

SALT LAKE CITY ORDINANCE

No. 21 of 2011

(An ordinance amending portions of Title 21A of the *Salt Lake City Code* concerning urban agriculture and large renewable energy site uses)

An ordinance amending sections 21A.36 (Zoning: General Provisions), 21A.62 (Zoning: Definitions), 21A.24 (Zoning: Residential Districts), 21A.26 (Zoning: Commercial Districts), 21A.28 (Zoning: Manufacturing Districts), 21A.30 (Zoning: Downtown Districts), 21A.31 (Zoning: Gateway Districts), and 21A.32 (Zoning: Special Purpose Districts) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-01337 to recognize and allow certain sustainable uses and structures.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held public hearings on June 23, 2010 and July 28, 2010 to consider a request made by Salt Lake City Mayor, Ralph Becker (petition no. PLNPCM2009-01337), to amend certain sections of Title 21A of the *Salt Lake City Code* to recognize and allow urban agriculture and large renewable energy sites as permitted or conditional uses in certain zoning districts, as set forth herein; and

WHEREAS, at its July 28, 2010 meeting, the Planning Commission voted to transmit a positive recommendation to the Salt Lake City Council (“City Council”) on said application; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the City’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.36 to adopt section 21A.36.200. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section 21A.36.200 (Zoning: General Provisions: Qualifying provisions for an Urban Farm), which shall read as follows:

21A.36.200: Qualifying provisions for an Urban Farm:

1. **Accessory Buildings:** Accessory buildings associated with urban farms are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.
2. **Riparian Corridor:** Urban farms proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.
3. **Storage Requirements:** All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the Uniform Fire Code and Utah State Department of Agriculture or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain one hundred and ten percent (110%) of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
4. **Disposal Requirements:** All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.
5. **Large Vehicles:** No vehicles in excess of five (5) tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.
6. **Hours of Operation:** All urban farm related uses shall operate only during daylight hours, except for irrigation.
7. **Irrigation Systems.** Sufficient irrigation shall be provided to cover all needs of the urban farm. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.
8. **Delivery and Pick-up:** In single family and two family zones, delivery and pick-up of products is allowed provided pick-up times are staggered so that only one patron is on site at a time.
9. **Parking:** Unless otherwise approved by the Transportation Division, parking for employees, and patrons of the urban farm shall be provided on site, at a rate of two parking stalls per acre with a minimum of one ADA stall, unless within a single family or two family zoning district. All vehicular circulation, staging, and parking shall be on a hard surface.
10. **On Site Sales and Events:** Products produced or grown on urban farms may be donated or sold on site provided the following requirements are met;
 - a) The sales stand may not exceed 150 square feet in size.
 - b) Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale each day.

- c) All necessary City business licenses shall be obtained prior to the sale.
 - d) Sales stands must be setback a minimum of 10 feet from the edge of pavement of a City street.
 - e) The sales stand shall be a non-permanent structure, and must be removed immediately following the sale.
 - f) Perishable foods must be stored in a vermin-proof area or container when the facility is closed.
11. **Fencing:** Fencing of urban farms shall comply with the standards in Section 21A.40.120, Regulation of Fences, Walls, and Hedges.
 12. **License:** A business license is required for an urban farm. When the urban farm is accessory to a residential use, a home occupation license is required.
 13. **Demolition of a Single Family Dwelling:** No more than one single family dwelling may be demolished for an urban farm. Any proposed demolition is subject to all requirements in section 18.64.050 of the Zoning Ordinance, Residential Demolition Provisions.

SECTION 2. Amending text of Salt Lake City Code section 21A.36 to adopt section

21A.36.210. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section 21A.36.210 (Zoning: General Provisions: Qualifying provisions for a Community Garden), which shall read as follows:

21A.36.210: Qualifying provisions for a Community Garden:

1. **Accessory Buildings:** Accessory buildings associated with community gardens are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet with the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.
2. **Riparian Corridor:** Community gardens proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.
3. **Disposal Requirements:** All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.
4. **Hours of Operation:** Community Gardens shall conform with City Code, Chapter 9.28 Noise Control and other applicable County Health Department Regulations.
5. **Large Vehicles:** No vehicles in excess of five (5) tons shall be kept or stored on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.

6. **Irrigation:** Sufficient irrigation shall be provided to cover all needs of the community garden. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.
7. **Parking:** Unless otherwise required by the Transportation Division, community gardens shall be exempt from the off-street parking requirements of Section 21A.44, Off Street Parking and Loading. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area. Any On-street parking is to comply with the existing roadway status.
8. **On Site Sales and Events:** Owners and Producers associated with Community Gardens may conduct educational or promotional events, and sell locally grown products on site provided the following requirements are met;
 - a) The sale or event is directly linked to the Community Garden. No external events such as a reception or sales of products and goods not generally associated with a community garden are allowed, unless the event is otherwise allowed in the zone by the Zoning Ordinance.
 - b) Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale or event each day.
 - c) All required City business licenses and permits shall be obtained prior to the sale or event.
 - d) Sales stands and exhibits are not allowed within the public right-of-way except in an area abutting a Community Garden.
 - e) The sales stand and exhibits shall be non-permanent structures, and must be removed immediately following the sale or event.
 - f) Perishable foods must be stored in a vermin-proof area or container when the facility is closed.
9. **Fencing:** Fencing of community gardens will comply with the standards in Section 21A.40.120, Regulation of Fences, Walls, and Hedges.
10. **Demolition of a Single Family Dwelling:** No more than one single family dwelling may be demolished for a community garden. Any proposed demolition is subject to all requirements in section 18.64.050 of the Zoning Ordinance, Residential Demolition Provisions.

SECTION 3. Amending text of Salt Lake City Code section 21A.36 to adopt section 21A.36.220. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section 21A.36.220 (Zoning: General Provisions: Qualifying provisions for a Seasonal Farm Stand), which shall read as follows:

21A.36.220: Qualifying Provisions for a Seasonal Farm Stand:

1. **Duration:** Business activity associated with a seasonal farm stand shall be of a temporary nature;
2. **Right-of-way:** No seasonal farm stand is allowed within the public right-of-way.
3. **Third Party Location:** No business activity shall take place on the premise of a third party without first receiving written permission from the property owner.
4. **Parking:** Unless approved by the Transportation Division, if the seasonal farm stand is located within an existing parking lot, it shall not remove or encroach upon required off street parking or loading areas for other uses on the site or impede access to parking or loading areas. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area, any On-street parking shall comply with the existing roadway status.
5. **Setback:** Seasonal farm stands must be setback a minimum of 10 feet from the edge of pavement of a City street.
6. **Size:** A seasonal farm stand may not exceed 100 square feet in size.
7. **Food Preparation:** Food preparation is prohibited at farm stands.
8. **Signs:** Signs for a seasonal farm stand are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs are not allowed to be placed more than 50 feet from the stand location
9. **Sales:** Food crops and/or non-food, ornamental crops, such as flowers grown locally are allowed to be sold at a seasonal food stand. Prepackaged “shelf stable” foods produced in close proximity to the farm stand may be sold as well, provided they are fully labeled and produced in an approved health department or Utah State Department of Agriculture facility.
10. **Animals:** No live animals, birds, or fowl shall be kept or allowed within 20 feet of any area where food is stored or held for sale. This requirement does not apply to guide dogs, signal dogs, or service dogs.
11. **Garbage:** All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.
12. **Storage:** Perishable foods must be stored in a vermin-proof area or container when the facility is closed.

SECTION 4. Amending text of Salt Lake City Code section 21A.36 to adopt section

21A.36.230. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section

21A.36.230 (Zoning: General Provisions: Qualifying provisions for a Solar Array), which shall read as follows:

21A.36.230: Qualifying Provisions for a Solar Array:

1. **Setbacks:** A solar array shall meet all minimum setback requirements for the zone in which it is located. In no case shall a solar array be located less than 6 feet from a property line or other structure.
2. **Height:** A solar array shall not exceed 20 feet in height measured from established grade.

3. **Landscape Buffer:** No landscaped buffer yards shall be required on a site with a solar array as a principal use.
4. **Code Compliance:** Solar arrays are subject to review for compliance with all applicable International Building and Electrical Code requirements by the Salt Lake City Building Services Division.
5. **Solar Easements:** Solar easements are not a requirement for City approval; nonetheless, a property owner who has installed or intends to install a solar array may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the County Recorder.
6. **Electrical Wires:** All electrical wires associated with a solar array, shall be located underground except for wires connecting to the electrical distribution grid.
7. **Nonmaintained Or Abandoned Arrays:** The building official may require each nonmaintained or abandoned solar array to be removed from the premises when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.
8. **Utility Inter-Connection:** No solar array shall be installed that does not meet the requirements of Rocky Mountain Power for an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
9. **Off-Street Parking and Loading:** No additional parking is required for a solar array; however, a solar array may not replace or hinder existing required parking and loading.

SECTION 5. Amending text of *Salt Lake City Code* section 21A.36 to adopt section

21A.36.240. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section

21A.36.240 (Zoning: General Provisions: Qualifying Provisions for a Large Wind Energy System), which shall read as follows:

21A.36.240: Qualifying Provisions for a Large Wind Energy System:

1. **Total Height:** The total height of the large wind energy system shall be limited to 90 meters above existing grade or by FAA regulations, whichever dictates a lower height.
2. **Minimum Lot Size:** 2 Acres
3. **Setbacks:** A tower in a large wind energy system must be set back at least 1.25 times its total height from any property boundary, must be within the buildable area of the lot and at least 1.25 times its total height from any overhead utility power line;

4. **Noise:** Noise emitted from the large wind energy system shall not exceed maximum sound levels set forth in section 9.28 of the *Salt Lake City Code* (Health and Safety: Noise Control).
5. **Blade Clearance:** The vertical distance from existing grade to the tip of a wind generator blade when the blade is at its lowest point must be at least 15 feet.
6. **Electrical Wires:** All electrical wires associated with a large wind energy system, other than wires necessary to connect the wind turbine to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
7. **Lighting:** Lighting of tower(s) and turbine(s) is prohibited except where required by the Federal Aviation Administration.
8. **Appearance, Color, and Finish:** The wind turbine and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
9. **Signs:** All signs are prohibited, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind turbine, tower, building, or other associated structure.
10. **Utility Inter-Connection:** No large wind energy system shall be installed that does not meet the requirements of local utility providers for an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. **Nonmaintained Or Abandoned Facilities:** The building official may require each nonmaintained or abandoned large wind energy system to be removed from the premises at the cost of the owner when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.
12. **Off-Street Parking or Loading Requirements:** None. A large wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

SECTION 6. Amending text of Salt Lake City Code section 21A.36.030.B. That section 21A.36.030.B of the *Salt Lake City Code* (Zoning: General Provisions: Home Occupations), shall be, and hereby is, amended to read as follows:

B. Permitted Home Occupations: Subject to compliance with the standards specified in this section, the following occupations, that do not have the client come to the home, shall be permitted as home occupations subject only to approval by the zoning administrator pursuant to subsection H of this section:

1. Artists, illustrators, writers, photographers, editors, drafters, and publishers;

2. Consultants, private investigators, field representatives and other similar activities;
3. Bookkeeping and other similar computer activities;
4. Locksmith;
5. Distribution of products assembled at home for off premises sales (such crafts, etc.);
6. Janitorial services;
7. Mail order business or sales representative; and
8. Distribution of products grown as part of an urban farm for on or off premise sales (such as garden produce).

SECTION 7. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions), shall be, and hereby is, amended, in pertinent part, such that each of the following definitions shall be added and inserted alphabetically into that section:

COMMUNITY GARDEN: "Community garden" means an area of land managed and maintained by an identifiable group of community members used to grow and harvest food crops and/or non-food, ornamental crops such as flowers, for personal or group use, consumption, donation, or sale, or for educational purposes. Generally operated as not-for-profit, limited sales and events may also occur on the site to fund the gardening activities and other charitable purposes. Private use of private land (not intended to benefit the community at large) and horticultural activities by the City on city-owned land do not constitute community garden use.

LARGE WIND ENERGY SYSTEM: A "Large Wind Energy System" is a wind energy conversion system consisting of a wind turbine or group of wind turbines, tower, and associated control or conversion electronics, which has rated capacity of more than 100 kW.

LOCALLY GROWN: "Locally Grown" means food crops and or non-food, ornamental crops, such as flowers that are grown within the state of Utah.

SEASONAL FARM STAND: "Seasonal farm stand" means a sales table, area, or kiosk of food crops and/or non-food, an ornamental crop, such as flowers, that is located off-premise from the location where the food was grown, or when located in any agricultural district, and operates during the time of year coinciding with the growing season.

SOLAR ARRAY: A "solar array" is a principal use of a packaged interconnected assembly of solar cells used to transform solar energy into thermal, chemical, or electrical energy. A solar array uses solar energy for any or all of the following purposes: (1) water heating, (2) space heating or cooling, and (3) power generation.

URBAN FARM: “Urban Farm” is a farm where food is cultivated, processed and distributed in or around a residential or commercial area. Urban farming is generally practiced for income earning or food producing activities.”

SECTION 8. Amending text of *Salt Lake City Code* section 21A.24.010.Q. That section 21A.24.010.Q of the *Salt Lake City Code* (Zoning: Residential Districts: General Provisions), shall be, and hereby is, amended to read as follows:

Q. Omitted.

SECTION 9. Amending text of *Salt Lake City Code* section 21A.24.190. That section 21A.24.190 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Residential Districts), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban Farm to be inserted alphabetically in that table under the category of “Miscellaneous” and that the use category of “Community gardens” presently listed under the category of “Recreation, cultural and entertainment” in that table is omitted, as shown on Exhibit “A” hereto.

SECTION 10. Amending text of *Salt Lake City Code* section 21A.26.080. That section 21A.26.080 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Commercial Districts), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban Farm to be inserted alphabetically in that table under the category of “Miscellaneous”, as shown on Exhibit “B” hereto.

SECTION 11. Amending text of *Salt Lake City Code* section 21A.28.040. That section 21A.28.040 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Manufacturing Districts), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban

Farm to be inserted alphabetically in that table under the category of “Miscellaneous”, as shown on Exhibit “C” hereto.

SECTION 12. Amending text of *Salt Lake City Code* section 21A.30.050. That section 21A.30.050 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Downtown Districts), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban Farm to be inserted alphabetically in that table under the category of “Miscellaneous”, as shown on Exhibit “D” hereto.

SECTION 13. Amending text of *Salt Lake City Code* section 21A.31.050. That section 21A.31.050 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for the Gateway District), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban Farm to be inserted alphabetically in that table under the category of “Miscellaneous”, as shown on Exhibit “E” hereto.

SECTION 14. Amending text of *Salt Lake City Code* section 21A.32.140. That section 21A.32.140 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Special Purpose Districts), shall be, and hereby is, amended to add the use categories of Community Garden, Large Wind Energy System, Seasonal Farm Stand, Solar Array, and Urban Farm to be inserted alphabetically in that table under the category of “Miscellaneous”, as shown on Exhibit “F” hereto.

SECTION 15. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this 3rd day of May,

2011.

Wilson
CHAIRPERSON

ATTEST AND COUNTERSIGN:

Christina Meeker
CITY RECORDER



Transmitted to Mayor on 5-3-2011.

Mayor's Action: X Approved. Vetoed.

[Signature]
MAYOR

Christina Meeker
CITY RECORDER

(SEAL)



Bill No. 21 of 2011.
Published: 5-10-2011.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: MAY 3, 2011
By: Paul C. Nielson
Paul C. Nielson, Senior City Attorney

21A.24.190: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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	Permitted And Conditional Uses, By District Residential Districts																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R- MU	RO
Community Garden	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Large Wind Energy System																			
Seasonal Farm Stand															P	P	P	P	P
Solar Array																			
Urban Farm	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

Exhibit A

21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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		Permitted And Conditional Uses By District						
Use		CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75
	Community Garden	P	P	P	P	P	P	P
	Large Wind Energy System		P		P		P	P
	Seasonal Farm Stand	P	P	P	P	P	P	P
	Solar Array						P	
	Urban Farm	P	P	P	P	P	P	P

Exhibit B

**21A.28.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR
MANUFACTURING DISTRICTS:**

Legend:	C =	Conditional	P =	Permitted
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	Permitted And Conditional Uses By District	
Use	M-1	M-2
Community Garden	P	P
Large Wind Energy System	P	P
Seasonal Farm Stand	P	P
Solar Array	P	P
Urban Farm	P	P

Exhibit C

21A.30.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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		Permitted And Conditional Uses By District			
Use		D-1	D-2	D-3	D-4
	Community Garden	P	P	P	P
	Large Wind Energy System				
	Seasonal Farm Stand	P	P	P	P
	Solar Array				
	Urban Farm	P	P	P	P

Exhibit D

21A.31.050: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
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		Permitted And Conditional Uses By District		
Use		G-MU		
	Community Garden	P		
	Large Wind Energy System			
	Seasonal Farm Stand	P		
	Solar Array	P		
	Urban Farm	P		

Exhibit E

21A.32.140: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional use	P =	Permitted use
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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Community Garden	P	P	P	P	P	P	P				P	P	P	P	P		P
Large Wind Energy System	C	C		C	C	C	C			C			P	P			
Seasonal Farm Stand				P	P	P	P				P	P	P	P			P
Solar Array	P	P		P						P	P		P				
Urban Farm	P	P	P	P	P	P	P	P			P	P	P	P			

Exhibit F