Growing Good Food in KC Neighborhoods:

A Guide to Urban Agriculture Codes in KCMO

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Introduction

In June, 2010, the city of Kansas City, MO passed an ordinance amending the Zoning and Development Code to address agricultural and horticultural activities in residential neighborhoods. The city has always allowed “crop agriculture” in residential neighborhoods, but, with the emergence of new models of urban food production, gardens, and urban farm businesses, there was a need to bring the codes more up-to-date.

Cultivate KC, the Greater Kansas City Food Policy Coalition, and a group of hard-working citizens partnered with city staff and council members to determine codes that would help communities reap the benefits of urban food production, including:

- increased access to home-grown, healthy produce
- economic opportunities from the sales of agricultural and horticultural products
- employment and learning opportunities
- the creation of productive, community-building green space in a rapidly changing city landscape.

These codes represent important steps forward for the city. Now gardeners, farmers, and community gardens can sell their produce in residential neighborhoods. A grower can offer internships and apprentices on gardens and farms in neighborhoods. A farmer can run a CSA in a city neighborhood.

These legal options give our community a wider range of possibilities in taking advantage of urban growing and sales of homegrown fruits and vegetables.

That said, the codes language can be confusing to understand! We've prepared this guide to help you figure out what types of growing and selling activities are legal in your own neighborhood and situation.

To find out how the new codes affect your urban agriculture operation, first try to determine which term defines your operation: Home Garden, Community Garden, Crop Agriculture or CSA Farm.

You may find that you could fit into several of the definitions. If you would like help with this, please reach out to Cultivate KC; we can help in your determination via phone or a site visit.
Home Gardens

You have a Home Garden if:
• You and your family or housemates live on-site
• You and/or your family or housemates maintain a garden on-site
• You and/or your family or housemates eat the produce yourselves, or sell or donate it

Note that there is no size restriction in the definition of a home garden. As long as the garden is maintained by you and the other occupants it could be a sizeable farm selling produce or giving it away.

If you want to sell your produce on-site, you can:
• Sell only whole, uncut, fresh food grown in your garden (no produce from other people’s gardens/farms, no processed goods, no crafts or any other non-garden product)
• Put an unilluminated sign, no larger than 6 square feet or 3 feet high on-site during the time of sales

Other guidelines for a Home Garden:
• If you donate your produce or sell it on-site you cannot grow “row crops” in your front yard. (See definition of “row crops” below)
• All garden-related buildings and structures must comply with building and zoning codes
• A home garden is now allowed as an accessory use to the principal residential use

“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, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard’s borders, that extend no more than 5 feet from the side property lines or from the front of the principal building.
Community Gardens

You have a Community Garden if:

- You work with a group of individuals to grow and harvest food
- You and other group members eat the produce, or sell or donate it

If you want to sell your produce on-site, you can:

- Sell whole, uncut, fresh food grown in your community garden (no produce from other gardens/farms, no processed goods, no crafts or any other non-garden product) if the property is an empty lot with no house on it
- You cannot sell on-site if the property is occupied. If a community garden encompasses several lots, of which one or more are vacant, you may sell on one of the vacant lots

Other guidelines for a Home Garden:

- Your garden may be divided into separate garden plots or may be farmed collectively
- The garden may be on an empty lot or may share a lot with a home or other structure (such as a church)
- If the property is occupied, you cannot grow “Row crops” in the front yard. (See definition of “row crops” below)
- All garden-related buildings and structures must comply with building and zoning codes
- All chemicals and fuels must be stored in an enclosed, locked structure when the site is unattended
- A community garden is now allowed as a principal or accessory use of the property

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Crop Agriculture

You have a Crop Agriculture if:
You grow and harvest food crops for off-site sale or donation at locations where retail sales are allowed (i.e. farmer’s markets, restaurants, grocery stores)

If you want to sell your produce on-site, you can:
• Apply for a Special Use Permit from the Board of Zoning Adjustment (See Page 6)
• In areas zoned R-80, you can sell whole, uncut, fresh food on-site without a Special Use Permit (See Page 6 for all R-80 Exemptions)

Other guidelines for a Home Garden:
• The city’s legal department has indicated that it approves of employees and apprentices on vacant lots but not on occupied sites; however, this is not stated explicitly in the codes
• All farm-related buildings and structures must comply with building and zoning codes.
  + High tunnels are considered temporary structures and do not need to be approved.
  + Greenhouses may be installed on vacant lots, but need to comply with building codes.

We encourage you to work with Cultivate KC staff before you install either. The city is still in a process of clarifying specifics of these types of structures.
• Crops must be set back 3 feet from property lines, with ground cover in the area between crops and property lines
• The site must be designed and maintained so that chemicals will not drain onto adjacent property
• Crop agriculture is now allowed as a principal or accessory use of the property
Community-Supported Agriculture (CSA) Farm

Please note: In order to operate a CSA in zones R-03 through R-10 you must apply for a Special Use Permit

You have a CSA Farm if:

- You grow and harvest food crops for off-site sale or donation at locations where retail sales are allowed (farmers markets, restaurants, grocery stores)
- At least part of your harvest is sold or exchanged for labor to shareholders

If you want to sell your produce on-site, IN ADDITION to your regular activities as a CSA Farm, you can:

- Apply for an On-site Sales Permit, either as part of your CSA Special Use Permit or separately, from the Board of Zoning Adjustment (See additional information below)
- Shareholders can pick up produce on-site without a permit that specifically addresses on-site sales
- In areas zoned R-80, you do not need a Special Use Permit to sell whole, uncut, fresh food on-site or to operate a CSA

Other guidelines for a CSA Farm:

- Initially the CSA Special Use Permit may be granted for one year, and then subsequent renewals may be allowed for up to 5 years if the CSA has com-plied with all of the requirements of the permit in the previous period
- The CSA Special Use Permit and the On-site Sales Permit can all happen within the same application/fee
- CSAs may have paid or volunteer apprentices/interns working on vacant and occupied sites
- Shareholders can work on the farm in exchange for a share of the food
- All farm-related buildings and structures must comply with building and zoning codes
- Crops must be set back 3 feet from property lines, with ground cover in the area between crops and property lines
- The site must be designed and maintained so that chemicals will not drain onto adjacent property

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• All chemicals and fuels must be stored in an enclosed, locked structure when the site is unattended
• Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations
• If a CSA is on a residentially-zoned and occupied property and the produce is also donated or sold on-site (not including shareholder pick-ups), “Row Crops” are not permitted in front yards. (see “Row Crop” definition on Page 1) “Row crops” can be grown in a 5-foot wide border along the property lines and front of the principal building BUT remember that CSA guidelines require a 3-foot setback on crops so the allowed border would actually be a 2-foot wide area set 3 feet in from property lines.
• A CSA is now allowed as either a principal or accessory use of the property drain onto adjacent property
• Crop agriculture is now allowed as a principal or accessory use of the property

**R-80 Exemptions**

If you are in a district zoned R-80:

• Crop Agriculture can sell whole, uncut, fresh produce grown on the property without a permit. This category also permits the use of land for the production of row crops, field crops, tree crops, timber, bees, or fur-bearing animals
• Home Gardens, occupied CSAs and occupied Community Gardens can grow “Row crops” in the front yard
• CSAs can operate without a Special Use Permit
• Community Gardens can sell whole, uncut, fresh produce on occupied property
To find the full text of the ordinance online, please visit https://www.municode.com/library/mo/kansas_city/code_of_ordinances/toc and search for “urban agriculture.”

Cultivate staff are available to help you with any questions related to urban agriculture.

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