



# CITY OF BATTLE CREEK

## COMMUNITY SERVICES DEPARTMENT - PLANNING AND ZONING

### ONE PAGER PLUS

#### Private Gardens

##### What is a Private Garden?

A private garden is defined in the City of Battle Creek Zoning Ordinance as "an accessory use where the owner or tenant cultivates food crops and/or non-food crops primarily for personal use on the property they reside, or on vacant land not exceeding one acre of land" ([1230.06\(a.153\)](#)). This means that private gardens are generally seen as accessory uses to existing residential uses. The land used for the private garden is cultivated and managed by the owner or tenant who resides at the property.

The requirements associated with operating a private garden in the City of Battle Creek are available in [Section 1251.41](#) of the Zoning Ordinance. Private gardens must adhere to the restrictions for accessory buildings, fencing, and nuisance provisions of the Battle Creek Codified Ordinances for the property where the private garden is located.

##### Required Permits

A private garden does not require any permits from the City of Battle Creek. Any associated accessory structures in excess of 199 sq. ft. requires both a Zoning Permit and a Building Permit. An accessory structure 199 sq. ft. or less only requires a Zoning Permit. Accessory structures of any size, depending on use, may require trade permits (e.g., Electrical, Plumbing). Any associated fences will require a Zoning Permit.

If the property where the private garden will be located is in a Historic District, a [Certificate of Appropriateness](#) is also required. This application goes through the Historic District Commission and is needed to ensure that any work being done will be compatible with the existing neighborhood that any existing historical feature is preserved to the best of the applicant's ability, and that any work being done during the project will not damage existing historic features on the property.

To check if the property is in one of the City's local historic districts, please enter the address of the property into the map at the following link: [Historic Districts Map](#). If there are further questions about the property, please contact the Planning and Zoning Division at 269-966-3320.

The property owner/contractor is responsible for making sure that the subject improvement is located within the property line and not the right-of-way or on an abutting property. An approval of a permit application and the installation of the subject improvement by a City employee does not negate this obligation.

##### General Requirements

Private gardens are permitted as accessory uses in all zoning districts located in the City of Battle Creek. If they are located on a vacant parcel, the parcel must be less than one acre in size.

Plant beds shall be at least 3' from the property lines and the public right-of-way. They may be located in the primary and secondary (if present) front yard, side yards, and rear yard. Compost piles must be located at least 5' from all adjoining property lines and a minimum of 20' from the nearest residential

structure. Each individual compost area shall be less than 16 square feet. Any rain catchment systems must be at least 5' from all adjoining property lines.

A farm stand selling plants grown at the private garden is permitted between 8am and 8pm. This is the only retail sale allowed in conjunction with a private garden. Use of motorized equipment, using gas or electricity, within a residential zoning district shall be restricted to the hours between 7am and 8pm.

Decorative landscape lighting is permitted within the private garden. Any fencing built for the private garden shall comply with [Section 1260.02](#).

## Questions?

For the complete list of requirements for private gardens, please read [Section 1251.41](#) "Private Garden" of the City Ordinances. For other questions, please contact the Planning and Zoning Division directly at 269-966-3320.

