

Community Garden section of the Zoning-Matrix Ordinance adopted by the Topeka Governing Body on September 3, 2014

DEFINITION:

“Garden, community” means an area of land managed and maintained by an individual or group of individuals for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, consumption, community or personal use, sale, or donation. This definition includes community gardens, private gardens, and community supported agriculture (CSA) uses under the blanket term “community garden.”

Gardens, community (type I) are typically no greater than two acres of cultivated area and only permit sales of a temporary nature. If the area of cultivated land exceeds one-acre, a 50’ setback is required between properties with existing dwelling units and any cultivated area or accessory structures. Temporary sales of produce grown on-site are permitted during the stated hours of operation (8 AM – 8 PM) provided that all stands and displays are removed after hours of operation.

Gardens, community (type II) means a community garden with permanent produce sales structures or larger accessory structures than permitted in Type I Gardens.

LICENSE REQUIRED:

(1) All community gardens shall be allowed only after the owner or applicant has registered the community garden with the planning department and has paid a fee of \$50 (one-time registration fee per garden). The planning director shall adopt administrative procedures necessary to govern the registration requirements and ensure compliance with the requirements.

GENERAL STANDARDS:

(2) Fences are allowed subject to a fence permit and compliance with TMC 18.210.040. In R and M Districts, the minimum front yard setback for the district shall act as the front face of the principal structure.

(3) Sales and operation of mechanical equipment shall occur only between 8:00 AM and 8:00 PM. For Type 1 gardens, sales of produce grown on-site are permissible provided that all stands and displays are removed on or before 8:00 PM.

(4) Cultivation equipment shall not exceed the size of a compact utility tractor and its accessories.

(5) The cultivated area shall have a minimum setback of 3 feet from all property lines. Crops planted in any minimum front yard setback are limited to those that will grow to a height of 4 feet or less (e.g., 4 feet maximum in the front 30 feet).

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- (6)** Dead garden plants shall be removed regularly and no later than November 30th of each year.
- (7)** Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of 12 inches.
- (8)** Compost bins shall be set back at least 10 feet from all side and rear property lines and 25 feet from the front property line. Compost bins shall be screened and maintained in such a manner as to not attract insects, vermin, reptiles and other animals. Appropriate best management practices shall be used to minimize odor.
- (9)** The site shall be designed and maintained so that no water, fertilizers, or pesticides drain onto adjacent property.
- (10)** The entire site shall be maintained in a manner, including noise and odors, so that it does not become a nuisance in any way, as described in Chapter 8.60 TMC.
- (11)** Signage is limited to one permanent identification sign per property frontage consisting of up to 10 square feet per sign face and temporary signs are allowed in accordance with TMC 18.25.230(a).
- (12)** Orchards and tree farms shall meet the front yard setback for their zoning district and shall be setback at least 15 feet from all other property lines, with the measurements based on nearest part of the trees' canopies.
- (13)** Accessory structures for Type I Community Gardens are limited to the following standards.
 - (i)** Accessory structures may include storage buildings, green houses, high tunnels and hoop houses maintained in good condition.
 - (ii)** Maximum height of 12.5 feet.
 - (iii)** Maximum lot coverage for structures shall be calculated based on the cultivated area for the community garden, including pathways. Maximum lot coverage for structures shall be 10% or less than 150 square feet, whichever is greater.
 - (iv)** Storage buildings are limited to less than 150 square feet and may only be used for storing garden equipment and materials used on-site.
 - (v)** Each structure shall meet the required setbacks from property lines as outlined in TMC 18.210.030(a)(2). If the area of cultivated land exceeds one-acre, a 50' setback is required between properties with existing dwelling units and any cultivated area or accessory structures.
- (14)** Accessory structures for Type II Community Gardens are limited to the following standards.
 - (i)** In addition to Type I standards, Type II permitted accessory structures include: garden sales stands, other buildings for storage, structures for cold storage and processing of garden products, and buildings for aquaculture, aquaponics, and hydroponics.
 - (ii)** Maximum lot coverage for structures is 30% of the site area designated for the Community Garden (cultivated area and pathways).

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(iii) Accessory structures 150 square feet or greater are permitted, subject to required building permits.

(15) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 8.215 TMC.