

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 122

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF GEM LAKE TO ADD A NEW SECTION ALLOWING FOR A GARDEN OVERLAY ZONE.

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

SECTION 1. AMENDMENT. A new Section 14 of Ordinance 43K is added, to read as follows:

SECTION 14 - GARDEN OVERLAY DISTRICT

Section 14.1 Findings and Purpose.

14.1.1 The City Council makes the following findings:

A) The land-use plans of the City of Gem Lake historically have not assigned any land in the City for long-term agricultural use, as the City has developed and continues to develop as a primarily residential community surrounded by fully developed suburban neighborhoods. The City Council reaffirms the City's intent to encourage development of the City in accordance with its adopted comprehensive plans.

B) At the time this Ordinance is considered, large land parcels in the City have yet to develop any primary use and stand vacant. Additional large-lot property in the City is projected to subdivide and develop into smaller lots over the next 10 to 30 years. The City Council recognizes that economic conditions are not always favorable for real estate development, and that the costs to carry vacant land can create pressures that promote sub-optimal development. Permitting small-scale agriculture as a primary use will allow owners of large undeveloped parcels to qualify for agricultural tax classification, and thus lower tax payments, without affecting the long-term plans for the land. The Council finds that providing this means to temporarily ease this pressure will enhance the City's ability to fully realize the goals of its comprehensive plans.

C) Several cities and metropolitan areas are placing a greater emphasis on local food production as a means of improving public health. Allowing the use of available space in the City for "community gardens" or "market gardens" to grow food will promote local food production and improve public health in Gem Lake and the surrounding community.

D) As an interim use of land, subject to the regulations proposed, community gardening and market gardening will be compatible with all allowed land uses in the City of Gem Lake, and with the goals of the City's comprehensive plan.

14.1.2 The Council intends that the Garden Overlay District be available to overlay on parcels of land in any existing zoning district to add the uses described in the district regulations to the list of uses allowed upon that land. The Garden Overlay District may be applied to and

superimposed as an overlay upon any zoning district, defined in this Zoning Ordinance, as existing or amended by this section and as shown on the official Zoning Map. Nothing in this Section is intended to affect the ability of landowners to maintain accessory uses that are allowed without the Overlay zone upon their property, whether or not the Overlay zone covers their property. This overlay district is intended to permit a temporary land use, and should no longer be needed on a parcel when it eventually develops in accordance with the regulations of the underlying zoning district.

Section 14.2 Definitions.

Community Garden means an area of land managed and maintained by a group of individuals to grow plants and harvest food crops for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

Market Garden means an area of land managed and maintained by an individual or group of individuals to grow plants and harvest food crops to be sold for profit.

Hoophouse means a structure made of PVC piping or other material covered with translucent plastic, constructed in a half-round or hoop shape.

Coldframe means an unheated outdoor structure with a frame of wood or similar material and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

Animal Husbandry means a use in which animals are reared or kept in order to sell, consume or donate the animals or their products, such as meat, fur or eggs.

Aquaculture means a use in which food fish, shellfish or other marine foods, aquatic plants or aquatic animals are cultured or grown in a body of water in order to sell, consume or donate them or the products they produce.

Section 14.3 Requesting Garden Overlay. Applications to create a Garden Overlay District shall be made and considered as a re-zoning request in accordance with Section 17.6 of this Ordinance. In addition to the documents and materials generally required for a re-zoning application, the applicant shall supply copies of draft leases, contracts or use agreements to which the groups or individuals using the gardens will agree prior to using the garden space. Such agreements must provide the land owner or designated representative with the legal ability to evict a tenant and bar entry to any individual member of a group, if the tenant or individual violates the terms of this Ordinance, the terms of the Interim Use Permit for the property, any restrictive term of the lease or agreement, or any other applicable City Ordinance or state law.

Section 14.4 Termination of Garden Overlay. A Garden Overlay District shall remain in effect until one of the following occurs:

14.4.1 City approval of a zoning application for a use or uses permitted in the underlying zone (e.g. development plan, conditional use permit, or building permit); the Garden Overlay status and any permits granted under the terms of this Section shall expire six months from the date of

approval; or

14.4.2 The Interim Use Permit for the property expires, and no application is made to renew the permit within six months of the expiration; or

14.4.3 The Interim Use Permit for the property is revoked by the City Council for violations of this Ordinance, permit conditions, or any other applicable law or ordinance.

Section 14.5 Interim Uses.

14.5.1 Subject to applicable provisions of this Ordinance, the following are considered to be Interim Uses in the Garden Overlay District:

A) Community Gardens.

B) Market Gardens.

14.5.2 Interim Use Permits granted under this Section expire on March 15th of each year. The permit may be renewed annually, at the discretion of the City Council. Application for and approval of an Interim Use Permit shall follow the procedures set forth in Section 17.5 of this Ordinance. In addition to the requirements of that Section, the applicant shall provide a written summary of the proposed uses of fertilizers, pesticides and other agricultural chemicals in the maintenance of the gardens. In approving an Interim Use Permit, the City Council may attach such additional conditions as it deems necessary to assure compatibility with surrounding land uses, including conditions relating to the use of agricultural chemicals on the property.

Section 14.6 Permitted Accessory Uses. Subject to applicable provisions of this Ordinance, the following are allowed accessory uses to any validly issued Interim Use Permit in any Garden Overlay District:

14.6.1 Hoophouses, coldframes and similar structures used to extend the growing season.

14.6.2 Benches, planting beds, compost bins, rain barrels and similar structures used to facilitate the growth of plants.

14.6.3 Off-street parking and loading areas.

Section 14.7 Prohibited Practices.

14.7.1 No motorized implements or machinery may be used in the cultivation and maintenance of any garden, except for plowing of the plots between the hours of 8:00 A.M and 5:00 P.M, Monday through Friday. Motor vehicles of less than 7,000 lbs gross vehicle weight may be used to deliver and carry away equipment, supplies and product.

14.7.2 Animal husbandry and aquaculture are not permitted activities within a Garden Overlay zone.

14.7.3 No fuel, fertilizer, pesticides or similar chemicals shall be stored on the property.

Section 14.8 General Regulations.

14.8.1 The minimum land area for application of a Garden Overlay shall be ten acres.

14.8.2 All gardening activity and all structures and equipment shall be set back at least 20 feet from the property line of any property not included within a Garden Overlay Zone, and at least 150 feet from any dwelling.

14.8.3 All gardens shall be divided into garden plots, separated from other plots and from required setback areas by unpaved walkways of at least 6 feet in width. No single plot shall cover more than 10% of the total land area of the property on which the plot is located.

14.8.4 Off-street parking and loading areas shall be unpaved and shall not exceed 15% of the lot area covered by garden plots and required walkways.

14.8.5 The property owner is responsible for the collection and disposal of litter on the property.

14.8.6 The hours of operation for a permitted garden are ½ hour before sunrise until ½ hour after sunset.

14.8.7 The property owner is responsible for ensuring compliance with all other applicable laws, ordinances and regulations, including city ordinances and watershed district rules governing wetlands and stormwater control.

SECTION 2. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: _____, 2011

Robert Uzpen – Mayor

William Short - Clerk

Summary of Ordinance 122 approved by City Council and published in the White Bear Press on _____, 2011.