

**AN ORDINANCE PERTAINING TO COMMUNITY GARDENS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE II. DEFINITIONS**

**Sec. 2. Definitions**

*Community gardens* means the ~~non-commercial~~ use of a lot(s) or a portion thereof for the purpose of growing vegetables, flowers, ~~landscaping~~ and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood as regulated under Article XII, Section 4.

**ARTICLE XI. DISTRICT REGULATIONS**

**Sec. 5. Riverfront (RF).**

(c) *Permitted uses.*

(32) ~~Community gardens~~ Reserved;

**Sec. 9. Downtown residential district (DR).**

(c) *Permitted uses.*

(33) ~~Community gardens~~ Reserved;

**Sec. 13. Centreville district (CV).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**Sec. 17. Mill district (M).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**ARTICLE XII. PERFORMANCE STANDARDS**

**Sec. 4. Reserved. Community garden standards.**

The following standards shall apply to the establishment or creation of any community garden in City of Lewiston:

1. A community garden may be located in any zoning district with the exception of the Resource Conservation district.
2. Unless located in the Rural Agricultural district, a community garden may be no larger than 20,000 square feet.
3. Unless permitted by the underlying zoning district, on-site sale of community garden products shall be prohibited.
4. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to streets or adjacent properties.
5. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
6. Cultivated areas shall be prevented from encroaching onto adjacent properties.
7. The property shall be maintained free of high grass, weeds, and debris. Dead garden plants shall be removed by no later than November 30<sup>th</sup> of each year. This is not intended to prohibit composting or soil enhancing cover crops.
8. Use of mechanical equipment shall be limited to that customarily identified as household lawn and garden equipment. Use of said equipment shall be restricted to the hours 7:00 a.m. to 7:00 p.m.
9. The community garden shall be subject to applicable odor provisions contained in Article XII, Section 19(4).
10. It shall be the responsibility of the property owner that uses a lot or a portion thereof as a community garden meets the above referenced performance standards. If leased or used by other individuals or organizations, it shall be the responsibility of the property owner to ensure the above referenced performance standards are met.
11. It shall be the responsibility of any person, including, but not limited to, the property owner, their agent, individuals, organizations, or other person having an interest in establishing a community garden on a lot(s) or a portion thereof for a community garden to obtain a Use Permit from the City prior to commencing said use of land.

### **REASONS FOR PROPOSED AMENDMENT**

Article II, Section 2 of the Zoning and Land Use Code defines *Community gardens* as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown and other parts of the city to establish community gardens.

The proposed amendment allows a community garden to be located in any zoning district with the exception of the Resource Conservation district. Community gardens are means of promoting healthy communities which may provide food and create recreational and therapeutic opportunities for a community. In the downtown portion of Lewiston, community gardens may become part of the open space network on vacant land and lots within neighborhoods and strengthen community bonds. The gardens and those who

participate in community gardening contribute to the preservation of open space and can return under used or vacant lots into a productive and sustainable use of land. They can also promote environmental awareness and provide community education. While allowing community gardens throughout the City, there is a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City.

### **CONFORMANCE WITH COMPREHENSIVE PLAN**

1. Enhance the aesthetic quality of the Downtown area (Downtown, Goal #5, p. 22).
2. Evaluate both the short term and long term recreational and/or open space potential of all tax acquired properties that the city has at its disposal . . . (Recreation and Open Space, Policy 1, Strategy B7, p 96).
3. Evaluate tax-acquired properties for their potential as preserved open space for recreational or environmental preservation purposes (Recreation and Open Space, Policy 10 Strategy a3, p.111).
4. Implement non-athletic field components of Franklin Pasture Master Plan. Continue to work on trail system and other outdoor areas for nature interpretation, assembly and public gardens (Land Use Issues, #17, p. 124).
5. Explore amending the Zoning and Land Use Codes to provide more incentives for preservation of open space in new development (Long Range Planning, Policy 3, Strategy B, p. 133).