

SUSTAINABLE LAND USE CODE PROJECT

Capitol Region Council of Governments



MODEL REGULATIONS: COMMUNITY GARDENS

March 2013



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CONTENTS

INTRODUCTION 1

MODEL CODE PROVISIONS FOR COMMUNITY GARDENS 3

1.1. PURPOSE..... 3

1.2. APPLICABILITY 3

1.3. USE AND DEVELOPMENT STANDARDS 3

 1.3.1. Permitted Locations..... 3

 1.3.2. Uses Permitted Accessory To Community Gardens..... 4

 1.3.3. Development Standards 4

DEFINITIONS..... 6

SALES OF HOME-GROWN PRODUCE IN RESIDENTIAL ZONE DISTRICTS..... 7

COMMUNITY GARDENS

Introduction

Broadly defined, a "food system" is the sequence of activities linking the planting, raising, harvesting, storing, transporting, processing, packaging, marketing, and retailing of food, as well as all the associated supporting and regulatory institutions and activities. The food system affects many facets of modern life, including energy consumption, the environment, public health, economic development, and social equity.

Globalization has transformed our food system. Food comes from increasingly distant sources--the average food item in the U.S. travels at least 1,500 miles. While the United States considers itself the breadbasket of the world, the value of food imported into the U.S. exceeded the value of food exported for the first time in 2006 (although with the recession and increased world grain demand, USA exports again exceed imports in subsequent years). In 2010, the nation imported over \$80 billion in foreign agricultural products. Also, because of globalization, consumers are less knowledgeable about the sources of the foods they consume. Moreover, our changing food system has had significant adverse impacts on public health. Thus promoting local food systems has several important benefits: They provide a boost to the local economy, help reduce fossil fuel use and associated greenhouse gases, improve public health, and provide security from supply disruptions.



Community Garden in Enfield

In addition to promoting the viability of local farms, supporting local food systems also involve promoting urban agriculture. Communities throughout the world are pioneering technologies and techniques for urban gardening. Using small spaces such as yards, roofs, street areas, vacant lots, porches, and planters to grow food not only provides healthy foods to urban dwellers but reduces greenhouse gases. Even in heavily urbanized cities such as London, 14 percent of the population produces 18 percent of the city's nutritional needs. In 2007, the Seattle Market Gardens provided produce for approximately 60 households over a 22-week period. The United Nations Food and Agriculture Organization estimates that 200 million urban residents produce food

for the local urban market, providing 15 to 20 percent of the world's food. Given that agricultural land continues to be lost to urbanization and that over 50 percent of the world's population now lives in urban areas for the first time in history, it is even more critical that urban dwellers be able to produce cheap, healthy, secure, and sustainable sources of food.

A necessary task for local governments to support urban agriculture is to carefully tailor their land use regulations to existing land uses and identify lots, areas, and neighborhoods that are suitable for urban agriculture uses such as community gardens, farmers' markets, and food stands, but are not being used for such purposes due to regulatory barriers, lack of encouragement, or some other reason. Portland, OR, for example, has compiled a detailed map that shows exactly where in the city urban agriculture is prohibited, allowed as a conditional use, or allowed outright. This map led to comprehensive, but targeted, changes to Portland's zoning



Community Garden in Farmington

code to promote urban agriculture, including the creation of an "agricultural use" category that excludes most kinds of commercial-scale agriculture but provides reasonable limits on the size and location of accessory agricultural buildings. Integrating urban agriculture into existing and future urban open space areas should also be a priority.

While nearly all of the local municipalities who are part of the CRCOG project working group have provisions to allow farming and farmers' markets, few have comprehensive zoning regulations to allow and promote community gardens. The model ordinance provisions that follow promote community gardens while providing standards to help ensure neighborhood compatibility.

Model Code Provisions for Community Gardens

1.1. PURPOSE

The purposes of these community garden provisions are to:

- 1.1.1. Ensure that food production opportunities are planned for and implemented in appropriate areas in (insert municipality name) through the zoning code;
- 1.1.2. Provide for a healthy, fresh, and diverse food source for residents of (insert municipality name);
- 1.1.3. Enhance community health through the production, consumption, and/or sale of locally grown food and the physical practice of gardening;
- 1.1.4. Save energy and reduce greenhouse gas emissions through community-based and local food production that minimizes long-distance food transportation;
- 1.1.5. Improve the security of the food supply in (insert municipality name);
- 1.1.6. Provide opportunities for community education and hands-on involvement by school children, schools, and nonprofits;
- 1.1.7. Provide increased opportunities for local jobs; and
- 1.1.8. Protect against potential adverse impacts of urban agriculture.

1.2. APPLICABILITY

This section is applicable to and governs all community gardens within (insert name of municipality). It shall take precedence over any conflicting provisions within the zoning code or municipal code.

1.3. USE AND DEVELOPMENT STANDARDS

1.3.1. PERMITTED LOCATIONS

- A. Neighborhood community gardens are allowed as principal or accessory uses in the following zone districts, subject to the provisions of this section: (Insert names of appropriate zone districts).¹
- B. Large-scale community gardens are allowed as principal or accessory uses by special permit (or conditional use) in the following zone districts, subject to the provisions of this section: (Insert names of appropriate zone districts).

¹ Most communities restrict community gardens to residential zones, although some allow them in commercial and office zones. The CNC Software Company Employee Gardens in Tolland, CT, are a good example of community gardens in an office/commercial area. Community gardens are typically not allowed in industrial districts if there is a potential issue with contamination or air or water pollution.

Option:

1.3.1 URBAN GARDEN OVERLAY ZONE DISTRICT²

A community garden overlay zone district is hereby established as part of the zoning code to ensure that community gardens are appropriately located and protected to meet the purposes of this section. Areas potentially appropriate for community gardens shall be identified, mapped, and recommended by the (insert name of local planning official) and reviewed for designation by the (insert name of local decision-making body).



1.3.2. USES PERMITTED ACCESSORY TO COMMUNITY GARDENS

The following uses are permitted as accessory uses to community gardens:

- A. Greenhouses, hoophouses, cold frames, and similar structures to extend the growing season;
- B. Signs limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information;
- C. Benches, bike racks, raised planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, children's play areas, and irrigation systems;
- D. Buildings to support community garden activity such as tool sheds, sales stands, rest room facilities, and planting preparation facilities; and
- E. Off-street parking and walkways in conformance with the standards of this zoning code.

1.3.3. DEVELOPMENT STANDARDS

A. Maximum size

The maximum size for a neighborhood community garden shall be one acre. There shall be no maximum size for a large-scale community garden.

Option: The maximum size of a community garden shall be as set forth in the table below:

MAXIMUM AREA FOR NEIGHBORHOOD COMMUNITY GARDENS NOTE: The numbers in this table should be adjusted to fit local circumstances.	
Low-Density Single/Two-Family (SF/TF) Residential Zones (e.g., 1 unit/acre and greater)	No maximum
Medium-Density SF/TF Residential Zones (e.g., 1-4 units/acre)	20,000 square feet

² Use of an overlay district may allow a local government to more precisely define exactly where community gardens are allowed in its jurisdiction.

MAXIMUM AREA FOR NEIGHBORHOOD COMMUNITY GARDENS	
NOTE: The numbers in this table should be adjusted to fit local circumstances.	
High-Density SF/TF Residential Zones (e.g., 4+ units/acre)	10,000 square feet
Multifamily Residential Zones (e.g., 10+ units/acre)	20,000 square feet
Nonresidential Zones	No maximum

B. Setbacks

All buildings, structures (except for fences), storage of tools and materials, and compost piles and bins shall be set back a minimum distance of five feet from the property line.

C. Height

The maximum height of any building or structure associated with the community garden shall be 25 feet or the maximum height allowed in the zone district, whichever is lower.

D. Building Coverage

The combined area of all buildings, including greenhouses and similar structures, shall not exceed 20 percent of the total community garden area.

E. Parking

Off street parking shall be required only for those gardens exceeding 20,000 square feet in area. One parking space shall be required for every 20,000 square feet of garden area.

Option: Neighborhood community gardens shall be exempt from off-street parking requirements.

F. Signs

Signs shall comply with Section 1.3.2 above and all relevant standards as set forth in (insert cross reference to the municipal sign regulations), except that they shall not exceed nine square feet in area per side or exceed six feet in height.

G. Fences

1. Fences shall not exceed six feet in height and shall be made of wood, ornamental metal, chain-link, or woven wire.

2. **Option:** Any portion of a fence constructed of chain-link or woven wire that borders a public right-of-way or residential lot shall be covered in plant material or other vegetative screening within three years of fence installation.

Option: Fences that are taller than four feet shall be at least 50 percent open.

H. Compost

Compost areas or bins shall be setback at least five feet from the community garden property line and from any dwelling or deck on the property.

I. Front-Yard Gardens

Gardens shall be allowed in the front-yard of any residential dwelling, but garden plants in front yards shall not exceed six feet in height.

J. Gardening Equipment

Use of common gardening tools such as shovels, rototillers, hoes, and landscaping equipment designed for household use is permitted. Use of heavier mechanized farm equipment such as tractors and plows is prohibited in residential districts except that during the initial preparation of a community garden land for use, such mechanized equipment may be utilized. Use of motorized equipment shall be allowed only between the hours of 8 a.m. and 9 p.m.

K. Sales

1. Sales of produce grown on the site of a community garden may occur on-site between the hours of 7 a.m. and 8 p.m. Off-site sales to restaurants, markets, and other food vendors is permitted at all times.
2. Sales stands are limited to a surface area of 64 square feet when associated with a community garden when the garden is larger than 5,000 square feet and 32 square feet of surface area when associated with a garden 5,000 square feet or smaller.
3. **Option:** Value-added products where the primary ingredients are grown and produced on-site are permitted to be sold on-site.

L. Open Space

The total area of a community garden shall be credited towards any open space set aside requirements set forth in the zoning code or subdivision regulations on a 2:1 basis (i.e., one square foot of community garden shall count as two square feet of open space).

DEFINITIONS

These are definitions related to these community garden standards, which should be located with the ordinance's other definitions.

Community Garden, Neighborhood

An area of land one acre or less that is managed and maintained by an individual or group to grow and harvest food crops, and/or non-food ornamental crops such as flowers, for personal or group use, consumption, donation, or sale. Community gardens include, but are not limited to, home, kitchen, and roof gardens. They may be divided into separate plots for cultivation by one or more individuals, may be farmed collectively by members of a group, may include common areas maintained and used by group members, and may include composting areas. Community gardens may be located on private property lots (vacant or developed) and on public lands and right of ways as designated by the (insert municipality name).

Community Garden, Large-Scale

A community garden larger than one acre.

Coldframe

An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.



Greenhouse

A temporary or permanent structure made of glass, plastic, or fiberglass in which plants are cultivated.

Hoophouse

A temporary or permanent structure made of piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of growing plants.



Sales Stand

A sales table or kiosk of locally grown food crops, and/or non-food ornamental crops such as flowers, that is located at the site of a community garden and operates during the time of year coinciding with the growing season.



SALES OF HOME-GROWN PRODUCE IN RESIDENTIAL ZONE DISTRICTS

Sales of produce grown in a privately owned garden in any residential zone district may occur on-site between the hours of 7 a.m. and 8 p.m. Off-site sales to restaurants, markets, and other food vendors is permitted at all times. Stands associated with selling of produce from private residential gardens are prohibited.