

Zoning Information Guide

"Planning with People for a Better Phoenix"



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Community Garden Policy Guidelines

The checklist below was written to provide you with information related to community gardens in the city of Phoenix and will serve as a guide for the development of your Community Garden. The checklist addresses a wide range of possible improvements that you might choose to make on your community garden site. It can also guide you through the use permit public hearing process, if you choose to request sales of produce grown on site or need to modify zoning requirements regarding development standards such as fence height and setbacks.

NOTES: Please see definitions below for help in understanding this document and exhibit on the last page. Private gardens that are accessory uses to single/multi-family homes are permitted in all residential districts and are not governed by this handout.

You are not required to make all of the listed improvements. Some improvements will require a use permit, and others will not. You should review the complete checklist, decide how you wish to operate your garden and which improvements apply to your site, then proceed with the next steps in the process. You can contact staff with questions once you review this document at zoning@phoenix.gov or (602) 262-7131 #6.

For more information regarding how to establish a community garden, please contact:

- Valley Permaculture Alliance - <http://www.ValleyPermacultureAlliance.org>
- Tiger Mountain Foundation – <http://www.tigermountainfoundation.org>
- University of AZ Cooperative Extension, Maricopa County - <http://extension.arizona.edu/maricopa/horticulture>
- International Rescue Committee - <http://www.rescue.org/us-program/us-phoenix-az>
- Establishing Roots – <http://www.establishingroots.org>

It is recommended that community gardens grow fruits and vegetables that are organically produced, using no synthetic fertilizers or pesticides. These methods pose the least risk to personal and environmental health. The use of pesticides is governed by the U.S. Environmental Protection Agency (EPA) and the Arizona Department of Agriculture. For more information, please see the following websites:

- www.epa.gov/oppfead1/Publications/catalog/greenscaping.pdf
- <http://cals.arizona.edu/apmc/psep.html>
- www.azdhs.gov/phs/oeh/children/pesticides/awareness.htm

Definitions (for additional definitions please view the **City of Phoenix Zoning Ordinance** at <http://www.codepublishing.com/az/phoenix>)

- **Accessory use:** A subordinate (secondary) use of a building, other structure, or use of land.
- **Building permit:** An authorization to construct a structure as issued by the Development Division of the Planning and Development Department. The cost is based on the evaluation of the work to be completed.
- **Cold frame:** An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

- **Community garden:** A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on-site are permissible within ten days of harvesting subject to approval of a use permit in accordance with Section 307 of the **Zoning Ordinance**.
- **Farmers markets:** A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items (but not to include second-hand goods). Food and beverages dispensed from booths located on site is permitted as an accessory use.
- **Greenhouse:** A building made of glass, plastic, or fiberglass in which plants are cultivated.
- **Green screen:** A landscape hedge or dense planting of vines and/or shrubs designed, installed, and maintained for the purpose of providing a year-round obstruction of view from ground level to the height of the fence provided or as specified during the use permit public hearing process.
- **Hoop house:** A structure made of PVC piping or other material covered with a see-through material, constructed in a “half-round” or “hoop” shape.
- **One foot-candle:** Unit of measurement used to describe lighting levels.
- **Processing area/storage area:** An on-site area for processing and preparation of produce for distribution.
- **Right-of-way:** A strip of land reserved for public roads or utilities. See Section 202 of the **Zoning Ordinance** for additional information.
- **Setback:** The required minimum distance between the building line and the related front, side, or rear lot line and over which no part of any building may extend. (see attached graphic on the last page of this document)
- **Use permit:** An authorization to conduct a use or activity when such authorization is required by the **Zoning Ordinance** and when established according to the procedures in Section 307.

For building permit information see: <https://www.phoenix.gov/pdd/development/permits> or call 602-262-7811.

A. GARDEN SECURITY

- **Fencing Height**
All fences for community gardens are optional. The city of Phoenix requirements for fencing height vary depending on the location of the proposed fence:
 - Fences within the front yard setback are limited to 40 inches in height.
 - Fences in the front yard setback within historic districts are limited to 36 inches.
 - Fences behind the required front yard setback line are limited to 6 feet unless a use permit is granted.

A Building Permit is required for a fence higher than 36-inches. Building permit fees are based on cost evaluation of the construction project.
Fencing located in the front yard setback must be consistent with all development standards in Section 703 of the **Zoning Ordinance**, please see <http://www.codepublishing.com/az/phoenix>
- **Fence Materials**
 - Block, wrought iron, wood, chain link, metal mesh, or a combination of these.
 - A natural hedge can be used as a fencing alternative or in conjunction with the man-made materials listed above. For safety reasons, it is recommended that the portion of fence visible from a street be constructed of a material that provides visibility of the garden from the street.
 - Chain link fence adjacent to a public street and/or visible from the street are not permitted. They may be used in conjunction with a green screen, but vinyl or plastic slats are not permitted.
- **Security Lighting**
 - All security lighting is optional.
 - Building Safety/Electrical Permit may be required, please contact 602-262-7884.
 - Identify the type of lighting to be used.
 - Motion activated security lighting is permitted and can be mounted to a maximum height of 12 feet.

- All lighting must be shielded so that all lighting is focused down on the subject site and shielded so that it is not directly visible from adjacent properties. No illumination in excess of one-foot candle is permitted across the boundary of any residential property, public street or alley.
- Low-profile solar lighting that does not connect to an electrical circuit/junction box is permitted without a building/electrical permit.
- Security Alarms/Other Security Methods
 - All security alarms are optional.
 - Building Safety/Electrical Permit may be required, please contact 602-262-7884.
 - An alarm permit is required by the City of Phoenix Police Department.
 - Only silent alarms are permitted
 - Sound alarms are prohibited

B. STRUCTURES

- Structures
 - May include tool sheds, shade ramadas, garden stands, barns, animal housing, hoop houses, cold frames, greenhouses, planting preparation houses or other similar structures.
 - Maximum size - 200 square feet per structure, i.e., 10' x 20' = 200 square feet. NOTE: Structures less than 200 square feet do not require a building permit unless electrical power is desired. Please discuss options for structures larger than 200 square feet or with electrical power with City staff.
 - Can have multiple structures on-site. They will need to be 6 feet apart and not exceed maximum lot coverage.
 - Location – Within the buildable area as determined by the setbacks for the Zoning District or as approved through the use permit public hearing process. See attached graphic on the last page of this document.
 - Maximum height – 15 feet in the rear yard setback and 8 feet in the required side yard setback. See Section 706 of the **Zoning Ordinance** for additional information at <http://www.codepublishing.com/az/phoenix> or call 602-262-7131 #6
 - Temporary portable toilets are permitted subject to Maricopa County regulations, contact them at 602-506-6666 or wmm_swp@mail.maricopa.gov. It is recommended that if there are toilet facilities, accompanying hand-washing stations should be provided on-site.
 - A permanent restroom requires building permits and is required to be connected to city sewer.
 - For building permit information see: <https://www.phoenix.gov/pdd/development/permits> or call 602-262-7811.
 - Garden Improvements
 - May include but not limited to benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal garden stands only with approved use permit, garden art, rain barrel systems, barbecue grills, kids play areas, etc.
 - The keeping of animals and pollinators is governed by Chapter 8 of the Phoenix City Code, see <http://www.codepublishing.com/az/phoenix>
 - Raising of animals only permitted as an accessory use when the community garden has a permanent on-site resident. The keeping of animals and pollinators on unoccupied properties requires an approved use permit.

C. ON-SITE STORAGE

- Tractors, lawnmowers, and other machinery and gardening equipment stored on-site must be screened from view from adjacent properties and from the street.
- Fuel for equipment used on-site should be stored in an enclosed, ventilated and locked structure when the site is unattended.
- Hazardous Materials
 - All garden fertilizers, pesticides, and herbicides, organic or inorganic, and/or those defined as “natural” shall be stored in their **original** container and liquids should have childproof caps, if available. Additionally, these materials should be stored according to the label instructions.

- Store bags or receptacles off the ground. Containers **must** be sealed to prevent pest/rodent issues.
- Building/structures **shall** be locked and clearly labeled as a fertilizer, pesticide, or hazardous storage area.
- Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations.
 - Material Safety Data Sheets (MSDS) on all products used shall be readily available on-site.
 - Depending on the amount of product stored or some processes, such as composting in proximity to combustible product storage, a permit from the Phoenix Fire Department may be required for use. A general inspection can be requested by calling the Phoenix Fire Prevention Main Line and placing a request at 602-262-6771. There is an associated fee with the general inspection.

D. COMPOST

- Compost areas must be setback at least three (3) feet from adjacent property lines. The compost area should be no greater than 12 feet by 12 feet. This area can be increased with an approval of a use permit.
- On-Site Storage and Use of Compost and Organic Matter. All compost and/or organic matter on the site:
 - Shall not cover more than five percent (5%) of the total area of the property.
 - Compost bins must not be visible from adjacent public right-of-way (shielded from view by shrubbery or an enclosure).
 - Shall be managed to prevent rodents and pests.
 - Shall be maintained to prevent odors.
 - Shall be located to prevent leachate (the water that has come in contact with the compost) from flowing onto adjacent property or into natural or human-made storm channels.
 - All composted materials must be utilized on-site and cannot be transported off-site.
 - Shall not use cat, dog, or human feces in compost areas.

E. MAINTENANCE OF SITE

- Property shall be maintained free of high grass, weeds, or other debris. Trash and debris should be removed at least once a week or anytime necessary to keep the property looking well maintained and in compliance with the codes and regulations of the Neighborhood Services Department.
- Mechanical equipment normally used, or associated with, lawn and garden equipment may be operated between the hours of 7 a.m. - 6 p.m. in a residential zoned district.
- Maintenance – Property should be properly maintained and garden stands or storage are in good working condition throughout the life of the use.
- Contact Public Works for eligibility regarding solid waste and recycling services at (602) 262-7251 or pwserve@phoenix.gov. Please tell the operator that you desire information regarding community gardens.

F. SIGNAGE

- One non-illuminated sign, no larger than 6 square feet is permitted. Signs should be placed within the property boundaries. No sign shall be posted higher than 6 feet measured at the top of the sign.
- Gardens on corner parcels are permitted one additional sign.
- Garden operators must include a garden name that is visible to the public and phone number and email contact information on the garden sign.

G. DRAINAGE

- The site must be designed and maintained to prevent water from irrigation, storm water and/or other activities and/or fertilizer from draining onto adjacent property or right-of-way, such as berming around the edges of the property.

- The site will be designed and maintained to prevent the ponding of water that could contribute to the breeding of mosquitos.
- The on-site composting area shall be designed to minimize potential run-off onto adjacent properties or right-of-way.

H. SALE OF PRODUCTS ON-SITE

- On-Site Sales
 - Requires approval of a use permit
 - Sale of produce grown on-site is allowed within 10 days of harvesting on the garden site as long as it will not hamper traffic flow or negatively impact the neighbors.
 - A food handler's card is not required for the sale of **uncut** fruits and vegetables. Refer to Maricopa County Environmental Services website, <http://www.esd.maricopa.gov> for County regulations. It is recommended people involved with community gardening familiarize themselves with fresh produce food safety issues: <http://cals.arizona.edu/fps/>
 - Sale of value-added products (i.e. salsa made from vegetables) not permitted
 - Sale days and hours of operation will be specified and limited as part of the use permit review and approval process.
 - Additional parking may be required as part of the use permit review and approval process.
 - Sales of produce from gardens owned by the same non-profit entity are permissible.

I. ON-SITE ACTIVITIES

- Hours of Operation
 - In a residential zoned district - restricted to sunrise (7:00 a.m.) to sunset (6:00 p.m.), except handheld mechanical equipment (no gas/electric power) may be utilized before sunrise (6:00 a.m.) during May thru September of each year.
- Formal Educational Demonstrations/Forums – Twelve (12) events permitted each calendar year.
 - Additional events in excess of the twelve (12) events permitted, will require a use permit
 - Limitation on the number of participants:
 - Less than one-half (1/2) acre – Maximum of 15 people
 - One-half to one (1) acre – Maximum of 40 people
 - Greater than one (1) acre – Maximum of 100 people
 - Events including more than the permitted maximum number of people will require a use permit.
- There are no limitations regarding frequency or number of participants for the following informal garden activities:
 - Meetings of garden participants and their families.
 - Garden work days.
 - Informal teaching and peer learning.

J. PARKING

- Required Parking
 - No off-street parking required unless there are sales of on-site grown produce.
- Parking Standards
 - On-site parking and maneuvering areas provided, subject to Section 702.B.3 of the **Zoning Ordinance**, see <http://www.codepublishing.com/az/phoenix>.
 - Parking requirements will be established as part of the use permit process.

Upon request this publication will be made available in alternate formats including large print, Braille, audiotape or computer disk to accommodate a person with a disability if given reasonable advance notice. Please contact Nici Browe at voice 602-495-0256 or via the City TTY Relay at 602-534-5500.

SETBACKS

FENCE HEIGHT

Within Front Yard Setbacks:

- Up to 36 inches: Permitted by right
- 36-40 inches: By right and building permit required
- Over 40 inches: Building and Use permits required

Historic properties/districts:

36 inches maximum in the front setback. Contact the Historic Preservation Office for additional details.

Behind Front Yard Setbacks:

- Up to 6 feet : Permitted by right
- Over 36 inches: By right and building permit required
- Over 6 feet: Building and Use permits required

See Chapter 6 of the Zoning Ordinance for building setback requirements for each zoning district.

See Section 703 of the Zoning Ordinance for additional information and guidelines.

Planned communities may have different setbacks, contact Planning & Development Dept for details.

COMPOSTING & PLANTING

- Composting and planting area
- 3 (three) feet minimum setback from the property line

SHEDS & STORAGE STRUCTURES

- Structure placement area
- 5 (five) feet minimum setback from side & rear property lines.

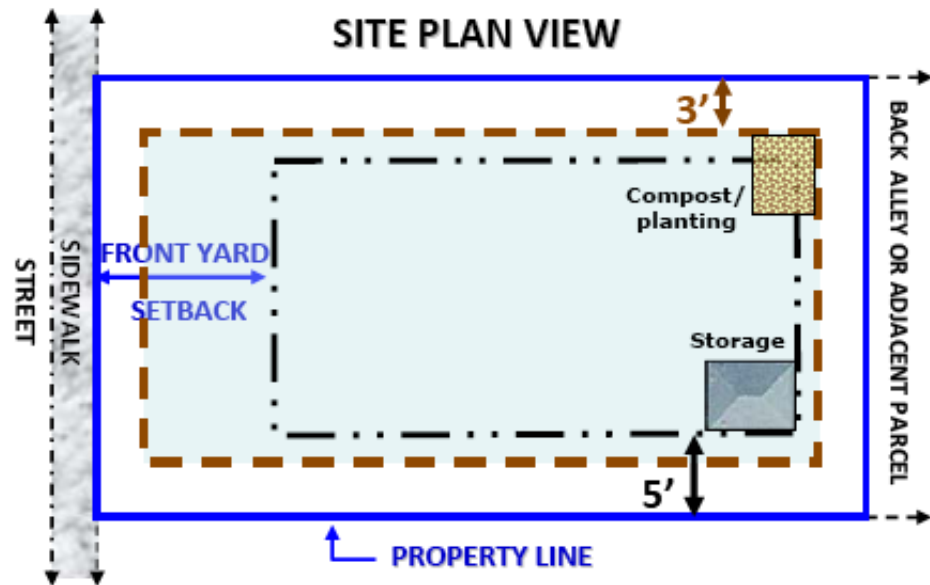
Sheds/storage are not permitted within the required front yard setback.

Structures less than 200 square feet in size:

- No building permit required

See Section 706 of the Zoning Ordinance for additional information on setbacks and height standards.

Community Gardens (CG) Setback Basics



SIDE YARD & REAR FENCING (AT THE PROPERTY LINE)

