



MEMO

TO: Planning and Zoning Commission

FROM: Trever Fleetham,
Planning Technician

DATE: July 6, 2015

SUBJECT: Amendment to Unified Development Code; §154-02-017 Community Gardens

Background

The Unified Development Code (UDC) does not currently contain any stipulations or regulations for community gardens as a specifically designated use. The only existing community garden at this time is located at 200 E. Tyler Pkwy and is an interim, accessory use to the church at the same address. Special approvals from Town Council have allowed that garden to exist as it does today. In lieu of handling each garden on a case by case basis staff felt it was important to create a set of standards to allow for and promote community garden uses.

Staff conducted initial research by reviewing various community garden regulations throughout the country. The municipalities with the most helpful verbiage were Dallas, San Diego, and Portland. An examination of these cities' codes resulted in a list of helpful examples that, if emulated, would benefit Payson. At the June 1, 2015 Planning and Zoning Commission meeting the Commission discussed with staff the possibility of amending the UDC to include *community gardens* as an allowed use. The result of the discussion was direction from the Commission to staff to create potential verbiage for future review.

Analysis

After receiving direction from the Commission to create potential standards and a public or participatory review process for community gardens, staff discussed the best possible verbiage for this use. The various aspects of the codes in Dallas, San Diego, and Portland were all considered, altered, and narrowed down to what would best fit Payson.

After the Commission's discussion and input concerning the review and permitting process, staff felt an approach that combined the key elements of the Conditional Use Permit (CUP) and Temporary Use Permit (TUP) processes would satisfy most of the considerations that were

discussed during the initial meeting. The Commission felt it imperative to include means by which the surrounding properties would be notified of a new community garden. In order to address those concerns staff emulated the notification stipulations of the Administrative Relief process (see UDC §154-08-008). This would mean that the adjacent property owners within 100 feet would be notified any time an application for a community garden was received by the Town of Payson.

Also discussed were the various components of a community garden that would need to be reviewed against a specific standard, such as structures, setbacks, parking, and so on. One standard found in the communities surveyed limited the construction of buildings on a parcel used for a community garden to the rear half of any given lot. Further, the combined floor area was limited to 1% of the lot size or 200 square feet (whichever is greater). Since community gardens do not provide or act as a primary structure, staff wanted to prevent the accessory structures from dominating the appearance of a lot. Furthermore, fencing should complement the surrounding properties in design, materials, and colors. Although community gardens may be an interim use at times, they should not negatively affect the appearance of the neighborhood.

Signage for a community garden in a residential district shall be limited to a single, non-illuminated, flat sign of no more than six square feet. For all other districts, signs shall comply with the existing, corresponding standards. Staff felt that operation and visitation hours shall be limited to daylight hours so as to not disturb the surrounding areas. Unattended animals on community garden properties shall also be prohibited.

Certain aspects of community garden uses may also need to be specifically considered on a case by case basis. For example, if the roadway improvements adjacent to a community garden are inadequate for the parking needed, then on-site parking could be required. However, since this use would not cause substantial traffic, it is likely unnecessary to require on-site parking outright. Therefore, it would be beneficial to create an administrative review process that utilized the same standards of review as a CUP:

- Access and traffic; pedestrian, bicycle and vehicular circulation
- Noise, light, visual, litter and other pollutants
- Buffering provisions
- Impact on public utilities
- Signage and outdoor lighting
- Compliance with General Plan
- Dedication and development of streets adjoining the property
- Impact on historical/archeological or natural sites
- Impact on the native vegetation and ecological character of the site
- Water and air pollution, such as fill, dust, and smoke

- Any other factors necessary to assure that the proposed use is compatible and not detrimental to the surrounding land uses

A definition of *community garden* will also help to regulate and clarify its use. The proposed definition is as follows:

COMMUNITY GARDEN. means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, 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 use by group members.

Most importantly, this definition prohibits on-site sales, which is especially important in residential districts.

The result of the research and discussions is reflected in Exhibit A attached to this memo, which will add the following to the UDC:

1. §154-02-017 Community Gardens
2. A definition for *community garden* in §154-11-002 Definitions
3. Include *Community garden* as a permitted use (P) in all districts in §154-12 Tables

Staff Recommendation

Suggested Motion to recommend Approval:

“I move the Planning & Zoning Commission recommend to the Town Council approval of P15-006, an amendment to the Unified Development Code (UDC) to include *community gardens* as a permitted use in all zoning districts as reflected in Exhibit A.”

Exhibit A

§154-02-017 COMMUNITY GARDENS

(A) Purpose and intent.

- 1) It is the intent of this section to allow, encourage, and provide for community gardens in all zoning designations subject to the established stipulations and any site specific conditions.
- 2) The purpose of this section is to establish appropriate standards which allow for community gardens, while mitigating any associated undesirable impacts. Community gardens may create impacts which can be detrimental to the quality of life of adjacent property owners.

(B) Application and review process.

- 1) An application for an administrative review of the community garden shall be submitted along with a site plan to the Planning and Development Department on forms provided by the town with all the supporting applicable requirements.
- 2) The application shall be reviewed by the Planning and Development Department in conjunction with other appropriate town departments, and a decision on issuance of the permit shall be made after allowing ten days for public comment.
- 3) Notice shall be provided by first class mail, postmarked at least five days prior to the determination, to adjacent property owners determined by the Planning and Development Department as potentially affected by the request.

(C) Standards of review.

- 1) Accessory structures shall:
 - i. be limited to the rear 50% of the lot
 - ii. not exceed a combined floor area of 200 square feet or 1% of the lot size (whichever is greater)
 - iii. comply with the setbacks of the zoning district in which the garden is located if not an exempt structure
 - iv. be no closer than three feet from any property line
- 2) Fencing shall complement the surrounding properties with regards to design, materials, and colors
- 3) Hours of operation and visitation shall be limited to daylight hours only
- 4) For a community garden in a residential district, signage is limited to a single, non-illuminated, flat sign of no more than six (6) square feet
 - i. Signage in all other districts shall comply with the corresponding standards
- 5) Unattended animals are prohibited within community gardens

- 6) Additional stipulations may be created by the Planning and Development Director based on site specific conditions and input from adjacent property owners

(D) Appeals.

- 1) Any person aggrieved by a decision of the Planning and Development Director may appeal to the Planning and Zoning Commission within 30 calendar days of the decision. The Commission may reverse, affirm, or modify the decision of the Planning and Development Director.

§154-11-002 DEFINITIONS

COMMUNITY GARDEN. means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, 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 use by group members.