

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

Date: February 17, 2016

RE: Item No. 4: TA-15-00346 – Text Amendment to the Land Development Code to add Urban Agriculture as a permitted use and establish standards

Attachments:

Attachment A: Results from Lawrence Listens Survey

Attachment B: Public communication received since the December meeting

Attachment C: Draft language for Development Code

Attachment D: Draft language for other portions of City Code

Staff Recommendation:

Staff recommends the approval of the Text Amendment, TA-15-00346, revising the Development Code and Chapters 3, 5, and 18 of the City Code to establish Urban Agriculture as a permitted use with standards and forwarding it to the City Commission with a recommendation for approval.

Background

The Planning Commission held a public hearing on TA-15-00346, the Text Amendment to establish Urban Agriculture as a permitted use, at their December 14, 2015 meeting and returned the amendment to staff with directions for revisions. City staff added survey questions to the 'Lawrence Listens' feature on the City's website to obtain more public input on the topic of Urban Agriculture and on-site slaughter. The majority of the respondents were supportive of Urban Agriculture. Most of the respondents indicated that on-site slaughter would be acceptable provided provisions were in place to shield the use from view. The results of this survey are included in Attachment A.

The following table lists the Planning Commission's directions from their December meeting and the revisions made to the draft language:

Planning Commission Direction	Revision
Address the 'agricultural crops' versus weeds issue in the Weed Ordinance.	<p>Chapter 18 of the City Code has been revised to clarify that agricultural crops are not included in the weed provisions. The draft language is included with this memo as an attachment.</p> <p>The proposed standards for Crop Agriculture in the Development Code also clarifies this and cites the applicable section of the City Code.</p>
Clearly define an <i>Urban Farm</i> and note what makes it different from other crop or animal agricultural uses.	The definition of <i>Urban Farm</i> was revised to clarify that an Urban Farm includes the same agricultural uses (with some additional accessory uses) as Crop Agriculture and Animal Agriculture, but it is at a larger scale than would be permitted under the standards for Crop or Animal Agriculture.
Provide information on the Property Maintenance Code rewrite	As the Property Maintenance Code rewrite may be complete before the Urban Agriculture text amendment is adopted, Planning Staff has developed language that will be included in the Property Maintenance Code when adopted. This language is provided with this amendment for consideration and action.
Define agricultural implements, equipment and materials.	This term has been added to the definition table and defined.
Add 'permaculture, aquaponics, hydroponics' to the definition of Urban Garden.	The term 'Permaculture', 'hydroculture', and 'aquaculture' were added to the definition of Urban Agriculture.
Look further into the issue of 'on-site slaughter' of small agriculture animals.	This item was specifically included on the Lawrence Listens survey to get more public input. The majority of the respondents to the survey were agreeable to on-site slaughter provided there were standards keeping it from view. Staff also researched other communities further. Communities vary in their approaches to on-site slaughter. Those that permit it require it to be done out of public view.
Develop a formula that would allow	Revised standards for on-site sales limit the

On-site Sales with limitations	hours of operation, regulate the location of the sales area, and tie the size of the retail sales area to the size of the lot.
Suggested that the language should be minimalistic and that it could be revised as problems arise.	Attempted to simplify and minimize the standards while maintaining enough regulations to insure compatibility with nearby land uses.

DEVELOPMENT CODE DRAFT LANGUAGE SUMMARY OF REVISIONS

The following is a summary of the revisions being proposed to the draft language provided to the Commission in December. (New language is shown in **bold** and deleted language is shown as ~~struck-through~~.)

1) Weeds

Section 20-548(3)(ii) revised:

The site shall be kept free of debris or high grass or weeds, taller than 12 inches, **(Crop Agriculture plants are not considered weeds as defined in Section 18-302(f) of the City Code and are exempt from the weed provisions in Section 18-304 of the City Code.)**

2) On-Site Agricultural Sales

The definition of On-Site Agricultural Sales was revised to clarify that only un-processed products may be sold:

"ON SITE AGRICULTURAL SALES

*The sale of **unprocessed** agricultural products, such as plants, produce, eggs or honey, grown or produced on site. This term also applies to agricultural products grown or produced off-site that are sold in conjunction with products produced on-site if they are produced on a site that is maintained by the operator of the sales site."*

The standards for On-Site Agricultural Sales were revised to allow agricultural products grown off-site to be sold as part of the on-site sales:

"On-site sales' refers to products grown or produced on the premises and products that are grown or produced on another site within the City that is maintained by the operator of the sales site when sold in conjunction with products grown on the premises."

Standards being recommended include a time frame between 8 AM and 8 PM. Stands used for display or sale must be located at least 20 ft from the curb or roadway and must be removed when sales are not in progress. The following limits are recommended for the retail sales area:

- a. ***Sales area of up to 100 sq ft permitted for lots up to 7,000 sq ft in area.***

- b. *Sales area of up to 150 sq ft permitted for lots up to 10,000 sq ft in area.*
- c. *Sales area of up to 300 sq ft permitted for lots larger than 10,000 sq ft in area.*

The standards for the temporary sign advertising the on-site sales were revised to note that the sign must be at least 20 ft from the curb or roadway or placed flat on a wall or door-or displayed in a window.

The 20 ft standard for the sales and the signage is intended to simplify the regulations. It is often not clear where the right-of-way line is on a property, so the location is based on the distance from the road. If the stand or sign is in the right-of-way, 20 ft should be enough of a separation so the use doesn't cause a distraction or reduce visibility.

3) Urban Farms.

The definition was revised to clarify what constitutes an Urban Farm:

An Urban Agricultural use which is operated primarily for commercial purposes. An Urban Farm is distinguished from other Urban Agriculture uses by scale.

- a. ***An Urban Farm may have a larger retail sales area, more employees and/or more agricultural animals than permitted for Crop Agriculture and/or Small and Large Animal Agriculture.***
- b. ***An Urban Farm can include other uses such as an educational/training component and/or Agricultural Processing.***
- c. ***An Urban Farm may use Large-Scale Agricultural Implements, Equipment and Materials.***

In addition, the standards were revised to simplify the Special Use Permit (SUP) process for an Urban Farm. Existing Urban Farms will be considered to have an Automatic Special Use Permit (SUP) provided they register with the Planning Office by January 1, 2017. Changes will be processed per the Special Use Permit requirements in Section 20-1306 of the Development Code.

Special Use Permit for Urban Farms in Residential Districts

- a. ***An Urban Agriculture use is considered an Urban Farm when it includes uses permitted as Crop Agriculture and/or Small or Large Animal Agriculture but exceeds the standards set by the Code for these uses. These standards include, but are not limited to, the maximum number of animals per size of lot, the maximum permitted size of the on-site sales area, hours of on-site sales, ~~number of employees~~, and accessory activities on the site such as educational sessions.***
- b. ***An Urban Farm that was in existence in a residential zoning district prior to the adoption of these regulations (date) the use will be considered to have an automatic Special Use Permit. It will be***

necessary for owners/operators of Urban Farms to register the use with the Planning Office by Jan. 1, 2017 to qualify for the automatic Special Use Permit. Any alteration or expansion of the Urban Farm use are subject to the Special Use Amendment procedures of Section 20-1306 with the provisions included in the following section.

- c. *Given the nature of an Urban Farm use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure setbacks are met, required screening is provided, and that parking areas and drive aisles meet the parking standards in Article 9.*

Major changes would require the submittal of a SUP application and plan for Planning Commission consideration and public hearing and City Commission action. Minor Changes to the SUP can be approved by the Planning Director. Minor Changes are those that (1) will not alter the basic relationship of the proposed development to surrounding properties; (2) will not violate any of the standards and requirements of this Development Code; and (3) will not circumvent any conditions placed on the original approval. In addition to these parameters, Section 20-1306(l)(6) of the Development Code lists several changes that are always considered minor.

The revised language notes that the Special Use Permit may use an aerial photo provided by the Planning Office as the base drawing for the plan.

These changes were made to provide a more simplified SUP process for the Urban Farm use.

4) Animal Agriculture.

The revised language notes that pigs are not allowed as Urban Agriculture. The revised language clarifies that Vietnamese Potbellied Pigs are allowed as pets per the requirements in Chapter 5 of the City Code.

The December draft language recommended allowing on-site slaughter for small animals, with the exception of sheep and goats. The revised language allows on-site slaughtering of all Small Agriculture Animals for personal use subject to the following standard:

"Small agricultural animals may be slaughtered and butchered on-site for personal use provided this occurs a minimum of 20 ft from the property line and outside of the public view or within an enclosed structure."

This would address many of the concerns expressed in the Lawrence Listens Survey. Some survey responses expressed an interest in training for those interested in on-site slaughter. The Food Policy Council indicated they may be able to arrange for training and education on this and other agricultural uses.

CHANGES TO OTHER CHAPTERS OF THE CITY CODE

- Chapter 3, *Regulation of Animals*, was revised in association with the changes to the Development Code.
- Chapter 18, *Trees*, was revised to clarify that crops grown as part of an Urban Agriculture use are not considered weeds.
- Chapter 9, *Health and Sanitation* incorporates the *2015 International Property Maintenance Code* by reference in Article 6. This article was revised to clarify that agricultural implements, equipment, and materials that are in use may be located on the exterior portion of the premises and provides standards for the storage of these items when not in use.

These revisions are included with this memo as an attachment.

LAWRENCE LISTENS SURVEY RESULTS AND RESPONSES
RESPONDENTS: 46

1. Lawrence currently allows crop agriculture-the management & maintenance of an area of land to grow & harvest food crops and/or non-food ornamental crops for personal or group use, consumption, sale or donation. Do you support this use in the front yard or right-of-way as it is regulated today?

97.8% yes

2.2% no

2. Would you be supportive of adding Small animal Agriculture as a use, with standards, to allow beekeeping and the keeping of small animals for agricultural purposes, such as pygmy goats, rabbits, and fish?

93.5% yes

6.5% no

3. Would you be supportive of adding Urban Farm as a use? This type of use is considered more of a market farm rather than a farm for personal use or a community garden. Agricultural processing may be permitted as an accessory use on Urban Farms.

90.9% yes

9.1% no

4. Agricultural processing can include the on-site slaughtering of small animal agriculture for personal use only. Would you want to see any restrictions for on-site processing which could include fencing, screening or use of an enclosed space for processing?

(37 answers, 9 skipped—responses listed below are divided into 2 groups: specific comments with concerns followed by comments in support)

4 Comments oppose on-site slaughter.

5 Comments oppose regulation on on-site slaughter

Remainder support on-site slaughter with regulations.

COMMENTS IN OPPOSITION:

- *no slaughtering of animals*
- *I support sustainable, plant-based urban agriculture. I do not support animal agriculture.*
- *I do not support the on-site slaughter of any animals. I believe it is too hard to regulate to 1) ensure it's done correctly so the animal doesn't suffer needlessly, 2) ensure safe food handling to avoid contamination, 3) ensure hygienic disposal*

of remains and 4) ensure the practice does not disturb the peace for the neighbors.

- *Animal slaughtering should not be allowed in the city limits because there are those people who would not comply with sanitary regulations.*

NO REGULATIONS

- *I don't think any restrictions are necessary if it's for personal use.*
- *no, I think it is fine.*
- *No*
- *No*
- *No*

SPECIFIC COMMENTS

- *I would prefer an enclosed space for processing. I would also like to see regular monitoring to ensure best practices in animal husbandry and processing. My only concern with allowing small animal agriculture is the possibility of inexperienced people taking on this challenge, which could result in the improper care of these animals.*
- *I certainly don't want to see or smell it, but if it's for personal use only, I can't imagine that the volume would be all that great. I probably encounter more dead animals on the street and in my yard than I would encounter in a personal use slaughter house.*
- *Enclosed space or sufficient screening.*
- *I think this would have to be an as needed precaution, or implemented after complaints.*
- *I would be interested in seeing what other communities which allow Urban Farms have in terms of regulations and inspections. What challenges they have faced, unintended consequences of Urban Farms, etc. We don't need to reinvent the wheel. I myself would be extremely supportive of urban farms, but I also realize many Lawrencians may not be interested in having a small scale farm next to them; and Lawrence is for everyone, not just those of us who grew up on a farm and think that manure smells like money.*
- *I would think we need to have screening or an enclosed space.*
- *Screening would be a smart idea*
- *I do not support requiring use of an enclosed space, but I would support requiring fencing for animal processing areas (not the entire yard).*

- *I would prefer the fewest restrictions possible, but given that some individuals may be offended by seeing where their food actually comes from and how it is processed directly it might be best to incorporate a low-impact screening requirement into the policy (e.g., low cost and low maintenance).*
- *It would be best if there was screening for butchering.*
- *I would say using fencing would be a good thing to do.*
- *All the above please! I don't mind the use but I don't want people to have to watch, hear, smell, animal slaughter.*
- *Yes, Enclose or screen the slaughtering/processing from view.*
- *I believe that some type of screening or enclosure should be required. I also believe that there should be regulation regarding humane slaughtering practices as well as biological waste disposal..*
- *screening or enclosed space for processing*
- *Screening would probably be a good idea*
- *I do not want to see it*
- *The less constraints put on the farmer or gardener the better. The most that the ordinance should ask of a person slaughtering an animal is that the act take place out of ordinary public view(from the street or sidewalk). slaughtering a small animal for food is an ordinary and necessary part of peoples lives the world over. People have the right to feed themselves without the imposition of other peoples morality. Currently Lawrence citizens catch, slaughter and eat fish within the city limits from fishing ponds like Mary's Lake. Ordinary people maim , trap, poison and kill mice and other "vermin" of the home and yard. And chicken keepers slaughter hens that are past their prime so that they may be made into stew to nourish their families. Even though all of these acts is presumably in violation of city code preventing willing harm to animals, somehow it is only this latter act that ruffles feathers, so to speak. I urge that the powers that be take a brave and progressive step to allow animal slaughter, so that people can act with there own self determination to feed themselves and there families.*
- *Yes. There would need to be proper privacy fencing and an included space.*
- *Probably some screening.*
- *Yes, I would want restrictions so that slaughtering activities could not be seen or heard) from outside the area in which they were occurring.*
- *enclosed processing*
- *I would be in favor of an enclosed area, or an outdoor area which is not in the view of the immediate public.*

- *Enclosed or out of sight from sidewalks/street*
- *Yes*
- *Yes, certain restrictions should apply.*
- *yes*

5. Would you be supportive of allowing On-Site Agricultural Sales for the sale of products grown or raised on the site, similar to a farm-stand?

93.5% yes

6.5% no

6. Do you have any other comments for the city related to the expansion of agricultural uses permitted in the city?

(20 answers, 26 skipped—responses listed below are divided into 2 groups: specific comments with concerns followed by comments in support)

SPECIFIC COMMENTS:

- *Not without proper health department inspections, for slaughter of animals.*
- *I support sustainable, plant-based urban agriculture. I do not support animal agriculture.*
- *As with chickens the number of animals allowed should be regulated as well as requirements to deal with animal feces clean-up regularly so neighbors are not subject to the smell. If the smell cannot be regulated then I am not in favor of any additional agriculture uses in the city.*
- *Keep it neat.*
- *Some of the questions were worded or framed so that a yes or no answer may mean something different to the surveyor than what it means to the respondent. For example; Would you be supportive of adding Urban Farm as a use? This type of use is considered more of a market farm rather than a farm for personal use or a community garden. Agricultural processing may be permitted as an accessory use on Urban Farms. The last draft of the Urban agriculture amendment listed urban farm as a use, simultaneously listing all the uses covered by an urban farm as separate uses. I am all for the uses permitted under urban farm but am opposed to the urban farm use category. It makes much more sense to list all the uses of urban agriculture and the zoning districts in which they are allowed then to redundantly group uses together (urban farm) and hold them to different standards. I think it is too restrictive and will be a barrier to urban agriculture. So I am not sure how to answer this as a yes or no question. It may be confusing to other readers as well and may cause the information gathered by the surveyor to not reflect the true opinion of the respondent.*
- *"Lawrence currently allows crop agriculture-the management & maintenance of an area of land to grow & harvest food crops and/or non-food ornamental crops for personal or group use, consumption, sale or donation. Do you support this use in the front yard or right-of-way as it is regulated today?"*

Doesn't the new text amendment elaborate on this topic? Would marking "yes" on this survey question indicate that I don't want it to change at all?

- *I answered no to on-site sales as many neighbors have such limited abilities to handle increased vehicle and foot traffic. Sidewalks are poorly maintained which create a hazard for pedestrian traffic to on-site sales. There is limited street space and visibility to keep bicycle traffic safe as they come to and from on-site sales. This would aspect would have to be so heavily regulated and maintained by the urban farmer in order to assure safety of their consumers and maintain the sanctity of the neighborhood (while respecting the property of their neighbors). It's just not worth the effort. We have plenty of spaces where urban farming products can be sold with ease and safety already taken into account.*
- *No*
- *Coyotes now inhabit Lawrence and they would be happy to feed on small animals and slaughtering remains in urban yards. Do we really need to add this potential problem to living in Lawrence just to please a handful of people?*

COMMENTS IN SUPPORT:

- *I'm all for it. And excited about it.*
- *The first question does not say how front yards or right of way are currently regulated. If it is allowed as long as it does not block vision for pedestrians or vehicles then I'm in favor.*
- *Thank you for all your hard work on the new policies!*
- *I think this would be great for those that want to grow and have small animals to help with food for their family and community. I do not think this would be a issue inside of the city.*
- *Our community garden would feel more connected to the neighborhood if we were allowed to sell produce on-site like a farm stand. We'd have the chance to interact more with neighbors, describe what we do, and make a little money back for operations.*
- *This is a trend nationally, which Lawrence needs to embrace.*
- *Russia has better food security than the US because they grow so much of their own food. Food production is a very important function and it's better for the environment than "lawns" and should be encouraged.*
- *I would recommend investigating how other cities that have implemented Urban Agriculture have been successful, particularly in regards to meat processing.*
- *I support the "Foods not Lawns" initiative, and I'm glad to see Lawrence heading in that direction.*
- *I think urban agriculture is great!*
- *None*
- *I feel it would be a good thing to allow a farm stand style sales. It would bring neighbors together and allow people who could not travel the opportunity to get fresh*

produce. It would also allow the gardener an opportunity to pay back some of their expenses.

From: Jackie Carroll [<mailto:jackie2ku@gmail.com>]
Sent: Monday, February 15, 2016 5:22 PM
To: AD - Schnoes, Helen
Subject: Re: Urban Ag Survey: Lawrence Listens

Hi Helen,

I thought today was the last day for the Lawrence Listens question, but it looks like it closed at midnight last night and I really wanted to submit a response! Hopefully you don't mind me sending you my comments directly.

I am supportive of all aspects of urban ag represented in the survey except for questions #2 & #4, Small Animal Agriculture, especially (but not limited to) on-site processing. I don't think it's progressive, healthy, responsible, etc to promote the slaughter of animals whether in a rural or urban setting.

Looking at the responses on the question, many/most residents include some version of "shield the children," ie, "I don't want to see/hear/smell it." I'm not sure how the city would be able to ensure these things and if they're hidden from our senses too well, how is the city supposed to uphold any of the regulations it sets?

I understand that many cite finances for raising meat animals, but no one can argue that there are ample plant-based sources of protein in town that come at a lower price (& fewer overall resources) than raising an animal for food. When it comes to sustainability, plant-based diets are significantly more responsible. I am quite passionate about this subject, so don't hesitate to let me know if you have any questions.

Thanks for your work!

Best,
Jackie Carroll

Changes made since last Planning Commission meeting in **bold**
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	An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. <i>When used in this article, the term 'colony' refers to bees that live in a beehive.</i>
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	For the purposes of this Article, 'Fowl' shall mean only ducks and female chickens.
Market Garden	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.
Personal Garden	A garden that is maintained by the property owner(s) or other person(s) with an interest in the property, typically on the same property as a dwelling unit. Food and non-food items are raised primarily for personal or family consumption and enjoyment.

20-1702 USE CATEGORIES IN GENERAL

20-1773 AGRICULTURAL PROCESSING

A manufacturing process that increase the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

20-1774 AGRICULTURAL SALES

The sale of feed, plants, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

20-1775 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.

- (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 are taller than 24" at the withers (shoulders).

20-1776 AGRICULTURE, CROP

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, and hay meadows. Standard structures used for *Crop Agriculture* include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

20-1777 FARMERS MARKET

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

20-1778 ON SITE AGRICULTURAL SALES

The sale of **unprocessed** agricultural products, such as plants, produce, eggs or honey, grown or produced on site **the premises**. This term also applies to agricultural products grown or produced off-site that are sold in conjunction with products produced on the premises if they are produced on a site that is maintained by the operator of the sales site.

20-1779 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: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, and animal husbandry. Complementary activities associated with Urban Agriculture include the distribution of food, the 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.

20-1780 URBAN FARM

An Urban Agricultural use which is operated primarily for commercial purposes. An *Urban Farm* is distinguished from other Urban Agriculture uses by scale.

- (1) **An *Urban Farm* may have a larger retail sales area, more employees and/or more agricultural animals than permitted for *Crop Agriculture* and/or *Small and Large Animal Agriculture*.**

- (2) **An Urban Farm can include other uses such as an educational/training component and/or Agricultural Processing.**
- (3) **An Urban Farm may use Large-Scale Agricultural Implements, Equipment and Materials.**

STANDARDS:---Article 5**20-547 ANIMAL AGRICULTURE, SMALL****(1) General****(i) Structures**

- a. Structures shall comply with the Accessory Structure Standards in Section 20-533 except where expressly stated.
- b. 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.

(ii) Slaughter

- a. **Small agricultural animals may be slaughtered and butchered on-site for personal use provided this occurs a minimum of 20 ft from the property line and outside of the public view or within an enclosed structure.**
- b. **Commercial slaughtering is not permitted except in USDA licensed locations.**

(iii) Maintenance

The site shall be maintained in accordance with the adopted City Property Maintenance Code. At a minimum, the property 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.

(iv) Excluded Animals

Pigs are not considered *Small Agricultural Animals* and may not be kept within the city as an Urban Agricultural use. Vietnamese Pot-Bellied Pigs are considered domesticated pets and are subject to Chapter 3, Article 1 Section 3-104(D) of the City Code.

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

Small Animal Agriculture permitted in these commercial districts is limited to beekeeping, **insects**, and **fish aquatic organisms**. 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 $\frac{5}{8}$ 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 and phone number of the owner of such equipment

(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 not subject to these regulations.

(4) **Fowl**

- (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 for accessory structures in Section 20-533** 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.

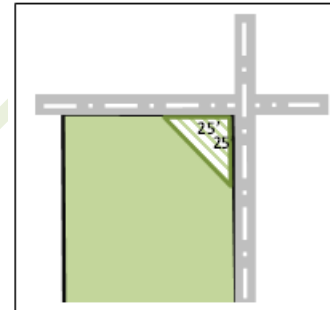
(5) **Goats and Sheep**

- (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.
- (iii) Male goats over the age of four weeks must be neutered.
- (iv) 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 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.
- (v) The following standards apply to any structure used to house goats and sheep:
 - a. Goats and sheep shall be housed in a **predator resistant, covered** 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.

20-548 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 to avoid interference with visibility for driveways and other access points.
 - (ii) **If a sidewalk on the property is more than 8 ft from the roadway, crops may not exceed 3 ft in height between the sidewalk and the roadway.**
 - (iii) Crops may not exceed 3 ft in height within 3 ft either side of a sidewalk to allow for visibility.
 - (iv) Crops may not be planted within 1 ft on either side of the sidewalk and may not be allowed to grow onto the sidewalk.
 - (v) 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 *Crop Agriculture* uses:
 - (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 kept free of debris or high grass or weeds, taller than 12 inches, (***Crop Agriculture* plants are not considered weeds as defined in Section 18-302(f) of the City Code and are exempt from the weed provisions in Section 18-304 of the City Code.**)



20-549 FARMERS MARKETS

The following standard applies in the RS and RM and GPI zoning districts.

- (1) 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.

20-550 ON-SITE AGRICULTURAL SALES

(1) GENERAL STANDARDS

(i) Only **unprocessed items**: eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as On-Site Agricultural Sales.

a. **On-site sales refers to products grown or produced on the premises and products that are grown or produced on another site with the City that is maintained by the operator of the sales site when sold in conjunction with products grown on the premises.**

(ii) **On-Site Agricultural Sales may occur between 8 AM and 8 PM.**

(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.

(v) The sales area may include a retail sales area (stand and/or display area) as noted below:

a. **Sales area of up to 100 sq ft permitted for lots up to 7,000 sq ft in area.**

b. **Sales area of up to 150 sq ft permitted for lots up to 10,000 sq ft in area.**

c. **Sales area of up to 300 sq ft permitted for lots larger than 10,000 sq ft in area.**

(vi) One temporary, unilluminated sign advertising only food or horticultural products may be displayed during sales.

a. **The sign must be located a minimum of 20 ft from the curb or roadway or it may be placed flat on a wall or door or displayed in a window.**

b. **The sign face may not exceed 2 sq ft in area and the sign may not be more than 3 ft in height.**

c. ~~**The sign may not be located within the public right-of-way.**~~

(2) Urban Farms

- (i) *On-Site Agricultural Sales* are permitted on Urban Farms in Residential District subject to area and locational standards established with the Special Use Permit.
 - a. Urban Farms in residential districts which were in existence prior to the adoption of these regulations and are operating under an automatic SUP shall comply with the general *On-Site Agricultural Sales* standards in this section.

20-551 URBAN FARM

(1) Special Use Permit for *Urban Farms* in Residential Districts

- (iii) An Urban Agriculture use is considered an *Urban Farm* when it includes uses permitted as Crop Agriculture and/or Small or Large Animal Agriculture but exceeds the standards set by the Code for these uses. These standards include, but are not limited to, the maximum number of animals per size of lot, the maximum permitted size of the on-site sales area, hours of on-site sales, ~~number of employees~~, and accessory activities on the site such as educational sessions.
- (iv) An *Urban Farm* that was in existence in a residential zoning district prior to the adoption of these regulations (date) will be considered to have an automatic Special Use Permit. **It will be necessary for owners/operators of *Urban Farms* to register the use with the Planning Office by Jan. 1, 2017 to qualify for the automatic Special Use Permit. Any alteration or expansion of the *Urban Farm* use are subject to the Special Use Amendment procedures of Section 20-1306 with the provisions included in the following section.**
- (v) Given the nature of an *Urban Farm* use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure setbacks are met, required screening is provided, and that parking areas and drive aisles meet the parking standards in Article 9.

(3) Accessory Uses Permitted by Right

(i) Agricultural Processing

- a. The primary agricultural product being processed must be grown or produced on the premises.
- b. Potentially offensive external effects shall be mitigated to insure compatibility with nearby land uses.
- c. Off-Street Parking is required at the same rate as the *Limited Manufacturing and Production* use in Article 9.

(ii) Education/Training/Outreach Programs.

(iii) Employment

- a. An Urban Farm in a residential district may have employees that exceed the Home Occupation limit.

DRAFT

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 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) **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.**

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
Agriculture, Small Animal	<i>None</i>	<i>None</i>
Agriculture, Large Animal	<i>None</i>	<i>None</i>
Agriculture, Crop	<i>None</i>	<i>None</i>
On-Site Agricultural Sales	<i>None</i>	<i>None</i>
Farmers Market	<i>Schedule D</i>	<i>5 or 1 per 5 auto spaces, whichever is greater</i>
Urban Farm	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. (The section numbers will be added when the language has been approved and numbering finalized.)

20-402 Residential District Use Table		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	Use Standards
Urban Agriculture	Agriculture, Crop	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
	Agriculture, Large Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
	Farmers Market	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
	Urban Farm	S*	S*	S*	S*	-	-	-	-	-	-	-	-	-	-	
Retail Sales & Services	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

20-403 Non-Residential District Use Table		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	Use Standards
Urban Agriculture	Agriculture, Crop	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	
	Agriculture, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	
	Farmers Market	P	P	P	P	P	P	P	P	P	P	S	S	S	A	-	
	Urban Farm	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	
Retail Sales & Services	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	

PROPOSED REVISIONS TO CHAPTER 3 *REGULATION OF ANIMALS*, CITY CODE

(*new language is shown below in bold print. Deleted text is shown as struckthrough.* Regulations in Section 5, Fowl have been moved to the Development Code and the exemptions moved to the exemption section in this chapter.)

ARTICLE 1. GENERAL REQUIREMENTS CONCERNING ANIMALS

3-104 ANIMALS EXCLUDED FROM PROHIBITION

(A) Animals excluded from prohibition are:

- (1) Domestic dogs, except those hybridized with wild canines.
- (2) Domestic cats, except those hybridized with wild felines.
- (3) Domesticated rodents.
- (4) Domesticated European ferrets.
- (5) Rabbits, except that no more than three (3) rabbits shall be permitted in a residentially-zoned district **unless they meet the definition of a Small Animal Agriculture use, as defined in Section 20-1775 in the City Land Development Code, Chapter 20 of the City Code.**
- (6) Birds, except for species protected by state or federal law and ~~species prohibited by Article 5 of this chapter, subject to the provisions in subsection (14), 3-108 and 3-109. (Ord. 8378, Ord. 8942)~~
- (7) Nonvenomous snakes less than eight (8) feet in length, except that such snakes shall be required to be maintained on the owner's premises or property.
- (8) Nonvenomous lizards.
- (9) Turtles, except for species protected by state or federal law.
- (10) Amphibians
- (11) Fish.
- (12) Invertebrates.
- (13) Any animal in the ownership of a veterinary clinic operated by a licensed veterinarian.
- (14) Any animal in the ownership of a person designated and licensed as an animal rehabilitator or falconer by the Kansas Wildlife and Parks Department.
- (15) Any animal in the ownership of a person temporarily transporting such animal through the city.

- (16) Any animal in the ownership of a bona fide medical institution or accredited educational institution.
 - (17) Any animal exhibited for sale, show or other temporary purpose at the Douglas County Fairgrounds.
 - (18) Any animal temporarily owned by a facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals.
 - (19) Domesticated Hedgehogs. (Ord. 8214)
 - (20) Vietnamese Potbellied Pigs subject to Chapter 3, Article 1, Section 3-104(D) of the Code of the City of Lawrence, Kansas. (Ord. 8696)
 - (21) **Animals that fit the definition of a Small or Large Animal Agriculture use in Section 20-1775 of the City Land Development Code are permitted when kept as part of an Urban Agriculture use in compliance with the standards in the Development Code.**
 - (22) **The owning, keeping, or harboring of animals permitted as Small Animal Agriculture in the Development Code by Retail Establishments, Construction Sales and Services, Agricultural Sales, or Agricultural, Animal uses located in industrial or commercial zoning districts, for the purposes of retail or wholesale sales.**
 - (23) **The owning, keeping or harboring of animals permitted as Small Animal Agriculture in the Development Code by educational institutions.**
 - (24) **Any animal permitted as Large or Small Animal Agriculture may be kept or harbored, on a temporary basis, during any fair, show, or exhibition at the Douglas County Fairgrounds.**
 - (25) **The temporary possession of fowl, as defined in the Development Code, by the United States Postal Service or commercial package or parcel delivery service until such time as the fowl are delivered to the addressee.**
- (B) Persons legally owning goats, kids, sheep, rabbits or hares, horses, cows, mules or donkeys one hundred fifty (150) feet away from any building used for human habitation pursuant to Section 3-101 of the 1990 Code prior to December 30, 1992, shall be allowed to continue such use, provided ownership remains with the same person on the same property. Provided, the City Commission may suspend enforcement of this subsection, or establish reasonable conditions for the enforcement thereof, for property annexed into the City after December 30, 1992. (Ord. 8214) **This section does not pertain to animals kept as part of a Small or Large Animal Agriculture use permitted in the Land Development Code as Urban Agriculture.**

- (C) The Municipal Court Judge may order the confiscation of a prohibited animal if the animal poses an immediate danger to the public or itself. Upon the conviction of a person for owning an animal as prohibited by this Chapter, the Municipal Court Judge shall order the animal confiscated and transferred to an appropriate licensed animal rehabilitation or care facility. The Municipal Court Judge may order the release of the animal to the owner provided that the animal will not be kept within the City limits. (Ord. 6389)
- (D) Owners of Vietnamese potbellied pigs shall ensure that male Vietnamese potbellied pigs over the age of four weeks shall be neutered and females over the age of 120 days shall be spayed. Additionally, adult Vietnamese potbellied pigs shall not exceed 150 pounds and Vietnamese potbellied pigs over the age of 120 days shall be vaccinated against pseudo rabies. Within 120 day of birth or 120 days of permanently entering the City of Lawrence, the owner shall provide to the Lawrence Humane Society verification by a licensed veterinarian that the pig is a purebred Vietnamese Potbellied Pig and a certificate of immunization. The registration may be accomplished by a microchip process. The following sections of Chapter 3 of the City of Lawrence Municipal Code applying to dogs, cats and other animals shall also apply to Vietnamese potbellied pigs; 3-105, 3-105A, 3-106, 3-107, 3-202, 3-202A, 3-202B, 3-202C, 3-203, 3-204, 3-205, 3-206, 3-207, 3-208, 3-209, 3-301, 3-302, 3-303, 3-304 and 3-305. (Ord. 8696)
- (E) **Owners of goats and sheep, shall ensure that male goats over the age of four months are neutered. Goats and sheep over the age of 120 days shall be vaccinated against rabies and leptospirosis. The owners of goats and sheep shall maintain proof of current vaccination.**

3-105 CRUELTY TO ANIMALS

- (B) Exceptions: Nothing in subsection A of this Section shall:
 - (1) Be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine, or any action taken by a law enforcement officer pursuant to the interests of public health and safety. (Ord. 7123)
 - (2) Be interpreted as prohibiting any act done in self-defense or done to defend another person. (Ord. 7123)
 - (3) **Be interpreted as prohibiting slaughter of animals allowed as Small Animal Agricultural in the City Land Development Code, when carried out in compliance with provisions in Section 20-547.**

3-204 IMPOUNDING, REDEMPTION AND DISPOSITION

- (C) **Impoundment, redemption, and disposition of Small- and Large-Agriculture Animals, as defined in Section 20-1775 of the Land Development Code shall comply with the KS Department of Agriculture regulations for livestock as follows:**
 - 1. **No person shall permit an agricultural animal to run at large in the city. Any agricultural animal found at large shall be**

impounded until redeemed by its owner. Owners or their authorized agents, if known, shall be notified within 24 hours of impoundment that they have 10 days within which to claim such animals and to pay all actual costs for taking up, keeping, and feeding of such animals. If not redeemed within 10 days, the animal may be advertised in the newspaper or taken to a livestock market and sold to the highest bidder for cash. The proceeds, after deducting the amount of the costs of impoundment, shall be paid to the owner of the agriculture animal or the owner's authorized agent. If the owner or the owner's authorized agent is not known or cannot be located, the proceeds remaining after the payment of actual costs shall be paid to the county treasurer. Such funds shall be deposited by the county treasurer in the county's special stray fund provided for in K.S.A. 47-239, and amendments thereto. Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal for humane purposes.

~~ARTICLE 5. CHICKENS AND DUCKS~~

~~3-501 PURPOSE.~~

~~The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate the keeping of chickens and ducks within the City limits. (Ord. 8731)~~

~~3-502 DEFINITIONS.~~

~~The following words, terms, and phrases, when used in this Article, shall have the following meanings, except where the context clearly indicates otherwise: (Ord. 8378, Ord. 8731)~~

~~(A) "Fowl" 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, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus.~~

~~(B) "Permitted Fowl" shall, for the purposes of this Article, mean ducks and female chickens.~~

~~3-503 KEEPING OF FOWL PROHIBITED; EXCEPTIONS.~~

~~(Ord. 8378, Ord. 8731)~~

~~(A) Except as provided in subsection 3-507 no person shall own, keep, or harbor, on a temporary or permanent basis, any Fowl within the City.~~

~~3-505 UNLAWFUL ACTS.~~

~~(Ord. 8378, Ord. 8731)~~

~~(A) Except as otherwise permitted by this Article, it shall be unlawful to own, keep, or harbor Fowl within the City limits.~~

~~(B) It shall be unlawful to own, keep, or harbor, within the City limits, Permitted Fowl in numbers exceeding those permitted by Section 3-503.~~

~~(C) It shall be unlawful to violate any of the regulations regarding coops, roosts, and laying boxes as established at Section 3-504.~~

~~3-506 MUNICIPAL OFFENSE.~~

~~(Ord. 8378, Ord. 8731)~~

~~It shall be a municipal offense to engage in any of the unlawful acts listed at Section 3-505 of this Article. Any person engaging in any of the unlawful acts listed at Section 3-505 of this Article, shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a fine not to exceed \$500.00, incarceration not to exceed 30 days, or both a fine and incarceration.~~

~~3-507 EXEMPTIONS.~~

~~The provisions of this Article shall not apply to the following: (Ord. 8731)~~

~~(A) The owning, keeping, or harboring of Fowl or Permitted Fowl in those zoning districts where the Land Development Code permits such uses as a matter of right or as Small Agriculture Animal as part of an Urban Agriculture use.~~

~~(B) The owning, keeping, or harboring of Permitted Fowl hatchlings by Retail Establishments, Construction Sales and Services, Agricultural Sales, or 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 Permitted Fowl by educational institutions;~~

~~(D) The temporary possession of Permitted Fowl by the United States Postal Service that are deposited with the United States Mail until such time as the Permitted Fowl are either delivered to the addressee or the addressee retrieves the Permitted Fowl from the Postal Service.~~

~~(E) The temporary possession of Permitted Fowl by a commercial package or parcel delivery service until such time as the Permitted Fowl are delivered to the addressee.~~

~~(F) Any Fowl or Permitted Fowl that may be kept or harbored, on a temporary basis, during any fair, show, or exhibition at the Douglas County Fairgrounds.~~

~~3-508 SEVERABILITY.~~

~~If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8731)~~

PROPOSED CHANGES TO CHAPTER 9 HEALTH AND SANITATION
ARTICLE 6 THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

(new language is shown in **bold** print. Underlined or ~~struckthrough~~ text is part of the current revisions to the Maintenance Code and are not being proposed with this amendment.)

SECTION 202 OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE: *(definitions)*

202.2.1 URBAN AGRICULTURE IMPLEMENTS, EQUIPMENT, OR MATERIALS. (Tools, movable structures, and soil amendments used for small-scale, primarily manual labor, agricultural production. Typical items include, but are not limited to:

- 1) **Non-powered implements such as buckets, baskets, compost bins or barrels, fencing, ladders, landscape stones, low tunnels, rakes, shovels, trellising, and rain barrels;**
- 2) **Powered implements such as chain saws, chipper-shredders, mowers, rototillers, garden tractors; and**
- 3) **Materials such as mulch, compost, hay or straw bales, top soil, etc.**

SECTION 301 OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE: *(sanitation)*

301.1.1 Urban Agriculture. Sites containing Urban Agriculture uses 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.

SECTION 302.10 OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE: *(exterior property storage)*

302.10 Exterior Property storage. No person shall allow on any yard, any porch (unenclosed), deck or balcony, or any other exterior property area of a premises, any of the following items, or an accumulation thereof: garbage, rubbish, bulky waste, salvage materials, tree waste, household appliances, vehicle parts, plumbing fixtures or similar items that are not manufactured and intended for storage within a yard, porch (unenclosed), deck or balcony, unless otherwise allowed by the City's Land Development Code.

Exceptions:

1. Firewood that is neatly stacked, provided that such storage shall not be located within the front yard as defined by the City's Land Development Code.
2. Lumber or construction materials that are neatly stacked and are actively being used to improve the property on which they are located.
3. Landscape materials such as edging stones, patio pavers, bricks, mounded or bagged soil, mulch, gravel or similar garden bed materials that are neatly stacked and are actively being used to improve the property on which they are located.

4. Exterior storage areas that are permitted as an accessory use to a principal use in certain nonresidential zoning districts and that have an approved site plan for such use as provided by the City's Land Development Code.
- 5 Urban Agriculture Implements, Equipment or Materials that are being used in the day-to-day operation of a permitted Crop or Animal Agriculture use may be located within the exterior property area of a premise.**

 - a. Urban Agriculture Implements, Equipment or Materials that are not being used in the day-to-day operations shall be stored within the side or rear yard, as defined by the City's Land Development Code. These items may not be stored in front of the front plane of the principal structure or within street right-of-way.**
 - b. Stored Urban Agriculture Implements, Equipment or Materials shall be screened from view of adjacent properties or rights-of-way with vegetation, fencing, walls, or a combination of these measures; or shall be located within an enclosed structure.**
 - c. Alternative storage locations and screening may be approved for Urban Agriculture Implements, Equipment or Materials with the Special Use Permit for an Urban Farm.**

302.12 Furniture. It shall be unlawful for any person to allow on any yard, porch (unenclosed), deck, balcony or other exterior property area of any premises, furniture, other than outdoor furniture, as that term is defined in this Chapter.

302.13 Upholstered furniture. It shall be unlawful for any person to allow on any porch (unenclosed), deck, balcony, or other exterior property area of any premises, upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses, or similar items. This section does not apply to outdoor furniture or to a porch (enclosed) as those terms are defined in this Chapter.

302.14 Trees, tree limbs and tree waste. No person shall allow in their yard any tree waste, or any dead or substantially dead tree (or dead or damaged tree limbs) that create a hazardous or unsafe condition.

PROPOSED REVISIONS TO CHAPTER 18 TREES, CITY CODE

*(new language is shown in **bold print**)*

ARTICLE 3. WEEDS

18-304 WEEDS TO BE REMOVED.

- (A) It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

- (B) Nothing in this article shall be construed to subject trees, shrubbery, flowers, ornamental plants, **crops grown as part of an Urban Agriculture use, as defined in the City Land Development Code**, 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.



Memo to: Lawrence-Douglas County Planning Commission

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

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

Date: February 22, 2015

On behalf of the Douglas County Food Policy Council, we once again thank you for supporting a thorough, thoughtful, and engaging process as you have considered the best way to integrate urban agricultural uses into the Land Development Code. We look forward to replicating our positive exchanges and iterative process later this year as we follow the Issue Action Report in creating a Food Plan to incorporate by reference into Horizon 2020.

We stand behind the proposed text amendment before you today. Community input has fueled this text amendment's development—including an online survey in August, a public forum in September, a Lawrence Listens campaign over the past month, repeated food policy council meetings, and the comments you heard at your October and December meetings. It remains clear that 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. Urban agriculture also aligns with the long-range planning goal of protecting high-quality agricultural soils.

We thank you for the guidance you provided in December, and the conscientious edits that the Planning Department and Mary Miller have made in the draft before you today. We believe this draft strikes the proper balance at the heart of all planning decisions—how to empower our citizens to live healthy and fulfilling lives, while not impinging on the lifestyle of their neighbors. It recognizes that how urban agriculture unfolds in Lawrence is unique to this community. **We thus commit to working with City of Lawrence Communications and Planning staff to create a number of educational materials around the new policies.**

We believe that the language of the draft text amendment **achieves the goal of limiting restrictions** initially to observe how the public adopts some of the newly permitted activities. In particular, we appreciate the changes in the definition of the Urban Farm and the “grandfathering” of current residents whose current activities qualify as an Urban Farm. As the Special Use Permit remains for an Urban Farm, **we offer our professional assistance in both supporting future applicants as they navigate the process, and reviewing applications with you and the Planning Department staff.**

We ask you to honor the process that has led us to this moment, and **vote to approve.** By spring, we shall perhaps see—to indulge in a metaphor—the fruits of our efforts over the past months come to bear, with residents embracing the expansion of allowed urban agricultural practices. As we said in December, this will show 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.

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

From: "Almon, Michael" <paradigm@sunflower.com>
Date: 2/21/2016 6:49 PM (GMT-06:00)
To: Mary Miller <mmiller@lawrenceks.org>, "von Achen, Pennie" <squampva@aol.com>, "Britton, Clay" <clay.britton@yahoo.com>
Cc: "Schnoes, Helen" <hschnoes@douglas-county.com>, Brian Jimenez <bjimenez@lawrenceks.org>, Scott McCullough <smccullough@lawrenceks.org>
Subject: Re: February 22, 2015 Planning Commission Agenda Items

Thanks everybody for a good collaborative process to craft this text amendment. I just returned from the New Urbanism/Smart Growth conference in Portland OR, and just now read the present draft of the amendment. I skimmed it all, and looked more closely at the issues that Sustainability Action has previously expressed concerns about. It all seems quite good, and potentially well harmonized with Chapter 9, the Property Maintenance Code.

There are two things that I have a question about.

- 1) I don't see any definition of "agriculture crops", though there are references to "crop agriculture plants", and to "tree farms" being part of "crop agriculture". If this is the case, a lack of a definition of "crops" (the heart of this matter) strikes me as a serious oversight. The concern for me and other permaculture practitioners is that most of our crops are tree crops. The question was raised at a previous sub committee meeting (or maybe even at a previous Planning Commission meeting) that trees should be allowed to be grown in the right of way and in the sight distance triangle as long as branches are pruned up to allow visibility under the canopy.
- 2) The parking requirement for urban farms is one bicycle space for every five required auto spaces. Given the nature of typical urban growers who tend to ride bicycles more than the average citizen, I think that more bicycle spaces should be required.

Other than that, I think you have done a great job.

thank you,
Michael Almon
Sustainability Action