



REPORT TO LAW & LEGISLATION COMMITTEE

City of Sacramento

915 I Street, Sacramento, CA 95814-2604

STAFF REPORT

April 5, 2011

Honorable Members of the Law and Legislation Committee:

Title: Community Gardens (M11-010)

Location/Council District: Citywide

Recommendation: Discussion and policy direction on permitting community gardens on private and public property

Contact: Joy Patterson, Principal Planner, (916) 808-5607

Presenter: Joy Patterson, Principal Planner, (916) 808-5607

Department: Community Development

Organization No: 21001010

Description/Analysis:

Issue: At the City Council meeting of August 26, 2010, council member Rob Fong requested that staff bring forward a discussion on community gardens and the opportunities for more gardens. Currently the City of Sacramento does have a community garden program in public parks. Council members Pannell, McCarty and Schenirer have also expressed an interest in community gardens and the possibilities of developing gardens on public and private property.

Policy Considerations: Policy considerations include whether the committee wishes to direct staff to draft an ordinance amending the Zoning Code (Title 17 of the Sacramento City Code) to implement regulations for community gardens on private property and whether to permit gardens on public property in addition to city parks.

Committee/Commission Action: None. Amendments to the text of the Zoning Code (Title 17) are required to be reviewed at a public hearing before the Planning Commission prior to a public hearing before the City Council (17.208.010).

Environmental Considerations:

California Environmental Quality Act (CEQA): Because this report concerns general policy and procedure making, CEQA does not apply per Section 15378(b)(3), which states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be "projects" and are therefore exempt from CEQA.

Sustainability Considerations: Environmental Resources Policy 4.1.2 of the City of Sacramento 2030 General Plan states that "The City shall promote urban agriculture by supporting community and rooftop gardens and recognize their value in providing fresh food in urban areas in addition to their recreational, community building, landscaping, and educational value."

Rationale for Recommendation: Staff recommends that the Law and Legislation Committee provide policy direction for community gardens on private property and have staff prepare an ordinance amending the Zoning Code for the review and recommendation of the City Planning Commission. Community gardens on city property, in addition to city park property, however, have additional issues that need to be addressed. Staff recommends that the committee continue discussion of gardens on vacant city-owned parcels so that General Services' staff can further investigate and prepare a report for the committee.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

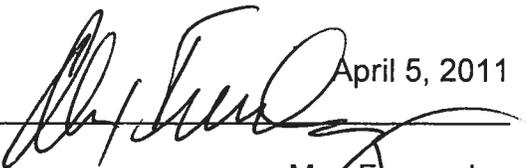
Respectfully Submitted by:



David Kwong

Planning Director

Community Gardens
(M11-010)

Approved by:  April 5, 2011
Max Fernandez
Director of Community Development

Recommendation Approved:


Gus Vina

Interim City Manager

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Community Gardens
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Attachment 1

Background Information

In the City of Sacramento the utilization of a private piece of property for the primary purpose of growing food, or crops, is considered an agricultural use and is permitted only in the Agriculture (A) or Agriculture Open Space (AOS) zones. Gardening, or the growing of fruits, vegetables, plants on developed properties as an incidental use of the land (such as a garden in the yard of a single family home, garden in the common area of an apartment complex, a herb garden on a restaurant's property, a garden at a school) is generally considered a type of landscaping and is permitted as long as it does not create a hazard, blight, or nuisance.

Recently there has been interest in the City of Sacramento, as well as nationwide, in the utilization of vacant properties for the development of community gardens where people can come together for the purpose of growing food for their personal use. Currently the City of Sacramento does operate a community garden program (www.cityofsacramento.org/parksandrecreation/parks/communitygarden.htm). The City has a part-time Community Garden Coordinator whose duties include plot registration, garden inspection, and making sure the rules of the gardens are followed by those using the garden. People participating in the community garden program must also sign a waiver and liability of release. A Copy of the City of Sacramento's Guidelines for Community Gardens is attached (Attachment 2).

Besides the use of park properties for community gardens, however, several council members have expressed an interest on developing regulations for allowing community gardens on private property or city property other than in city parks. City staff from the Community Development, General Services, Parks and Recreation and Utilities departments has met to discuss the issues involved in developing community gardens on both private and public property.

Community Gardens on Private Property

In developing an ordinance/regulations for community gardens on private property, there are several issues for the Law and Legislation Committee to consider, including:

- Location of community gardens (zoning)
- Garden registration
- Size
- Drainage
- Fencing
- Permitted structures
- Water service

- Maintenance
- Garden refuse and composting
- Use of power tools and equipment
- Toilet facilities
- Prohibited plants
- Hours
- Security
- Sale of products

Staff has prepared a draft ordinance for community gardens on private property for the committee's discussion and review which addresses the items listed above (Attachment 3). The ordinance is draft and has not been reviewed by the City Attorney's Ordinance Review Committee.

The proposed ordinance defines a community garden as an undeveloped lot for the growing of crops primarily for the personal use of the growers and is maintained primarily by the group of growers. It divides the gardens into three sizes. The smaller gardens, at 16,600 square feet or less, would cover the area of three standard single family lots (two 52 x 100 lots and one corner 62' x 100' lot). This area is roughly 1/3 of an acre. Gardens whose coordinators register with the city and meet the development standards proposed in the ordinance would be allowed by right. The coordinators would submit their registration information at the public counter of the Community Development Department and pay a nominal fee to recover the cost of department staff to process the application. Planning staff's research of community gardens in other cities on private property finds that community gardens in the one-third of an acre range are generally allowed by right. If a garden could not meet the development standards, the garden coordinators could apply for a special permit from the Zoning Administrator to deviate from the standards.

The second community garden size proposed exceeds 16,600 square feet but is less than one acre in size. Staff finds that a garden of this size could have issues related to the development standards, such as appearance and compatibility of the garden in relation to the surrounding land uses, refuse disposal, and composting, that should require a discretionary review at the Zoning Administrator level. In addition, depending upon the location of the garden, parking issues may occur that could be addressed with the discretionary permit.

Community gardens on private property one acre or more in size would require a special permit from the Planning Commission.

Community Gardens on City Property in Addition to City Park Property

As noted above currently the City of Sacramento operates a community garden Program in City Parks. The Department of Parks and Recreation is set up to administer numerous programs for City residents such as recreation programs, Camp Sacramento, Safari Tours, and enrichment classes, in addition to community gardens. The City's community garden program is managed by a part-time City Parks and Recreation employee; the position is funded through the General Fund. After the community garden is established in a park the program in that park is self-supporting and is funded through fees people pay to participate in the program.

The management of other vacant City property falls under the duties of the Department of General Services. The City, in the case of a community garden, would be acting as a landlord with a private group of individuals or an organization and must take into consideration similar items that a private property owner should take into consideration when leasing property to individuals or an organization developing a community garden. Considerations for placing community gardens on vacant city-owned property include:

- The use of a revocable permit, rather than a lease, to provide flexibility if the City decides to use or dispose of the property
- A termination provision for cause or upon majority vote of the City Council
- The revocable permit fee, which is typically based on a percentage of the underlying land value
- Characterization of the environmental condition of the site prior to issuance of a permit such as requiring a community garden applicant to contract for a Phase I site assessment (soil testing)
- Completion of an indemnification/hold harmless agreement
- Insurance
- A determination on what City Department would oversee the use of a particular piece of property
- Investigation as to whether or not the land is considered surplus and if the use is compatible with the intended use of the land by the City department associated with the acquisition of the property
- Full cost recovery (the reimbursement for staff time to process the permit and , if necessary, oversee a garden program)

The Department of General Services requests additional time to study the issues surrounding community gardens on City property and return to the Law and Legislation Committee at a later date.

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Attachment 2

GUIDELINES FOR FREMONT COMMUNITY GARDENS

April 23, 2010

**JOINT VISIONING BETWEEN COMMUNITY GARDENERS
AND THE CITY OF SACRAMENTO**

OVERVIEW

This document outlines the standard policies, procedures, and guidelines for the City of Sacramento Fremont Community Garden Program. The community garden program promotes sustainable organic gardening. Gardeners participating in the City of Sacramento's Fremont Community Garden Program, as participants in a City of Sacramento program, are subject to all guidelines contained herein.

Community Garden Coordinator

The City of Sacramento Community Garden Program has a part-time paid Community Garden Coordinator (CGC).

Coordinator: Bill Maynard
Phone: Office: (916) 808-4943 Cell: (916) 508-6025
Email: wmaynard@cityofsacramento.org
Address: City of Sacramento Department of Parks and Recreation
5730 24th Street, Building 12
Sacramento, California 95822

City of Sacramento Community Garden Program web page:

www.cityofsacramento.org/departments/parks/communitygardens

Community Garden Advisory Board

Neighborhood gardeners maintain each City of Sacramento community garden. There is a Community Garden Advisory Board (GAB) made up of community gardeners that: provide information to gardeners, discuss policies, ideas, garden operations, problems, event planning, and plans for the gardens. The GAB maintains waiting lists and assigns garden plots. Any gardener interested in attending a meeting or being on the GAB should contact the GAB for more information.

Who May Garden

City of Sacramento community garden plots are available to City of Sacramento residents. Priority is given to residents who live in the City of Sacramento. Each gardener agrees to participate as a member of the garden community. This includes, but is not limited to, assisting in caring for equipment, contributing time toward general maintenance of the common areas, and participating in group workdays.

There is no limit on the number of renewals or limit on number of years a gardener can have a plot in the garden if the gardener is in good standing.

No more than one garden plot will be assigned to any one street/ mailing address.

A plot can only be tended by the gardener(s) to which it is assigned. Absentee gardening is prohibited - plots may not be registered to someone "in name only" while a friend or relative actually uses the plot and does most or all of the work.

Sharing a plot is allowed. Gardeners sharing a plot must abide all City of Sacramento Community Garden Program guidelines, policies, and procedures.

Vacant Plots Accessible to People with Disabilities

If plots that are accessible to people with disabilities are not being used by May 1 of each year, the plot may be placed on the open plot list for those on the waiting list to use until a person with disabilities requests the plot(s). Gardeners from the waiting list and temporarily using plots accessible to people with disabilities will retain their place on the waiting list for the next available plot. Use of plots accessible to people with disabilities is temporary as the temporary gardener can be replaced at the end of the year if a person with disabilities requests the plot(s).

Visitors to City of Sacramento Fremont Community Garden

All visitors to City of Sacramento Fremont Community Garden are required to follow and abide by the City of Sacramento Community Garden Guidelines.

Hours of Operation

Hours of operation for community gardens are dawn to dusk. There is no camping in the garden.

REGISTRATION FEES, PROCESSES, and FINANCIAL ACCOUNTING

The annual registration fee is \$30 full plot / \$15 half plot.

Annual registration fees are used to cover the cost of water. Annual registration fees will be refunded on a pro-rated basis prior to May 1 of each year. Annual registration fees are **not refundable** after May 1.

Mid-year registrants: Gardeners who register for a garden plot after July 1 will pay 100% of the cleaning deposit fee and 50% of the annual registration fee which covers the remainder of the current calendar year. Gardeners must then re-register for the next year at a 100% of the plot price.

Garden registrations are renewed annually. Registration materials are handed out at the January garden meeting and/or mailed to current gardeners at the beginning of each year. If a plot is not registered by the due date, an attempt will be made to contact the gardener to confirm that they will be gardening the coming season. However, any plot not completely registered (forms and fees paid) by the due date is subject to being made available to new gardeners.

Cleaning Deposit

In addition to the annual registration fee, a onetime cleaning deposit of \$25 per plot is required. This deposit will be returned when the plot is vacated and left clear of weeds, debris, and plants.

Giving Up Your Plot / Deposit Refunds

When a gardener decides to give up a plot, they should contact the GAB immediately so the plot can be quickly reassigned. Gardeners must contact the GAB for plot inspection once he or she cleans his or her plot. "Refundable condition is defined as: no weeds, plants, stakes, wire, or trash in the plot. Healthy crop plants (and their supporting structures) within their normal growing season may be allowed to remain.

All soil amendments will remain in the garden; no soil may be transferred to another plot or taken offsite; nor shall raised beds be removed from the garden plot.

If the plot is in refundable condition, the City will issue a refund check in approximately one month's time. If a plot does not pass inspection, a gardener will have one week to clean it up. Upon re-inspection, if the plot is still not in refundable condition, the deposit will be forfeited. Plots vacated due to eviction and/or abandonment are not eligible for a deposit refund.

Moving to a New Plot

A gardener may move with approval from the GAB to a different plot if one is available.

Plot Abandonment

Any plot that is apparently abandoned may be reassigned with two weeks' notice to the gardener. Personal property (personal garden tools, decorations, etc) must be claimed by end of the calendar year or one week after submitting a request for deposit refund, whichever is sooner. Any items left behind one week after submitting a request for deposit refund or January 1, whichever is sooner, become the property of the garden. Plots vacated due to eviction and/or abandonment are not eligible for a deposit refund.

If you are unable to care for your plot for an extended period, please consider giving it up so that someone else can use it. In special circumstances, where illness, injury or other commitments will only be for a few months and have a known ending date, other arrangements may be made. Vacationing gardeners are not exempt from weed and other maintenance rules, or compliance deadlines.

Communication with Gardeners

Gardeners can use email, postings, letters, phone calls, or newsletters to communicate with fellow gardeners. Gardeners can post general notices on the garden bulletin board or in the designated posting area. Each garden will maintain the bulletin board for posting messages regarding the community garden and for no other purpose. The City reserves the right to remove any notice at any time for any reason. Mailing is not always possible due to time constraints, so please watch for event postings in the garden.

The GAB will mail notices of major significance (events, violations, fee deadlines, etc.) to the gardener's last known address whenever possible. Because mailed notices may include time-critical items such as registration or weed compliance deadlines. It is the gardeners responsibility to inform the GAB of any address, phone or email changes.

Volunteer Workdays

It is expected that gardeners put in two hours of work per month maintaining the common spaces, perimeter of the garden, landscape areas along streets fronting the garden, and portions of the park area that the garden may be located.

Produce Not For Sale

All produce, edible plant material, and medicinal herbs grown in City of Sacramento community gardens will not be sold. Plants may be sold strictly as a fundraising event to raise money to support the community garden.

Community Garden Appearance

- Gardens must be actively and obviously used for growing crops, herbs or flowers, and must be maintained year round (inside the garden and outside the garden). At no time shall grass or weeds be over 4" tall.
- Pathways must be free of weeds, tools, hoses, and maintained in good condition.
- All garbage should be taken off site.
- Piles of junk and debris are not allowed onsite; project materials must be used within the current growing season.
- Vines on fencing and perimeter plants must be maintained and not create a hazard or a nuisance. Vines will not spread on the ground more than 6" from the fence.
- At corners of street intersections, a clear line of sight must be maintained for a distance of 25 feet (measured from the midpoint of the curb face on the corner curve to a point 25 feet along the curb in each direction). Vegetation in within this area will be kept at a height of less than 36" so as not to obstruct the traffic visibility.

Plot Appearance – Year Round

- All plots must be kept free of weeds, diseased and dead plant matter during the year.

Plot Appearance – Winter

- All diseased, dying or end of season plantings should be removed by mid November.
- All plots will be kept free of weeds during non-planting months.
- A winter garden must be maintained with a cover crop, new productive garden, or straw / leaf mulch.
- Carpets and plastic are prohibited in the garden to cover a plot or as a weed barrier.
- All tomato cages and stakes must be stacked on the plot or in a specified area of the garden at the end of the growing season.

Use and Care of the Garden

City of Sacramento Gardens are organic gardens and must be maintained using sound organic gardening practices. Gardeners are responsible for caring for City of Sacramento Fremont Community Garden plots, common areas, and areas along the street outside of the garden year-round – including during winter. Regular care includes watering, harvesting, and the removal of weeds, spent crop plants, and diseased plants. Insect problems and infestations must be addressed at once to stop their spread to other plots.

All City of Sacramento's Community Garden Program gardens are located on City-owned property. The City of Sacramento reserves the right to hold special events at the gardens in its program. Such events may include opening the garden to the public. All events will be monitored by City of Sacramento staff to protect the Community Garden Program participants' plots from damage.

Paths

Paths adjacent to each plot are the joint responsibility of the gardeners on both sides of the path. Paths should be kept clear, level, and free of obstructions (tools and hoses) and free of plants. Please note that herbicides are not allowed (see "Chemicals" section). You may not extend your garden beyond its official defined boundary. Your garden plants must not extend into or over paths. Paths must be assessable to all and meet ADA requirements.

Dust and Noise Control

Dust

Dust must be contained on site. To reduce dusty conditions, water down the work area and keep the area under a light mist as needed to keep dust from becoming air borne and so there are no visible dust emissions offsite.

Noise

Equipment Noise – Use noise making equipment (tillers, shredders, lawn mowers, line trimmers, etc) only between the hours of 9:00 am – 5:00 pm Monday through Friday and 9:00 am – 5:00 pm on Weekends. In addition, power blowers will not be used before 9:00 am per the City of Sacramento's ordinance on blowers.

- Keep personal music players turned down so others are not disturbed.

Chemicals

All City of Sacramento community gardens are organic gardens. Inorganic chemical fertilizers, insecticides, pesticides, and herbicides, are prohibited in City of Sacramento Fremont Community Garden.

In addition, the following items are prohibited in City of Sacramento Fremont Community Garden:

- Dog, cat, or human manure or fresh manure of any kind
- Slug and snail bait

Composting

Composting areas are available in the garden. Useable plant matter from the garden shall be free of seeds, and seed heads, and shall not be diseased or harbor insects; unusable plant material will be placed on the street for pickup. All useable plant matter shall be cut to 6 inches and placed immediately in the compost bin. All must go inside the bins otherwise it must be bagged. All fresh vegetable scraps shall be buried in the compost bin and not left on top of the pile.

Trash

Trash must be picked up and disposed of promptly. Gardeners must bag all trash or place it in a container. Gardeners are required to remove any trash they create and/or bring to the garden. Recycle plant containers in a designated area.

Water

Water is provided by the City of Sacramento. Plot fees finance water each garden. Timers and drip irrigation may be used but must be paid for by each gardener. This includes any and all modifications to the faucets or hose bibs. Faucets must be available to other gardeners as well.

Gardens should be aware of and in compliance with local water ordinances.

Gardeners are encouraged to be water conservation-minded. Make sure the faucet is turned off when you leave. Any water that is left on unattended may be turned off by any gardener. Each gardener must take care not to drag hoses and tools over other gardener's plots.

The main shutoff valve shuts off the water to entire area. Locate the main shut off valve in the garden for future reference and emergencies. If there is an emergency such as a broken water line, turn off the water to the garden then contact the City Operator at 264-5011 or 311. If you call a City agency please also leave a message for the CGC at 808-4943 so he/she is aware that the problem has been addressed.

To prevent mosquitoes, standing water is not allowed in community gardens; this includes, fountains, water gardens, bogs, water in containers of any size used for starting plants or any other type of wet environment that could sustain mosquito breeding.

Tools

Garden tools may be kept on-site in a tool shed or tool locker. Please return them promptly when you are through using them, in a clean condition and organized manner. All tools and equipment are used at the gardener's own risk. Personal tools may be stored in the shed or tool locker, but they are there at the owner's risk.

Personal Items in the Garden

Gardeners may bring personal items into the garden at their own risk. The City of Sacramento and the GAB is not responsible for lost, stolen, or damaged personal items in the garden.

Leaving the Garden for the Day

When leaving the garden for the day, check with other gardeners to let them know that you are leaving and if they need tool shed open and which gate that they will be leaving by; don't assume that they will lock the shed or leave by the same gate as you will. Turn off water faucets, lock the tool shed and gates, and scramble the lock combinations if you are last one to leave the garden.

PROHIBITED PLANTS, MATERIALS & ITEMS

Any legal plant may be planted in a City of Sacramento Fremont Community Garden plot with the exception as noted under "Prohibited Plants". Plants may be vegetable, herbal, and floral. Trees are not allowed to be planted in a plot. Trees (shade, fruit, nut or citrus) may be planted in a common area of the garden with review and approval by the CGC. The CGC must approve removal of all community garden trees. Grape vines should not be planted in a garden plot. Gardeners are responsible for exercising care when planting plants that are invasive and hard to eradicate. Examples are mints, berry vines, and morning glories.

Prohibited Plants

Prohibited plants are, but not limited to, the following: illegal plants (i.e. marijuana), plants that produce runners (i.e. bamboo, ivy), (i.e. blackberry), invasive plants (i.e. sugar cane), poisonous plants (i.e. castor bean), GMO (genetically modified organism) seeds and plants, and possible dangerous plants (i.e. cactus)

Height of Plants

When planting seeds and small seedlings, thought must be given about how high these plants will grow. Placement of tall plants on the sides of a plot may produce shade not only on your plot but may also block the sunlight from reaching your neighbor's plot as well. Recommended height is four to five feet. Gardens should be planned so that for most of the day a neighbor's plot will receive its fair share of sunshine. This may mean that tall plants like corn, sunflowers, pole beans, etc. should be planted with care. Tall varieties should be well-staked and planted in the center of a plot.

Prohibited Materials, Items, and Actions

Certain materials, items, plants or animals are prohibited in City of Sacramento community gardens. Prohibited materials and items include, but are not limited to, the following:

Materials

- Pressure treated lumber (contains arsenic); railroad ties
- Carpets or black plastic
- Sheets or rolls of clear plastic can be used as a means to solarize a plot for weeds during six to eight weeks of air temperatures over 85 degrees; but must be removed before it begins to become brittle or disintegrate.
- Tires, plywood and sheet metal (not allowed for raised beds)

Items/Actions

- Open pit fires, fireworks, guns and other weapons
- Cars and trucks unless approved by the CGC for work day deliveries
- Furniture other than normal garden / patio furniture
- Music – heard from over 25 feet away
- Smoking and gambling
- Illegal drugs or substances
- Alcoholic beverages (except within a City Permitted event with a valid permit)
- Domestic animals, with the exception of service animals; livestock (including but not limited to ducks, chickens, goats, lambs, llamas, sheep, horses, pigs, or cows)
- Burying animals of any type

Note: The CITY may deem an item “prohibited” that is not listed in the guidelines.

Personal Safety in the Garden

All gardeners should be familiar with their fellow gardeners and should recognize who in the garden that are visiting or volunteering. It is recommended that gardeners be aware of all others in the garden and that gardeners notify others when they are leaving the garden, making sure that visitors are not the last ones in the garden.

Drink plenty of fluids while in the garden on hot days. Heat stroke and heat exhaustion can come on suddenly; all gardeners should be familiar with the signs of heat stroke and heat exhaustion. It is also recommended that gardeners consider receiving a tetanus shot as tetanus does live in soil.

Appropriate safety equipment must be worn when working in the garden and using power equipment, including but not limited to, shoes or boots, gloves, eye protection, and ear protection. Tools and equipment are used at the gardener’s own risk. Gardeners should also remember to wear these important health and safety items when in the garden: sun screen, a wide brim hat, and a long sleeve shirt

Plot Fencing, Trellises, and Other Structures

Approved plot fencing will be temporary only, not in excess of 48” in height, open wire and post construction only, and is not to be constructed of permanent material (i.e., concrete). A trellis not more than four feet tall adjacent to paths may be used on two sides of a plot. Trellises must not be constructed so that they block sunlight from other plots at any time. Both fences and trellises must be easy to remove and must be removed when a gardener gives up the plot. High-rise towers, walls, or any construction or assemblage of materials that encloses a plot or intrudes on another’s plot are not permitted. Only one side of a plot can have vertical trellis-like, open, airy structures for supporting climbing vegetables, vines or flowers. Poles, stakes, cages and light wooden trellises are permitted.

Vehicles in the Garden

Private vehicles are not allowed access to City of Sacramento community gardens within City parks.

Parking

Please do not block driveways, the street or alleys. Parking should be in front of the garden along and along the same side of the street whenever possible. Parking time limits and meters shall be obeyed; all tickets received and towing costs are the responsibility of the gardener.

POLICY ENFORCEMENT

The GAB is responsible for enforcing the agreed upon policies. Most things can be resolved in an informal manner; however experience has shown a need for a formal process to deal with some issues.

If the City determines that a plot or its owner is in substantial violation of garden policies:

1. Written notice of the problem and a request for corrective action will be mailed.
2. If the gardener does not comply within 2 weeks, he/she will be evicted from the garden.

Gardeners can appeal decisions to the City of Sacramento.

NOTE: Threats or acts of violence will result in immediate eviction from the community garden. Abusive language and public intoxication will not be tolerated.

Gardeners are encouraged to discuss issues regarding policy violations with the GAB at any time during this process. Special circumstances will always be taken into account and other arrangements may be made, at the discretion of the GAB. All final evictions are reviewed by the Fremont Community Garden Advisory Board and the Parks Superintendent in charge of the Community Garden Program.

Gardeners agree to abide by these policies and rules; any violation of the Guidelines constitutes a breach of the registration agreement. Failure to abide by these policies and rules may lead to termination of permission to garden, forfeiture of fee, and reassignment of your plot to another gardener on the waiting list.

DRAFT

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.040,
AND 17.24.050 OF TITLE 17 OF THE SACRAMENTO CITY
CODE (THE ZONING CODE) RELATING TO COMMUNITY
GARDENS (M11-010)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.16.010 of the Title 17 of the Sacramento City Code (the Zoning Code) is amended as follow:

A. A definition for "community garden" is added to Section 17.16.010 to read as follows:

"Community garden" means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of food crops or nonfood crops, such as flowers, primarily for the personal use of the growers, that is established, operated, and maintained by a group of persons. A community garden does not include (1) a garden or edible landscaping on a lot developed with one or more residences and devoted to the personal use of the occupants of the residences, or (2) a garden or edible landscaping on a lot developed with a nonresidential use, which garden is incidental to the primary use of the lot.

B. A definition for "community garden coordinator" is added to Section 17.16.010 to read as follows:

"Community garden coordinator" means the person or persons responsible for the management of a community garden.

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C. Except as amended by adding definitions for “community garden” and “community garden coordinator,” Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. Section 17.24.040 Industrial and Agricultural Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.040 A is amended to add “community garden” to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-4A	R-5	RMX	RO	OB
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86

B. The matrix for set forth in Table 17.24.040 B is amended to add “community garden” to read as follows:

Uses Allowed	E C	H C	S C	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MI P	MR D	H	SP X	T C	A	AO S	F	A R P-F
Community garden*	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86	86

C. Except as specifically amended to add “community garden,” section 17.24.030 and Tables 17.24.040 A and 17.24.040 B remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 86 is added to Section 17.24.050 to read as follows:

86. Community Gardens. Community gardens are allowed in this zone subject to the following requirements:

a. Registration. Prior to establishing or operating a community garden, a complete community garden registration application shall be filed with and accepted by the planning director. The community garden registration application shall be on a form provided by the city, and shall contain the following information:

- i. The name(s) and contact information of the community garden coordinator(s) for the garden;
- ii. The assessor's parcel number of the lot on which the community garden is to be located;
- iii. The name and contact information of the owner of the lot on which the garden is to be located and, if the owner is not one of the community garden coordinators, a letter of agency from the owner consenting to the filing of the application;
- iv. Utility billing information for city water service (irrigation only) and solid waste pick-up;
- v. A site plan showing the boundaries of the garden; the location of the storage structure, if one is to be provided; the location of the composting area, if one is to be provided; and the location of the garden refuse and trash collection and pick-up area;
- vi. Such other information as required by the planning director.

If the planning director determines that the community garden registration application is complete, the application shall be accepted. The determination by planning director shall be final and shall not be subject to appeal.

b. Development Standards. A community garden shall comply with all of the following development standards:

- i. Size. The lot on which a community garden is established shall not exceed 16,600 square feet.
- ii. Drainage. The site shall be designed and maintained so that all irrigation drainage remains on-site and does not flow onto adjacent lots or a public right-of-way, or into the city drainage system.
- iii. Access. A clearly marked entrance, at least four feet wide, shall be provided from the public right-of-way to the community garden.
- iv. Fencing. A minimum six-foot high solid fence shall be provided along all interior property lines adjacent to a residential use or zone. The fence may be located either on the community garden lot or on the adjacent residential lot. All other fencing shall conform to the provisions of this title.

v. Structures: A community garden may have one storage structure not exceeding 10 feet by 12 feet in size for the purpose of storing tools, equipment, and gardening supplies.

vi. City Water and Solid Waste Service. A separate metered city water service connection (irrigation only) and a solid waste pick-up service shall be provided for the community garden.

vii. Setbacks. No gardening activity and no structures shall be allowed over any public utility easement or within five feet of any property line.

c. Operational Standards. A community garden shall comply with all of the following operational standards and requirements:

i. General Community Garden Maintenance.

(a) All areas of the community garden, including all garden plots and other planting areas, shall be weeded, mowed, trimmed, and otherwise maintained as often as necessary to prevent overgrowth and blight.

(b) Adjacent frontage streets, gutters, and sidewalks shall be maintained clear of all plant material, soil, and other garden debris at all times.

(c) Outdoor storage of tools, equipment, and gardening supplies at the community garden is prohibited.

ii. Management of Garden Refuse and Composting.

(a) Composting. Opportunities for composting on-site at the community garden maybe provided. Composting piles or containers shall be set back a minimum of five feet from adjacent properties, and shall be located or screened in such a way so as not to be visible, from adjacent properties.

(b) Garden refuse storage areas shall be set back a minimum of five feet from adjacent properties, and shall be located or screen in such a way so as not to be visible, from adjacent properties. Garden refuse shall be removed from the site at least once a week.

(c) Composting piles and garden refuse storage piles shall be managed to prevent the harborage of rodents and pests, and shall be maintained to prevent odors.

iii. Exterior Lights Prohibited. Exterior lighting is prohibited at the community garden site.

iv. Noise. Noise making equipment, such as tillers, shredders, lawn mowers, line trimmers, and power blowers, shall be used only between the hours of 9:00 a.m. and 5:00 p.m. No amplified music or other sound is permitted at the community garden site.

v. Toilet Facilities Prohibited. Toilet facilities of any type are prohibited at the community garden site.

vi. Prohibited Plants.

(a) The growing of marijuana at the community garden site is prohibited.

(b) The growing of illegal plants at the community garden site is prohibited.

vii. Hours. Hours of operation of a community garden shall not extend beyond sunrise and sunset.

viii. Security.

(a) If a storage structure is provided at the community garden, it shall be locked during non-hours of operation.

(b) If fenced, the community garden shall be locked during non-hours of operation.

ix. Processing, Storage, Sale of Products. The processing, storage, and sale of food and nonfood crops are prohibited at the community garden site.

x. Contact Information. An all-weather sign with the name and contact information of the community garden coordinators shall be posted at all times at a location clearly visible from the entrance to the community garden.

d. Authority to Vary Requirements.

i. Development and Operational Standards. Except as provided in subsection ii., below, the zoning administrator has the authority to issue a special permit to vary the development and operational standards set forth in subsections b. and c. of this Footnote 86 in accordance with and subject to the requirements of Chapter 17.212.

ii. Community Garden Size.

(a) The zoning administrator has the authority to issue a special permit to allow a community garden on a lot greater than 16,600 square feet but less than one acre in size, in accordance with and subject to the requirements of Chapter 17.212;

(b) The planning commission has the authority to issue a special permit to allow a community garden on a lot one acre or greater in size, in accordance with and subject to the requirements of Chapter 17.212.

B. Except as specifically amended to add footnote 86, section 17.24.050 remains unchanged and in full force and effect.