

**3801: [Reserved] Community Gardens**

A Community garden is a shared land area which is planned, designed, built and maintained by community members for the use and enjoyment of themselves or others in the community. Community gardens may be solely used to raise food for gardeners and/or the surrounding community, or may be a decorative formal garden, an educational facility, or a rehabilitative facility. Community gardens may consist of one community plot, multiple, individual plots and greenhouses. The intent of a community garden is to provide fresh food to those caring for and participating in the garden and to the immediately surrounding community.

**3801.01: Zoning Districts Where Permitted**

Community gardens are permitted in all zoning districts. Community gardens may be allowed in designated open space areas which are bordered by more developed areas if covenants, easements, or any other encumbrances do not prohibit such use and if the addition of any structures does not exceed the maximum impervious area allowed on that property or within the subdivision as a whole, whichever is applicable.

**3801.02: Types of Community Gardens**

Community gardens shall be categorized as follows:

- A. **Local Neighborhood Community Gardens on Private Property:** These community gardens are located on private property and are intended to serve the surrounding neighborhood(s). Retail sales from retail from these gardens is prohibited.
- B. **Community Gardens on Public Property:** These community gardens are located on publicly owned property and are intended to serve the surrounding neighborhoods as well as the broader community.
- C. **Community Gardens with Retail Sales:** These community gardens are located either on public or private property, are intended to serve the surrounding neighborhoods and broader community, and offer the produce grown on site for retail sales from the property. Eighty percent (80%) of the products sold, based upon either gross annual sales or annual volume, must be grown on site. The remaining 20% of the products sold may be produce grown off site. One hundred percent (100%) of all products sold shall be food related and contribute to increasing the supply of and access to fresh food in the community.
- D. **Neighborhood Market Centers and Community Gardens:** These community gardens are located either on public or private property, are intended to serve the surrounding neighborhoods and broader community, and offer the produce grown on or off site for retail sales from the property. Thirty percent (30%) of the products sold, based upon either gross annual sales or annual volume, must be grown on site. The remaining 70% of the products sold may be produce grown off site. One hundred percent (100%) of all products sold shall be food related and contribute to increasing the supply of and access to fresh food in the community.

**3801.03: Setbacks and Easements**

All community gardens are subject to the following setback requirements:

- A. All structures shall comply with setbacks in accordance with Section 3505.14 of the Code, including but not limited to greenhouses, raised beds, and sheds.
- B. Compost piles or bins shall be meet all setback requirements and shall be located a minimum of 15 feet from any property line.

- C. Community gardens and related structures shall not be located in any easement unless expressly approved by the grantee of the easement.

#### **3801.04: Sale of Produce from Community Gardens with Retail Sales and Neighborhood Market Centers**

Produce may be sold from a community garden with the following provisions:

- A. A Class 2 Site Plan Review is required for a Local Neighborhood Community Gardens on Private Property, Community Gardens on Public Property, and Community Gardens with Retail Sales as defined above in Section 3801.02 in all zoning districts.
- B. A Class 4 Conditional Use Permit is required for a Neighborhood Market Center and Community Garden, as defined above in Section 3801.02 in all zoning districts.
- C. A non-profit status, as recognized by the State of Colorado, must be established for the operator(s) of the community garden. All proceeds from the sale of products shall be directed to the nonprofit for improvements to the community garden.
- D. Adequate parking shall be provided on site. Parking in the Right-of-Way is prohibited.
- E. Sales from the property may only occur during growing season and shall not exceed 180 days per year.
- F. Produce Stands may not exceed 120 square feet of floor area and must meet all setback requirements for the property.
- G. For Community Gardens with Retail Sales, the area used to sell produce may not exceed 500 square feet.

#### **3801.05: Property Maintenance**

All community gardens shall be maintained in an orderly and neat condition. No trash or debris shall be stored or allowed to remain on the property. Tools and supplies shall be stored indoors or removed from the property daily. Vegetative material, compost, additional soil, and other bulk supplies shall be stored in orderly manner in the rear of the property and shall not create visual blight or offensive odors. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off the property. Pesticides and fertilizers may only be stored on the property in a locked building and must comply with any other applicable requirements for hazardous materials. Only equipment used in a typical residential garden may be utilized except during the initial construction of the community garden and related structures.

#### **3801.06: Management Plan**

Each community garden shall have a management plan that addresses any probable impacts of the use and includes any proposed mitigation measures. The plan shall include, without limitation;

- a. A designated community garden coordinator.
- b. Documentation of liability insurance.
- c. A site plan to scale including but not limited to the location of the garden area, any structures associated with the garden, produce stands and produce sales areas, animal keeping facilities, a parking area, and the location of fences.
- d. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of the anticipated use.
- e. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of the application, and the plants, diseases, pests, or other purposes they are intended for.
- f. Proposed sediment and erosion control plan to ensure that water and fertilizer will not drain onto adjacent property.
- g. Water supply plan including the source of adequate water rights or proof of secured taps.

- h. Impacts of irrigation run-off on adjacent properties, water bodies, and environmentally sensitive areas, and proposed sediment and erosion control measures
- i. A traffic and parking plan showing a designated parking area and the anticipated number of cars per day.

**3801.07: Hours of Operation and Noise Limitations**

Activities at a community garden shall not take place before sunrise or after sunset, except during a special event in accordance with Section 3807 et. seq. of the Code. All community gardens are subject to the noise limitations as set forth in C.R.S. § 25-12-101 et. seq. and in accordance with the most similar zone for the location of the community garden.

**3801.08: Signs**

Each community garden is permitted one sixteen square foot sign displaying the name of the community garden. Art work depicting food, flowers, or other agriculturally related products is not considered signage.

**3801.09: Abandonment of Community Garden Use**

If a community garden use ceases permanently, then all structures shall be removed from the site and the site shall be revegetated with native grasses and returned to a natural state.