

Case ZON 10-06

Attachment: Addition of SECTION 115.06

All text below is a proposed addition to the Franklin County Zoning Resolution.

115.06 – COMMUNITY GARDENS

115.062 – Purpose and Intent

(a) Pursuant to Ohio Revised Code Section 303.21, Section 115 applies to lots that meet the criteria outlined in Section 110.011(b) above.

(b) The purpose of this section is to establish certain requirements of sound practices for establishment and operation of community gardens, which are intended to provide an opportunity for citizens to grow food, ornamental crops, and other plants in a shared environment while providing adequate protections to participants and the surrounding area.

(c) The following findings are hereby made in relation to community gardens:

- 1) Community gardens are beneficial to Franklin County residents, by providing nutritious food at affordable costs, encouraging self-reliance, stimulating social interaction and community engagement, creating income-generating opportunities and economic development, and preserving green space.
- 2) Economically challenged areas of Franklin County lack access to fresh produce, and community gardens provide the opportunity for residents in these areas to access healthy, affordable food choices.
- 3) Community gardens provide physical, emotional and mental health benefits to residents who engage in community gardening.
- 4) Recent studies indicate a correlation between community gardens and reduced crime, increased neighborhood pride and desirability, and increased property values.

115.064 – Establishment and Applicability

a) Community gardens are a permitted use in the following zones: residential, multifamily, commercial, mixed-use, open space, industrial, institutional and vacant land, subject to the following regulations.

b) Community gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users, as defined in SECTION 720 – DEFINITIONS.

- c) No operator shall establish or operate a community garden without a certificate of zoning compliance that specifically identifies a community garden.
- d) Notwithstanding compliance with the various requirements of this section, the operator of a community garden shall maintain the property in productive use during the growing season.
- d) At the end of each growing season annual vegetation shall be cut down to a height of not more than 6 inches above ground level.

115.066 – Development Standards

- a) **Water Supply** – The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- b) **Location and Building Coverage** – Any structure used in conjunction with a community garden shall comply with the following requirements:
 - 1) Be located at least 10 feet from any property line.
 - 2) In the absence of a principal structure, structures must be located behind the building line as defined in SECTION 504 – BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY, or as defined by any applicable planned district or overlay district.
 - 3) If the total area of structures used in conjunction with a community garden does not exceed 65 square feet, the structures are not considered accessory buildings. Otherwise, all structures used for community gardens are accessory buildings and must comply with SECTION 512 – ACCESSORY BUILDINGS.
 - 4) No building or structures shall be permitted on the site except as permitted above. The following are not considered structures for the purposes of this section, provided they do not exceed a reasonable size: benches, bike racks, cold-frames, hoop houses, raised/accessible planting beds, compost or waste bins, picnic tables, garden art, rain barrel systems, and children’s play areas.
- c) **Soil Testing** – Prior to establishing a community garden, site operators shall obtain soil testing for, at minimum, total heavy metals: lead, cadmium, chromium, nickel, zinc, and copper. For sites containing soils not suitable for gardening, site operators shall use raised planting beds with suitable soils for gardening.
- d) **Gardening Chemicals and Integrated Pest Management** – Community gardens are encouraged to adopt Integrated Pest Management (IPM) principles, as defined in SECTION 720 – DEFINITIONS, and to avoid the use of synthetic fertilizers and pesticides. Community gardens are encouraged to use a minimal amount of synthetic fertilizers and/or pesticides if necessary.
- e) **Operating procedures** – Site users must have an established set of operating rules addressing the following:
 - a) Governance structure of the garden
 - b) Hours of operation
 - c) Maintenance and security requirements and responsibilities
 - d) Identification of a garden coordinator to perform the coordinating role for the management of the community gardens

- e) Any assignment of garden plots to be done in a fair and impartial manner according to the operating rules established for that garden.
 - f) The name, telephone number and email address of the garden coordinator and a copy of the operating rules shall be kept on file with the Franklin County Economic Development and Planning Department.
- f) **Offsite drainage** – The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- g) **Sales** – There shall be no retail sales on site, except as permitted for produce grown on the site. On-site farm markets shall comply with SECTION 110.01 – AGRICULTURE.
- h) **Signage** – All signs shall comply with SECTION 541 – SIGN AND BILLBOARD REGULATIONS.
- i) **Fences** – All fences shall comply with SECTION 501 – FENCE REQUIREMENTS.

115.068 – Certificate of Zoning Compliance Required

No operator shall establish or operate a community garden without a zoning certificate as provided for in SECTION 705.02 – CERTIFICATE OF ZONING COMPLIANCE and this subsection.

- a) **Information required** – In addition to the requirements of Section 705.022, applicants seeking to engage in community gardening must provide the following on the site plan or in accompanying documentation in conjunction with an application for a zoning certificate:
- 1) Method of water supply
 - 2) Documentation of soil testing, including laboratory report, unless raised planting beds are used
 - 3) Operating procedures detailing all requirements in 115.066(g)
 - 4) The name, telephone number and email address of the garden coordinator
 - 5) Location of any proposed structure
 - 6) Location of any proposed fence
 - 7) Explanation of method to control water runoff
 - 8) Explanation of information provided to minimize fertilizer use
 - 9) A copy of a signed, written agreement under Section 115.068(b), if applicable
 - 10) Any other relevant information related to the operation of the community garden, if requested by the Administrative Officer
- b) **Operation** – It shall be presumed for purposes of this Section 115.06 that the operator of the community garden is the person or persons who own or otherwise have the present right of possession and control of the tract upon which the community garden is situated. The presumption may be changed by a written agreement authorizing another person to maintain the community garden upon the tract setting forth the name, address, and telephone number of the other person who is acting as the operator.
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Amendment to SECTION 720 - DEFINITIONS

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

COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, sales, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

HOOP HOUSE – An apparatus made of polyvinyl chloride (PVC) piping or other material covered with translucent plastic, constructed in a half-round or hoop shape, used for growing and protecting plants.

INTEGRATED PEST MANAGEMENT (IPM) – An ecosystem-based agricultural pest control strategy that focuses on long-term prevention of pests or their damage through a combination of biological control, habitat manipulation, cultural practices, and use of resistant varieties. Pesticides are used only if non-chemical methods are not successful, and pesticide treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial organisms, and the environment. IPM-compliant fertilizers include compost, composted manure, seaweed, fish emulsion, bone meal, blood meal, coffee grounds, earthworm castings, bat guano, sheet-mulching and cover crops.