



# CITY OF BATTLE CREEK

## COMMUNITY SERVICES DEPARTMENT - PLANNING AND ZONING

### ONE PAGER PLUS

#### Community Gardens

#### What is a Community Garden?

A community garden is defined by the City of Battle Creek Zoning Ordinance as “a vacant parcel of land or portions thereof that is divided into plots for cultivation of crops including fruits, vegetables, plants, flowers and/or herbs by one or more individuals and/or group. The land may be managed collectively by members of a group. The land may or may not be owned by a participating member of the community garden group” ([1230.06\(a.53\)](#)). This means that a community garden can be located on its own parcel or vacant sections of another parcel that already has a primary use. The land used for a community garden could be managed by a group of people rather than one single individual, and the land where the community garden is located does not have to be owned by one of the individuals who manages the garden itself.

The requirements associated with operating a community garden in the City of Battle Creek are available in [Section 1251.12](#) of the Zoning Ordinance. Community gardens must adhere to the restrictions for accessory buildings, fencing, and nuisance provisions of the Battle Creek Codified Ordinances for the property where the community garden is located, meaning that any buildings and fences built as part of the community garden are subject to Sections [1260.01](#) and [1260.02](#) respectively. There are also One Pager Pluses available for [Accessory Buildings](#) and [Fences](#).

#### Required Permits

A community garden will require an application available through the City of Battle Creek. Any associated accessory buildings will require either a [Zoning Permit](#) (for buildings 199 sq. ft. or less) or a [Building Permit](#) (for buildings 200 sq. ft. or more), as well as any trade permits required for the desired accessory building (i.e., [Electrical](#), [Plumbing](#)). Any associated fences will require a [Zoning Permit](#).

If the property where the accessory building will be located is in a Historic District, a [Certificate of Appropriateness](#) will also be 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

Community gardens are permitted uses in the Green (G), Agricultural (AG), Single-Family Residential (R1-R), Single-Family Residential (R1-A), Single-Family Residential (R1-B), Two Family Residential (R-2), Multiple Family Residential (R-3), High Density Multiple Family Residential (MFR), Neighborhood Commercial District (T-3), and Spark (S) zoning districts ([1240.02](#)). Residents can check the zoning of the property of interest using [BS&A Online](#) or by contacting the Planning and Zoning Division at 269-966-3320.

A community garden located on a vacant lot as the primary use must be on a lot that has a minimum area of 5,000 square feet and a minimum width of 50'. When the community garden is an accessory use on the parcel, there are no additional location requirements associated with the placement of the garden itself.

Plant beds shall be at least 3' from the property lines. They may be located in the primary and secondary (if present) front yard, side yards, and rear yard. Accessory buildings (i.e., greenhouses, storage sheds, and shade pavilions) are permitted in the side or rear yard, subject to [Section 1260.01](#). Hoop houses are permitted as an accessory building but are not counted towards the total area of allowable accessory building size for the subject parcel. 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. Trash containers may be located on the site and shall be located to the rear of the property.

A farm stand selling plants grown at the community garden is permitted between 8am and 8pm. This is the only retail sale allowed in conjunction with a community garden. Alcohol sales are prohibited. Gardens exceeding two acres may sell up to 30% of their overall farmer's market inventory in the form of packaged food to complement the produce grown on the premises.

The use of motorized equipment (i.e., that which uses gas or electricity) on a community garden in a residential district is restricted to the hours between 7am and 8pm. Lights present shall be of a minimal amount and shielded so that all directly emitted light falls within the property. Vehicle access to the site shall only be by way of a driveway constructed to city standards. No minimum parking requirement is associated with community gardens, but if parking is designed for four or more vehicles it must be constructed in accordance with [Section 1261.01](#) and requires a site plan be reviewed and approved in accordance with [Section 1281.04](#). Gardening activities shall be conducted in a manner that is consistent with the noise and activity level of the neighborhood in which they are located.

## Maintenance

Community gardens shall be maintained in an orderly and neat condition, with the garden being free of noxious weeds or debris, as well as the regular removal of dead garden plants. Removal of dead plants must occur no later than November 30 of each calendar year. Plants or ground cover shall be prevented from encroaching onto adjacent properties or onto the public right-of-way. Garden waste or other refuse that is not allowed as compost may not be stored or allowed to accumulate on the site of the community garden. Further, compost piles may only be used for waste from the community garden. Compost piles shall not contain meat, grease, fat, oil, bones, manure, or milk products.

No plant material may grow to a height that interferes with a clear vision line of sight at a street intersection or when entering or exiting driveways. Oat, wheat, and rye may be used as a winter cover crop, but not grown to full maturity in any season.

Tools, supplies, and machinery associated with the community garden shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels associated with such machinery or with the community garden shall be stored off the ground in an enclosed, locked structure when the site is unattended.

The community garden shall be maintained so as to prevent the flow of stormwater, irrigation water, chemicals, dirt, or mud across or into adjacent lots, properties, public streets, or alleys. Similarly, if the community garden is an accessory use, the garden must be maintained so as to prevent the above flows from impacting any other structures present on the lot.

### Questions?

For the complete list of requirements for a community garden, please read [Section 1251.12](#) "Community Garden". For other questions, please contact the Planning and Zoning Division directly at 269-966-3320.

