

ORDINANCE NO. _____

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, APPENDIX B, ZONING REGULATIONS IN ORDER TO DEFINE TERMS AND USES RELATED TO URBAN AGRICULTURE.

ORDINANCE NO: _____

REQUESTED BY: OFFICE OF SUSTAINABILITY

PREPARED BY: LAW

APPROVED ON 1ST READING: _____

APPROVED ON 2ND READING: _____

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK: _____ PAGE _____

WHEREAS, urban agriculture ensures the health and safety of all residents by increasing access to healthy, local food and promoting food security through support for communities and residents’ ability to grow, sell, and buy healthy food; and

WHEREAS, urban agriculture contributes to the local economy by generating jobs, sales of food at farmers markets, grocery stores, and on-site farm stands and offering the opportunity for entrepreneurship in creating food-related small-businesses; and

WHEREAS, urban agriculture provides a proven tool for both supporting and improving healthy, livable neighborhoods by reducing the negative impact of blighted, vacant lots and buildings and further helps to support neighborhood stabilization and recovery; and

WHEREAS, the City of Knoxville desires to strengthen its commitment to local food production and, in order to achieve this goal, desires to remove potential barriers to food production on private property;

WHEREAS, a significant barrier for local food production in the City of Knoxville is the language of the current zoning code, which can be unclear in defining which agricultural practices are allowed within the City of Knoxville; and

WHEREAS, the proposed amendments modify the zoning code to provide clarity by creating definitions and standards for urban agriculture, personal gardens, market gardens, community gardens, and various, associated accessory uses and structures; and

WHEREAS, the proposed amendments also encourage achievement of local and regional food production goals, as outlined respectively in the City of Knoxville's 2013 Bloomberg Philanthropies application and during the PlanET (Plan East Tennessee) regional planning process; and

WHEREAS, the Metropolitan Planning Commission recommended approval of an Ordinance of the Council of the City of Knoxville to Amend the Knoxville City Code, Appendix B, Zoning Regulations, in order to Define Terms and Uses Related to Urban Agriculture; and

WHEREAS, the Council of the City of Knoxville finds it to be in the public interest to amend its zoning ordinance to adopt the amendments proposed by the Office of Sustainability, which amendments are designed to better accommodate common urban agriculture practices in the City of Knoxville while protecting the community health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: Appendix B, Article II, *Definitions*, of the Code of Ordinances of the City of Knoxville hereby shall be amended by adding the following definitions in the correct alphabetical location to:

Apiary: A collection of one (1) or more colonies of bees in beehives at a location.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating system utilizing fish culture to increase nutrient concentrations of irrigation water for the purpose of producing food or non-food crops.

Cold Frame: A four-sided enclosure with a transparent or translucent and removable or adjustable roof, built low to the ground to house and protect food or non-food crops outside the typical growing season.

Compost, Backyard: The composting of organic solid waste, such as grass, clippings, leaves, or food waste (excluding meat and dairy), generated on-site by a property owner or other person with an interest in the property, where composting occurs at the site of origin and the resulting product is for on-site use only.

Garden, Market: An area of land managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. A Market Garden may be a principal or accessory use.

Garden, Personal: An area of land on which food or non-food crops are grown by the property owner or other person with an interest in the property for personal or family consumption and enjoyment. A Personal Garden may be a principal or accessory use. On-site sales may be allowed through a temporary use permit issued for a Seasonal Produce Stand.

High Tunnel (also known as Hoop House): A type of freestanding, covered structure that has a supported framework, typically made with metal piping and covered with a translucent material such as plastic or glass. Crops can be grown either in the natural soil profile or by installing permanent beds. A High Tunnel does not have heat or electrical power and its purpose is to house and protect food or non-food crops outside the typical growing season.

Hive (also known as Beehive): A container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest.

Hydroponics: The propagation of plants using a mechanical system designed to circulate a solution of minerals in water and without soil.

Low Tunnel: A temporary, freestanding structure that has a supported framework, typically made with hooped PVC pipe or wire and covered with plastic. A Low Tunnel does not have heat or electrical power and its purpose is to house and protect food or non-food crops outside the typical growing season.

Seasonal Produce Stand: A temporary sales space of portable or sectional construction and no more than 100 square feet, which is used to sell produce and non-food crops that are grown on-site.

Urban Agriculture: An umbrella term that describes a range of growing practices for food and non-food crops implemented in an urban or suburban setting. Urban Agriculture includes personal gardens, community gardens, market gardens, apiaries (beekeeping), aquaponics, hydroponics, backyard composting, domesticated chickens, and seasonal produce stands.

SECTION 2: Appendix B, Article II, *Definitions*, of the Code of Ordinances of the City of Knoxville hereby shall be amended by deleting the definition for “Community Garden” in its entirety and substituting the following in lieu thereof:

Garden, Community: An area of land managed and maintained by a nonprofit or group of individuals to grow and harvest food and non-food crops for personal or group use, consumption, or donation. A Community Garden may be a principal or accessory use.

SECTION 3: Appendix B, Article II, *Definitions*, of the Code of Ordinances of the City of Knoxville hereby shall be amended by deleting the definition for “Greenhouse” in its entirety and substituting the following in lieu thereof:

Greenhouse: A type of freestanding covered structure that has a supported framework and covered with a translucent material such as plastic or glass. A Greenhouse may use generated or electrical heat or power and its purpose is to house and protect food or non-food crops during all seasons of the year.

SECTION 4: Appendix B, Article II, *Definitions*, of the Code of Ordinances of the City of Knoxville shall hereby be amended by deleting the definition for “Open space, conservation” in its entirety and substituting the following in lieu thereof:

Open space, conservation: Any public or privately owned parcel, lot or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation purposes. Conservation open space may include horticulture, floriculture, forests and woods, personal and community gardens, recreational open space, and natural features located on a site, such as steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources.

SECTION 5: Appendix B, Article IV, Sections 2.1.1.B, 2.1.2.B, 2.1.3.B, 2.1.4.D, 2.1.6.B, 2.1.7.B, 2.1.8.B, and 3.1.B of the Code of Ordinances of the City of Knoxville, which are the permitted principal and accessory uses and structures sections for basic and planned residential districts, shall hereby be amended by adding Personal Garden and Community Garden as separately listed categories of permitted uses.

SECTION 6: Appendix B, Article IV, Sections 2.1.1.C, 2.1.2.C, 2.1.3.Ba, 2.1.4.D, 2.1.6.C, 2.1.7.C, 2.1.8.Ba, and 3.1.C of the Code of Ordinances of the City of Knoxville, which are the uses and structures permitted on review sections for basic and planned residential districts, shall hereby be amended by adding Market Garden as a separately listed category of a use permitted on review.

SECTION 7: Appendix B, Article IV, Sections 2.2.1.B, 2.2.2.B, 2.2.3.B, 2.2.4.D, 2.2.5.B, 2.2.6.B, 2.2.7.B, and 2.2.8.B, 2.2.9.B, 2.2.10.B, and 3.2.B of the Code of Ordinances of the City of Knoxville, which are the permitted uses sections for office and commercial districts, shall hereby be amended by adding Personal Garden, Community Garden, and Market Garden as separately listed categories of permitted uses.

SECTION 8: Appendix B, Article IV, Sections 2.3.1.B, 2.3.2.B, 2.3.3.B, and 3.9.B of the Code of Ordinances of the City of Knoxville, which are the permitted uses sections for industrial districts, shall hereby be amended by adding Personal Garden, Community Garden, and Market Garden as separately listed categories of permitted uses.

SECTION 9: Appendix B, Article IV, Sections 2.4.2.B.1 of the Code of Ordinances of the City of Knoxville, which is the permitted uses section for the Open Space Preservation (O-1) zoning districts, shall hereby be amended by deleting the section in its entirety and substituting the following in lieu thereof:

Horticulture, floriculture, forests and woods, Community Garden.

SECTION 10: Appendix B, Article IV, Section 2.4.4.B.1 of the Code of Ordinances of the City of Knoxville, which designates uses permitted in the F-1 zoning district adjacent to agricultural and

residential districts, hereby shall be amended by adding Personal Garden, Community Garden, and Market Garden after the words “livestock grazing” in the series of permitted uses.

SECTION 11: Appendix B, Article IV, Sections 3.4.B, 3.5.B, 3.11.B, and 3.12.B of the Code of Ordinances of the City of Knoxville, which are the permitted uses sections for various planned districts, hereby shall be amended by adding Personal Garden, Community Garden, and Market Garden as separately listed categories of permitted uses. For the Town Center (TC-1) zoning district, Personal, Community, and Market Gardens shall be permitted in the Core and Peripheral Areas of the district.

SECTION 12: Appendix B, Article IV, Section 3.10.C of the Code of Ordinances of the City of Knoxville, which is the permitted uses section for the Business and Technology Park (BP-1) zoning district, hereby shall be amended by adding Personal Garden and Community Garden as separately listed categories of permitted uses.

SECTION 12: Appendix B, Article IV, Section 3.10.D of the Code of Ordinances of the City of Knoxville, which is the uses permitted on review section for the Business and Technology Park (BP-1) zoning district, hereby shall be amended by adding Market Garden as a separately listed category of uses permitted on review.

SECTION 13: Appendix B, Article IV, Section 4.2.D of the Code of Ordinances of the City of Knoxville, which is the Allowed Use Table for the Cumberland Avenue Corridor (CU) zoning district, hereby shall be amended (1) by adding Personal Garden as a newly listed category under Residential Uses with further indication that the use is allowed in all districts and indicating the definition is at Sec. 4.2.5.E.1.e; (2) by adding Market Garden as a newly listed category under Commercial Uses with further indication that the use is allowed in all districts and indicating the definition is at Sec. 4.2.5.E.3.l; and (3) by adding Community Garden as a newly listed category under Public Uses with further indication that the use is allowed in all districts and indicating the definition is at Sec. 4.2.5.E.2.e.

SECTION 14: Appendix B, Article IV, Section 4.2.E of the Code of Ordinances of the City of Knoxville, which is the Use Categories for the Cumberland Avenue Corridor (CU) zoning district,

hereby shall be amended (1) by adding the following definition for Personal Garden as a newly numbered Section 4.2.5.E.1.e:

Personal Garden: An area of land on which food or non-food crops are grown by the property owner or other person with an interest in the property for personal or family consumption and enjoyment. Personal gardens may be principal or accessory use. On-site sales are permitted through the use of a temporary use permit issued for a seasonal produce stand;

(2) by adding the following definition for Market Garden as a newly numbered Section 4.2.5.E.3.1:

Market Garden: An area of land managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. Market gardens may be principal or accessory uses;

and (3) by adding the following definition for Community Garden as a newly numbered Sec. 4.2.5.E.2.e:

Community Garden: An area of land managed and maintained by a nonprofit or group of individuals to grow and harvest food or non-food crops for personal or group use, consumption, or donations. Community gardens may be principal or accessory uses.

SECTION 15: Appendix B, Article IV, Section 4.1.4.A.1.c of the Code of Ordinances of the City of Knoxville, which is the Prohibited Uses section for the South Waterfront (SW) zoning district, hereby shall be amended by deleting the section in its entirety and substituting the following in lieu thereof:

Major agriculture includes animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, aquaculture, dairying, personal or commercial animal breeding and development; floriculture, pasturage, tree or sod farm, silviculture; animal boarding, outdoor; livestock auction; milk processing plant; packing house for fruits or vegetables; plant nursery; plant nursery with landscape supply; retail or wholesale sales of agriculturally-related supplies and equipment; stable; or any similar use. Major Agriculture does not include Urban Agriculture or its subcategories, Personal Garden, Market Garden, or Community Garden.

SECTION 16: Appendix B, Article V, Section 4.B. of the Code of Ordinances of the City of Knoxville, which governs accessory uses, buildings, and structures, hereby shall be amended by adding a newly numbered Section 9, titled “For Community Gardens, Personal Gardens, and Market Gardens,” which shall include the following appropriately lettered subcategories:

- a. High Tunnels.
- b. Greenhouses.

- c. Cold Frames.
- d. Low Tunnels.
- e. Storage Shed or Utility Building.
- f. Backyard Compost Containers.
- g. All accessory structures or uses for Community Gardens, Personal Gardens, and Market Gardens are subject to the performance standards set forth in Section 24 of this Article and may be subject to review and approval according to the design guidelines for overlay districts, including, but not limited to the Historic (H-1), Neighborhood Conservation (NC-1), and Downtown Design (D-1) overlay districts.

SECTION 17: Appendix B, Article V, Section 13.B.5 of the Code of Ordinances of the City of Knoxville, which governs temporary uses, hereby shall be amended by deleting the section in its entirety and substituting the following in lieu thereof:

In any district, other than agricultural, a temporary use permit may be issued for the sale of food or non-food crops grown only on the premises. Acceptable seasonal produce stands shall be a portable table or cart, and shall not exceed an area of one hundred (100) square feet. Such stands shall be removed when not in use. A permit shall be valid for not more than nine (9) months per calendar year. Applicants may submit for a subsequent seasonal produce stand permit one (1) calendar year from the issuance of their last permit for this purpose. Seasonal produce stands shall be set back from all public rights-of-way a distance of not less than fifteen (15) feet.

SECTION 18: Appendix B, Article V, *Supplementary Regulations Applying to a Specific, to Several, or to All Districts*, of the Code of Ordinances of the City of Knoxville, hereby shall be amended by adding a newly numbered Section 24, titled “Performance Standards for Urban Agriculture,” with language as follows:

24. Performance Standards for Urban Agriculture.

Urban Agriculture includes a variety of structures and uses. These structures must adhere to setbacks and building codes as specified in the base zoning district. This section is meant to clarify additional setback and standards for uses related to Urban Agriculture:

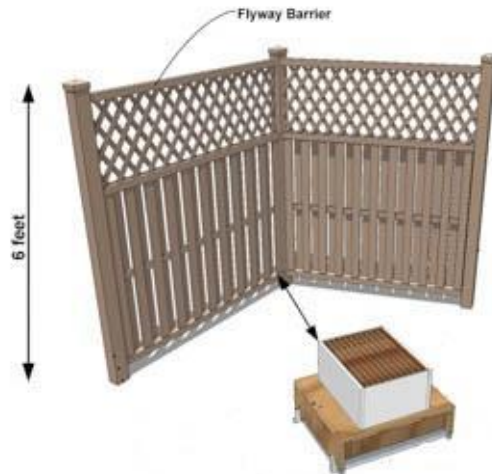
A. General guidance on setbacks and accessory buildings related to Urban Agriculture

1. Accessory buildings and uses

- i. A shed or utility building that is incidental or necessary for the use’s operation may be allowed for the storage of tools and gardening materials without a primary structure.
- ii. All accessory buildings and uses are subject to compliance with all other applicable codes and regulations of the city.
- iii. No accessory building shall be used, erected, or maintained as living quarters.

B. Apiaries are permitted in all districts. Apiaries shall comply with the following regulations:

1. New apiaries shall be registered with the Tennessee Department of Agriculture
2. Hives shall be located only in side or rear yards.
3. Hives shall be set back at least fifteen (15) feet from lot lines and public sidewalks, unless the yard is screened by a solid wall or opaque fence.
4. Hive openings shall face away from the nearest abutting lot.
5. Hives shall have a fresh water supply located on property.
6. For any rooftop apiary within twenty (20) feet of doors and/or windows of the principal building on an abutting lot, one of the following conditions must exist:
 - i. The hive opening shall face away from doors and/or windows of the principal building on the abutting lot; or
 - ii. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge, or similar barrier shall be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the hive opening and shall extend at least two (2) feet in width on either side of the hive opening. An example of a flyway is depicted in the image below.



C. Backyard composting is allowed in all districts and shall comply with the following regulations:

1. Bins or piles are allowed only in rear yards and shall be set back five (5) feet from lot lines.
2. Bins or piles shall not exceed 5% of the parcel area and six (6) feet in height.
3. Bins or piles shall be located outside of the required Riparian Buffer Zone.
4. Compost shall be enclosed or contained.
5. Compost shall only be used for the composting of materials generated

on-site, and shall not contain any meat or dairy.

6. Compost is subject to enforcement due to odor performance standards described in Appendix B, Article 5, Section 1(B)(3).

D. Hydroponics and aquaponics:

1. All systems must comply with applicable Federal, State, and local regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.
2. Where applicable, aquaponics and hydroponics structures or systems must be permitted by the Plans Review and Inspections Department.

E. Low tunnels and cold frames:

1. Cold frames and low tunnels shall have a height that is less than seventy-two (72) inches above grade.
2. All covers must be securely fastened.
3. Once the growing season is complete, all hoops, covers, and materials must be removed.

F. High tunnels and Greenhouses

1. High tunnels and Greenhouses shall be at least seventy-two (72) inches in height, but equal to or less than the allowable height for an accessory building in the applicable zoning district.
2. High tunnels must be placed over an area designated for crop cultivation where crops are grown in the natural soil profile or in raised beds.
3. High tunnels and greenhouses must use greenhouse-grade, UV-resistant covers.
4. The maximum high tunnel bow spacing is six (6) feet.
5. Where applicable, a greenhouse or high tunnel structure must be permitted by the Plans Review and Inspections Department
6. All high tunnels and greenhouses must comply with all Federal, State, and local regulations for runoff, erosion, and sediment control.

SECTION 19: This Ordinance shall take effect seventeen (17) days from and after its passage, the public welfare requiring it.

Presiding Officer of the Council

City Recorder