



# CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT - PLANNING AND ZONING

## Community Garden Application

Date Received: \_\_\_\_\_

### APPLICANT

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone \_\_\_\_\_ Email: \_\_\_\_\_

### Subject Property Location

Address: \_\_\_\_\_ Parcel Number: \_\_\_\_\_

Lot Size: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

### PROPERTY OWNER

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone \_\_\_\_\_ Email: \_\_\_\_\_

Time period for the use of property for a Community Garden: \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

1. Is there a water source on site or on a neighboring property for use in the proposed garden? \_\_\_\_\_

If the answer is yes, please provide a signed statement with this application from the owner of the water resource giving permission for its use.

2. Where are gardening tools proposed to be stored? \_\_\_\_\_
3. Is an accessory structure or fencing proposed for the site? \_\_\_\_\_

The next two pages of the application include the section of the City of Battle Creek's zoning code that regulates Community Gardens. On the last page of the application, please sketch the layout of the proposed Community Garden using dimensions and noting any improvements such as shed, fencing, hoop house, planting beds raised or level, water sources, trash storage, compose piles, and rain catchment units. Also, note on the plan the required setbacks per the requirements for the Community Garden.

### 1251.12 COMMUNITY GARDEN.

(a) Applicability. Community gardens are subject to restrictions for accessory buildings, fencing, and nuisance provisions of the Battle Creek Codified Ordinances for the property on which the community garden is located.

(b) Minimum Lot Size and Lot Width. Community gardens are a permitted use of vacant property that contains a minimum of 5,000 square feet and minimum width of fifty feet.

(c) General Requirements. The following provisions apply to community gardens:

(1) Plant beds shall be setback three feet from the property lines and the public right-of-way.

(2) Accessory buildings including greenhouses, storage sheds, and shade pavilions shall be permitted in the side or rear yard, subject to Section [1260.01](#), but shall not exceed 10% of the total lot area.

(3) Hoop houses are permitted as an accessory building but are not counted toward the allowable accessory building size limitation. The coverings must be maintained and remain intact, and removed when no longer in use for a period of six-months or longer.

(4) Compost piles must be located at least five feet from all adjoining property lines and a minimum of twenty feet from the nearest residential structure. Each compost bin/area shall be less than sixteen square feet in size.

(5) Rain catchment systems must be located at least five feet from all adjoining property lines.

(6) Farm stands selling plants grown at the property are permitted between 8:00 a.m. and 8:00 p.m. Except for sales of plants produced within the community garden and sold at the farm stand, there shall be no retail sales on the site except that properties exceeding two acres may sell up to thirty percent of their overall farmers market inventory in the form of packaged food to complement the produce grown on premise. Alcohol sales shall be prohibited.

(7) The use of motorized equipment, by use of gas or electricity, within a residential zoning district shall be restricted to the hours between 7:00 a.m. and 8:00 p.m.

(8) Lighting, if provided, shall be a minimal amount and shielded so that all directly emitted light falls within the property.

(9) Fencing shall comply with Section [1260.02](#).

(10) Vehicle access to the site shall only be by way of a driveway constructed to city standards to avoid vehicle damage to the curb, sidewalk and any lawn area in the right-of-way.

(11) There are no minimum parking requirements, however any parking lot proposed and designed for four or more vehicles must be constructed in accordance with Section [1261.01](#) only after a site plan has been reviewed and approved in accordance with Section [1281.04](#).

(12) One freestanding sign consisting of no more than twelve square feet shall be allowed. Such sign shall otherwise comply with the applicable regulations of the zoning district in which it is located.

(13) Trash containers may be provided on site.

(14) Gardening activities shall be conducted in a manner which is consistent with the activities and noise levels of the neighborhood in which they are located.

(15) Educational activities relating to the community garden and food preparation may be held onsite where properties are two acres or more in size.

(d) Maintenance.

(1) Community gardens shall be maintained in an orderly and neat condition, free of noxious weeds or debris. Dead garden plants shall be removed regularly and, in any instance, no later than November 30 of each calendar year.

(2) Plants or ground cover other than grass shall be prevented from encroaching onto adjacent properties or onto the public right-of-way.

(3) No plants except grass may be grown in the public right-of-way or within one foot of the public sidewalk. Grass must be maintained a height that does not exceed nine inches in height.

(4) No plant material may grow to a height that interferes with a clear vision line of sight at street intersections or when entering or exiting driveways.

(5) Oats, wheat, and rye may be used as a winter cover crop, but not grown to full maturity in any season.

(6) Trash receptacles shall be located to the rear of the property.

(7) Walkways shall be unpaved and covered with mulch, gravel or other aggregate that is treated to control dust.

(8) Garden waste or other refuse that is not allowed as compost may not be stored or allowed to accumulate on the site.

(9) Compost piles are only for waste created on the property and they must be maintained. Compost shall not include meat, grease, fat, oil, bones, manure, or milk products.

(10) These uses shall not be detrimental to the physical environment or to the public health and general welfare by reason of excessive production of noise, smoke, fumes, vibrations, odors, chemical, or biological pollutants. Nothing associated with a community garden or commercial urban farm, including allowable fertilizers, pesticides, insecticides, herbicides, compost materials, and water collection receptacles shall emit odors that can be detected beyond the confines of the property containing the garden or be an inordinate attraction for mice, rats or other rodents.

(11) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked structure when the site is unattended.

(12) The property shall be maintained so as to prevent the flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.

(13) At such time garden activity ceases completely and the site will no longer be used for a garden, any raised planting beds, accessory buildings, and other above ground remains of the garden shall be promptly removed and the ground leveled and restored so it can be utilized for uses permitted in that zoning district

Please contact Darcy Schmitt at the following e-mail: [dcschmitt@battlecreekmi.gov](mailto:dcschmitt@battlecreekmi.gov) or by phone: (269) 966-3320 ex: 1507.

Please acknowledge by signing below that you understand all of the requirements of having a community garden listed above.

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

