

**CHAPTER 11: PLANNING & DEVELOPMENT**  
**ARTICLE XII: URBAN AGRICULTURE**

**Sec. 11-176. Purpose.** The purpose of this article is to promote urban agricultural activities and affirm the right of all citizens to produce their own food. It is also intended to minimize land use conflicts and balance the competing property rights of neighboring property owners.

**Sec. 11-177. Definitions.** For the purpose of this article, the following definitions shall apply. Any term not so defined will take on its common meaning or a definition provided elsewhere in City code.

*Apiary* shall mean any place where one or more beehives are kept.

*Concentrated Animal Feeding Operations (CAFOs)* shall mean an animal feeding operation as defined by the United States Department of Agriculture (USDA) and regulated by the Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NDPES) Permitting Program.

*Compost* shall mean relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and raw and uncooked kitchen food waste. This process specifically excludes bones, meat, fat, grease, oil, raw manure, and milk products.

*Controlled Grazing* shall mean the temporary use of goats or sheep as a landscape management technique to control the growth of undesirable vegetation, including noxious weeds and invasive plants or trees at a specific location and for a defined length of time.

*Livestock* shall mean domesticated animals raised in an agricultural setting for training, boarding, home use, sales, breeding, and the production of commodities and/or specialized products such as food, fiber, and labor. Common examples include but are not limited to horses, pigs, and cattle.

*Seasonal Extending Structures* shall mean any of the following temporary structures.

*Cold Frame* shall mean a temporary, unheated structure used for protecting seedlings and plants from the cold. Cold Frames are often constructed of durable materials, such as wood, glass, rigid plastic, or even old windows, but are not typically taller than three feet (3').

*Hoop House* shall mean a structure with a roof and sides are made largely of transparent or translucent material (not glass) for the purpose of the cultivation of plants. A hoop house does not have supplemental heat. A

high tunnel is very similar in construction to a hoop house, but is generally not enclosed on the ends of the structure.

*Low Tunnel* shall mean a temporary, freestanding structure that has a supported framework, typically made with hooped PVC or metal pipe and covered with plastic. A low tunnel does not have heat or electrical power and its purpose is to house and protect produce outside the typical growing season of the region.

*Southwest Rock Island* shall mean parcels within the municipal boundary that are south of the Rock River or on any island located in said river.

*Urban Agriculture* shall mean the practice of cultivating, processing, and distributing food in and around a community by various means that reflect an urban context. Urban agriculture is differentiated other forms traditional agriculture in that it occurs within an urbanized and built up environment, rather than on generally open and undeveloped land. Common practices include but are not limited to vegetable gardening, keeping backyard chickens, beekeeping, and keeping livestock at a limited scale.

**Sec. 11-178. Applicability and Administration.** All urban agriculture activities on both private and public land are subject to the regulations of this Article. Administration of this Article shall be the responsibility of the Community Development Director or their designees. Nothing in this Article shall be interpreted to supersede or contradict land use regulations in the zoning code specifically including those prohibiting business activities in residential areas.

**Sec. 11-179. General Regulations for Urban Agriculture.**

- A. Properties annexed into the City on which urban agricultural activities are taking place may continue to operate unchanged until such time they are developed for other uses. Concentrated animal feeding operations, however, shall be prohibited and if such an operation is present on a parcel being annexed into the City, it must cease operation by the time annexation is completed.
- B. Urban agriculture shall be permitted on all properties with occupied principal structures. Urban agriculture shall not be restricted on such properties unless otherwise specifically indicated in this article.
- C. Urban agriculture shall not be permitted in public rights-of-way unless permission is granted through a written agreement between an immediately adjacent property owner and the City. Any urban agricultural activity in a public right-of-way without such a written agreement shall be considered a nuisance and may be abated by the City without notice.
- D. Urban agricultural activity shall not impede reasonable visibility or navigability within a public right-of-way. Any urban agricultural activity that does so shall be considered a nuisance and may be abated by the City without notice.

- E. Urban agriculture shall not be permitted on properties with foreclosed, vacant, and abandoned principal structures. Any urban agricultural activity on such a property shall be considered a nuisance.
- F. Urban agriculture shall be permitted on vacant properties without principal structures provided that a five-foot (5') buffer is maintained around the perimeter of the property. Said buffer shall consist of mowed turf grass, woodchips, or similar biodegradable mulch material.
- G. Urban beekeeping, urban chickens, and urban livestock shall not be permitted on vacant properties without principal structures.
- H. Urban agriculture on properties one (1) acre or larger in Southwest Rock Island shall be exempted from the requirement for a five-foot (5') buffer around the perimeter. Urban beekeeping, urban chickens, and urban livestock shall also be permitted on vacant properties one (1) acre or larger in Southwest Rock Island.
- I. Storage sheds incidental to urban agriculture shall be permitted on vacant properties without principal structures provided that they not exceed two hundred (200) square feet. No more than one (1) storage shed shall be permitted on such properties. Storage sheds shall be a minimum of five feet (5') from the perimeter of the property as well as setback twenty feet (20') from the front property line.
- J. Water tanks incidental to urban agriculture shall be permitted on vacant properties without principal structures provided that they not exceed a capacity of five hundred (500) gallons. No more than one (1) water tank shall be permitted on such properties. Water tanks shall be a minimum of five feet (5') from the perimeter of the property.
- K. Compost incidental to urban agriculture shall be permitted on vacant properties without principal structures provided that it is contained within an enclosure or storage bin specifically designed for that purpose. Such enclosures or storage bins shall be a minimum of five feet (5') from the perimeter of the property. Compost not so contained shall be considered a nuisance.
- L. Season extending structures incidental to urban agriculture shall be permitted on all properties for a maximum of four (4) weeks before and four (4) weeks after the growing season which spans from May 1 to October 31. Such structures shall not be permitted during the growing season and shall be a minimum of five feet (5') from the perimeter of the property. No season extending structure may exceed two hundred (200) square feet or be erected outside of allowable timeframes. Such structures in poor repair shall be considered a nuisance.
- M. Tools, machinery, and other equipment incidental to urban agriculture used on vacant properties without principal structures shall be kept in a storage shed or removed from the property when not in use. Otherwise, such items shall be considered a nuisance.
- N. Rotting vegetation likely to attract animals shall be considered a nuisance.
- O. Weeds and overgrown turf grass shall be considered a nuisance.
- P. Noxious and invasive species as identified by local codes and/or the State of Illinois shall be considered a nuisance.
- Q. Animal slaughtering, except by appropriately licensed businesses on suitably zoned properties, shall be prohibited.

**Sec. 11-180. Regulations for Urban Chickens.**

- A. Urban chickens shall be permitted on all properties with occupied principal structures. Only hens shall be permitted. Roosters shall be prohibited. The presence of a rooster shall be considered a nuisance and subject to capture by an animal control officer.
- B. Urban chickens shall be kept within enclosures in rear yards. Such enclosures shall be located a minimum of five feet (5') from the perimeter of the property.
- C. Enclosures shall be secure fenced areas that prevents entry by predators. They shall at a minimum consist of wire or mesh with openings no larger than one inch (1"). Coops shall be located within enclosures.
- D. Coops shall have a minimum of four (4) square feet per chicken. They shall be of reasonable construction with a secure entrance and adequate ventilation. Chickens shall be secured within a coop between dusk and dawn. Only one (1) coop shall be permitted on any one property.
- E. Urban chickens shall be provided with adequate food and water. They shall be monitored for health problems common to their species and cared for using accepted best practices.
- F. Manure shall be stored in a covered container not exceeding three (3) cubic feet in volume. All manure not used for composting or fertilizing on the property shall be removed.

**Sec. 11-181. Regulations for Urban Beekeeping.**

- A. Urban beekeeping shall be permitted on all properties with occupied principal structures. Domesticated bee species kept for honey production or pollination shall be the only varieties permitted.
- B. Apiaries shall be located in rear yards. Apiaries shall be located a minimum of five feet (5') from the perimeter of the property.
- C. Apiaries shall be registered and inspected in accordance with the Illinois Bees and Apiaries Act. The City reserves the right to request proof of registration.
- D. Bees shall be monitored for health problems common to their species and cared for using accepted best practices.

**Sec. 11- 182. Regulations for Urban Livestock.**

- A. Urban livestock shall be permitted on all properties in Southwest Rock Island where an enclosed area of one (1) acre at minimum is established. Only one (1) such enclosure is permitted on a given property. All enclosures shall be setback a minimum of one hundred feet (100') from the periphery of the property.
- B. Enclosures for urban livestock shall be secured with a fence sufficient to prevent livestock from running at large. Any livestock outside such an enclosure shall be considered a nuisance and subject to capture by an animal control officer.
- C. No more than two (2) animals per every one (1) acre of enclosed area shall be permitted at any one time.
- D. Livestock shall be provided with adequate food and water. They shall be monitored for health problems common to their respective species and cared for using accepted best practices.

- E. Manure shall be stored in a manner that minimizes offensive odors. All manure not used for composting or fertilizing on the property shall be removed.

**Sec. 11-183. Regulations for Controlled Urban Grazing.**

- A. Controlled urban grazing may be used to manage nuisance vegetation on both public and private properties. Nuisance vegetation includes but is not limited to non-native, invasive, and noxious species as well as those that cannot otherwise be reasonably removed using conventional mechanical methods. Only goats and sheep may be used for this purpose.
- B. Any area in which animals are grazing for this purpose shall be enclosed within a temporary four-foot (4') electric fence that will reasonably keep said animals from leaving the enclosed area. Warning signs no less than two (2) square feet in size must be posted at 15-foot (15') intervals notifying the public of the presence of the fence. Signs must be visible for the duration of the activity. No enclosure shall remain in place for more than thirty (30) consecutive days.
- C. No more than ten (10) animals per every one (1) acre of enclosed area shall be permitted at any one time.
- D. Grazing animals shall be provided with adequate food and water. They shall be monitored for health problems common to their respective species and cared for using accepted best practices.

**Sec. 11-184. Nuisances, Violations, and Variances.**

- A. Whenever the City determines that a nuisance as defined in this article exists, except when in a public right-of-way, a courtesy notice shall be issued to the respective property owner without penalty. Any nuisance not resolved within seven (7) days of the courtesy notice shall result in a citation and a one hundred dollar (\$100) fine. If the nuisance has not be resolved within seven (7) days of the citation, the City shall be empowered to abate the nuisance. Any and all costs associated with the abatement shall be charged to the property owner.
- B. Whenever the City determines that any other violation of this article exists, a courtesy notice shall be issued to the property owner without penalty. Any violation that remains after seven (7) days shall result in a summons to an administrative hearing at the earliest available time.
- C. Property owners may apply for a variance from this Article. Variance requests shall be reviewed by City staff. Staff shall make recommendations to approve or deny the request to the Planning & Zoning Commission based on whether or not the request is in the best interest of the public health, safety, and welfare. Said Commission shall hold a hearing on the merits of the variance request and decide by simple majority vote whether or not to grant the request. This shall be the final administrative decision.
- D. All courtesy notices and citations shall be posted physically on the subject property as well as mailed to the property owner. All administrative hearings shall be conducted in a manner consistent with the application of the property maintenance and zoning codes. All variance requests shall adhere to the procedures as found in the zoning code.