

The Council considered the second reading of an ordinance to regulate community gardens. On motion of Mayor Pro-Tem Sims, and seconded by Councilmember Flowers, the following ordinance was unanimously ordered read for the second time, passed, and adopted:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE BY AMENDING SECTION 22-6 CAPTIONED "DEFINITIONS" OF ARTICLE I CAPTIONED "IN GENERAL" OF CHAPTER 22 CAPTIONED "ZONING" SO AS TO ADD A DEFINITION FOR "COMMUNITY GARDEN"; BY DELETING SECTION 22-44 CAPTIONED "RESERVED" OF ARTICLE I CAPTIONED "IN GENERAL" OF CHAPTER 22 CAPTIONED "ZONING" AND BY REPLACING IT WITH AN ENTIRELY NEW SECTION 22-44 CAPTIONED "STANDARDS FOR COMMUNITY GARDENS"; BY DELETING IN ITS ENTIRETY SUBPARAGRAPH 56 CAPTIONED "GROWING OF CROPS, GARDENS (COMMERCIAL)" OF SECTION 106 CAPTIONED "SCHEDULE OF PERMITTED USES" OF ARTICLE IV CAPTIONED "PERMITTED USES" OF CHAPTER 22 CAPTIONED "ZONING AND BY REPLACING IT WITH AN ENTIRELY NEW SUBPARAGRAPH 56 CAPTIONED "GROWING OF CROPS, VEGETABLES, OR FLOWER GARDENS"; AND BY DELETING IN ITS ENTIRETY SUBPARAGRAH 103 CAPTIONED "VEGETABLE OR FLOWER GARDENS (RESIDENTIAL)" OF SECTION 106 CAPTIONED "SCHEDULE OF PERMITTED USES" OF ARTICLE IV CAPTIONED "PERMITTED USES" OF CHAPTER 22 CAPTIONED "ZONING" AND BY RESERVING SUBPARAGRAPH 103; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is hereby amended by adding a definition for Community Garden to Section 22-6 captioned "Definitions" of Article I captioned "In General" of Chapter 22 captioned "Zoning" to read as follows:

Section 22-6 Definitions.

Community Garden means a civic space, established as the primary use on an otherwise vacant lot, and available to nearby residents for small-scale cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land shall be served by a water supply sufficient to support the cultivation practices used on this site. Such land may include available public land.

SECTION II

BE IT FUTHER ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is hereby amended by deleting in its entirety Section 22-44 captioned "Reserved" of Article I captioned "In General" of Chapter 22 captioned "Zoning" and by adding an entirely new Section 22-44 captioned "Standards for Community Garden" to read as follows:

Section 22- 44 Standards for Community Gardens.

A Community Garden is a civic space open to the public, even if on private property, established as the primary use on an otherwise vacant lot, for small-scale cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Such land may include available public land. Community Gardens are a permitted use in all zoning districts subject to the following regulations:

- (1) Each Community Garden must have:
 - a. An established set of operating rules which must be approved by the Zoning Administrator of the City. These rules shall be posted on site and shall address items such as governance, hours of operation, maintenance, security requirements, and related responsibilities; and
 - b. A garden coordinator to perform the coordinating role for the management of the community garden and to liaise with the City Zoning Administrator. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file at the City Building Department.
- (2) A site plan must also be submitted and approved by the Zoning Administrator of the City. The site must be designed and maintained so that water will not adversely affect the current direction of water run-off.
- (3) Any structure used in conjunction with a community garden must comply with the following requirements.
 - (a) Be located at least five (5) feet from any property line.
 - (b) Garden sheds and greenhouses shall be permitted as structures: the aggregate of which shall not exceed 20% of the total lot area.
 - (c) The following are not considered structures for the purposes of this section and are permitted: benches, raised/accessible planting beds, compost and waste bins, picnic tables, fences, garden art, rain barrel systems, cold-frames, hoop houses, apiaries and bicycle racks.
- (4) Fences shall not exceed six feet in height.
 - (a) If the fence is taller than four feet it shall be at least 30% opaque.
 - (b) If the fence fronts a street or right-of-way it shall not exceed four feet in height.
 - (c) Fences shall be constructed of wood or wood/metal, "living fences" such as climbing plants on woven wire fence are strongly encouraged.
- (5) If a Community Garden is proposed on a site that is owned by the City or a governmental entity (including but not limited to the Downtown Development Authority, the Thomasville Payroll Development Authority, or the Thomasville-Thomas County Land Bank Authority) the proposed site users must provide a Phase I Environmental Site Assessment (ESA) and any other testing and reporting required by the owner. Any historical sources of contamination identified in the ESA must be tested to determine type and level of contamination; appropriate remediation procedures must be undertaken to ensure that soil is suitable for gardening.
- (6) Each Community Garden shall be maintained in accordance with Municipal Code Chapter 15 Solid Waste Management, Section 15-25A ARTICLE II. DEBRIS, WEEDS AND OTHER VEGETATION.

SECTION III

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is hereby amended by deleting in its entirety Subparagraph 56 captioned “Growing of Crops, Gardens (Commercial)” of Section 22-106 captioned “Schedule of Permitted Uses” of Article IV captioned “Permitted Uses” of Chapter 22 captioned “Zoning” of by replacing it with an entirely new Subparagraph 56 captioned “Growing of Crops, Vegetables, or Flower Gardens” to read as follows:

Section 22-106 Schedule of Permitted Uses.

56. GROWING OF CROPS, VEGETABLES, OR FLOWER GARDENS

- (a) Vegetable or Flower Gardens (non-commercial residential) single and two family
 - a. Note: the Permitted Zoning Districts remain unchanged
By Right Use: A, R-1A, R-1B, R-1, R-2A, R-2, C-1A, C-1, C-2, M, R-TH, R-CD
- (b) Growing of Crops, Gardens, farming (commercial)
 - a. Note: the Permitted Zoning Districts remain unchanged
By Right Use: A, C-1, C-2, M
- (c) Community Garden
 - a. Permitted Zoning Districts:
By Right Use: A, R-2A, R-2, C-1A, C-1, C-2, M, M-1, R-CD
Conditional Use: R1-A, R-1B, R-1, MH R-TH

SECTION IV

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is hereby amended by deleting in its entirety Subparagraph 103 captioned “Vegetable or Flower Gardens (Residential)” of Section 22-106 captioned “Schedule of Permitted Uses” of Article IV captioned “Permitted Uses” of Chapter 22 captioned “Zoning” and by reserving this subparagraph.

SECTION V

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its final adoption and passage.

SECTION VI

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed for the purposes of this ordinance only.

SECTION VII

BE IT FURTHER ORDAINED that upon its final adoption the provisions of this ordinance shall be made a part of the official codified ordinances of the City of Thomasville.

SECTION VIII

This ordinance was read for the first time at a lawful meeting of the Council of the City of Thomasville on March 27, 2017, and read the second time, passed and adopted in a like meeting held on April 10, 2017.

