

**PLANNING COMMISSION RESOLUTION 21-LDC-0003**

**A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO CHAPTER 1, PART 2, CHAPTER 4, PART 3, AND CHAPTER 4, PART 4 FOR URBAN AGRICULTURE TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.**

**WHEREAS**, the Louisville Metro Council adopted a resolution on August 20, 2020 directing the Planning Commission to review the Land Development Code (LDC) and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the Louisville Metro Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff review the LDC and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, Planning and Design Services staff received multiple comments during the LDC Reform public engagement process regarding urban agriculture and the current barriers that exist within the LDC; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Community Form Policy 1.26, which recommends a review of the LDC to ensure flexibility for use of urban agriculture; this amendment provides that review and recommended changes to ensure greater flexibility; and

**WHEREAS**, Plan 2040, includes Community Facilities Policy 2.14, which encourages the use of vacant land for community gardens; this proposed amendment would provide greater flexibility in the regulation of urban agricultural uses such as community gardens; and

**WHEREAS**, Plan 2040, includes Livability Goal 2.7, which supports innovative efforts to provide fresh food for food deserts such urban agriculture, community gardens, and farmer's markets; this proposed amendment would provide greater flexibility in design needed for these types of developments; and

**WHEREAS**, the Planning Commission finds that the proposed text amendments to the LDC meet the goals, objectives, and policies of the comprehensive plan, Plan 2040.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:**

Additions

Deletions

**SECTION I:** Chapter 1, Part 2 of the LDC, Section 1.2.2, is amended as follows:

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**Conservation Use** - Uses within land and water areas designated for the purpose of conserving or protecting natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

A. Public passive parks;

- B. Public lands designated for open space or conservation; C. Open Space buffers between incompatible uses;
- D. Private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant is executed insuring that only open space or passive park uses shall be permitted;
- E. Water conservation areas, potable water well fields, retention/ detention ponds and other stormwater control structures, and public improvements that may be approved by the affected Public Works Official as long as the Conservation Area is not detrimentally impacted; and
- F. Single-family dwellings and customary accessory buildings.

G. Restorative Agriculture practices such as permaculture, areas with perennial crops, orchards, native plants and pollinator gardens.

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Urban Agriculture – Agricultural activities that are not otherwise permitted and regulated by KRS. This may include any size tract of land, in any form district.

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**SECTION II:** Chapter 4, Part 3 of the LDC, Section 4.3.17 Community Gardens and 4.3.18 Market Gardens, are deleted and replaced with the following:

#### **4.3.17 Urban Agriculture**

Urban Agriculture may be permitted as a use with special standards within all zoning districts in conformance with the following special standards.

A. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8.

B. Lighting for security purposes may be provided in accordance with the standards contained in this Code.

C. Composting shall be limited to plant materials generated on the site as well as materials such as plant-based food waste, wood chips, pre-composted materials or soil brought onto the site to enhance these plant materials. Compost may only be generated for use on site. Compost piles shall be set back in accordance with the form district regulations for structures and shall be surrounded with a fence or other appropriate enclosure to prevent migration of compost materials due to wind, slope or water-based erosion.

D. Water for purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off- site connection to the municipal water service.

E. There shall be no more than one non-illuminated freestanding sign not to exceed 12 square feet in area and not to exceed 6 feet in height. The sign may be up to 24 square feet in area and 8 feet in height if setback beyond the minimum front yard setback.

F. Greenhouses, hoophouses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, seasonal farm stands or similar structures shall be permitted. Structures greater than 200 SF must be setback at least 5' from any adjacent residentially zoned or used property, but shall otherwise be exempt from building setbacks except as necessary to meet sight triangle requirements as determined by Public Works.

G. Agriculture involving animals shall be permitted only in conformance with applicable state law and local ordinances including but not limited to those related to the keeping of animals and noise. Slaughtering and processing of animals is permitted for personal use only subject to applicable local, state and federal law. Sale of live animals is permitted subject to local, state and federal law.

H. Sites shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.

I. Selling agricultural goods produced on the site is permitted as an accessory use. Sales may only take place between 7 AM and 10 PM.

#### **4.3.18 Farmers Markets, Fruit and Vegetable Stands, and Similar Uses**

Farmers Markets, fruit and vegetable stands, and similar uses may be permitted as a use with special standards within all zoning districts in conformance with the following special standards.

A. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8.

B. Lighting for security purposes may be provided in accordance with the standards contained in this Code.

C. Composting shall be limited to plant materials generated on the site as well as materials such as plant-based food waste, wood chips, pre-composted materials or soil brought onto the site to enhance these plant materials. Compost may only be generated for use on site. Compost piles shall be set back in accordance with the form district regulations for structures and shall be surrounded with a fence or other appropriate enclosure to prevent migration of compost materials due to wind, slope or water-based erosion.

D. Water for purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off- site connection to the municipal water service.

E. There shall be no more than one non-illuminated freestanding sign not to exceed 12 square feet in area and not to exceed 6 feet in height, or up to the standards for commercial uses in the applicable form district, whichever is greater.

F. Greenhouses, hoop houses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, seasonal farm stands or similar structures shall be permitted. Structures greater than 200 SF must be setback at least 5' from any adjacent residentially zoned or used property, but shall otherwise be exempt from building setbacks except as necessary to meet sight triangle requirements as determined by Public Works.

G. Agriculture involving animals shall be permitted only in conformance with applicable state law and local ordinances including but not limited to those related to the keeping of animals and noise. Slaughtering and processing of animals is permitted for personal use only subject to applicable local, state and federal law. Sale of live animals is permitted subject to local, state and federal law.

H. Sites shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.

I. Selling agricultural goods produced on or off the site is permitted. Sales may only take place between 7 AM and 10 PM.

J. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Chapter 5 Part 1 of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.

K. All parking areas shall be a hard and durable surface. Any new permanent parking areas shall be screened and buffered per Chapter 10, Part 2.

L. Applications for farmers markets, fruit and vegetable stands and similar uses must be submitted with the Planning Director or Designee to document compliance with the above-listed standards. Notice of the proposed farmers market, fruit and vegetable stand or similar use shall be provided to 1st tier property owners and persons and groups that have registered with Planning and Design Services to receive notices of development actions. The notice shall be sent by first class mail not less than fourteen (14) calendar days prior to the date of final action by the Planning Director or designee. The operator(s) and property owner should consider any comments and feedback received and make any reasonable and permitted change to the operations and/or the site.

**SECTION III:** Chapter 4, Part 4 of the LDC, Section 4.4.3.A.4.e, is amended as follows:

A. Fences and Walls

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4. No person shall install, construct, maintain, or permit the installation, construction or maintenance of barbed wire fence or fence including barbed wire or razor wire components, partially or wholly upon property owned, occupied or controlled by such person, firm, corporation or other legal entity except in accordance with the following standards.

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e. Agricultural uses regulated and permitted by KRS are exempt from items a through d above.

**SECTION IV:** This resolution shall take effect upon its passage and approval.

DocuSigned by:

*Marilyn Lewis*

Marilyn Lewis  
Chair