



CITY OF
TOPEKA

COMMUNITY GARDEN
PERMIT APPLICATION

**PLANNING & DEVELOPMENT
DEPARTMENT**

SUBMIT ALL REQUIRED DOCUMENTS TO:
planning@topeka.org

Location of Proposed Garden: _____
Street Address or Parcel ID #

Garden Name (optional): _____

Zoning District: _____

Size of Cultivated Area: _____

Property Owner's Name: _____

Address: _____

Phone Number: _____ Email: _____

Garden Manager's Name: _____

Address: _____

Phone Number: _____ Email: _____

DEFINITION:

Type I Community Gardens are typically no greater than two acres of cultivated area and only permit sales of a temporary nature. If the area of cultivated land exceeds one-acre, a 50' setback is required between properties with existing dwelling units and any cultivated area or accessory structures. Temporary sales of produce grown on-site are permitted during the stated hours of operation (8 AM – 8 PM) provided that all stands and displays are removed after hours of operation.

Type II Community Gardens are gardens with permanent produce sales structures or larger accessory structures than permitted in Type I Gardens.

SIGNAGE:

One permanent sign is permitted per property according to the above regulations. Small, temporary signage inside the garden intended for the users' benefit is not restricted. Signage posted advertising of a produce sale is permitted, but only on the days of the sale and must be removed at the end of the day.

REGISTRATION REQUIRED:

All community gardens shall be allowed only after the owner or applicant has registered the community garden with the planning department and has paid a fee of \$50 (one-time registration fee per garden). The planning director shall adopt administrative procedures necessary to govern the registration requirements and ensure compliance with the requirements.

UPDATING INFORMATION:

The applicant or garden manager is responsible for keeping accurate contact information on file with the City of Topeka Planning Department. Additionally, any changes to the garden's site plan or registration information shall be resubmitted to the Planning Department prior to construction or changes in operation. No additional fee shall be required.

COMPLIANCE WITH COMMUNITY GARDEN STANDARDS

Please answer all of the following questions. Additional information may be required after review.

Will the garden be a Type I Garden or Type II Garden? (see previous definition)

Type I Garden Type II Garden

Will the operation of mechanical equipment and sales ONLY occur between 8:00 AM and 8:00 PM?

Yes No

Will there be any permanent sales structures?

Yes No

Will any temporary sales structures be removed by 8:00 PM each day?

Yes No

Will cultivation equipment exceed the size of a compact utility tractor?

Yes No

Will dead garden plants be removed regularly and no later than November 30th of each year?

Yes No

Will the garden be maintained so that weeds, grasses, and other uncultivated materials not exceed 12"?

Yes No

Will the garden contain orchard trees or crops over 4' tall?

Yes No

If a permanent sign will be displayed, will its size be 10 square feet or less?

Yes No

Will water, fertilizers, or pesticides drain onto adjacent properties?

Yes No

Are Accessory Buildings proposed?

Yes No

If Accessory Buildings are proposed, do they meet Type I standards? (see standard #12 on pg 4)

Yes No

SITE PLAN

Please include a site plan showing the following elements. This must be 8.5"x11" or larger and may be hand drawn to scale or with all dimensions labeled.

- Location and size of the cultivated area, fencing, and accessory structures or accessory buildings;
- Where mechanized equipment will be stored;
- Location of trash and compost receptacles (must be setback a minimum 10' from any abutting residential land use);
- General drainage patterns (how drainage from the site will run off);
- The location, size, and purpose of the proposed permanent sign, if any;
- Measurements from the edge of all activities to all adjacent properties (meeting all setbacks described in the Community Garden Ordinance Chapter 18.225.120 in the TMC).

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and any agent listed in this application to represent the owner(s). I (we) declare that all submitted information is complete and accurate. I (we) hereby acknowledge that all community garden regulations have been reviewed and agree to comply as part of this submittal.

Signature of Property Owner	Printed Name	Date
-----------------------------	--------------	------

Signature of Garden Manager	Printed Name	Date
-----------------------------	--------------	------

THERE WILL BE A \$50.00 PERMIT FEE TO BE PAID AT THE TIME THE PERMIT IS ISSUED.
PLEASE DO NOT INCLUDE PAYMENT AT THIS TIME.

Return form and site plan to:

Planning@Topeka.org

APPROVED TYPE: Type I ____ Type II ____

DATE OF APPROVAL _____

PLANNER: _____

DIRECTOR: _____

GENERAL STANDARDS (from the adopted Community Garden Ordinance text):

1. Fences are allowed subject to a fence permit and compliance with TMC 18.210.040. In R and M Districts, the minimum front yard setback for the district shall act as the front face of the principal structure.
2. Sales and operation of mechanical equipment shall occur only between 8:00 AM and 8:00 PM. For Type 1 gardens, sales of produce grown on-site are permissible provided that all stands and displays are removed on or before 8:00 PM.
3. Cultivation equipment shall not exceed the size of a compact utility tractor and its accessories.
4. The cultivated area shall have a minimum setback of 3 feet from all property lines. Crops planted in any minimum front yard setback are limited to those that will grow to a height of 4 feet or less (e.g., 4 feet maximum in the front 30 feet).
5. Dead garden plants shall be removed regularly and no later than November 30th of each year.
6. Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of 12 inches.
7. Compost bins shall be set back at least 10 feet from all side and rear property lines and 25 feet from the front property line. Compost bins shall be screened and maintained in such a manner as to not attract insects, vermin, reptiles and other animals. Appropriate best management practices shall be used to minimize odor.
8. The site shall be designed and maintained so that no water, fertilizers, or pesticides drain onto adjacent property.
9. The entire site shall be maintained in a manner, including noise and odors, so that it does not become a nuisance in any way, as described in Chapter 8.60 TMC.
10. Signage is limited to one permanent identification sign per property frontage consisting of up to 10 square feet per sign face and temporary signs are allowed in accordance with TMC 18.25.230(a).
11. Orchards and tree farms shall meet the front yard setback for their zoning district and shall be setback at least 15 feet from all other property lines, with the measurements based on nearest part of the trees' canopies.
12. Accessory structures for Type I Community Gardens are limited to the following standards.
 - a. Accessory structures may include storage buildings, green houses, high tunnels and hoop houses maintained in good condition.
 - b. Maximum height of 12.5 feet.
 - c. Maximum lot coverage for structures shall be calculated based on the cultivated area for the community garden, including pathways. Maximum lot coverage for structures shall be 10% or less than 150 square feet, whichever is greater.
 - d. Storage buildings are limited to less than 150 square feet and may only be used for storing garden equipment and materials used on-site.
 - e. Each structure shall meet the required setbacks from property lines as outlined in TMC 18.210.030(a)(2). If the area of cultivated land exceeds one-acre, a 50' setback is required between properties with existing dwelling units and any cultivated area or accessory structures.
13. Accessory structures for Type II Community Gardens are limited to the following standards.
 - a. In addition to Type I standards, Type II permitted accessory structures include: garden sales stands, other buildings for storage, structures for cold storage and processing of garden products, and buildings for aquaculture, aquaponics, and hydroponics.
 - b. Maximum lot coverage for structures is 30% of the site area designated for the Community Garden (cultivated area and pathways).
 - c. Accessory structures 150 square feet or greater are permitted, subject to required building permits.
14. If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 8.215 TMC.