

Bill No. 7579 Committee Substitute

Introduced in Council

Passed by Council

June 3, 2013

Introduced by  
Mary Jean Davis, Jack Harrison,  
Joe Deneault, Kasey Russell,  
Mary Beth Hoover, Mike Nichols

Referred to  
Planning Committee  
Municipal Planning Commission

1 Bill No. 7579 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted  
2 November 21, 2005 to amend the land use table to provide for urban agriculture, community  
3 gardens and urban farms as either a permitted use or conditional use in certain in zoning  
4 districts and to provide supplemental regulations pertaining to said uses.

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6 WHEREAS, the City of Charleston is committed to increasing access to fresh, locally grown,  
7 wholesome foods for all residences; and

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9 WHEREAS, to ensure the health and safety of all its residents, the City seeks to create and  
10 encourage programs and policies that sustain greater local food security and improve access to  
11 healthy food in underserved neighborhoods; and,

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

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17 WHEREAS, urban agriculture provides a proven tool for improving the City's quality-of-life  
18 by reducing the negative impact of vacant lots, buildings and unused rooftops and helps to  
19 support neighborhood stabilization and recovery; and,

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21 WHEREAS, state and national policies are encouraging home gardens to produce their  
22 own food; and,

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24 WHEREAS, there is local interest in additional community gardens, community farms and  
25 small commercial farms; and,

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27 WHEREAS, growing local food eliminates both the need for fossil fuels in transporting food  
28 and the use of destructive chemicals that are a part of large scale food production operations;  
29 and,

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31 WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a  
32 family food budget; and,

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34 WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for  
35 students to learn about nutrition and where food comes from; and,

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Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50
Urban Farm						C	C	P	P	C			P	P	C		50

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**Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table**

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50. Urban Agriculture in any district shall be regulated as follows:

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1. The Board of Zoning Appeals must determine the Urban Farm use is compatible with area.

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2. The Board of Zoning Appeals may limit the Urban Farm hours of operation.

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3. The use shall not create a nuisance due to noise, smoke, electrical interference, dust, or obnoxious odor.

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4. The use shall not create unacceptable congestion or traffic hazards on the neighboring streets.

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5. Land devoted to agricultural use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass (inspection code). Urban Agricultural uses may include greenhouses as accessory structures, subject to applicable setbacks, and shall also be well maintained.

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6. Hens may be kept on residential properties only. Ownership, care, and control of the hens shall be the responsibility of a resident of the dwelling on the lot. A maximum of six (6) hens may be kept on a lots smaller than one acre (although health regulations may further limit the number and/or manner of keeping of hens on lots). Keeping Roosters or seven (7) or more hens on a lot is ~~are~~ strictly prohibited, except as provided in the land use table under poultry. Henhouses are subject to accessory structure setback requirements. Hens and henhouses are not permitted in front yards. Hens must be confined to the lot. Keeping six or fewer hens closer than 25 feet of any inhabited structure, so long as consistent with the requirements and limitations set forth herein, is an exception to, and is not prohibited by, City Code §10-11.

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7. Honeybees may be kept on residential properties only. Ownership, care and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot. A maximum of three (3) colonies may be kept on lots smaller than one acre (although health regulations may further limit the number and/or manner of keeping of bees on lots). Structures for honeybees are subject to accessory structure setback requirements. Honeybees and beekeeping materials are not permitted in front yards.

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8. Roof farms must receive a building permit. All applicable West Virginia building and fire codes must be met.

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9. Commercial farming/greenhouse, including but not limited to aquaponic and hydroponic farming, is permitted on municipal land, in municipal buildings, on roofs of municipal buildings and/or in greenhouses on municipal land with permission from City and subject to all applicable permits and licenses.

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115        10. Farms and greenhouses shall be subject to building code requirements and any  
116                applicable rules and regulations.

117        11. Hoop houses, cold frames, or other similar structures shall be allowed as accessory  
118                structures subject to the building code and subject to the zoning ordinance, and the  
119                cover shall be removed and stored when plants are not being cultivated.

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121        All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed  
122                to the extent of such inconsistency.