

SPECIAL SECTION

CITY OF MILWAUKEE URBAN AGRICULTURE ORDINANCES

Growing Milwaukee

New Laws and Current Procedures for Farming, Community Gardening, Bees, and Hens

by Bruce Wiggins

Bruce is a retired city planner, gardener, and garden advocate who was involved, along with the Urban Agriculture Policy Group and many others in getting the ordinance changes discussed in this insert.

We are approaching a cliff. Some say we have already gone over the edge. But in any case, our traditional food system is broken. We are seeing problems with food-related illnesses, food prices are increasing to the point where many people cannot afford nutritious food. Too many people go to bed hungry, and too many people die as a result of the food they eat. Food-related diseases like diabetes, high blood pressure, and obesity are killing people or overburdening our medical system. Our current industrial food system depends on fossil fuels and

ultimately is unsustainable.

We need a new food system, and many people are responding to the challenge. Local food systems are emerging in many cities across the country. People are putting in backyard gardens and community gardens are becoming more popular. Farmers markets are proliferating. Community Supported Agriculture subscriptions are increasing. Young farmers want to grow food in the City. Teachers are using agriculture to teach science, math, reading, and social studies.

Milwaukee is a leader in urban agriculture, and the City of Milwaukee is helping. The city's sustainability plan, *Refresh Milwaukee*, emphasizes urban agriculture. In July of this year, the

Milwaukee Common Council passed new ordinances to set out protocols to begin farming in the city. The new law is ordinance Sub121382 for those of you who want to look it up. This *Riverwest Currents* insert covers the basics of the

new rules and procedures. The City's HOME GR/OWN program will soon have a "Frequently Asked Questions" section on its web page with extensive details and links to applications, forms and contact information.

Additional Resources

For detailed information on the new rules related to any of the subjects covered here, contact:

HOME GR/OWN Office

Tim McCollow, Program Manager
414.286.3748
tmccol@milwaukee.gov

Real Estate – Department of City Development

Yves LaPierre 414.286.5762
Yves.LaPierre@milwaukee.gov

Finding and Securing Land

Finding Land

Whether you are starting a community garden or starting a commercial farm business, you need to gain access to land and obtain permission to use it for an extended period of time. You don't want to go to all the work of creating a farm or garden and then have the owner show up and kick you off the property. If you find a piece of land that you are interested in farming, you can look up the owner on

the city website as described below.

You might ask neighbors who owns a piece of land, or consult Map Milwaukee to find the city's real estate records online. See the Resources box for info on Map Milwaukee and how to use it. You can also contact the city's Real Estate staff (listed above) to obtain a list of city property for sale.

Resources

- 🌿 City of Milwaukee land and property records are available online. Information includes property owner's name and address, zoning, aldermanic district, tax information, and much more.
- 🌿 Search for **Map Milwaukee** on your browser or go to the City of Milwaukee home page city.milwaukee.gov Click on the Residents or Business tab, then click on "M" to reach the **Map Milwaukee** link. Under Map Applications, click on Property Information. You can enter the address of the property or zoom in on the map to find the property. Click on the property and an information box will pop up.
- 🌿 **Map Milwaukee** provides much useful information, such as the Aldermanic District (you will want to work with the alderperson) and the zoning district (what you propose to do and any structures you build will be regulated by the Zoning Code, as described in the Buildings section on the next page.) When you click on a property and a pop-up box appears, click on "View Additional Details" at the bottom to access that information.
- 🌿 **Vacant Lot Handbook: A Guide to Reusing, Reinventing, and Adding Value to Milwaukee's City-owned Vacant Lots** is available in PDF format. Navigate to milwaukee.gov > Department of City Development > City Real Estate > Vacant Lot Handbook
- 🌿 **Milwaukee Urban Gardens (MUG)** at Groundwork Milwaukee. MUG is a nonprofit land trust established to secure land for community gardens. Staff can help you find the owner and obtain permission to use the land. Call 414.763.9947

Securing Land

Gardening on City of Milwaukee Property - Obtaining Permission

The city has several methods for making land available for community gardens.

- 🌿 **Seasonal Permit:** This permit allows a group to start a community garden and operate it during the growing season, typically March 1 through October 31. The permit is a two-page license agreement (a form of legal document) specifying the rights and responsibilities of both the owner (the city) and the garden operator. This permit allows a group to gain the experience of gardening and demonstrate that they can manage the garden. It might be renewed the next year or even year after year, but the city makes no promises that the lot will be available in future years. There is no cost for this permit.
- 🌿 **Three-Year Agreement:** Typically after a garden group gains some experience with a Seasonal Permit for a year or two, the city can issue a three-year lease or license a property to a community group, a local land trust such as Milwaukee Urban Gardens, or another community institution such as a church or the Milwaukee County Extension Service. A license agreement allows you to enter onto the property and use the land for gardening. City Real Estate staff has the authority to license properties to MUG or the Milwaukee County Extension Service. Other agreements, such as a long-term lease, require legislative action through the Common Council, which can be a time-consuming process. This permit currently costs \$25/year and is a longer legal document.
- 🌿 **Sale of Property:** The city can sell land to a garden group, land trust, or institution such as a church. Sale of property requires Common Council approval, so groups must work closely with the District Alderperson.

Farming on City of Milwaukee Property – Obtaining Permission

The city's new HOME GR/OWN program was created partly to promote urban farming and reuse of vacant lots. Sale OR long-term lease of land for a commercial farm requires special legislation with Common Council approval. If you want to secure long-term access to a property, start by working with HOME GR/OWN staff and the district alderperson.

Other Ownership

If you find land that is owned by an individual, a company, an institution such as a church or hospital, or a unit of government other than the city, you will need to negotiate directly with that owner. You may be able to obtain a lease or agreement of sale.

All matters can be negotiated – such as term (for example, one year or multiple years), uses (farming or community gardening), plans (the layout of activities and any buildings, etc.), costs or fees, and insurance. All these should be specified in the agreement signed by both parties. You should have an attorney help you with the final agreement.

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Urban Farming

The city's new ordinance allows growing of crops for commercial purposes, defining such a farm as a Commercial Farm Enterprise (CFE):

Commercial Farming Enterprise means a premises used to grow and harvest plants or compost for sale to the general public, retail businesses or wholesale establishments. This use does not include community gardens or outdoor storage facilities.

Edible plants (vegetables and herbs) and non-edible plants (trees, bushes, perennials, flowers) can be grown on a CFE. Composting can be a primary use on a CFE. Chickens (hens) and bees can be raised on a CFE under the same rules as ordinary permits for those animals (see other sections of this Insert.)

The city now differentiates a farm with and without animals. A farm or business with animals must follow a different set of rules than a CFE does. The new ordinance definition for raising animals is the following (note that aquaculture is included in this definition).

Raising Of Livestock means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of Chapter 78 of the City of Milwaukee Code of Ordinances.

This insert does not cover the special procedures and rules for raising of livestock other than hens or bees. Contact HOME GR/OWN staff or the resources listed here for additional information on raising of livestock.

Permits & Certificates: A CFE operator (a farmer) needs to obtain a permit from the city's Development Center (see Resources box). You will need to develop a site plan showing where you will be growing crops along with the location and type of any structures on the land. A CFE is allowed in an industrial or institutional zoning district without a special hearing. A CFE in a residential or commercial district will require a special use permit and a public hearing at the Board of Zoning Adjustment (BOZA), which has a special application process, an application fee, and it may take several months to schedule the

BOZA hearing. CFEs are not allowed in the Downtown zoning areas. See the Buildings section of this insert regarding the requirements for buildings on the farm property. You should start working with your district alderperson and neighbors as soon as you have identified a parcel of land you want to farm.

All CFE's will require a Certificate of Occupancy (CO) issued by the city's Development Center. There is a \$25 processing fee. The city may issue a temporary CO until any potential BOZA approvals are received. The processing fee for a temporary CO is an additional \$150.

Resources

City of Milwaukee Development Center

841 N. Broadway, First Floor
DevelopmentCenterInfo@milwaukee.gov
Suzanne Hanson 414.286.8542
Suzanne.Hanson@milwaukee.gov

Food Enterprise Development Network (FEDN):

This project of the Urban Economic Development Association (UEDA) in partnership with the Wisconsin Women's Business Initiative Corporation (WWBIC) aims to help startup food businesses and small farmers.
fednmke.wordpress.com
uedawi.org
(414) 562-9904

Growing Power: Will Allen's internationally known project and the only farm now operating in the city.
growingpower.org
414.527.1546

Community Gardening

All community gardens will now need a permit from the city – whether on city land or private property. As defined in the ordinance:

Community Garden means any use of land or a premises for the growing of crops, plants or other vegetation by a group of individuals or by a public or non-profit organization. This use includes composting and the raising of crops, native vegetation or fruit not otherwise in violation of this code. It also includes the sale of produce and ornamental

crops grown on-site. This use does not include a commercial farming enterprise or outdoor storage facilities.

If your community garden existed on June 1, 2014, you do not need a permit for this year. You can continue without a permit. But all community gardens in 2015 will need a permit, including gardens that existed in 2014 or new ones being created. There is no cost to obtain the permit. The city will soon have a permit application form online. The garden group is asked, among other things, to describe

the community outreach efforts made to neighbors. The permit application form for gardening on city-owned property is to be sent to Yves LaPierre (contact information previous page). The permit application for gardening on privately-owned land is processed at the Development Center.

A new procedure in the permit process is approval by the district alderperson, so you should contact him or her early in your planning and organizing process. When you submit your application to the city, the Development Center will notify the alderperson and he or she has 10 days to decide whether the permit should be granted or denied based on the following narrow criteria.

A garden permit can be denied if:

- The applicant is not a group of individuals or a public or non-profit organization.
- The applicant has had a community garden permit revoked in the past three years.
- Operation of the community garden will unreasonably disrupt the safe and orderly use of any street, alley or other public place as a result of vehicular traffic or parking related to the community garden.
- Operation of the community garden will degrade the surface of the adjacent public right-of-way through the tracking of dirt and other materials onto the public right-of-way, damaging of turf, creation of ruts, damaging of curbs and so forth.
- Operation of the community garden will occur at such hours or at such intensity as to disturb the peace of

the surrounding neighborhood.

- The community garden will not be in compliance with the applicable standards and requirements of the City Code.

Once a Community Gardening Permit is issued, it can be revoked by the city if there have been multiple code violations found by inspectors of the Department of Neighborhood Services (DNS). The presence of rats, weeds or uncut grass, cars parked on the property, and late-night parties are examples of activities that may cause a permit to be revoked.

For the first time, gardeners are allowed to sell produce at the garden (fruits and vegetables) along with ornamental crops (flowers, perennials, shrubbery). They cannot sell compost, packaged, or processed food.

The city requires raised beds filled with twelve inches of clean soil or compost to be used in community gardens on city-owned land. Community gardeners usually build four foot by eight foot beds of two-by-twelve lumber. This allows ease of access, and since these beds hold about one yard of soil, makes ordering easier.

You can compost at your community garden, but the size and placement are restricted under current regulations. Compost bins must be no taller than five feet and cannot exceed 125 cubic feet (for example, a cube-shaped bin five feet on a side). See Sec. 79-12.5 of the City Code of Ordinances (available online at Milwaukee.gov) for further details.

You may want to visit some successful community gardens to see how they work. There are now more than 100 community gardens in Milwaukee proper. See the Resources list.

Additional Resources

Some of these organizations have lists of active community gardens. Many offer workshops on gardening and supply assistance with planning along with help obtaining soil, seeds, and other materials. They are listed in alphabetical order. All are outstanding organizations.

Alice's Garden

414.687.0122 alicesgardenmilwaukee.com

Groundwork Milwaukee and Milwaukee Urban Gardens

414.763.9947
groundworkmke.org
milwaukeeurbangardens.org

Milwaukee County Cooperative Extension

414.256.4600 milwaukee.uwex.edu
See also FEEDS (Food and Ecosystem Educational Demonstrations Sites) feeds.uwex.edu

Urban Ecology Center (Three centers in the city.)

urbanecologycenter.org

Walnut Way Conservation Corp.

414.264.2326 walnutway.org/

Victory Garden Initiative

414.431.0888 victorygardeninitiative.org



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Buildings

A major goal of Milwaukee urban ag advocates, identified several years ago, was accomplished this year with the new ordinance that includes definitions and rules for structures on community gardens and farms.

Three types of accessory structures are now allowed on CFEs and community gardens: hoop houses, large agricultural structures, and sheds.

Hoop House means a temporary or permanent structure typically constructed with, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops, but not for storage of inorganic materials. A hoop house is considered more temporary than a greenhouse.

Large Agricultural Structure means an accessory structure that does not fit the definition of a hoop house and that is greater than 150 square feet in area. This term includes rain catchment systems.

Shed means an accessory building of not more than 150 square feet of floor area and not more than 14 feet in height.

“**Accessory**” means a structure customarily incidental or subordinate to the principal building or use on the property.

So, for example, a shed up to 150 square feet (10 by 15 feet in floor area) is permitted at a community garden for storage of tools and materials. Temporary farm stands for selling of produce are also allowed as accessory to the garden for selling produce.

Permitting Process

While these structures are now permitted on both city-owned and privately-owned land, they may still need special review and may need building permits issued by the city’s Development Center.

The normal procedure for obtaining a permit is to take your plans to the Development Center. A Plans Examiner



No building permit is required for a small hoop house to extend the growing season on a raised bed.

Accessory Structure Restrictions

	Shed	Large Ag Structure	Hoop House
Front, side or rear street setback	Avg* + 5 feet	Avg* + 5 feet	Avg* + 5 feet
Side or rear setback	5 feet	5 feet	5 feet
Maximum height of sidewall	8 feet	10 feet	14 feet
Maximum overall height	10 feet	If on a vacant lot, 14 feet. If on a lot with a building: 24 feet or the height of the principal building	14 feet
* Avg refers to the average setback of adjacent properties			

will review them and issue the permit or tell you what additional information you must supply or requirements you must meet.

The plans you take to the Development Center can be, for a simple structure, a

hand-drawn site plan and description of your construction. You will need more elaborate drawings by a design professional for a large building or complex of buildings.

Combinations of Structures

Here are specific requirements for combinations of these structures:

- Not more than one shed and one large agricultural structure may be located on a single lot.
- The total lot coverage of sheds and large agricultural structures cannot exceed 15% of the lot area.
- The total lot coverage of all sheds, large agricultural structures and hoop houses on a single lot must not exceed 70% of the lot area.

Getting Help With Plans

Plans Examiners in the city’s Development Center can provide permit information and requirements specific to your site. The Development Center is located in the City Hall complex of buildings downtown.

It doesn’t cost anything to meet and consult with Plans Examiners. So if you are planning a business or a community garden with structures, you should set up an appointment at the Development Center (see Resources).

Note, however, that fees are required when it comes time to obtain a permit.

Do you need a building permit for ...

- An Accessory Shed under 150 sq. ft. and set back at least three feet from the property line? **NO**
But no more than two sheds are allowed on a residential vacant lot. Note that the standard license agreements for use of city-owned lots do not allow concrete foundations or concrete floors. Alternatives may be patio block or two inches of macadam laid on three inches of gravel.
- Rainwater harvesting on the shed? **NO**
- Rain barrels? **NO**
- Farm stand (not mobile)? **NO**
- A Large Agricultural Structure? **YES**
- A hoop house? **YES**
Note that the permit for a hoop house is a no-fee permit, and a plan review is not required. There is no limit on the number of hoop houses on a single lot. Note also that a greenhouse, a structure with glass or non-flexible plastic walls, has separate rules defined in City Code.
- A rainwater harvesting system that is larger or more unconventional than rain barrels or rainwater harvesting on a shed? **YES**

Resources

City of Milwaukee Development Center
841 N. Broadway, First Floor
DevelopmentCenterInfo@milwaukee.gov
Suzanne Hanson 414.286.8542
Suzanne.Hanson@milwaukee.gov



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Bees

From the City of Milwaukee Bee Keeping page: The honeybee (*apis mellifera*) is a critical pollinator for flowers, fruits and vegetables. The new ordinances allowing backyard bees is of great benefit in the city, where pollinating

insect populations are usually significantly smaller than in rural areas. Managed colonies of bees help to increase the yields and the quality of a large variety of plants found in backyard gardens, municipal parks,

and flowerbeds.

Hives of honeybees are currently established in almost every major city in the United States. Beehives are successfully kept in small back yards, on balconies and rooftops in congested urban environments with little, if any impact to adjacent property owners.

In addition to the benefits of plant pollination, the honey, beeswax, pollen and other hive products are high in nutritional value and are a local, renewable and sustainable resource.

In 2010, the City of Milwaukee passed a new law allowing residents to keep up to two colonies of honeybees on private property within the city limits. See Chapter 78-6 of the Milwaukee Code of Ordinances, available on the City of Milwaukee web site.

If you want to keep honeybees, you should learn about best practices. You can take a course at the Cooperative Extension (see Resources box.) You should also talk to your neighbors before applying for a permit to explain the behavior and benefits of beekeeping. Be prepared to address their concerns, as your neighbors will

have a voice in the permit approval process.

Here are a few of the particulars regarding rules and procedures:

- 🌿 A permit and inspection is required. Permit applications may be obtained from the Department of Neighborhood Services Environmental Section. There is an \$81.12 permit fee.
- 🌿 A simple map with dimensions showing the apiary and surrounding area must be provided with the application.
- 🌿 Neighbors within 200 feet will be notified and given an opportunity to voice any concerns they may have. You might also be required to get written permission from your immediate neighbors if your hives are within 50 feet of their dwellings or certain structures.
- 🌿 Proof of beekeeping competency must be provided with the application.
- 🌿 You will be responsible for monitoring your bees on a regular basis for the health of the hive and to ensure that you have not created a nuisance to others.

Resources

City of Milwaukee Beekeeping Page

city.milwaukee.gov

Search for "Bee Keeping" then click on "Bee Keeping in Milwaukee"

Urban Apiculture Institute at Milwaukee County Cooperative Extension

414.256.4600 milwaukee.uwex.edu

The Institute promotes healthy beekeeping practices and offers a Certified Beekeeper Course.

Wisconsin Department of Agriculture

Craig Petros, State Apiary Inspector

262.968.5391

Free hive inspections Spring and Fall.

Milwaukee/Waukesha Beekeeping Association

mwbkeepers.org

Meets monthly, provides workshops, mentoring, networking, a lending library and other helpful resources.

Charlie Koenen

BeePods, Inc.

facebook.com/charlie.koenen

Courses and beekeeping supplies.

Hens

Since the passage of an ordinance in July 2011, Milwaukee residents have been allowed to keep hens for egg production. Here are a few specifics of the rules:

- 🌿 Residents may keep up to four hens (no roosters) on their property. Hens are not allowed on commercial or mixed-use properties.
- 🌿 A permit is required and is issued by the Dept. of Neighborhood Services (DNS) at 4001 S. 6th St., 2nd floor Monday through Friday 8am to 4pm. The permit fee is a one-time cost of \$35.49

- 🌿 One of the forms required as part of the application is a site plan. A site plan form and sample are available at the DNS office or online to help guide the applicant.
- 🌿 Another required form is the Neighbor Approval Statement signed by any neighbor whose property touches the applicant's, including across an alley (but not across the street.) This form is also available at the DNS office or online.
- 🌿 An enclosed structure, called a chicken coop, is required. The coop plus a yard provided must add up to 16 square feet per bird. The coop cannot be higher than 10 feet and cannot be larger than 50 square feet.
- 🌿 Enclosures (the coop and yard) can be no closer than 25 feet to a residence on an adjacent property, and cannot be in the applicant's front yard.
- 🌿 At all times, including winter, fresh water and feed is required and the coop must be kept clean.
- 🌿 Slaughter of the hens is not allowed in the city.
- 🌿 DNS will respond to complaints from neighbors. A permit can be revoked for failure to keep the coop clean or for failure to follow the rules of the hen ordinance and City Code. A permit that has been revoked cannot be reinstated.

Resources

City of Milwaukee Chicken Information Page

city.milwaukee.gov

Search for "hens" then click on "Milwaukee Residents can Now Keep Chickens"

For information on the permitting process,

call Marcie Otto 414.286.328

With other questions, call DNS Environmental and Nuisance Section at 414.286.3280

Cream City Hens

414.301.EGGS (3447)

creamcityhens.com

CreamCityHens@gmail.com

This community-based nonprofit teaches kids and adults about urban henkeeping.

Internet and Library

Search for information on raising backyard chickens, design of chicken coops, care and feeding, different breeds of hens, where to buy them, etc.

Urban Hen Owners

According to the HOME GR/OWN Facebook page, 54 permits for chickens have been issued in Milwaukee. Several of them in the neighborhood are profiled in an article in this issue of the Currents.

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Bliffert Hardware

1014 E Chambers St,

Milwaukee, WI 53212

bliffertlumber.com

414.264.5700

Mary Beth Driscoll

Executive Director, Groundwork

Milwaukee

Groundwork Milwaukee

1845 N. Farwell Avenue #100

Milwaukee, Wisconsin 53202-1715

groundworkmke.org

414.763.9947

Projects of Groundwork Milwaukee:

🌿 Community Garden in Kilbourn Park

🌿 Milwaukee Urban Gardens

🌿 Young Farmers of Milwaukee

Outpost Natural Foods

100 E. Capitol Drive

Milwaukee, WI 53212

outpost.coop 414.961.2597

Bay View, Wauwatosa, Mequon

Riverwest Food Co-op

733 E. Clarke St., Milwaukee, WI 53212

riverwestcoop.org 414.264.7933

Riverwest Currents

PO Box 716, Milwaukee, WI 53201

riverwestcurrents.org 414.265.7278

Questions? Contact Bruce Wiggins 414.372.4991