

D. Farmers' Market

1. Food, food products, arts, and crafts prepared on- or off-site may be offered or sold. However, at least 75% of the vendors must exclusively offer or sell goods in which the good's principle production, ingredients or components are created or grown within Indiana.
2. The Farmers' Market may operate no more than 3 days in a one week period (Monday through Sunday).
3. If the Farmers' Market is conducted in a parking lot, it may not occupy more than 25% of the parking required by the other uses on the site. Further, an agreement with the property owner must be provided that existing parking may be used by farmers' market vendors and patrons during the hours the farmers' market is in operation.

E. Garden as a Primary Use

1. The maximum size is 3 contiguous acres. Larger primary uses are classified as an agricultural use.
2. Personal beekeeping is permitted in accordance with the use-specific standards identified under Personal Garden. Keeping of other livestock or animals is prohibited.
3. If any boundary of the Garden as a Primary Use is adjacent to, or across the street or alley from, a dwelling district, the garden must be registered with the City as an Urban Garden, or the perimeter of the garden site must be enclosed by a fence at least 36 inches in height, with at least 50% transparency, and in accordance with the fence standards applicable to the dwelling district.
4. Garden structures, such as greenhouses, hoop houses, storage sheds, gazebos, shelters, cold frames, are limited to a maximum height of 15 feet and shall meet the setback requirements of the district. However, the area for compost, refuse, equipment and facilities shall also be setback at least 20 feet from the front lot line.
5. In the dwelling districts, the size of all enclosed storage buildings and facilities shall be limited to 600 square feet and not on a permanent foundation. However, the size of structures housing cultivated plant materials, such as greenhouses and hoop houses, shall be limited by the open space and setback requirements of the district.
6. Composting shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water. Area for compost must be enclosed solid at ground level for at least 6 inches above grade level and completely around the base or composting conducted in-vessel. Refuse must be removed from the site at least once a week.
7. Operation of power equipment or generators may occur between sunrise, but no earlier than 7 a.m., and sunset, but no later than 10 p.m.
8. Herbicides, pesticides, fertilizer or other chemicals shall not be kept outside and shall be locked when not in use. The site drainage and maintenance must prevent water, herbicides, pesticides, or fertilizer from draining onto adjacent property or into a right-of-way.

9. Sales of products grown on the site is permitted on the site, provided that any structure used for sales is no larger than 100 square feet, not on a permanent foundation and is not located in a required yard area.
10. Food products may be grown in soil native to the site if:
 - a. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Indiana direct-contact standards for lead; and either:
 1. The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
 2. A composite sample of the soil native to the site, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in number 11 below, as amended, food products may only be grown in raised beds filled with clean top soils.
 - b. As an alternative to meeting the standards in subsection a.1 or a.2 above, food products may be grown in clean soil 6 inches deep brought to the site without completing a soil test of the native soil.
11. **Soil testing requirements.** Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the gardening activities indicated in Table 743-304-1: Lead Limits may be conducted based upon the lead content test results.

Table 743-304-1: Lead Limits	
Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used.
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Gardening as a primary use is prohibited.

If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Food production may be conducted if the test results for the following chemicals are below the levels identified in the following Table 743-304-2: Chemical Limits.

Table 743-304-2: Chemical Limits		
Chemical Name	CASRN [1]	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000
Note: [1] CASRN means Chemical Abstracts Service Registry Number		

Table 743-1: USE TABLE

P = Permitted use
 S = Special exception use
 V = 'P' if Vacant for 5 consecutive years

A = Accessory use
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards	
LAND USE CATEGORY																																	
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES																																	
Agricultural Machinery and Equipment Sales, Rental, or Repair																				P							P	P					
Agricultural Uses, Buildings and Structures	P																		V	V						P	P	P	P				Article III.Section 04.A
Animal Care, Boarding, Veterinarian Services	P																P	P	P	P	A	P	P	P	P	P				P		Article III.Section 04.B	
Artisan Food and Beverage																	P	P	P	P	A	P	P	P	V	V			P	P	P	Article III.Section 04.C	
Farmers' Market	A																P	P	P			P	A	A					P	T	T	Article III.Section 04.D	
Garden as a Primary Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A	P	P	P	P	A	P	P	Article III.Section 04.E	
Processing, and Packaging of Food and Beverages																										S	P	P	P				
Stock Yards and Processing of Stock																												S					
COMMERCIAL and INDUSTRIAL USES																																	
Business, Home, and Personal Services or Repair																																	
Auctioneering and Liquidating Services																				P						P	P	P					
Check Cashing or Validation Service																	P	P	P	P		P	P	P									Article III.Section 05.K
Consumer Services or Repair of Consumer Goods													A	A		A	P	P	P	P	A	P	P	P	P	P	P		P	P	P	Article III.Section 05.LArticle III.Section 05.HH	
Crematorium																											S	P					

RESOURCES

Soil Testing

Free soil testing for lead available by contacting the Marion County Health Department at 317-221-2155.

Free soil testing for lead is available from: Safe Urban Gardening Initiative, c/o Dr. Gabriel Filippelli, Department of Earth Sciences, IUPUI, 723 W. Michigan Street, Indianapolis, IN 46202. For information on collecting a sample, consult "Garden Safe Garden Well" <http://IndyUrbanGarden.org>

Cornell University, Cornell Nutrient Analysis Laboratory, offers Soil Fertility Analyses for modest fee (\$19 as of 8/2015) - <http://www.cnal.cals.cornell.edu/>

Underground Utility Lines

Locate underground utility lines before digging. Common Ground Alliance provides for free marking of the utilities. Before you dig, call 811 or click: <http://www.811now.com/>.



Gardening How-to

PURDUE[™]
EXTENSION

LOCAL FACES
COUNTLESS CONNECTIONS

Purdue Extension – Marion County Office - Provides a wide variety of information and services: <http://IndyUrbanGarden.org>

Indy Tilth - grassroots organization focused on gardening and urban sustainability. Together we will grow and foster a strong community of urban farmers while promoting a healthier environment in Indianapolis.

<http://www.indytilth.org/>