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TO: Kenton County Planning Commission Members

FROM: Emi Randall, AICP, RLA 
Director of Planning and Zoning

RE: Staff Recommendations for the Public Hearing

DATE: January 3, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled January 10, 2019 public hearing. This information relates to the following agenda item:

FILE: PC1811-0004
APPLICANT: City of Covington per David Johnston, City Manager
REQUEST: Proposed text amendments to the Covington Zoning Ordinance allowing Market Gardens as a conditional use within all residential zones; allowing Community Gardens as a permitted use and Market Gardens as a conditional use within the Linden Gateway District; Establishing use specific standards for the Market Garden; and adding a definition for Market Garden.

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

cc: David Johnston, City Manager





Text Amendment

Case No: PC1811-0004
Jurisdiction: Covington
Applicant: City of Covington per David Johnston, City Manager
Project Manager: Patrick Denbow, AICP

GENERAL CASE INFORMATION

1. **Request:** Proposed text amendments to the Covington Zoning Ordinance allowing Market Gardens as a conditional use within all residential zones; allowing Community Gardens as a permitted use and Market Gardens as a conditional use within the Linden Gateway District; Establishing use specific standards for the Market Garden; and adding a definition for Market Garden.

HISTORY & BACKGROUND

1. In 2012, the City of Covington submitted text amendments to add a definition for community gardens, permit them in all residential districts with restrictions(Z-12-06-03-2080R). KCPC recommended to approve adding the definition of community gardens and adding them to the list of permitted uses in all residential districts. The City subsequently adopted the text amendments as recommended by KCPC.

ANALYSIS

1. **Petition Review:**
 - a. This proposed amendment will add "Market Garden" as a conditional use in all residential zones and will add Use Specific Standards.
 - b. The proposed amendment will add "Community Garden" as a permitted use within the Linden Gateway District. The proposed amendment will also add "Market Garden" as a conditional use within the Linden Gateway District.
 - c. The proposed text amendment will add Use Specific Standards for Market Gardens:
 - i. All associated structures will be subject to the underlying zone regulations, shall not take up more than 60 percent of the lot, and be no more than 15 feet in height. Areas in garden use and not enclosed in a structure will be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants shall not be considered structures.
 - ii. Composting is limited to the following:
 - 1) Plant based materials generated on site
 - 2) Plant-based food waste
 - 3) Non-vegetative materials such as wood chips, pre-composted materials, or soil to enhance plant materials
 - 4) Setback at least 10 feet from all property lines and shall be covered or enclosed
 - 5) Not to exceed 5 feet in height unless within 3 feet of any building, then 3.5 feet in height.
 - 6) Not to exceed 20 cubic yards total at any given time
 - iii. Water shall be available on site for maintaining garden and dust suppression. There can be a water collection system or on-site or off-site connection to service.
 - iv. Must not create a nuisance condition for adjacent property owners.

- v. Open to the public from 8 am to 8 pm. Any gardening activity outside these hours must not cause a nuisance.
- vi. Fences not to exceed 6 feet in height and be at least 50 percent open if taller than 4 feet. Shall be wood, wood-wire combination, or ornamental metal.
- d. A definition will also be added for “Market Gardens”:
 - i. A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale of items grown on the site.
- e. Under the current regulations, a Community Garden is defined as:
 - i. A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site. Community Gardens may include common areas maintained and used by group members.

STATE STATUTE

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

STAFF RECOMMENDATION: To approve the proposed text amendments to the Covington Zoning Ordinance allowing Market Gardens as a conditional use within all residential zones; allowing Community Gardens as a permitted use and Market Gardens as a conditional use within the Linden Gateway District; establishing use-specific standards for Market Gardens; and adding a definition for Market Garden.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION

1. The proposed text amendments are reasonable and appropriate. Community Gardens are a permitted use within the residential districts and adding Market Gardens as a conditional use is a reasonable extension of what is already allowed. The Linden Gateway Small Area Study (the basis for the Linden Gateway District) also recommends “community gardens” for the district.
2. The proposed text amendment will not be detrimental to the public health, safety, or welfare. Community Gardens are already permitted within the residential districts. Adding Market Gardens as a conditional use will ensure review and approval by the Board of Adjustment which will allow for a public hearing. As with all conditional uses, the board may place conditions where necessary to ensure proper integration into the surrounding area. In addition, the proposed use specific standards will also help to ensure proper integration.

ADDITIONAL INFORMATION

1. Parking will be determined as necessary by the Zoning Administrator.
2. In addition to permitted uses, the Linden Gateway District also regulates building forms. Each building form has its own setback and height requirements. While the proposed text amendment is adding community market gardens to the LGD Zone, it is not specifying the building form. Based upon conversations with the City, it is the intent to allow these uses in the Recreation and Open Space standards of the LGD Zone.

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: www.pdskc.org

ATTACHMENT A

Potential Text Amendments to the Covington Zoning Ordinance.

Words to be **deleted** are [~~lined through~~]. Words to be **added** are underlined.

Table of Contents

Article 6. Use Regulations

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Article 2. Residential Zones

Section 2.02 Allowed Uses

Uses are allowed in residential zones in accordance with the use table of this section (below).

2.02.05 Use Table

Use Category (Defined in Article 16)	RR	RS	RU	RU	RU	RU	RU	RU	RU	Use-Specific Standards
Specific Use Type	40	20 12.5 7.5	5	3.5	2	2A	2B	1	0.5	
RESIDENTIAL										
Household Living										
Detached (single-family) Houses	P	P	P	P	P	P	P	P	P	
Lot Line (single-family) Houses	-	-	P	P	P	P	P	P	P	§2.03.02
Attached (single-family) Houses	-	-	P	P	P	P	P	P	P	§2.03.03
Two-unit (two-family) Buildings	-	-	-	C	-	P	P	P	P	
Multi-unit (multi-family) Buildings	-	-	-	-	-	C	P	P	P	§Section 6.32
Qualified Manufactured Housing Units	P	P	P	P	P	P	P	P	P	§Section 6.22
Group Living										
Residential care facility	P	P	P	P	P	P	P	P	P	
Nursing home	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	
Youth shelter	C	C	C	C	C	C	C	C	C	§Section 6.13
PUBLIC AND CIVIC										
Cultural Exhibits and Libraries										
Cultural Exhibits and Libraries	C	C	C	C	C	C	C	C	C	
Day Care										
Babysitting or Family Day Care Home	P	P	P	P	P	P	P	P	P	
Day Care, Type 1/Type 2	C	C	C	C	C	C	C	C	C	§Section 6.07

Use Category (Defined in Article 16)	RR	RS	RU	RU	RU	RU	RU	RU	RU	Use-Specific Standards
Specific Use Type	40	20 12.5 7.5	5	3.5	2	2A	2B	1	0.5	
Hospital	–	–	C	–	C	C	–	–	–	§Section 6.14
Lodge or Private Club	–	–	–	–	–	–	–	C	C	
Recreation and Open Space	C	C	C	C	C	C	C	C	C	
Low-Intensity	P	P	P	P	P	P	P	P	P	
High-Intensity	C	C	C	C	C	C	C	C	C	
Religious Assembly	C	C	C	C	C	C	C	C	C	
Safety Services	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	
Schools	C	C	C	C	C	C	C	C	C	
Utilities										
Essential services	P	P	P	P	P	P	P	P	P	
Major	C	C	C	C	C	C	C	C	C	
COMMERCIAL										
Artist Studios						P	P	P	P	P
Funeral and Internment Services										
Cemetery	P	C	C	C	C	C	C	C	C	
Funeral home (undertaking)	–	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	
Lodging										
Bed and Breakfast	–	–	C	C	C	C	C	–	–	§Section 6.04
Neighborhood Retail Sales and Service	–	–	P	P	P	P	P	P	P	§Section 6.20
Office (no medical or dental offices/clinics)	–	–	C	C	C	C	C	C	C	
Reuse of Historic Commercial Structure	C	C	C	C	C	C	C	C	C	§14.05.06, E.
OTHER										
Community Garden	P	P	P	P	P	P	P	P	P	§Section 6.33
<u>Market Garden</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>§Section 6.33</u>
Neighborhood parking lot	–	–	P	P	P	P	P	P	P	
Greenhouse or nursery	P	–	–	–	–	–	–	–	–	
Roadside stand	P	–	–	–	–	–	–	–	–	
Stable or riding academy	P	–	–	–	–	–	–	–	–	§Section 6.27

[1] Allowed only on lots adjacent to an arterial street.

Article 4. Special Purpose Zones

Section 4.07 LGD, Linden Gateway District Zone

1.01.01 4.07.07 Permitted Uses and Building Forms

Other (not specifically listed above)	-	-	P	P	P	§4.07.07, D.	COM, MU, REC	COM, MU, REC	MU, REC	MU, REC	MU, REC
Funeral and interment services											
Funeral home (undertaking)	-	-	-	-	C		-	-	-	-	DSF
Lodging											
Bed and breakfast	-	-	P	P	P	§6.04	-	-	DSF	DSF	DSF
Medical Service	P	P	P	P	P		P&C, COM, MU	P&C, COM, MU	MU	MU	DSF, ASF, 2F, MU
Neighborhood retail sales and service	P	P	P	P	P	§6.20					
Office	P	P	P	P	P		P&C, COM, MU	P&C, COM, MU	MU	MU	DSF, ASF, 2F, MU
Personal improvement service	P	P	P	P	P		-	-	MU	MU	MU
Retail sales and service											
Antique shop	-	-	P	P	P		-	-	MU	MU	MU
Flea market	-	-	-	-	-		-	-	-	-	-
Furniture rental, consumer	-	-	-	-	-		-	-	-	-	-
Secondhand store	-	-	-	-	-		-	-	-	-	-
Vintage clothing store	-	-	P	P	P		-	-	MU	MU	MU
Other (not specifically listed above)	P	P	P	P	P		COM, MU	COM, MU	MU	MU	MU
Reuse of historic commercial structures	C	C	C	C	C	§14.05.06, E.	COM, MU	COM, MU	COM, MU	COM, MU	COM, MU
OTHER											
Neighborhood parking lot	P	P	P	P	P	§4.07.07, D.	PARKING	PARKING	PARKING	PARKING	PARKING
Parking, non-accessory	P	P	P	P	P	§4.07.07, D.	PARKING	PARKING	PARKING	PARKING	PARKING
Community Garden	P	P	P	P	P	§6.33	-	-	-	-	-
Market Garden	C	C	C	C	C	§6.33	-	-	-	-	-

Article 6. Use Regulations

Section 6.33 Community and Market Gardens..... 6-25

Section 6.33 Community and Market Garden

6.33.01 Community Gardens uses, where allowed, are subject to the following standards:

- A. No sale of items grown or any other items may take place on-site.
- B. In order to privatize or sell plots of the garden the property owner must obtain a valid Occupational License permit
- C. Two (2) accessory structures, limited to tool sheds, shade pavilions, plant preparation houses, greenhouses, and other structures that relate to the principal use of a Community Garden with authorization from the Zoning Administrator, is permitted and is subject to regulations of Section 6.02
- D. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood or ornamental metal

6.33.02 Market gardens uses, where allowed, are subject to the following standards:

- A. All structures associated with the market garden operation, including greenhouses, hoop houses and high tunnels, located on the site shall comply with the location requirements of the underlying zone regulations, but shall not take up more than 60 percent of the lot, and be no more than 15 feet in height. For purposes of open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.
- B. Composting shall be limited to plant materials generated on the site, and plant-based food waste and non-vegetative materials such as wood chips, pre-composted materials or soil to enhance these plant materials. Compost piles shall be set back at least 10 feet from all property lines and shall be covered or enclosed to prevent migration of compost materials due to wind, slope, or water-based erosion. Compost piles shall not exceed 5 feet in height, and compost piles within 3 feet of any building entry shall not exceed 3.5 feet in height. The amount of compost materials on site at any given time shall not exceed 20 cubic yards.
- C. Water for the purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off-site connection to the local water service.
- D. Market gardens shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing the property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.
- E. Market gardens shall only be permitted to be open to the public during the hours of 8 am and 8 pm. Gardening activities conducted outside of the hours of 8 am and 8 pm shall be conducted in a manner that do not constitute a nuisance.
- F. Fences shall not exceed six feet in height, shall be at least 50% open if they are taller than four feet, and shall be constructed of wood, wood-wire combination, or ornamental metal.

Article 16. Definitions

Section 16.02 Use Groups and Categories

16.02.08 Other Use Group

E. Community Gardens

A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site. Community gardens may include common areas maintained and used by group members.

F. Market Gardens

A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale of items grown on the site.