

## Relevant code and policy explained for community gardens

Interpreting codes and policies to understand what is and is not permitted in a typical community garden can be confusing; therefore, as a service to our gardeners, we have compiled this information in a simplified format below.



### 1) Land

- Gardens are an acceptable use on properties in all zoning districts (i.e. residential, commercial, manufacturing, apartment). *Reference city code chapters 3332 and 3333.*
- The city's Land Bank holds vacant parcels until they are able to be purchased for development or use as a side yard. Meanwhile, these parcels can be leased for \$10 per year to groups wishing to establish a community garden. Contact the Land Bank at 645-LAND for more information.
  - While the city cannot guarantee that garden leases will continue indefinitely, it is the general practice that parcels being used for gardens are not listed for sale and every effort will be made to ensure gardens do not need to be relocated without cause.
  - The safety of the soil for growing cannot be guaranteed by the city; therefore, the use of raised beds is recommended, but not required.
  - As an alternative to leasing property from the city, some Land Bank properties can be purchased for gardening. Applicable garden properties would be sold for fair market value. The property owner would then be responsible for paying taxes, insurance and other related fees.

### 2) Water:

- The city is unable to provide free water service to gardens due to city code. *Reference charter section 122 and code chapter 1105 & 1109.*
- If access to an outdoor water spigot is available, the property owner can install an auxiliary meter in order to avoid paying sewer fees. Contact 645-8276 for more information.
- Use of water storage systems such as cisterns and rain barrels is allowed. However, these items are considered to be structures and therefore must adhere to city code (reference item 6 below). Ensure mosquitoes are not able to enter and breed in the water storage system to prevent health risks and nuisance complaints.

### 3) Composting:

- Composting is allowed as long as material being composted was generated onsite. Your garden site should not accept food scraps from any outside source as doing would be required to be located in a manufacturing district, obtain permission from the city as well as a permit from the state. *Reference city code: 3303.03, 3389.034, 3332.039, 3332.34, 3333.31, 4703.01 and Ohio Administrative Code: 3745-27-03.*
  - Bins, boxes or other large items installed to accommodate composting are considered to be structures and therefore must adhere to city code (reference item 6 below).
  - Take care in managing compost to avoid nuisance complaints.

### 4) Supplies & Services:

- The city is unable to provide free tilling, tree removal or other services to community gardens. Free tool rental is available through Rebuilding Together Central Ohio and, when funds are available, the city offers grants to assist with these types of expenses, among others.

5) Fencing:

- Fences are acceptable in most cases. *Reference city code: 4113.55*
  - Before installing a fence, contact the Department of Building and Zoning Services at 645-8637 to ensure your fence is in compliance with your applicable zoning regulations, including overlay, which can vary depending on location.
  - Fences greater than six feet tall require a building permit (fees apply).
  - If you are using Columbus owned Land Bank property for your garden, you must submit a site plan in order to receive approval for a fence (or any other improvement) in writing from the city.

6) Structures:

- Structures include items such as sheds, gazebos, cisterns, composting bins, sales displays, etc. These items are allowed in community gardens. Structures of 169 square feet or greater require a certificate of zoning clearance (fees apply). Additionally, if the structure is greater than 100 square feet it may also require a building permit (fees apply). Although, in some cases building permits are not required when constructed for an agricultural use. Placement of structures must be setback from the property line to allow for visual clearance. Contact the Department of Building and Zoning Services to ensure your structure adheres to all regulations at 645-8637.
- If you are using Columbus owned Land Bank property for your garden, you must submit a site plan in order to receive approval to install structures in writing from the city.

7) Signage:

- A permanent, non-illuminated sign of ten square feet or less installed on garden property is allowed without need for a permit on private property; however, signage must be installed according to city code. Contact the Department of Building and Zoning Services before you begin your signage project at 645-8637.
- All other graphics on private property require a graphics permit (fees apply) from the city's Department of Building and Zoning Services, prior to installation and may require the services of a licensed signs erector. Contact the Department of Building and Zoning Services at 645-6090 before you begin your signage project.
- Community signage is allowed in the public right of way; however, before these signs are approved, sign specifications and plan details must be submitted with a permit application to the Department of Public Service (fees apply). Additionally, insurance is required in order to receive final approval to install the signage. Contact the Department of Public Service before beginning your signage project at 645-1584.

8) Sales:

- Much like a garage sale, occasional sales of unprocessed fruits and vegetables are allowed to take place on the community garden site without the need for any permits. *Reference city code: 3390.02 and Columbus health code: 255.02*
- Regular or permanent sales of unprocessed fruits and vegetables are allowed only in manufacturing or commercial districts. *Reference city code: 3351.03, 3363.01*
  - Parking is required for regular or permanent sales. *Reference city code: 3312.49*
- Regular sales of any processed foods require approval from the Ohio Department of Agriculture and must obtain a retail food establishment license. Food will be subject to inspection at the sale location by Columbus Public Health. Depending on where and how the food is prepared, additional licenses and rules apply. Please thoroughly research these policies before proceeding with sale of processed foods. *Reference Ohio revised code: 3717.221, 3717.22, 3717.22(B)(3), 3715.01(A)(20) and 3715.023, Ohio Administrative Code: 901:3-20-04 and 901:3-20, City code: 3332.37 and 3333.34.*

