

**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
12/14/15

**ITEM NO. 5      TEXT AMENDMENT FOR *URBAN AGRICULTURE* (MKM)**

**TA-15-00346:** Consider a Text Amendment to the City of Lawrence Land Development Code to add *Urban Agriculture* as a permitted use and establish use standards. *Initiated by City Commission on 6/23/15.*

**RECOMMENDATION:** Staff recommends that the Planning Commission forward the proposed amendment, TA-15-00346, amending Articles 4, 5, 6, 9, and 17 of the Land Development Code and Chapter 3 Article 5 of the City Code to establish *Urban Agriculture* as a permitted use with associated standards to the City Commission with a recommendation for approval.

**Reason for Request:** The City Commission initiated a text amendment at their June 23, 2015 meeting to add *Urban Agriculture* to the Development Code.

**RELEVANT GOLDEN FACTOR:**

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- An online survey/questionnaire was distributed to various stakeholder groups in the City to learn more about the types of agriculture people were interested in and to identify barriers or issues. Approximately 150 people responded.
- A public forum was held on September 28, 2015 at the Union Pacific Train Depot to discuss the amendment. Approximately 46 people attended and provided input on the proposed language.
- A member of the public contacted staff to discuss the draft language and indicated that goats or sheep are not appropriate in the city based on visual aesthetics and concerns with diseases that might be transmitted by the animals. Staff is researching this but at this point have not found information that the animals included in the small animal agriculture use would be an issue.
- The City Subcommittee of the Douglas County Food Policy Council, an advisory board to the City and County, provided input and assisted in the research throughout the development of the draft language.

**ATTACHMENTS**

Attachment A – Draft Language

**BACKGROUND**

The Development Code permits *Crop Agriculture* throughout the City with the exception of the RMG (Multi-Dwelling Residential-Greek Housing), CD (Downtown Commercial), H (Hospital), and OS (Open Space) Districts. Standards have not been established for *Crop Agriculture* so it is unclear if gardens or other crop agriculture are permitted in the front yard or in the public right-of-way. The Development Code permits *Animal Agriculture*, livestock such as horses and cows, in the RS40 District when area requirements are met.

In 2012, Chapter 3 of the City Code was revised with Ordinance No. 8731 to permit the keeping of fowl (defined as ducks and female chickens) in the City. One purpose of this text amendment is to place all crop and animal agriculture regulations in Lawrence under the umbrella term *Urban Agriculture* in the Development Code.

The Development Code contains the following use categories for Agriculture: *Crop Agriculture* and *Animal Agriculture*. These are defined in Article 17 as:

**20-1708 AGRICULTURE, ANIMAL**

*Activities that primarily involve raising, producing or keeping of animals. Examples include breeding or raising of fowl or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.*

**20-1709 AGRICULTURE, CROP**

*Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.*

The Development Code contains the following standard for *Animal Agriculture*, which is permitted only in the RS40 District:

**20-502 AGRICULTURE, ANIMAL**

- (1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine shall have a minimum lot area of not less than five (5) acres and shall have not less than one (1) acre of lot area for each head of livestock kept on the premises. No feedlots shall be allowed.*
- (2) No Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining lot line than 100 feet.*
- (3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.*

**\*HOUSEKEEPING NOTE:** Animal Agriculture is permitted in the RS District. Standard (2) above should be revised to: 'No Animal Agriculture uses shall be located nearer than 150 feet to any **other** R District or nearer to an adjoining lot line than 100 feet.' This change will be incorporated into the draft language for this amendment.

The Urban Agriculture amendment was initiated by the City Commission in response to a growing interest in local food production. The proposed draft language was developed based on issues and challenges identified in the survey/questionnaire responses as well as the type of agricultural activities people indicated they were involved in or interested in. The draft language was further developed following comments from the public forum and ongoing input from the City Subcommittee of the Douglas County Food Policy Council. Beekeeping regulations were developed after reviewing model ordinances and other city codes. These were provided to the Northeast Kansas Beekeepers' Association for review and comment to insure the standards being proposed were reasonable.

The draft language was posted on the Planning Website and was placed on the October Planning Commission agenda for discussion. Revisions were made to the draft language based on the following input received at the meeting.

1. Exterior Storage. It should be made clear that agricultural implements that are in use are not

considered 'exterior storage'. (*This change has been made.*)

2. Bee Hive Registration. Some Commissioners felt that the requirement to register bee hives with the City was unnecessary. (*This requirement has been removed.*)
3. Dog kennels/Breeding facilities. Clarify that dog kennels/breeding facilities are not included as small animal agriculture. (*This change has been made.*)
4. Health Concerns. Contact the Health Department for input on the standards being proposed for *Small Animal Agriculture*. (*The draft language was forwarded to the Lawrence-Douglas County Health Department. The Department found the language acceptable and noted that waste from the butchering of animals would be discarded as household trash. They did not want us to require people to slaughter in their homes due to the possibility of cross-contamination in the kitchen. The language was revised to allow slaughter to occur out-of-doors, if slaughtering is permitted.*)
5. On-Site Agricultural Sales. Several of the Commissioners expressed concern over having on-site sales in a residential district and the impact this could have on nearby residential properties. (*The standards for On-Site Agricultural Sales have been revised based on these comments.*)
6. Slaughter. The Commission had mixed opinions on the slaughter of small agricultural animals. (*Two options are provided: one allowing with standards and one prohibiting. On-site slaughter of small goats and sheep is prohibited.*)

The Development Code includes the use *Agricultural Sales* in the Agriculture land use category. The *Agricultural Sales* use refers to the sale of feed, grain, fertilizer, pesticides and similar items and notes typical uses are feed and grain stores. This use is a retail use for materials associated with agriculture, but would not itself classify as an Agricultural Use. This text amendment recommends moving *Agricultural Sales* to the Retail Sales and Services Category in the Non-Residential Permitted Use Table, Section 20-403.

The standards for the keeping of fowl (i.e. chickens and ducks) are currently provided in Chapter 3, Article 5 of the City Code as they did not fit the definition of Animal Agriculture in the Development Code, when adopted. This amendment will define *Urban Agriculture* to include both crop and small and large animal agriculture; therefore, the standards related to fowl will be relocated from Chapter 3, Article 5 of the City Code, and included as *Small Animal Agriculture* in the Development Code.

Language is being proposed to add agricultural uses that citizens expressed an interest in such as on-site agricultural sales and beekeeping.

Possible impacts of various types of urban agriculture were evaluated through the review of this amendment and standards were developed to mitigate possible negative impacts on nearby properties.

## OVERVIEW OF PROPOSED AMENDMENT

The following is a summary listing of the proposed changes:

1. Article 4: Permitted Use Table
  - a. Revise the Agriculture use category to Urban Agriculture and add the following uses: *Small Animal Agriculture*, *On-Site Agricultural Sales*, *Farmers Market*, *Agricultural Processing*, and *Urban Farm*. Revise the *Animal Agriculture* use to *Large Animal Agriculture*.
  - b. Note where use specific standards apply to these uses.
  - c. The *Crop Agriculture* use expanded to all zoning districts in the City.
  - d. *Agricultural Sales* moved to the Retail Sales and Services category.

2. Article 5: Use Regulations
  - a. Standards were established for the following:
    - *Small Animal Agriculture*: General/ Bees/ Fowl/ Goats and Sheep
    - *Agricultural Processing*
    - *Crop Agriculture*
    - *Farmers Markets*
    - *On-Site Agricultural Sales*
    - *Urban Farm*
  - b. Standards for Accessory Structures were revised to note that an accessory agricultural structure may be built on a site without a principal building and that seasonal *Crop Agriculture* Structures used to extend the growing season, that do not require a building permit, are exempt from the Maximum Building Coverage standard.
  - c. Standards for Home Occupations were revised to allow the exterior display of goods to be sold as *On-Site Agricultural Sales*. The other Home Occupation requirements (maximum number of customers per day/ hours of operation/ requirement that sales occur indoors) remain unchanged. Use of a Temporary Use Permit for Seasonal Produce Stand for more frequent on-site sales.
3. Article 6: Density and Dimensional Standards  
Revised to add coops for fowl, or other agricultural structures to the list of accessory structures that are regulated by that Article.
4. Article 9: Parking, Loading and Access:  
Revised to establish parking requirements for the new Urban Agriculture uses.
5. Article 17: Terminology  
Revised to add definitions for general terms used in the proposed language and to define the new uses.
6. Chapter 3 of the City Code – Regulation of Animals
  - a. Revised to remove provisions related to the keeping of fowl.
  - b. Revised to exclude slaughter of small agricultural animals from the definition of Cruelty to Animals, (if slaughter is permitted).
  - c. Revised to exempt animals that meet the definition of *Small Animal Agriculture* from the list of prohibited animals.

The portions of the Code being revised are attached to this staff report.

### **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

#### **1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;**

The purpose of this proposed text amendment is to provide a clear definition for an emerging use within the community that was not contemplated in earlier versions of the Development Code. The Development Code contains provisions for crop agriculture and for animal agriculture, the keeping of

livestock; however, this does not address the various forms of agriculture and the accessory activities. This amendment will update the Development Code to address types of urban agriculture that have come about as a result of the increased interest in local foods. Many Urban Agriculture uses are located within the city in the form of personal and community gardens and the keeping of fowl. Others that would be added with this amendment include beekeeping, aquaculture (keeping of fish and plants), urban farms, farmers markets, on-site ag sales, and the keeping of small animals such as rabbits and goats. The proposed text amendment addresses a changing condition.

## **2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104)**

The proposed amendment will provide additional opportunities for Urban Agriculture that will include urban farms, on-site sales, and small animal agriculture as well as develop standards for these uses. The Comprehensive Plan recognizes the value of a local food system and recommends the following:

*Encourage zoning laws to permit community gardens, farmer's markets and other uses to promote growing and marketing local food in an urban setting.*" (Chapter 16, Policy 6.7(b), Page 16-26 *Horizon 2020*)

The proposed language would allow the growing of local food and the marketing on individual sites and at Farmers Markets.

The purpose of the Land Development Code, Section 20-104, states:

*This Development Code is intended to implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission, herein after collectively referred to as the "Comprehensive Plan" – in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.*

Urban Agriculture can have many positive impacts, with the principal impact being an increase in the accessibility of fresh locally grown food. There can also be negative impacts associated with urban agriculture, with the principal impacts being noxious odors and pests generated by improperly maintained animal pens or properties. Standards limiting the number of small animals that are permitted per lot area and requiring proper maintenance of agricultural properties are proposed to minimize any off-site negative impacts.

## **Conclusion**

The Urban Agriculture land uses and standards being proposed are in response to the increased interest in local food production. These standards will provide clarity to the Code and allow increased Urban Agricultural uses, while insuring compatibility with nearby land uses.

Current Development Code language in *italics*, Draft language **bold**,  
 New language following the October PC meeting in **red**, comments **highlighted**  
 Text to be deleted ~~struckthrough~~,  
*Numbering of sections will be updated with final draft*

## Definitions

### 20-1701 GENERAL TERMS

Bee Hotel:	Places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey. A bee hotel is similar to a birdhouse.
Colony	<b>An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. When used in this article, the term 'colony' refers to bees that live in a beehive.</b>
Community Garden	An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.
Community Supported Agriculture	A member organization in which individuals or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.
Fowl	<del>Shall mean those Domestic birds commonly kept for the production of meat, eggs, or feathers. For the purposes of this Article, 'Fowl' shall include, but not be limited to: ducks, chickens, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus.</del> <del>Permitted</del> For the purposes of this Article, 'Fowl' shall mean <b>only</b> ducks and female chickens.
Market Garden	<b>A garden managed and maintained by an individual or group as a business, where food and non-food crops are primarily grown to be sold.</b>
Personal Garden	A garden that is maintained by <b>the property owner(s) or other person(s) with an interest in the property</b> <del>one or more individuals</del> , typically on the same property as a dwelling unit. <b>Food and non-food items are raised primarily for personal or family consumption and enjoyment.</b>

## 20-1702 USE CATEGORIES IN GENERAL

### 20-170X AGRICULTURAL PROCESSING

Manufacturing processes that increase the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

#### 20-1705 AGRICULTURAL SALES

~~On-site~~ *The sale of feed, **plants**, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.*

#### 20-1707 Agriculture

~~Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.~~

#### 20-1708 AGRICULTURE, ANIMAL

~~Activities that primarily involve raising, producing or keeping of animals to provide food, wool, and other products. Also referred to as Animal Husbandry. Examples include breeding or raising of fowl, or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.~~

- (1) *Small Animal Agriculture* is limited to small animals which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, **small sheep**, fowl, and aquatic animals/organism such as crayfish and fish. **Domesticated animals such as cats and dogs are not considered Small Animal Agriculture. These are regulated through Article 2 of Chapter 3 of the City Code.**
- (2) *Large Animal Agriculture* is limited to larger animals that are more commonly considered livestock and require more area such as cattle, horses, and goats/**sheep that do not meet the criteria for Small Animal Agriculture are taller than 24" at the withers (shoulders).**

#### 20-1709 AGRICULTURE, CROP

~~Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.~~

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. *Crop Agriculture* uses include, but are not limited to, personal gardens, community gardens, **market gardens**, rooftop gardens, tree farms, hay meadows, or truck gardens. Standard structures used for *Crop Agriculture* include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

### 20-170X FARMERS MARKET

A temporary food market at which local farmers **and producers** sell products such as fruit and vegetables, ~~and often~~ meat, cheese, and bakery products directly to consumers.

#### 20-170X ON SITE AGRICULTURAL SALES

~~Display or~~ **The Sale** of agricultural products, such as plants, produce, eggs or honey, grown or produced on the property. Honey produced off-site may be sold in conjunction with honey that is raised on-site if it is produced in a hive that is maintained by the property owner of the sales property (off-site bee hives).

#### 20-170X URBAN AGRICULTURE

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: animal husbandry, aquaculture, agroforestry, beekeeping, gardening, and horticulture. Complementary activities associated with Urban Agriculture include the distribution of food, collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. **Urban Agriculture does not include such commercial activities as commercial dog kennels, dog breeding facilities, or livestock sales.**

#### 20-170X URBAN FARM

An agricultural use which includes production of food-producing or ornamental plants (such as market garden, truck farm or wholesale plant nursery), bees, fish, fowl, and small or large agricultural animals, for commercial purposes. End products are typically sold on- or off-site or are distributed through the community supported agriculture (CSA) distribution or other small scale distribution model. **An Urban Farm typically includes employees and customers coming to the site and may or may not include a residence.** ~~Home Occupation standards limiting the use to no more than 10 customers a day or to one non-resident employee would not be appropriate for an Urban Farm due to the larger scale of use.~~

#### **STANDARDS:---Article 5**

#### 20-50X ANIMAL AGRICULTURE, SMALL

##### (1) General

- a. Structures shall comply with the Accessory Structure Standards in Section 20-533 except where expressly stated.
- b. ~~Waste, manure, etc. shall be managed to prevent odors and insects.~~ **Any coop, shelter, or enclosure shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.**
- c. The facilities used to house the animals shall be of adequate design to keep the animal confined and reasonably safe from predators, and provide enough shelter and room to provide humane conditions **as defined in Section 3-102 of the City Code.**
- d. **Small agricultural animals, with the exception of small goats or sheep, may be slaughtered and butchered on-site provided this occurs a minimum of 20 ft from the property line and outside of the public view or within an enclosed structure.**

**OR**

**Slaughtering of small animals is not permitted within the City limits except in appropriately licensed facilities.**

**(2) Standards that apply in the CO, CD, CS, CC, and CR District**

- a. *Small Animal Agriculture* permitted in these commercial districts is limited to beekeeping and fish. This restriction does not apply to pet stores or similar uses in these districts.

**(3) Bees**

- (i) Africanized honey bees are not permitted.
- (ii) Up to 2 colonies may be located on a lot of  $\frac{1}{4}$  acre or less; 4 colonies on lots between  $\frac{1}{4}$  and  $\frac{1}{2}$  acre; 6 colonies on lots of  $\frac{1}{2}$  to full acre. 8 colonies are permitted on any property larger than an acre (except that additional colonies are permitted when they are set back at least 200 ft from all property lines.)
- a. For every 2 colonies permitted on a tract there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers, **the part of the beehive that is used to collect honey,** attached as required from time to time for swarm management.
- b. Each such nucleus colony shall be moved to another tract or combined with another colony on the subject tract within 30 days after the date made or acquired.
- (iii) Every person owning a hive, stand, box or apiary on property other than their residence shall identify such hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address, and phone number of the owner of such equipment. ~~Or the registration number and phone number~~
- (iv) The following locational requirements apply to all hives:
- a. No hive shall exceed 20 cubic feet in volume.
- b. Hives are permitted only in the side and rear yards, unless roof-mounted.
- c. No hive shall be located closer than 3 ft from any property line.
- d. No hive shall be located closer than 10 ft from a public sidewalk or 25 ft from a principal building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)
- e. If a hive is within 10 ft of a property line and is located less than 10 ft off the ground, a flyway barrier is required.

- (v) A flyway barrier, when required, shall be at least 6 ft tall and extend 10 feet beyond the colony location on each side. It can be solid, vegetative, or any combination of the two that forces the bees to cross the property line at a height of at least 6 ft.
  - (vi) The beekeeper shall promptly requeen the colony if the colony exhibits unusual defensive behavior without due provocation.
  - (vii) A constant supply of water shall be provided for all hives within 25 ft of each hive between March 1 and October 31 of each year.
  - (viii) Bee hotels are ~~permitted without registration.~~ **not subject to these regulations.**
- (4) Fowl Keeping of Fowl Prohibited; Exceptions:  
(Ord. 8378, Ord 8731)
- (A) Except as provided in subsection (b), no person shall own, keep, or harbor, on a temporary or permanent basis, any Fowl within the City.
  - (B) A person may own, keep, or harbor
- (Language is moved from other section of City Code; only change proposed to the current language is in Section d slaughtering.)
- (i) Fowl may be kept on a property only as an accessory use to a permitted primary use.
  - (ii) The maximum number of Permitted Fowl is limited to:
    - a. One fowl per 500 sq ft of lot size, rounded down; and
    - b. No more than 20 fowl, regardless of the size of the lot.
  - (iii) Any person who owns, keeps, or harbors Fowl, i.e. chickens and ducks, shall provide a coop or other similar shelter.
    - a. Any coop or shelter shall be screened or walled in a manner that allows the Permitted Fowl to be reasonably protected from predators.
    - b. Any coop or shelter shall be a minimum of 3 sq ft in size per fowl if the fowl have an enclosed outdoor run, or 10 sq ft in size per fowl if the fowl do not have an enclosed outdoor run.
    - c. Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an accessory structure then all requirements regarding placement and setbacks must be met.
    - d. In no event shall any coop or shelter be located nearer than 5 foot from any neighboring property line.
    - e. Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

- f. A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 sq inches. A roost is not required for ducks.
  - g. For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.
- (iv) Slaughtering of Fowl is not permitted within the City limits.

**OR:**

Commercial slaughtering of fowl is not permitted except in USDA licensed locations. Slaughtering for personal use may occur in compliance with State regulations and must occur ~~within an enclosed structure.~~ **at least 20 ft from the property line, unless it occurs within an enclosed structure. Slaughtering and processing must take place out of public view.**

**(5) Goats and Sheep**

- (i) Goats **and sheep** may be kept on a property only as an accessory use to a permitted primary use.
- (ii) Only small goats **and sheep** are permitted as *Small Animal Agriculture*. Breeds which would be considered small goats **are include** Pygmy Goats, Nigerian Dwarf Goat and Miniature Dairy Goats. **Breeds which would be considered small sheep include Harlequin Sheep, North American Shetland Sheep, and Chevoit Sheep.**
  - a. Breeds **are limited to those** that do not exceed 24" at the withers. ~~are considered small goats and sheep.~~
- (iii) Male goats must be neutered.
- (iv) Slaughtering of goats **and/or sheep** is not permitted **except in appropriately licensed facilities.**
- (v) **The following standards regulate the number of goats or sheep that may be kept on a property.**
  - a. **A minimum of 2 goats or 2 sheep may be kept on a property. A single goat or a single sheep is not permitted.**
  - b. **2 goats or 2 sheep may be kept on a property with a minimum of 10,000 sq ft of area.**
  - c. **Up to 4 goats and sheep may be kept on a property with a lot area of 20,000 sq ft or more.**
  - d. **Nursing offspring of goats and sheep licensed according to permitted through the provisions of this Code may be kept until weaned, no**

longer than 12 weeks from birth, without violating the limitations of this sub-section

- e. The maximum number of goats and sheep that can be kept on an *Urban Farm* would be established through the Special Use Permit process.
- (vi) The following standards apply to any structure used to house goats and sheep:
  - a. Goats and sheep shall be housed in a structure with an open air enclosure.
  - b. The structure shall be located a minimum of 50 ft from any off-site dwelling.
  - c. The structure shall be located in the rear yard and a minimum of 15 ft from adjacent properties.
  - d. The structure shall provide a minimum of 10 sq ft of living area per goat or sheep.
  - e. A fenced open air enclosure shall be provided which has a minimum area of 150 sq ft per goat or sheep.

## 20-50X AGRICULTURAL PROCESSING

~~The following standards refer to Agricultural Processing occurring with an Urban Farm:~~

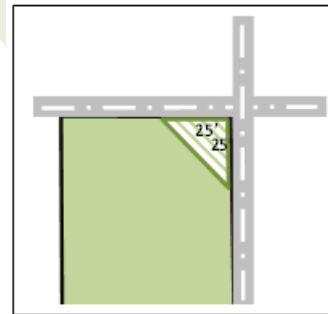
- (1) The *Agricultural Processing* use must be accessory to an *Urban Farm*.
- (2) The primary agricultural product being processed must be grown or produced on the premises.
- (3) ~~No outside storage of materials or products is permitted.~~ Any materials or products that are stored outside must be completely screened from view from the public right-of-way or adjacent residential properties.
- (4) All processing must occur indoors with potentially offensive external effects mitigated to insure compatibility with nearby residential uses.
- (5) Employment is limited to a maximum of 5 full-time equivalent employees for *Urban Farms* in residential districts.

## 20-50X CROP AGRICULTURE

- (1) Crops may be grown within the public right-of-way adjacent to the property without the need to obtain a use of right-of-way permit; however, the use is temporary and may need to be abandoned when street or infrastructure improvements are proposed.

**(2) The following locational requirements apply to all crops:**

- (i) Crops may not exceed 3 ft in height when located within 8 ft of the roadway or within 3 ft either side of a sidewalk to avoid interference with visibility for driveways and other access points.
- (ii) Crops may not be planted within 1 ft on either side of the sidewalk and may not grow onto the sidewalk.
- (iii) Crops taller than 3 ft are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 ft lines, measured along the curb line, from the intersection of two adjacent streets). See figure.



**(3) The following maintenance requirements apply to all crops:**

- (i) The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, **sidewalks**, or alleys.
- (ii) The site shall be maintained in accordance with the **adopted City Property Maintenance Code** including maintaining the site free of debris or high grass or weeds, taller than 12 inches, and screening of exterior storage from view of right-of-way or adjacent property.

## 20-50X FARMERS MARKETS

**(1) The following standard applies in all residential districts:**

- (i) **Farmers Markets may occur through approval of a site plan when accessory to one of the following uses: *Schools, Religious Institutions, Cultural Center/Library, Day Care Center, College/University, Lodge, Fraternal & Civic Assembly, Social Service Agency, and Adaptive Reuse of a Registered Historic Property*, provided adequate parking is provided.**

## 20-50X ON-SITE AGRICULTURAL SALES *(Various options proposed following PC meeting)*

**(1) GENERAL STANDARDS**

- (i) Only eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products produced or

grown on site may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as On-Site Agricultural Sales.

- a. However, honey that is produced in off-site hives that are **operated by the same person that operates the on-site production may be donated, sold, or distributed as On-Site Agricultural Sales.**
- (ii) One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales.
  - a. The sign must be on-site, unilluminated, and not more than 2 sq ft in area or 3 ft in height.
  - b. **The sign may not be located within the public right-of-way.**
- (iii) Exterior display of product is permitted **during sale hours.**
- (iv) Any stands used for the display or sale of products shall be located a minimum of 20 ft from the curb or roadway and shall be temporary; being removed and stored when sales are not in progress.

**(2) PERSONAL GARDENS AND SMALL ANIMAL AGRICULTURE IN RESIDENTIALLY ZONED DISTRICTS**

- (i) **Infrequent, on-site sales may occur as garage-sale type sales, with 3 sales permitted per year, each with a span of 3 days.**
- (ii) **More frequent, on-site sales on the same site as a residence may occur as a Type B Home Occupation with registration.**
- (iii) **More frequent, on-site sales that are not on the same site as a residence or that do not comply with the Home Occupation standards require approval of a Temporary Use Permit for a Seasonal Produce Stand.**

**(3) COMMUNITY GARDENS**

**(i) RESIDENTIALLY ZONED DISTRICTS**

- a. **Infrequent, on-site sales may occur as garage-sale type sales, with three sales permitted per year, each with a span of 3 days.**
- b. **More frequent, on-site sales require approval of a Special Use Permit.**
- c. **Pick-ups for Community Supported Agriculture, with no on-site sales, may occur with a limit of 10 trips to the site related to the pick-ups or donations per day. Pick-ups above this limit require approval of a Special Use Permit.**

**(ii) NON-RESIDENTIALLY ZONED DISTRICTS**

- a. **On-site sales and Community Supported Agriculture pick-ups may occur with approval of a Minor Site Plan.**

**(4) URBAN FARMS**

**(i) RESIDENTIALLY ZONED DISTRICTS**

**On-site sales and Community Supported Agriculture pick-ups require approval of a Special Use Permit.**

**(ii) NON-RESIDENTIALLY ZONED DISTRICTS**

**On-site sales and Community Supported Agriculture pick-ups may occur with approval of a Site Plan.**

**20-50X URBAN FARM**

- (1) An *Urban Farm* in Residentially Zoned Districts requires approval through the Special Use Permit process.**
- (2) An *Urban Farm* in Non-Residentially Zoned Districts requires approval through the Site Plan process.**

**CHANGES TO OTHER SECTIONS OF THE DEVELOPMENT CODE:**

**Section 20-602(e)(6)(viii)**

Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, *coops for fowl, or other agricultural structures*, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

**Section 20-533 General Standards For Accessory Structures**

The standards of this subsection apply to all accessory uses and structures.

**(1) Time of construction**

Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

- (i) ~~No principal building is required for structures that are accessory to an Urban Agriculture use.~~ **a Crop Agriculture or Urban Farm use.****

**(2) Subordinate Nature**

- (i) Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.**
- (ii) Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.**

**(3) Density and Dimensional Standards**

Unless otherwise expressly sated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards, Article 6). Accessory Structures in residential districts shall be located to the rear of the front Building line and may be located as close as 5' to interior

and Rear Lot Lines. Setbacks from interior Side Lot Lines shall not apply to accessory Buildings placed on lots that abut Alleys. An Accessory Structure may be located up to the rear property line when the Lot abuts an Alley and when the doors to the Building do not open directly onto the Alley. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhand or otherwise encroach onto the Alley.

- (i) **These setback requirements apply to structures used for *Urban Agriculture* unless a different setback is specified in Section XXXX.**

(4) Building Coverage

- (i) A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.
- (ii) The combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 20% of the Lot Area provided the total footprint of all Structures does not exceed the maximum Building coverage as permitted by Sec. 20-601(a) or (b) for the corresponding Zoning District.
- (iii) **~~Temporary Urban~~ Seasonal Crop Agriculture structures used to extend the growing season such as cold frames, low tunnels, and hoophouses that are exempt from building permit requirements are exempt from these Building Coverage regulations.**

**20-537 Home Occupation**

- (i) Outdoor Activities
- a. All activities shall be in completely enclosed structures.
- b. Exterior storage or display of goods or equipment is prohibited, **except that the display of goods offered for sale with On-Site Agricultural Sales is allowed during sale hours.**

**PARKING**

**20-902 Off-Street Parking Schedule A**

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
<b>Agriculture, Small Animal</b>	<i>None</i>	<i>None</i>
<b>Agriculture, Large Animal</b>	<i>None</i>	<i>None</i>
<b>Agriculture, Crop</b>	<i>None</i>	<i>None</i>
<b>On-Site Agricultural Sales</b>		
<b>Personal Garden</b>	<i>None</i>	<i>None</i>
<b>Community Garden</b>	<i>None</i>	<i>None</i>
<b>Farmers Market</b>	<i>Schedule D</i>	<i>5 or 1 per 5 auto spaces, whichever is greater</i>
<b>Agricultural Processing</b>	1 per employee on largest shift	1 per 5 auto spaces
<b>Urban Farm</b>	1 per employee on largest shift	1 per 5 auto spaces

# **PERMITTED USE TABLE: LEGEND**

- A:** Use must be accessory to another use on the site  
**P:** The use is permitted in this zoning district. Site planning may be required.  
**S:** The use is permitted when approved with a Special Use Permit.  
**\***: Use specific standards in Article 5 apply to the use.

	<b>20-402 Residential District Use Table</b>	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	Use- Specific Standards
<b>Urban Agriculture</b>	Agriculture, Crop	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	<u>stds</u>
	Agriculture, <b>Small</b> Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	<u>stds</u>
	Agriculture, <b>Large</b> Animal	p*	—	—	—	—	—	—	—	—	—	—	—	—	—	<u>stds</u>
	<b>On-Site Agricultural Sales</b>	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	<u>stds</u>
	<b>Farmers Market</b>	A*	A*	A*	A*	A*	A*	S	A*	A*	A*	A*	A*	A*	P	<u>stds</u>
	<b>Agricultural Processing</b>	A/ S*	A/ S*	A/ S*	A/ S*	—	—	—	—	—	—	—	—	—	—	<u>stds</u>
	<b>Urban Farm</b>	P S*	P S*	S*	S*	—	—	—	—	—	—	—	—	—	—	<u>Stds</u>
<b>Retail Sales &amp; Services</b>	<b>Agricultural Sales</b>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

	<b>20-403 Non-Residential District Use Table</b>	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	Use- Specific Standards
<b>Urban Agriculture</b>	Agriculture, Crop	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	<u>Stds</u>
	<b>Agriculture, Small Animal</b>	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	—	<u>Stds</u>
	Agriculture, <b>Large</b> Animal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	<b>On-Site Agricultural Sales</b>	A *	A*	A*	A*	—	A*	A*	A*	A*	A*	A*	A*	A*	A*	—	<u>Stds-</u>
	<b>Farmers Market</b>	S	P	P	P	P	P	P	P	P	P	S	S	S	A	—	<u>Stds</u>
	<b>Agricultural Processing</b>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	<u>Stds</u>
	<b>Urban Farm</b>	—	—	—	—	—	—	—	—	—	p*	p*	p*	—	—	—	<u>Stds</u>
<b>Retail Sales &amp; Services</b>	<b>Agricultural Sales</b>	—	—	—	—	—	P	P	P	—	P	—	P	—	—	—	

## CHANGES TO OTHER SECTIONS OF THE CITY CODE

### CHAPTER 3 ARTICLE 5. CHICKENS AND DUCKS (delete

move Section 3-507 to Section 3-104, Animals Excluded from Prohibition)

The provisions of this Article shall not apply to the following: (Ord. 8731) (Add the items below to the exemption section in Section 3-104)

- (A) The owning, keeping, or harboring of Fowl ~~or Permitted Fowl~~ **or animals defined as Small Animal Agriculture** in those zoning districts where the Land Development Code permits such uses as *Small Animal Urban Agriculture*. ~~a matter of right.~~
- (B) The owning, keeping, or harboring of **ducks or female chicken** ~~Permitted Fowl~~ hatchlings by Retail Establishments, Construction Sales and Services, or Agricultural Sales, ~~Agricultural, Animal uses,~~ located in industrial or commercial zoning districts for the purposes of retail or wholesale sales.
- (C) The owning, keeping, or harboring of **ducks or female chicken** ~~Permitted Fowl~~ by educational institutions;
- (D) The temporary possession of **ducks or female chicken** ~~Permitted Fowl~~ by the United States Postal Service that are deposited with the United States Mail until such time as the **ducks or female chicken** ~~Permitted Fowl~~ are either delivered to the addressee or the addressee retrieves the **ducks or female chicken** ~~Permitted Fowl~~ from the Postal Service.
- (E) The temporary possession of **ducks or female chicken** ~~Permitted Fowl~~ by a commercial package or parcel delivery service until such time as the **ducks or female chicken** ~~Permitted Fowl~~ are delivered to the addressee.

### 3-105 CRUELTY TO ANIMALS

(B) Exceptions: Nothing in subsection A of this Section shall:

**ADD THE FOLLOWING LANGUAGE**

- (3) **Be interpreted as prohibiting slaughter of animals allowed as *Small Animal, Urban Agriculture* when permitted by the Land Development Code, when carried out in compliance with provisions outlined in the Development Code.**

### WEED regulations 18-300

**Section 18-301 notes:** This Article shall not apply to that portion of land used for agricultural use which is more than 150 feet from any occupied residential subdivision, lot, tract, or parcel of land.

Section 18-304 A notes that weeds (as defined in this chapter) must be removed.

**Section 18-304 B provides this exception:** "Nothing in this article shall be construed to subject trees, shrubbery, flowers, ornamental plants, and properly maintained gardens to the provisions of this Article. The City shall bear no responsibility for the cutting or abatement of

trees, shrubbery, flowers, ornamental plants or other vegetation which are not reasonably distinguishable at the time of abatement from other vegetation which is to be abated due to excessive growth."

These exceptions appear to cover the Crop Agriculture use. No changes are needed.

*If Seasonal Farm Stand Permit is approved, this would need to be added to the City Code.*

DRAFT



# Sustainability Action Network

Local Solutions for Transition to a Sustainable Economy

P.O. Box 1064, Lawrence KS 66044  
a Kansas not-for-profit organization

Clay Britton, Chair  
Lawrence-Douglas County Planning Commission  
City Hall, 6 East 6th St.  
Lawrence KS 66044

re: TA-15-00346, Urban Agriculture text amendment

Mr. Britton:

The Sustainability Action Network is a local not-for-profit that has been one of several groups instrumental in advancing this text amendment for urban agriculture use in Lawrence.

On 23 June 2015, we brought to the attention of the City Commission a number of ways that the Lawrence Code was an impediment to some food growing operations, specifically the Property Maintenance Code. In response, the City Commission initiated this text amendment.

We immediately began working with a sub-committee of the Lawrence-Douglas County Food Policy Council (FPC) to provide guidance to City Planning Staff in their crafting this text amendment. We have attended FPC sub-committee meetings at which Mary Miller or Amy Miller attended, we participated in the 28 September Community Forum at which Mary Miller presented, sent numerous documents to the FPC, some which were copied to Mary Miller (see attached), and testified at the 19 October Planning Commission discussion of this item.

So we find it rather odd that the Staff Report makes no mention of our considerable input in the section "PUBLIC COMMENT RECEIVED PRIOR TO PRINTING".

To the point, please refer to the attached documents that we sent to Mary Miller in an e-mail on 4 November, and which we commented on at the 19 October Planning Commission meeting. These two documents provide clear Code language that reflects the desires of Chairperson Culver, and Commissioners Von Achen, Kelly, and Struckoff at the 19 October Planning Commission meeting.

1. The first provides a definition of implements and materials commonly used in urban food growing operations, followed by Use Regulations stating such implements and materials not be considered "debris" while in use.
2. The second very simply amends Code Chapter 18: Trees & Weeds, by adding the two words "agricultural crops" to the list that are not subject to removal as weeds.

On digital page 13 of the Staff Report, Section 20-50X CROP AGRICULTURE (3)(ii) retains the existing reference to the Property Maintenance Code. Staff makes no attempt to include our recommendation that would overcome the inherent conflict with small scale, residentially zoned, food growing. Please adopt our draft wording that defines common urban agricultural implements as not being debris while in use (attached).

On digital pages 18-19 of the Staff Report, staff mistakenly thinks that the WEED REGULATIONS in Section 18-301 are adequate to protect crops from being abated as weeds. However, that Section does not apply to any land within 150 feet of any residential parcel. That in essence rules out protections for crops in home gardens, leaving us in danger of our crops being mowed by the City as "weeds".

Also, in Section 18-304 B, WEEDS TO BE REMOVED, staff pointedly omitted incorporating our simple two-words “agricultural crops” to the list that are not subject to removal as weeds. Please adopt our draft wording that includes “agricultural crops” as not being weeds (attached).

We have a few other concerns as well.

On digital page 8 of the Staff Report, Section 20-170X URBAN AGRICULTURE lists various types of food growing. At the 12 September FPC sub-committee meeting, at the 28 September Community Forum, and at the 19 October Planning Commission, we requested that the term “Permaculture” be added to that list. Please include it, because it is a food growing design science practiced world wide, and one of the main educational programs of Sustainability Action Network.

On digital page 14 of the Staff Report, 20-50X ON-SITE AGRICULTURAL SALES (2) PERSONAL GARDENS creates three undue burdens on home growers to sell any excess produce. Home growers are typically not methodically professional, and often can't predict the quantity or timing of when a crop may come in. A surprise bumper crop must be utilized quickly, and if not, sold. That's when they hang out their shingle for eggs or tomatoes to sell, not at an arbitrary three times a year, or after filing for a home occupation, or in keeping with a business plan for a Temporary Use Permit. This section is much too restrictive, as though offering food for sale is some sort of neighborhood nuisance. Please drop these three burdensome restrictions for home food sales, and include a simple application for a seasonal produce stand with no time restrictions.

Thank you,  
Michael Almon

attachments

**Subject:**Re: Urban ag meeting Wednesday

**Date:**Wed, 4 Nov 2015 14:53:08 -0600

**From:**Almon, Michael <[paradigm@sunflower.com](mailto:paradigm@sunflower.com)>

**To:**[hschnoes@douglas-county.com](mailto:hschnoes@douglas-county.com), Miller, Mary  
<[mmiller@lawrenceks.org](mailto:mmiller@lawrenceks.org)>

**CC:**Hammerschmidt, Crystal <[chammers@usd497.org](mailto:chammers@usd497.org)>, Elmers, Jill  
<[jelmers@moononthemeadow.com](mailto:jelmers@moononthemeadow.com)>, Horn, Eileen <[ehorn@douglas-county.com](mailto:ehorn@douglas-county.com)>

Thanks, Helen. I can't be there because it conflicts with the Pedestrian Bicycle Task Force meeting, as well as my neighborhood meeting.

So attached are two documents that address the two main points I made at the Planning Commission - tools and materials defined as NOT being debris; and crops defined as NOT being weeds. Both these proposals were endorsed by Chairperson Culver and Commissioners Von Achen and Kelly and Struckoff.

Commissioner Von Achen stressed the importance of growers being able to sell their produce on site. There should be made a clear distinction that a small farm stand on site is not a "farmers market", as too many of the Commissioners mistakenly portrayed this. I support the draft by Mary that places farmers markets in commercial zones, and allows a farm stand at a grower's residential site.

thanks for your good work,  
Michael Almon  
Sustainability Action Network

On 11/02/2015 03:14 PM, [hschnoes@douglas-county.com](mailto:hschnoes@douglas-county.com) wrote:

Hi Michael,

Hope you're doing well.

I wanted to let you know that the next City Subcommittee meeting is taking place this Wednesday, 5:30pm, at the Lawrence Public Library.

We're planning to go over the takeaways from the Planning Commission meeting and discuss edits and next steps with the draft.

You (and others you know) are welcome to join, as always.

All the best,

Helen

Helen Schnoes  
Food Systems Coordinator  
Douglas County  
1100 Massachusetts Street  
Lawrence, KS 66044  
Office: (785) 832-5157  
Cell: (785) 551-9436

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— Attachments: —

Urban Ag_Implements & Materials_Definition & Regs.doc	12.0 KB
Urban Ag_Crops Not as Weeds.doc	10.0 KB

# Urban Agricultural Implements and Materials

## Definition and Use

CHAPTER 20: LAND DEVELOPMENT CODE  
ARTICLE 17: TERMINOLOGY

### **20-1772 URBAN AGRICULTURAL IMPLEMENTS AND MATERIALS**

Commonly used tools, movable structures, and soil amendments used for small-scale, primarily manual labor, food growing. Typical items include, but are not limited to:

#### **(1) Non-powered Implements**

Buckets and containers, bushel baskets, cultivators, fencing, forks, irrigation equipment, ladders, landscape stones and bricks and “urbanite”, landscape timbers and firewood, low tunnels, pruning equipment, rakes, shovels, solar dehydrators, tarpaulins, trellising, wheelbarrows, water tanks, 55 gallon drums.

#### **(2) Powered implements**

Chain saws, chipper-shredders, mowers, roto-tillers

#### **(3) Bulk Materials**

Cardboard and newspaper mulch, compost, hay bales, leaves, straw bales, topsoil, wood chips

ARTICLE 5: USE REGULATIONS

### **20-502 URBAN AGRICULTURE**

(1) insert

(2) insert

(3) The use of any [Urban Agricultural Implements And Materials](#) shall be allowed, and shall not be considered as debris while in use for food production. Any Urban Agricultural Implements And Materials not in use shall be stored inside buildings or screened areas.

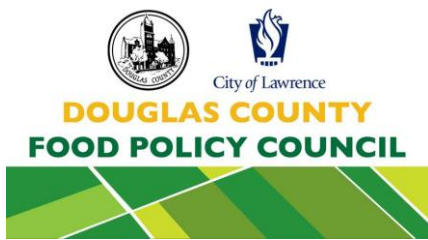
# Urban Agricultural Crops Not as Weeds

## CHAPTER 18: TREES AND WEEDS ARTICLE 3: WEEDS

### **18-304 WEEDS TO BE REMOVED**

(A) It shall be unlawful . . . .

(B) Nothing in this article shall be construed to subject trees, shrubbery, flowers, ornamental plants, **agriculture crops**, and properly maintained gardens to the provisions of this Article. . . .



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**Memo to:** Lawrence-Douglas County Planning Commission

**From:** Eileen Horn, Lawrence and Douglas County Sustainability Coordinator  
Helen Schnoes, Douglas County Food Systems Coordinator

**Subject:** TA-15-00346 (Text Amendment for Urban Agriculture)

**Date:** December 14, 2015

On behalf of the Douglas County Food Policy Council, we thank you for your interest in establishing urban agriculture as a permitted use in the Land Development Code. We look forward to working more closely with the Planning Commission in the coming months as we help create a Food Plan to incorporate by reference into the Horizon 2020 revision, as stipulated in the Issue Action Report.

Urban agriculture plays an important role enhancing our local food system and community food security. As an advisory body with a wide range of stakeholders, the Food Policy Council has engaged with urban agriculture since its establishment in 2010. Allowing home food production and urban agriculture can improve how a family accesses healthy food, how a grower generates supplemental income, and how a farmer launches an enterprise.

We thank the Planning Department for their engagement over the past five months. We have met several times with Mary Miller and Amy Miller, who attended meetings of the full Council and its City Subcommittee. In August we released a community survey and received over 150 responses. We then reviewed a draft language at a community forum where over 40 people came to discuss the potential changes to the Land Use Development Code. Since your October 19 meeting, we have provided further feedback and research to Mary in her preparation of TA-15-00346.

The text amendment before you offers important changes that will ensure a more vibrant community and stronger local food system. Based upon the community feedback, research, experience, and deliberation of the Food Policy Council, **we are in strong support of the following elements as currently drafted:**

- Establishing Urban Agriculture as a permitted use
- Clarifying that agricultural implements in use do not qualify as 'exterior storage'
- Keeping of bees without registration but with the name and phone number of each hive's owner
- Recognizing of the right of residents to cultivate food crops, including in the right of way and in their front yards, and extending crop agriculture to all zones
- Distinguishing between small and large animal agriculture, and integrating fowl into the small animal agriculture definition
- Acknowledging that "bee hotels" for native pollinators are different than cultivated bee hives and should be exempt from the standards introduced for honey bees
- Keeping of miniature goats or sheep on city lots of proper size and with adequate protection
- Exempting season extension structures from the standards for Accessory Structures

In October, you discussed several issues posed by Planning Department staff and the public. Some questions remain in the draft before you today. We **recommend you support** the following:

- **Allow Small Animal Slaughter for Home Meat Consumption**
  - Adopt the language suggested to allow slaughter in Standards, Article 5, 20-50X Animal Agriculture, Small, (1) General, sub-point (d) on page 3 and Standards, Article 5, 20-50X Animal Agriculture, Small, (4) Fowl, sup-point (ix) on page 6.



- **Allow On-Site Agricultural Sales with Proper Standards**
  - Allow on-site sales by-right with proper standards. As such, we submit two points of clarification:
    1. On-site sales are not Farmers Markets that serve as communal gathering place of many agricultural producers for social and economic exchange.
    2. These smaller, single-producer offerings follow the seasonal harvest. Mimicking a garage sale does not acknowledge the nature of seasonal harvest.
  - Remove the suggested regulation of CSA pick-ups as defined in Standards, Article 5, 20-50X On-Site Agricultural Sales (3) Community Gardens (i) Residentially Zoned Districts (c) and (ii) Non-Residentially Zoned Districts (a) on pages 9 and 10. *These brief engagements do not pose any negative impacts as currently conducted and generally align with existing uses.*
  - Extend the allowance for honey produced off-site to produce from the same grower cultivated *within city limits*, as stipulated in 20-50X On-Site Agricultural Sales (1) General Standards (a) on page 9. *It is not uncommon for urban agricultural growers in Lawrence to produce on multiple plots given limited land availability.*
  - If you approve the Home Occupation regulations as currently written, we suggest that exterior sales, in addition to exterior storage/display of goods, be made, as noted in 20-537 Home Occupation (i) Outdoor Activities (b), page 11.
- **Clarify Weed Regulations to Explicitly Allow Crops (18-300 Section 18-304 B; page 13-14)**
  - Add a distinction of “urban agriculture” or “crop agriculture” to clarify that such practices are allowed more precisely than the current language of “properly maintained gardens” suggests.

Finally, we believe the urban farm designation as currently written creates a new challenge for those in our community pursuing a profession in local food production. We **urge you to consider revising the standards for an urban farm** for the following reasons:

- **Creates Undue Burden on Farmers, Including those Currently in Operation**
  - The City Commission asked the Planning Department to support urban agriculture—not create new barriers. We believe that requiring a Special Use Permit, especially for RS40, RS20, and RS10, imposes a new regulatory hurdle. *The currently operating “urban farms” in Lawrence have not received any complaints.*
- **Implies Intensity of Sales Across All Operations**
  - Many “urban farmers” in Lawrence sell their harvest to farmers markets, grocery stores, restaurants, and CSA members. Rather than assume an increase in traffic at urban farms, we support a temporary seasonal produce stand permit any grower can apply for as desired.
- **Differing Standards for Small Animal Agriculture (page 7)**
  - As written, chickens keepers are limited to 20 birds, while those keeping miniature goats or sheep can apply for a Special Use Permit (Standards, Article 5, 20-50X Animal Agriculture, Small, (5) Goats and Sheep, (v), (e)) to add additional animals. We suggest a similar process for chickens.

As described in the Staff Report (5-4 to 5-5), we ask you to recognize that **the changing conditions of urban agriculture will be on-going**, given the creativity, ingenuity, and resourcefulness of our citizens to pursue new businesses, secure their family’s access to healthy foods, and build a stronger local food system.

Thank you for your consideration and efforts to support urban agriculture in Lawrence.

Eileen Horn and Helen Schnoes  
Staff Liaisons, Douglas County Food Policy Council

Byron Wiley  
1200 Almira  
Lawrence KS 66044

December 14, 2015

Clay Britton, Chair  
Lawrence-Douglas County Planning Commission City Hall, 6 East 6th St.  
Lawrence KS 66044

re: TA-15-00346, Urban Agriculture text amendment

Dear Mr. Britton,

I've been involved with vegetable and fruit tree production within the city for many years on my own property, friend's properties and a common ground property. I am mostly in favor of the text amendment to the development code. Community food security is important and it is important that the city supports the growing of food without making the process overly burdensome if reasonable agricultural practices are employed.

Weed regulations: Section 18-304 should contain language that agricultural crops are not weeds. This appears to be missing at this time. Also, section 18-301 does not protect properties that are within 150 feet of other residential parcels from crops being abated as weeds. This would unfortunately eliminate protections for crops in home gardens.

Looking at the permitted use table, I noticed that several residential districts appear to require site planning. What is specifically involved? Likewise, I noticed that a special use permit is required for several uses including Urban Farm, Agricultural Processing, etc. I am concerned that potentially burdensome steps might make the positive agricultural activity difficult to undertake.

Under the standards for Accessory Structures, it appears to recognize and support the basic requirements needed for one's small scale operation. I do not see it specifically addressed but am curious if this implies the use of low tunnel and high tunnel temporary greenhouse structures used to extend the growing season. I think that these structures, if properly maintained, are critical tools for food production.

Slaughtering: I support the right for people, using accepted and appropriate procedures, to slaughter small animals on one's property. This practice was (and still is) a normal part of our human existence for

millennia.

It is good that aquaculture has been included in the list of urban agriculture activities. The term aquaponics should also be included. This is a less chemical dependent method of growing fish and leafy vegetables in a balanced system.

In the staff report 20-50X Crop Agriculture Sales section: I think that there should be a simple application for a seasonal produce stand with no time restrictions. Food production occurs at different times of year and at varying volumes. If at all possible, please make the process as simple and non-burdensome as possible.

Sincerely yours,

Byron Wiley