

LDC Reform Project

Text Amendment Report



Case Number:	21-LDC-0003
Text Amendment:	Urban Agriculture
Timeline:	6-month
Project Manager(s):	Jay Lockett
LDC Reform Group(s):	LDC Simplification and Environmental Justice

DESCRIPTION:

An amendment to Chapter 4, Part 3 to reduce barriers for community gardens, market gardens and other agricultural uses not regulated by KRS.

PLAN 2040 REVIEW

Community Form Goal 1.26: Review Land Development Code to ensure flexibility for use of urban agriculture to promote access to fresh food especially in areas known as food deserts as identified by the Louisville Metro Health Equity Report.

Community Facilities Goal 2.14: Encourage the use of vacant lots as small parks and community gardens.

Livability Goal 2.7: Address issue of food deserts. Develop policies and programs that encourage full service grocery stores to locate in identified food deserts and support innovative efforts to provide access to fresh food, such as: urban agriculture, community gardens and farmers' markets. Encourage communities to use vacant lots for gardens to enhance access to fresh foods.

EQUITY REVIEW

Reducing barriers to the establishment of community gardens, market gardens and other urban-scale agricultural sites may help increase accessibility of fresh food options within the community.

BEST PRACTICE RESEARCH:

The 2011 book *Urban Agriculture: Growing Healthy, Sustainable Places*, by Kimberly Hodgson details the value, challenges and planning implications for urban agriculture. Among other conclusions, she writes "Urban agriculture, due to its social, economic, and environmental benefits, should be considered part of a dynamic urban system that is understood by planners and influenced through the mechanics of planning practice." It is recommended that cities facilitate and allow urban agriculture in the form of community gardens, market gardens and other means. The proposed changes would remove existing barriers to allow for the easier establishment of these uses within Louisville Metro.

The US Department of Agriculture *Urban Agriculture Toolkit* states "Small community gardens, urban farms that span several city blocks, and intensive indoor hydroponic or aquaculture facilities are all

examples of urban agriculture. This fast-growing phenomenon has the potential to nourish the health and social fabric of communities and create economic opportunities for farmers and neighborhoods.”

Policylink, a public policy research institution, published a report in 2012 entitled *Growing Urban Agriculture: Equitable Strategies and Policies for Improving Access to Healthy Food and Revitalizing Communities*. The report details ways in which urban agriculture may help improve equitable access to fresh and healthy food. A key recommendation for public agencies is to “include urban agriculture-friendly policies in general plans and adopt urban agriculture-friendly zoning policies.” Which can help reduce barriers of entry to citizens who wish to establish agricultural uses with an urban context.

PROPOSED TEXT AMENDMENT:

The following use definition is to be added to the Land Development Code:

Urban Agriculture – Agricultural activities on any size tract of land and within any form district that are not otherwise permitted and regulated by KRS.

The following section is to be added to the definition of “Conservation Use:”

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

Section 4.3.17 Community Gardens is deleted and replaced with the following new section 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 at least 30’ from the front property line.
- F. Greenhouses, hoophouses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, raised planting beds, fences, or

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.

- 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. No slaughtering, processing, or selling of animals is permitted on site.
- 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.

Section 4.3.18 Market Gardens is deleted and replaced with the following new section 4.3.18 Market Gardens and Farmers Markets:

Market Gardens, 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, hoopouses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, raised planting beds, fences, or 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.
- 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. No slaughtering, processing, or selling of animals is permitted on site.

- 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 market gardens, farmers markets and similar uses must be submitted with the Planning Director or Designee to document compliance with the above-listed standards. Notice of the proposed market garden 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.

The following is to be added to section 4.4.3.A.4.e: Agricultural uses regulated and permitted by KRS are exempt from items a through d above.