

LDC Reform Project

Text Amendment Report



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| 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 and market gardens.

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 community gardens and market gardens 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.

PROPOSED TEXT AMENDMENT:

The following are changes to section 4.3.17 Community Gardens:

This use may be permitted as a use with special standards within all the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R5-A, R5-B, R-6, R-7, R-8, R8-A, OR, OR-1, OR-2, OR-3, CN, C-1, and C-2 zoning districts in conformance with the following special standards.

- A. All structures located on the site shall comply with the location requirements of the form district regulations. Structures shall not exceed 15% of the total lot area. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8. For purposes of calculating required open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.
- B. Lighting for security purposes may be provided in accordance with the standards contained in this Code.
- ~~C. One parking space per four community garden plots shall be provided, either on the site or on the adjacent street. The location of parking lots shall be in accordance with form district regulations and parking provisions, including design, must be approved by the appropriate agency responsible for transportation planning. If parking will be provided on the site, permeable materials such as gravel are highly recommended to provide a surface for parking but are not required.~~
- ~~D. Community gardens shall be exempt from the requirements of Chapter 10, including the LBA tree planting requirements. No additional buffering shall be required unless a structure of greater than 120 square feet in size is proposed, in which case the site shall provide a Type A.1 landscape buffer along the property line closest to the proposed structure.~~
- ~~E~~C. Composting shall be limited to plant materials generated on the site and plant-based food waste and non-vegetative materials such as wood chips, pre-composted materials or soil to enhance these plant materials. Compost must be used 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. Compost piles located less than 50 feet from a public right-of-way shall not exceed 5 feet in height and compost piles within 3 feet of any building entry shall not exceed 3.5 feet in height. The amount of compost materials on site at any given time shall not exceed 20 cubic yards.
- ~~F~~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.
- ~~G~~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 if setback at least 30' from the front property line.
- ~~H~~F. Community gardens 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.

- ~~H~~G. Incidental sales, festivals or other events may be allowed at a community garden following the approval of a Temporary Activity as provided in Section 4.3 of this Code.
- ~~J~~H. Applications for community gardens must be submitted with the Planning Director or Designee to document compliance with the above-listed standards. Notice of the proposed community garden shall be provided to 1st and 2nd tier property owners and neighborhood groups who 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 following are changes to section 4.3.18 Market Gardens:

This use may be permitted as a use with special standards within the OR, OR-1, OR-2, OR-3, CN, CR, C-1, C-2, C-3, CM, M-1, M-2, M-3 and EZ-1 zoning districts in conformance with the following special standards.

NOTE: addition of EZ zoning added by Ordinance 229 Series 2013
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- A. All structures, including greenhouses, hoop houses and high tunnels, located on the site shall comply with the location requirements of the form district regulations. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8. For purposes of open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.
- ~~B. One parking space per employee working on the site shall be provided either on the site or on the adjacent street. If sales of food and/or non-food crops are being conducted on the site, additional parking spaces shall be provided in accordance with Chapter 9 of the Land Development Code. The location of parking lots shall be in accordance with form district regulations and parking provisions, including design, must be approved by the appropriate agency responsible for transportation planning. If parking will be provided on the site, permeable materials such as gravel are highly recommended to provide a surface for parking but are not required.~~
- ~~C. Market Gardens shall be exempt from the LBA tree planting requirements except on all property lines adjacent to structures of greater than 120 square feet in size proposed for the site, in which case the site shall provide a Type A.1 landscape buffer.~~
- ~~D~~B. Composting shall be limited to plant materials generated on the site and plant-based food waste and non-vegetative materials such as wood chips, pre-composted materials or soil to enhance these plant materials. 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. Compost piles located less than 50 feet from a public right-of-way shall not exceed 5 feet in height and compost piles within 3 feet of any building entry shall not exceed 3.5 feet in height. The amount of compost materials on site at any given time shall not exceed 20 cubic yards.
- ~~E~~C. 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.
- ~~F~~D. 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.

- ~~G~~E. Market gardens 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.
- ~~H~~F. Applications for market gardens 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 and 2nd tier property owners and neighborhood groups who 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.

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