooftop Agriculture, should be integrated into the overall design and architecture of the new building through Comprehensive Farm Review.
2. Applicability of Comprehensive Farm Review. Comprehensive Farm Review shall be required for the following:
  - (a) Any Proposed Urban Farm, Ground Level, or Urban Farm, Roof Level, or Rooftop Greenhouse in a Neighborhood Design Overlay District; and
  - (b) Any approved existing Urban Farm proposing one or more new Farm Structures, and/or the expansion of the contiguous area of the Lot used for Urban Agriculture activities by greater than ten (10%) percent; and
  - (c) Any Proposed Urban Farm, Ground Level, or Urban Farm, Roof Level, respectively, as set forth in the following tables:

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| USE REGULATIONS AND CFR REQUIREMENT                |                                 |                                 |                                |
|--|---------------------------------|---------------------------------|--------------------------------|
| URBAN FARM, GROUND LEVEL                           |                                 |                                 |                                |
| ZONING   | Small<br>(less than 10,000 sf)  | Medium<br>(10,000 sf - 1 acre)  | Large<br>(greater than 1 acre) |
| <b>Residential</b><br>(i.e., 1F, 2F, MFR)          | Allowed/<br>No CFR              | Allowed /<br>CFR                | Conditional Use                |
| <b>Commercial</b><br>(i.e., L, LC, NS, B, CC, EDA) | Allowed/<br>No CFR              | Allowed /<br>CFR                | Conditional Use                |
| <b>Industrial</b><br>(i.e., I, M, LI)              | Allowed/<br>No CFR <sup>1</sup> | Allowed/<br>No CFR <sup>1</sup> | Allowed /<br>CFR               |
| <b>Institutional</b><br>(i.e., IS, NI, CF)         | Allowed/<br>No CFR              | Allowed /<br>CFR                | Conditional Use                |

<sup>1</sup> Exception: Any Ground Level or Roof Level Urban Farm in any Industrial (without residential uses) Subdistrict where the property abuts a Residential Subdistrict

| USE REGULATIONS AND CFR REQUIREMENT                     |                                    |                                    |                                |                                    |
|---|------------------------------------|------------------------------------|--------------------------------|------------------------------------|
| ZONING  | URBAN FARM, ROOF LEVEL             |                                    |                                | Rooftop<br>Greenhouse              |
|   | Small<br>(less than 5,000 sf)      | Medium<br>(5,000 sf - 1 acre)      | Large<br>(greater than 1 acre) | Any Size                           |
| <b>Residential</b><br>(i.e., 1F, 2F, MFR)               | Allowed /<br>No CFR <sup>2</sup>   | Conditional Use                    | Conditional Use                | Conditional Use                    |
| <b>Small-scale Commercial</b><br>(i.e., L, LC, MFR/LS)  | Allowed /<br>No CFR <sup>2</sup>   | Conditional Use                    | Conditional Use                | Conditional Use                    |
| <b>Large-scale Commercial</b><br>(i.e., NS, B, CC, EDA) | Allowed /<br>No CFR <sup>2</sup>   | Allowed /<br>CFR                   | Allowed /<br>CFR               | Allowed /<br>CFR                   |
| <b>Industrial</b><br>(i.e., I, M, LI)                   | Allowed /<br>No CFR <sup>1,2</sup> | Allowed /<br>No CFR <sup>1,2</sup> | Allowed /<br>CFR               | Allowed /<br>No CFR <sup>1,2</sup> |
| <b>Institutional</b><br>(i.e., IS, NI, CF)              | Allowed /<br>No CFR <sup>2</sup>   | Allowed /<br>No CFR <sup>2</sup>   | Allowed /<br>CFR               | Allowed /<br>No CFR <sup>2</sup>   |

<sup>1</sup> Exception: Any Ground Level or Roof Level Urban Farm in any Industrial (without residential uses) Subdistrict where the property abuts a Residential Subdistrict

<sup>2</sup> Exception: Any Roof Level Urban Farm in any Subdistrict that contains a Farm Structure visible from a public street or public open space

In connection with Comprehensive Farm Review, the Boston Redevelopment Authority shall notify Abutters, the Mayor’s Office of Neighborhood Services, the relevant neighborhood group or association (if applicable), and the relevant District City Councilor within five (5) days of its receipt of all final materials required under such review for all Ground Level and Roof Level Urban Farms and Rooftop Greenhouses listed in Section 89-6.2. A fourteen (14) day public comment period concerning the Ground Level Urban Farm, Roof Level Urban Farm and/or Rooftop Greenhouse shall commence upon the issuance of this notice. As long as all information required for a Complete Application is received, Boston Redevelopment Authority approval of Comprehensive Farm Review shall take no longer than forty five days (45) days. Upon completion and

approval of Comprehensive Farm Review, the Boston Redevelopment Authority shall submit its approval to the Inspectional Services Department.

3. Boston Landmarks Commission Review. Any proposed Ground Level or Roof Level Urban Farm or Rooftop Greenhouse in a Neighborhood Design Overlay District is subject to review by the Boston Landmarks Commission, as set forth in this Section 89-6.3. Within five (5) days of its receipt of the application, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Landmarks Commission for its review. The Boston Landmarks Commission may, within thirty (30) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the design requirements and guidelines set forth in Section 89-6.5 (Design Guidelines) and Section 89-6.6 (Design Requirements) of this article. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Landmarks Commission report with recommendations, provided that if the Boston Redevelopment Authority has not received such report within thirty (30) days, it may transmit the Director's certification to the Inspectional Services Department without such report.
4. Information Required to be a Complete Application for Comprehensive Farm Review. The information required for Comprehensive Farm Review shall include:
  - (a) At minimum, a sketch plan showing planted areas, footprints for all Farm Structures, driveways, parking areas, and landscape buffers; and
  - (b) At minimum, a sketch drawing for Farm Structures; and
  - (c) Photographs of existing site and adjacent properties to provide site context; and
  - (d) Proposed methods for irrigation, and controls for storm water runoff if applicable.

Such submission materials shall describe or illustrate the dimensions, location and appearance of:

- (a) All Proposed Urban Agriculture activities, materials used, screening, fencing, landscaping, and the like, in a manner that is sensitive to the surrounding area; and
  - (b) Any existing buildings which will remain along with the Proposed Urban Agriculture activities, if applicable, and any Farm Structures within the visible context of such activity.
5. Design Guidelines. This subsection establishes the following design guidelines for all Proposed Urban Farms unless otherwise noted.
- (a) Neighborhood Context.
    - i. A Proposed Urban Farm should take into consideration any special characteristics of the site and its location and should enhance and reinforce the natural and built qualities of the existing neighborhood.
  - (b) Structures.
    - i. New Farm Structures should be compatible with the size, scale, material and character of the surrounding built and natural environment.
    - ii. Placement of Farm Structures should respect significant landscape features on the site, such as rock outcroppings, drainage areas, and mature trees.
  - (c) Landscaping.
    - i. Any landscaping should be compatible with the surrounding built and natural environment.
    - ii. Street-facing landscape elements all should be compatible with the surrounding architecture and environment.

(d) Perimeter Fencing.

- i. Any perimeter Fencing for Ground Level Urban Farms may be made of one or more materials, such as masonry (piers or walls), metal pickets, decorative metal, post and rail, wrought iron, shadow box, vinyl coated chain link, or board-type wood. The use of un-coated metal chain link fencing is discouraged. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

(e) Screening.

i. Walls and Fences.

Screening walls and fences may be made of one or more materials, such as masonry (piers or walls), decorative metal, shadow box, or board-type wood. The use of un-coated metal chain link fencing is discouraged. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

ii. Landscape Screening.

Shrubs provided pursuant to this Section 89-6 may be all deciduous or all evergreen, or a mixture of both types. Shrubs shall be densely planted. Trees required by this Section 89-6 may be evergreen or a combination of deciduous and evergreen, and of a sufficient size to provide adequate screening. Existing mature trees and shrubs shall be maintained unless this is not possible.

(f) Lighting.

- i. Lighting for Ground Level Urban Farms, Roof Level Urban Farms, and Rooftop Greenhouses

should be limited to that required for operational and safety purposes of any activity defined as Urban Agriculture so as not to create a nuisance through excessive brightness to abutting residential uses. For Ground Level Urban Farms, Roof Level Urban Farms and Rooftop Greenhouses abutting residential uses, Applicant shall supply a lighting schedule and plans to mitigate fugitive light.

(g) Materials.

- i. For Greenhouses, at least seventy percent (70%) of all roofs and walls should consist of transparent materials.
- ii. For Hoopouses, materials should consist of flexible PVC or metal tubing and transparent or translucent plastic covering. Hoopouses shall be secured to the ground.

(h) Site Plan.

- i. Site planning, including location of Farm Structures, vehicular access, and parking areas, should be designed to enhance the street frontage and surrounding buildings and spaces.
- ii. Vehicular access and egress to and from an Urban Farm should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
- iii. Composting, equipment storage, and disposal areas should not be located in the front setback, unless there are special circumstances that make it necessary. While a driveway may be Allowed in the front setback, the parking zone shall only be permitted within the side or rear setbacks of the property.

- (a) Composting which is Accessory to an Urban Farm shall be used primarily to

support onsite operations, and should comprise no more than 5% of the Lot area.

6. Design Requirements. This subsection establishes the following design requirements for Proposed Urban Farms.
  - (a) Screening and Buffering.
    - i. Any Composting, loading or disposal areas that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use shall be screened from view as provided. Such screening can include trees, shrubs [See Section 89-6.4(e)ii], and perennial borders and/or screening walls and fences [See Section 89-6.4(e)i]. Any fencing shall not be less than fifty (50%) percent opaque and shall be no less than three (3') feet and no more than six (6') feet high.
    - ii. Any material or equipment stored outdoors shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6') feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.
  - (b) Signage. Notwithstanding any provision of Article 11 (Signs) to the contrary, the following regulations shall apply to signage used for activities defined as Urban Agriculture:
    - i. Those necessary to identify the owner, operator or organization, provide a twenty-four (24) hour emergency contact phone number, and warn of any danger; and
    - ii. Educational signs providing information about the activity defined as Urban Agriculture and the benefits of Urban Agriculture; and
    - iii. An activity defined as Urban Agriculture shall not be used for displaying any advertising

except for reasonable identification of materials or operator or organization.

(c) Maintenance.

- i. All Urban Farms required to comply with this Article shall be maintained exclusively for the activities defined as Urban Agriculture so long as a use requiring them exists.
- ii. Urban Farms shall be used in such a manner in which at no time shall they constitute a nuisance or a hazard to the surrounding neighborhood. Urban Farms shall be maintained in a healthy growing condition, free of refuse, debris, and dead or spent plant materials, especially in the off-season.
- iii. There shall be no parking of vehicles or equipment in areas used for landscaping, screening and buffering. Inside storage of any materials, supplies, or products is preferred.

**SECTION 89-7. Soil Safety.**

1. [All Urban Farms will be required comply with soil safety protocol currently being developed by the Boston Public Health Commission. Once these protocol are developed, appropriate language will be added to Article 89]

**SECTION 89-8. Composting.**

1. Accessory Composting.
  - (a) Use Regulations. Accessory Composting shall be Allowed where any Ground Level Urban Farm, Roof Level Urban Farm is permitted.
  - (b) State Requirements. Accessory Composting on an Urban Farm is subject to regulation by the Massachusetts Department of Agricultural Resources (MDAR) under 330 CMR 25.00, Agricultural Composting Program.
  - (c) Maximum Height.
    - i. Maximum height of Composting structures shall not exceed ten (10') feet for Ground Level Urban Farms.
    - ii. Any composting must be contained within an enclosed bin that does not have direct contact with flammable materials.
  - (d) Setbacks.
    - i. Subject to Article 10 (Accessory Uses), compost bins, structures and windrows shall be set back five (5') feet from all property lines on Ground Level Urban Farms in all districts and Subdistricts.
    - ii. Compost bins, structures and windrows shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial districts and Subdistricts.

(e) Lot Coverage.

- i. Accessory Composting shall comprise no more than 5% of the Lot area.

- 1. Composting as Primary Use.

(a) Use Regulations.

- i. When the primary use to be performed on a Lot is Composting, the activity shall be Conditional in all Industrial districts and Subdistricts and Forbidden in all other districts and Subdistricts.

(b) State Requirements.

- i. Composting operations are subject to regulations administered by the Massachusetts Department of Environmental Protection (DEP) under 310 CMR 16.00.

(c) Setbacks.

- i. Subject to Article 10 (Accessory Uses), compost bins, structures and windrows shall be set back five (5') feet from all property lines on Ground Level Urban Farms in all districts and Subdistricts.
- ii. Compost bins, structures and windrows shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial districts and Subdistricts.

SECTION 89-9. **Accessory Keeping of Hens<sup>1</sup>.**

1. Use Regulations. See Underlying Zoning for applicable use regulations.
  - (a) For all areas covered under the Base Code, see Article 8 – Use No. 76.
  - (b) For all other areas not covered under the Base Code, see Use Regulation Table in specific Article.
  - (c) Where the Accessory Keeping of Animals is a Conditional Use in the applicable Underlying Zoning, the Board of Appeal shall not grant a Conditional Use Permit for the Accessory Keeping of Hens unless the following conditions are met.
  - (d) The maximum number of adult Hens shall be six (6).
  - (e) The maximum number of non-egg-laying replacement Chicks or Pullets shall be six (6).
  - (f) Roosters are expressly Forbidden.
  - (g) The on-site slaughtering of Hens is prohibited.  
[pending additional discussion]

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<sup>1</sup> The keeping of animals and bees is not new to the Boston Zoning Code. In areas of the Boston where the “Base Code” applies (including Back Bay, Beacon Hill, Kenmore Square, South Boston (generally, non-waterfront portions), Newmarket, and Longwood Medical Area (LMA), the accessory keeping of animals and bees is already **conditional** under the existing Zoning Code in nearly all Base Code subdistricts, including residential subdistricts. In other neighborhood districts outside the Base Code areas where the zoning has been updated since 1965, the keeping of animals was generally **conditional** in commercial and industrial subdistricts and **forbidden** in residential districts prior to Article 89. In some zoning districts, the keeping of animals and bees is even **allowed**--but these are few and far between.

Article 89 does not establish use regulations for the keeping of animals or bees. It merely prescribes dimensional regulations and other permitting requirements that would apply when the keeping of hens is conditional. The existing Live Fowl Permit with ISD-Health Dept could be amended to reflect these same conditions.

In order to change the *use regulations*--which simply say whether a use is allowed, conditional or forbidden--in the **Base Code** neighborhoods, a single amendment would be required to the Base Code. In order to amend the *use regulations* in **neighborhood districts** to be more permissive, it would be necessary to amend the zoning code *neighborhood-by-neighborhood*.

Zoning for keeping of animals besides hens and bees are not addressed in Article 89.

2. Dimensional Regulations.

(a) Maximum Height.

- i. Coop. Enclosed Coop space shall not exceed eight (8') feet in height.
- ii. Run. Runs shall not exceed eight (8') feet in height.

(b) Size.

- i. Coop. Coop space must allow a minimum of two (2) square feet per Hen and one (1) nest box per three (3) Hens within, and shall not exceed a maximum size of eight (8') feet by six (6') feet.
- ii. Run. Runs must allow a minimum of four (4) square feet per Hen, but in no case shall occupy more than twenty-five percent (25%) of the rear yard.

(c) Setbacks.

- i. Subject to Article 10 (Accessory Uses), Coops and Runs shall be set back five (5') feet from all property lines in all districts and Subdistricts unless there is a solid, opaque barrier such as a wall of fence along the property line.
- ii. Coops and Runs shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial districts and Subdistricts.
- iii. Coops and Runs shall not be within a fifteen (15) foot buffer of habitable structures on adjacent properties in all residential Subdistricts unless prior permission is granted in writing by the neighboring property owner(s).

(d) Materials.

- i. All Coops shall be made of washable and sanitizable material such as fiberglass reinforced plastic.
- ii. All Runs shall have a securely built frame, preferably wooden; shall be covered in wire mesh material such as hardware cloth; and designed to be predator proof.

(e) Screening.

- i. Any portion of the Coop or Run directly visible from a street at any distance shall be screened by either a fence that is constructed to be at least sixty percent (60%) opaque or a landscaped buffer of at least four (4') feet in height.

(f) Free Ranging.

- i. Free-ranging of adult egg-laying Hens shall be supervised and is Allowed exclusively in fenced yards with consent of all residents and property owners who have legal access to the premises.

3. Permitting Requirements.

- (a) Draft Permitting Requirements for the Keeping of Hens are found in Appendix A.

## SECTION 89-10. **Accessory Keeping of Honey Bees<sup>2</sup>**

1. Use Regulations. See Underlying Zoning for applicable use regulations.
  - (a) For all areas covered under the Base Code, see Article 8 – Use No. 76.
  - (b) For all other areas not covered under the Base Code, see Use Regulation Table in specific Article.
  - (c) Where the Accessory Keeping of Animals is a Conditional Use in the applicable Underlying Zoning, the Board of Appeal shall not grant a Conditional Use Permit for the Accessory Keeping of Honey Bees unless the following conditions are met.
2. Maximum Number of Hives.
  - (a) The maximum number of Hives on any given Lot or roof for personal consumption of Honey Bee products shall be two (2).
  - (b) The maximum number of Hives on an Urban Farm shall be three (3).
3. Maximum Height and Size.
  - (a) No Hive shall exceed five (5') feet in height and twenty (20) cubic feet in size.
4. Hive Placement.
  - (a) For any Hive that is within twenty (20') feet of the principal building on an abutting Lot, permission must be granted in writing by the neighboring property owner(s), and the Hive opening must not face the principal building.
5. Flyways.
  - (a) In each instance where the owner has obtained the abutter's permission to locate the Hive within twenty (20') feet of the principal building on an abutting lot,

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<sup>2</sup> See footnote 1.

and where the Hive opening faces the principal building(s) on adjacent lots, a flyway of at least six (6') feet in height comprising a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3') feet of the entrance to the Hive and shall extend at least two (2') feet in width on either side of the Hive opening.

6. Registration.

- (a) All Hives must be registered with both the Massachusetts Department of Agricultural Resources.

7. Compliance with State and Local Laws.

- (a) All beekeeping shall comply with applicable State and local laws and regulations.

8. Specific Ground Level Beekeeping Requirements.

(a) Setbacks.

- i. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5') feet from the property line.
- ii. Hives shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial districts and Subdistricts.
- iii. No Hive shall be located closer than ten (10') feet from a public sidewalk.

9. Specific Rooftop Beekeeping Requirement.

(a) Setbacks.

- i. Hives shall be set back six (6') feet from the edge of the roof.

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10. Permitting Requirements

- (a) Draft Permitting Requirements for the Accessory Keeping of Honey Bees are found in Appendix B.

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SECTION 89-11. **Aquaculture, Aquaponics and Hydroponics.**

1. Aquaculture and Aquaponics.

(a) Aquaculture and Aquaponics facilities as a Primary Use.

- i. Aquaculture and Aquaponics facilities as a Primary Use are Allowed in all Industrial districts and Subdistricts, as well as in the following districts:

WM -Waterfront Manufacturing  
WS -Waterfront Service  
WC -Waterfront Commercial

- ii. Aquaculture and Aquaponics facilities as a Primary Use are Conditional in all Commercial and Institutional districts and Subdistricts.

- iii. Aquaculture and Aquaponics facilities as a Primary Use are Forbidden in all other districts and Subdistricts.

(b) Aquaculture and Aquaponics facilities as an Accessory Use.

- i. Aquaculture and Aquaponics facilities as an Accessory Use are Allowed in all Industrial, Commercial and Institutional districts and Subdistricts, as well as the following districts:

WM -Waterfront Manufacturing  
WS -Waterfront Service  
WC -Waterfront Commercial

- ii. Aquaculture and Aquaponics facilities as an Accessory Use up to 750 square feet are Allowed in the same districts where Aquaponics facilities as a Accessory Use are Allowed in addition to the following districts and Subdistricts:

R -Residential

- iii. Aquaculture and Aquaponics facilities as an Accessory Use above 750 square feet are Conditional in the following districts and Subdistricts:

R - Residential

2. Hydroponics.

(a) Hydroponics facilities as a Primary Use.

- i. Hydroponics facilities as a Primary Use are Allowed in all Industrial, Institutional and Commercial districts and Subdistricts:
- ii. Hydroponics facilities as a Primary Use are Conditional in all other districts and Subdistricts.

(b) Hydroponics facilities as an Accessory Use.

- i. Hydroponics facilities as an Accessory Use are Allowed in all districts and Subdistricts.

3. Applicability with Federal and State Regulations. Applicant must 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.

4. Design Review. Except when part of an Urban Farm subject to Comprehensive Farm Review as per Section 89-6.2, any Aquaculture, Aquaponics or Hydroponics facility that proposes the erection of a new Building, Structure or Accessory Structure, or the addition or expansion of an existing Building, Structure or Accessory Structure by more than seven hundred fifty (750) square feet or more of Gross Floor Area is subject to BRA Design Review as per the Design Component of Small Project Review pursuant to subsection (b) (iv) (Design Review Required by Underlying Zoning) of Section 80E-2.1.

**SECTION 89-12. Farmers Markets and Farm Stands.**

1. Farmers Markets.

(a) Use Regulations. Farmers Markets shall be subject to the following use regulations:

- i. Farmers Markets as a Primary Use on a Lot or Lots are Allowed where Retail is Allowed by the applicable Underlying Zoning.
- ii. Farmers Markets as a primary use on a Lot or Lots are Conditional where Retail is not Allowed by the applicable Underlying Zoning.
- iii. Farmers Markets as an Accessory use are Allowed on a Lot or Lots in all Industrial, Institutional, Commercial and Multi-Family Residential districts and Subdistricts.

(b) Permitting Requirements.

- i. The operation of a Farmers Market requires a permit from the City of Boston's Inspectional Services Department – Division of Health Inspections.

2. Farm Stands. Up to one (1) Farm Stand may be constructed given the following regulations:

(a) Use Regulations.

- i. Farm Stands selling horticultural and agricultural products and/or distributing Community Supported Agriculture (CSA) shares are Allowed where Retail is Allowed by the applicable Underlying Zoning.
- ii. Farm Stands are Conditional in all other Subdistricts.

(b) Design Review for Farm Stands.

- i. Design Review for onsite Farm Stands will be conducted under Comprehensive Farm Review (See Section 89-6) for Urban Farms.

**SECTION 89-13. Abandonment.**

1. Removal Requirements. Any Small Urban Farm, Medium Urban Farm or Large Urban Farm which has been abandoned shall be cleared and restored to its original state. The owner/operator shall physically remove all Farm Structures no more than one hundred and eighty (180) days after the date of discontinued operations. More specifically, site clearing shall consist of:
  - (a) Physical removal of all Farm Structures, farm equipment and machinery;
  - (b) Disposal of all Composting and agricultural waste in accordance with local and state waste disposal regulations; and
  - (c) Stabilization of re-vegetation of the site as necessary to minimize erosion. The Inspectional Services Department may allow the owner to leave landscaping in order to minimize erosion and disruption to vegetation.
2. Abandonment. The former Small Ground Level or Roof Level Urban Farm, Medium Ground Level or Roof Level Urban Farm, Large Ground Level or Roof Level Urban Farm site shall be considered abandoned when it fails to operate for more than one year without the written consent of the Inspectional Services Department. The Inspectional Services Department shall determine what proportion of the site is inoperable for the facility to be considered abandoned. If the applicant fails to remove the Farm Structures, farm equipment and machinery in accordance with the requirements of this section within one hundred and eighty (180) days of abandonment, the Inspectional Services Department shall have the authority to enter the property and conduct all removal activities.

**SECTION 89-14. Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

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SECTION 89-15. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

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**Appendix A: Permitting Requirements for Accessory Keeping of Hens.**

- (1) If Coop will be located in common open space, the application for a permit must be accompanied by written approval from all residents and property owners who have legal access to the common open space.
- (2) If the property is rented, Renter must get written permission to locate Coop on premises from the Landlord
- (3) The Applicant shall notify direct abutters of the request to keep Hens on the Applicant's property
- (4) Except where arrangements are made for free-ranging pursuant to Section 89-7(2)(f)(i), Hens must be confined to an enclosed Coop or outdoor enclosure at all times
- (5) Roosters are expressly Forbidden within the City of Boston limits
- (6) All storage containers for feed for Hens shall be rodent-proof
- (7) Except for sick Hens being quarantined or requiring special care, all adult Hens must be kept outdoors and are expressly Forbidden from habitable structures and structures used for personal storage.
- (8) Each Coop must be kept clean, free of all odors and materials that can attract rodents.
- (9) Hens must be provided with access to well-constructed, draft-free, well-ventilated shelter that provides suitable protection from inclement weather
- (10) Hens must have access to clean potable water at all times
- (11) No person shall surrender Hens to the City of Boston's Animal Control Department
- (12) In the event a Hen is known or suspected to be sick or injured, the Owner is responsible for providing adequate home care or veterinary care or for humanely culling and disposing of the Hen  
[Pending input on proper disposal of Hens]
- (13) All Hens must be sourced from a Salmonella Pullorum-free flock or a hatchery participating in NPIP (National Poultry Improvement Program). All Hens over the age of 16 weeks should be tested for Salmonella Pullorum and banded prior to transfer to another owner.

## Best Practices

The BRA and Mayor's Office would ask that Boston Hen experts and advocates come forward with a guide of "Best Practices" for the keeping of Hens which could be distributed to applicants for the keeping of Hens. Among the issues to be addressed by the Best Practices guide might be the following:

- Disposal of Hens.** [Proper disposal of sick or unwanted Hens—pending].
- Run Ceilings.** Runs should be constructed with a roof or ceiling to help keep Hens dry.
- Litter.** The use of 4-6" of pine shavings for litter (bedding) is recommended for the Coop. Regular raking to keep the litter in top condition is also recommended along with periodic removal of wet, caked litter.
- Predator Proofing Coops and Runs.** Any ventilation holes or gaps in the Coop should be covered with wire mesh. Runs should have a securely built frame with securely attached ½" open Chicken wire or hardware cloth. The bottom of the Run should fit snugly against the ground.

**Appendix B: Permitting Requirements for Accessory Keeping of Honey Bees.**

- (1) Registration: Pursuant to 330 CMR 8.00: Apiary Inspection Regulations, Hives must be registered with the Commonwealth of Massachusetts – Department of Agricultural Resources and thus subject to inspection.
- (2) Education: Hives must be managed by experienced or educated Beekeepers. Applicants must provide documentation of a beekeeping course or describe beekeeping experience. Applicants must also indicate that they have basic knowledge about preventing disease and unintended swarms. [More specific language in this regard is being developed by expert local Beekeepers]
- (3) Open to Inspection: Registered Hives should be open to inspection by the City or State at any time.
- (4) A constant supply of fresh water shall be maintained in a location readily accessible to all Hives to prevent Honey Bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- (5) A notice shall be posted on the Hive or Hive site indicating that there is an active Hive onsite. All Hives shall be conspicuously marked with the name of the owner and telephone contact to be easily found by a City or State Inspector and/or member of the public with questions or concerns.
- (6) Ownership, care and control of the Hive shall be the responsibility of a resident of the dwelling on the Lot.
- (7) If Hive will be located in common open space, the application for a permit must be accompanied by written approval from all residents living in the building and all property owners on the property.
- (8) If the Beekeeper rents or leases the property, written approval to locate the Hive on premises must be obtained from the Landlord.
- (9) The Applicant shall notify direct abutters of the request to keep Honey Bees on the Applicant's property
- (10) If a Hive becomes abandoned or unmanaged, permit will be revoked.