

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150603

Amending Chapter 88, Zoning and Development Code, by repealing Section 88-312, Agriculture, and enacting in lieu thereof a new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-312, Agriculture, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

88-312 AGRICULTURE

88-312-01 CROP AGRICULTURE

88-312-01-A. GENERAL

An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and horticultural products (including flowers, trees, and bees and apiary products) for off-site sale in locations where retail sales are an allowed use. Crop agriculture may be a principal or accessory use.

1. CROP AGRICULTURE STANDARDS

- a. Garden and farm-related buildings and structures must comply with the accessory structure setback requirements that apply in the subject zoning district (See 88-305). Crop areas must be set back at least 3 feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses.
- b. The site must be designed and maintained so that chemicals will not drain onto adjacent property.
- c. On-site sales of whole, uncut, fresh food and/or horticultural products grown on the crop agriculture property are allowed on property zoned R-80.

2. SPECIAL USE PERMITS REQUIRED FOR ON-SITE SALES

In residential zoning districts, except R-80, on-site sales of whole, uncut, fresh food and/or horticultural products grown on the crop agriculture property may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. A special use permit shall not be issued unless all of the approval criteria in 88-525-09 are satisfied.

88-312-02 URBAN AGRICULTURE

88-312-02-A. HOME GARDEN

A garden maintained by one or more individuals who reside in a dwelling unit located on the subject property. Food and/or horticultural products grown in the home garden may be used for personal consumption, and only whole, uncut, fresh food and/or horticultural products grown in a home garden may be donated or sold on-site. Row crops are not permitted in the front yard of a residentially zoned and

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occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown in the home garden are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees or shrubbery and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 8 feet from the side property lines or from the front of the principal building. A home garden is an accessory use to a principal residential use and must comply with the lot and building standards for its zoning district per 88-305-02. On-site sales made in accordance with this section shall not be considered to be commercial activity under this code and shall not be subject to the restrictions for home occupations in 88-305-04. 88-10-08-C shall govern any conflict between the provisions of this section and any private homeowner covenants or restrictions. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture in 88-312-02-C cannot be considered to be a Home Garden.

88-312-02-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 (e.g., hand tool storage sheds) maintained and used by the group. The Community Garden must comply with the lot and building standards for its zoning district. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended. Community garden group members may or may not reside on the subject property. Sales and donation of only whole, uncut, fresh food and/or horticultural products grown in the community garden may occur on-site on otherwise vacant property, but may not occur on residentially zoned and occupied property, except property zoned R-80. Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown in the community garden are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees or shrubbery and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 8 feet from the side property lines or from the front of the principal building. A community garden may be a principal or accessory use. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture in 88-312-02-C cannot be considered to be a Community Garden.

88-312-02-C. COMMUNITY SUPPORTED AGRICULTURE (CSA)

An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation. Under the CSA model, shareholders arrange to work on the farm in exchange for a share of the food and/or horticultural products grown on the

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CSA property and/or pay for a portion of the food and/or horticultural products in advance. A CSA may be a principal or accessory use. A CSA located in a residential zoning district, except R-80, requires a special use permit issued in accordance with the special use permit procedures of 88-525. A special use permit shall not be issued unless all of the approval criteria in 88-525-09 are satisfied. The permit is also subject to the following additional standards:

1. **COMMUNITY SUPPORTED AGRICULTURE (CSA) STANDARDS**

- a. Garden and farm-related buildings and structures must comply with the accessory structure requirements that apply in the subject zoning district (See 88-305). Farmed areas must be set back at least 3 feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses.
- b. Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown on the CSA property are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees or shrubbery and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 8 feet from the side property lines or from the front of the principal building.
- c. Shareholders may pick up food and/or horticultural products grown on the CSA property at the site and may work at the site.
- d. The site must be designed and maintained so that chemicals will not drain onto adjacent property.
- e. Tractors, lawnmowers, and other farm-related machinery in R-10 through R-0.3 residential districts must be stored in an enclosed structure.
- f. Interns and apprentices may be allowed to work on the CSA property.
- g. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.
- h. Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations.
- i. Sales and donation of only whole, uncut, fresh food and/or horticultural products grown on the CSA property may be allowed.
- j. Reasonable conditions for the operation of the CSA may be imposed.

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- k. The permit may be granted for an initial period of one year. Subsequent renewals may be allowed for up to 5 years if the CSA has complied with all of the requirements of the permit for the previous permit period.
- l. 88-10-08 shall govern any conflict between the provisions of this section and any private homeowner covenants or restrictions.

88-312-02-D. PRIVATE NUISANCE ACTIONS

Nothing herein is intended to preclude any person from filing a private nuisance action against an offensive agricultural use.


88-312-03 SIGNAGE FOR AGRICULTURAL SALES

One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales. The sign must be on-site, unilluminated, and must not exceed 6 square feet in area or 3 feet in height.

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.



Secretary, City Plan Commission

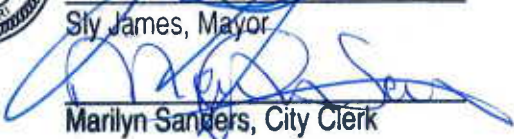
Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk

JUL 23 2015

Date Passed