



CITY OF DELRAY BEACH

Community Gardens Policy



Photo credit: Cason Community Garden

Introduction

Community gardens benefit public health, the environment, the economy and the quality of life in neighborhoods, as they bring residents together for a communal outdoor activity. The local production of fruits, vegetables and herbs promotes healthy diets, addresses urban food deserts and mitigates food insecurity by allowing gardeners to supplement food purchases or donate surplus harvest to organizations that provide assistance to those in need. Moreover, gardens with plants and flowers provide bird, bee and butterfly habitat and offer opportunity for social gathering, recreation, education, and beautification of the community.

Community gardens are defined as green garden spaces, often within urbanized areas, that are communally cared for and cultivated. The garden may consist of individually-worked plots or communally-tended areas and grow horticulture plants, trees, flowers, vegetables, fruits, and herbs primarily for the use of those involved in the project. Community gardens differ from Urban Farms, which may be small and have the likeness of a community garden, but are commercial operations that sell goods and services to the public and businesses for profit, and are thus regulated under the Urban Farming category of the Local Development Regulations. Unlike agricultural uses taking place on agriculturally-zoned land, the community garden's property owner can NOT seek an agricultural tax exemption afforded by local, state or federal tax regulations.

The City of Delray Beach supports the community garden movement and has developed a Community Garden Program to facilitate the establishment of gardens in the city. The program is comprised of clear Garden Policy Guidelines on design, operations and maintenance requirements, an Application Package and approval process, and an annual Activities Report to track and communicate with garden managers. By clarifying public expectations around community garden activities, the City hopes to avoid adverse environmental impacts or incompatible land uses, thus allowing community gardens to be created as a "primary" land use, not an "accessory use", and operate outside of the formalized Local Development Regulations.

Although the Community Garden Program establishes a process for registering and monitoring gardens, the City neither sponsors nor organizes the gardening activities. Instead, local residents are encouraged to organize a gardening club, identify suitable land for establishing the garden and develop their own Garden Management Plan (GMP) to regulate and enforce the activities and operation of their garden. The GMP, which is submitted as part of the application for City approval, becomes the document governing all member activities in that space. In this way, community members control and enforce their own rules for their garden. The City will monitor the garden's appearance, and will only get involved the garden's operations if the garden's becomes unsightly, a public nuisance or if a health or safety issue emerges.

Once a community garden is properly established, the city will endeavor to aid the garden's activities by providing the most favorable rates for water supply available by law, arranging for no fee garbage collection, promoting the garden and its activities with a link on the City's Sustainability webpage, and facilitating the garden's collaboration with the Delray Green Market and other local initiatives.

Community Garden Program Components

The Delray Beach Community Gardening Program consists of:

- Garden Policy Guidelines regarding design, operation and management of a community garden;
- An Application Package including a copy of the proposed Garden Management Plan, and;
- An annual Activities Report that documents the garden's activities, upkeep and future plans.

The Community Garden Program will be overseen by the City's Green Implementation Advance Board (GIAB) with the assistance of the Sustainability Officer, which serves as the Board's liaison. Issues of enforcement related to upkeep or poor operations will be forward to the City's Community Improvement Department.

Prior to beginning the application and preparing the GMP, garden organizers are encouraged to review the Garden Policy Guideline in this document to determine if their proposed activities would fall under the Community Garden Program or the Urban Farming category, and secondly ensure that the garden's design and the important GMP will meet the criteria for approval.

All Community Gardens in the City are subject to the adopted Community Garden Program. Gardens that were established prior to the adoption of this program will not be required to redesign the garden, unless they alter the site design more than 50%. Within one year of the adoption of the Community Garden Program, existing gardens will be required to submit a Community Garden's, including a site design and Garden Management Plan. They will also be required to submit the annual Activities Report and be granted renewal permission going forward.

As part of the Community Garden's Program, the City has created a page under the Sustainability section of the City's webpage, devoted to the Community Garden Program. The Community Garden Program's Garden Policy Guidelines, the Application Package materials and Activities Report form can be found on the City's webpage under the Sustainability topic. The webpage provides links to resources in the local community and other national gardening programs, as well as links to model documents from other community garden organizations that can be used to develop the Garden Management Plan and other components of the application. The webpage will also have links to each of the registered gardens in Delray Beach, allowing the public to read and learn about their activities.

I. Community Garden Policies

Garden Location

Garden Activities and Hours of Operation

Garden Design

Garden Maintenance

Garden Administration

Garden Locations

A community garden can be established on vacant parcels or concurrent with structures containing other land uses in any zoning district. Gardens can be located on privately-owned or publically-owned land, with agreement of the landowner. An approved standard land use agreement can be found on the website and submitted with the application. Gardens and the land owner can also craft their own, if it meets the requirements of the standard form. Roofs of multifamily or condominium apartment buildings may also be used for community garden uses so long as the plantings are containerized in pots or planters and not integrated within the roof membrane. (Green roof installations designed as part of the structure are governed by the city's building code.) Requests for use of publically-owned parcels must be made to the appropriate Delray Beach municipal department or government agency that holds title. Garden organizers are encouraged to discuss plans for creating a garden with owners of adjacent properties, as this fosters good will within the community and manages the expectations of the activities and aesthetics of the garden.

As gardens grow food for human consumption, and are likely located on land previously used for other purposes, garden organizers are encouraged to research previous uses on the site to weigh the possibility that the soil could be contaminated with toxic substances. Residential land is less likely to be contaminated, but former industrial land could potential pose a risk. Garden organizers are encouraged to test soils on parcels that may be contaminated, or use a raised bed garden plot so as not to be exposed to site pollutants. Garden organizers may also choose to get soil analysis performed by University of Florida in order to learn about the soil's nutrient content. Forms for submitting soil samples are provided by UF Agricultural Extension, and a link to this website can be found in the Community Garden section of the Delray Beach website.

Garden Activities and Hours of Operations

A community garden's primary activities are the cultivation of horticulture plants, fruits, vegetables and herbs for the consumption and enjoyment of the garden's members. The objective of the community garden program is to encourage gardening for recreation, education and wellbeing, and to supplement food needs, which is distinctly different than the economic activity of an urban farm. The community garden can also be used to create compost for on-site use, and is permitted to store and have storage

structures for garden-related tools and materials. Additionally, because garden is intended to build community pride, it may be used as a meeting place for educational programs, fundraising events and administrative meetings on a limited basis.

A community garden is not a commercial operation, thus gardens are not permitted to grow produce, plants and flowers, or create compost primarily to profit from their sale. Applicants that wish to grow and sell produce and plants for profit should review the Urban Farming Section 4.3.3D of the Land Development Regulations and seek a permit for an urban farm. Community garden members are encouraged to donate surplus food to organizations that help feed less privileged members of the community. Garden members may sell surplus harvest retail preferably at a community green market, (like the Delray Green Market) or on site once weekly for a three-hour period to support the garden's collective operating costs, or to recover expenses associated to the individual gardening activities of its members. These expenses can include tools, tool maintenance, water and electric costs, soil, seeds and plants for planting, permit or plot rental fees, and modest administrative costs. No permanent structure for retail sale can be constructed on site, but temporary stands or displays that can be rolled out then put away are permissible. We strongly suggest that the garden managers arrange for insurance liability coverage to protect the garden and the individual members from potential litigation associated to sale of the produce.

In compliance with Florida law, illegal or controlled plants, such as marijuana, invasive species, such as Old World Climbing Ferns and Air Potato vines, and any noxious weeds as defined by Florida Department of Agriculture and Consumer Services rule 5B-57.007, or Palm Beach County's Article 14C of the Unified Land Development Code are prohibited. Members of the garden are also prohibited from raising rabbits, poultry or other livestock. Gardens wishing to maintain beehives must comply with state statute FS 586.10 which regulates activities related to Honeybee hive locations, inspections and maintenance. See

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=586&URL=0500-0599/0586/Sections/0586.10.html

Community Garden's hours of operation shall be limited from dawn to dusk seven days a week, with the exception of the garden club's administrative meetings and special events, which may occur after dark but must conclude by 10 pm. Evening events are limited to twice monthly. Gardeners are expected to keep noise levels low (radios, pets, children), and be mindful of the limited parking availability so as not to disturb adjacent neighbors nor impede normal traffic flow. No machinery can be operated before 8:00 a.m. or after 7:00 pm seven (7) days a week.

Garden Design

Community gardens are permitted aesthetic creativity in design and signage, but are expected to comply with the following standards. Garden plantings shall be set back a minimum of 5 feet from the front property line and 3 feet from the interior side or rear property lines. The site design should take into consideration access to plots by the gardeners, as well as circulation through and around the garden

areas. The garden layout and plots should not allow water, soil, and fertilizer run off onto adjacent properties or the public right-of-way. This can be achieved using raised boxed plots, small berms, planted swales, and the judicious placement of walking paths. Plants that grow taller than 5 feet should be placed in such a way that they do not encumber circulation, overhang the street, or impair visibility into the site, as this is a critical concern of law enforcement charged with public safety.

A shed and/or a greenhouse, collectively no larger than 160 square feet, may be placed on site in a location that has the least negative aesthetic impact from the street and for the neighbors. Shed structures will require a building permit in keeping with Delray Beach's Building Code. Compost shall be stored in an appropriate closed container that minimizes odors, prevents run-off, and does not allow the harborage of rodents and pests. Accessory composting may only occupy up to 7% of a ground-level community garden property. No composting operations or structures may be placed within 10 feet of property lines abutting a residential building. If the garden is in a residential or commercial zone, no composting operations or structures may be located in the first 15 feet of the front yard or a 10 feet of the side yard abutting a street. Composting activities and waste bins should be screened from view from the public and adjacent neighbors using plants, trellis or fencing. The compost activities must be carefully monitored so it is not a neighborhood nuisance.

A perimeter fence is encouraged to delineate the space and deter intruders. Any new fence can be no higher than 4 feet on the primary frontage and front setback, and 6 feet on the side and rear line. Any new fence material on any street frontage should not be more than 75% opaque, and all fencing should complement the aesthetics of the garden and be maintained in good order. If the garden is fenced with a chain link fence which is not green or black vinyl coated, hedge plantings are required on the outside, in accordance with the city's landscape code. Within the garden, appropriate outdoor furnishing including a picnic table, seating benches, open gazebo, trellis, potting workbench, water fountain/feature and bird feeders are permitted to enhance the enjoyment and aesthetic of the garden, so long as they do not pose a safety risk or invite unwanted loitering. No indoor furniture, household appliances, sports equipment, permanent barbeque grills, fire pits or non-functioning vehicles may be placed on the property. A portable barbeque grill may be used for special occasions and stored in the shed. No toxic materials, except for organic fertilizer or organic pesticide, may be stored on the property. Flammable materials, like gasoline or oil for motorized tools, are limited to one gallon for use for power tools, and must be in appropriate no-spill gasoline containers and stored in a locked and ventilated shed. Gardens may be adorned by art and sculpture so long as the aesthetic is agreeable to the community.

The garden will be identified by signage on the street frontage that states the garden's name and the street address. A second sign identifying general rules of conduct in the garden and contact information for the Community Garden manager should be placed prominently on the property's interior. All signs should be no larger than 12 square feet and 5 feet tall.

Garden Care and Maintenance

Community gardens are intended as both a place of sustainable agricultural production and a community open-space amenity. As such, gardens should implement organic growing practices, employ water and energy conservation techniques, and most importantly, maintain an aesthetic that is pleasing to the surrounding community. Sustainable gardening practices are not prescriptive, but generally

prohibit the use of pesticides, herbicides, weed killers, or insecticides made from synthetic chemical materials. Washing or cleaning of equipment must not contaminate the soil. Soaps and detergents used on site must be biocompatible.

Watering is critical to abundant production, however, gardens must also use natural resources prudently and avoid wasting water or having water run-off. Gardens should identify a source of water in their GMP and plan appropriately for water billing. Gardens may make arrangements with adjacent properties for a source of water, or request that an irrigation meter be installed. The garden will be responsible for the costs associated with the irrigation meter, (a ¾ inch pipe and meter runs approximately \$1,300) and the cost of installing a spigot for service. The city will offer gardens the best rate available by law) Hand watering or supervised sprinkling provides a high degree of control and is the preferred, when possible. Automatic sprinkling is permitted, but care should be taken to minimize water waste and run-off of fertilizer, earth or groundcover. Garden's should consider water harvesting infrastructure that would allow capture and storage of rain water in appropriate containers.

It is critical that the garden be maintained to a high visual standard, one that is acceptable to neighbors and the City. A pleasing aesthetic is subjective, but includes at minimum, that:

- Plants be maintained at manageable height and density (no overgrowth that can reduce visibility);
- Weeds and dead or dried plants are removed, so that the garden's assets are appreciated;
- Tools, water hose and garden materials are stored in an appropriate location or shed, and not left out after garden activities are completed;
- Un-used plots and non-farmed areas of the parcel are kept neat and free of overgrowth
- No litter or trash is left on the site;
- Compost bins are tended, their odor is minimal and the compost does not attract animals;
- Art and sculpture placed on the site must be proportionate and not offensive to the public;
- Fencing, signage and outdoor furniture, if installed, is maintained in good condition, repaired and repainted when necessary.

The community garden's manager as identified in the application and the participating garden members are responsible for ensuring that the garden is maintained at an acceptable standard. Trash and recycling generated at the site must be placed in appropriate containers and discarded weekly. Trash receptacles must be stored in a screened area and moved to the curb the evening before collection and moved away from the curbside as soon as possible after trash pick-up. The garden manager must monitor the site and ensure that any containers that may collect water are drained and dry to minimize mosquito breeding.

Gardens that fail to maintain a pleasing appearance will be contacted by Delray Beach's Code Enforcement Officers, and possibly cited. Complaints received by the city from neighbors or other stakeholders will be forwarded to the garden managers for remedy. The garden's members must address the noted concerns within 15 days. Gardens with three or more citations within a 6-month period will be placed on probation; their Activities Report and renewal request will not be accepted until the concerns

are addressed. Gardens with five or more code citations in one calendar year are will not have their permits renewed.

The garden will operate at the will of the owner or by the terms of the lease, and must vacate the land if the owner withdraws approval or the lease expires. At the time that the garden permanently ceases operation the garden manager must ensure that, the land is returned to a stable condition that preserves the integrity of the soil and the surrounding environment. Improvements on the lots should be removed and low, slow growing native vegetative ground cover should be installed. The garden's assets, which may include the shed, machinery and materials used for the gardening activities belong to the gardening organization, unless specified differently in the land use agreement, and must be removed if the activities of the garden cease. Use of the property for the garden and its improvement does not provide the garden organization the rights of adverse possession.

Administration

At the heart of the community gardening concept is the communal aspect of collective work and responsibility. Thus, to initiate and operate a community garden at least three (3) non-related individuals must be involved in the garden's operation. The garden management team must appoint one financially responsible party and an alternate to be listed as the contact person for official communication.

The garden must have in place a Garden Management Plan (GMP). The GMP, is the garden's operating policy document allowing the garden manager to control and enforce activities in the garden. For this reason, the City wants garden organizers to be thoughtful in creating the GMP. Among the topics addressed would be site plan/design, how plots are allocated or farmed in a communal garden model, distribution of the harvest among members in communal garden, appropriate plantings, and regulation of fertilizer, pesticide (only organic are permitted), water use, the standard of maintenance and appearance required for plots, gardener's responsibility toward upkeep of the common areas, and the fee schedule for use of the garden.

Gardens are expected to meet their financial obligations in terms of utility bills. The GMP should develop a budget that will allow the garden to be financially sustainable, thus projecting the amount of external funding and retail sales needed to keep the garden operating. If asked, the City will provide a letter of support to garden's applying for external grant funding. In preparing the budget, it should be noted that a community garden is not an agricultural use. The property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state or federal tax regulations.

To protect both the property owner and the garden's organizers, it is important that the garden management team obtain appropriate liability insurance, especially if the garden is growing produce for human consumption. At minimum, the garden members should sign a Release of Liability and Hold Harmless statement prior to working in the garden. These waivers must be printed, signed and kept current by the management team. A sample form used by other organizations and contact information of insurance companies that write policies for community gardens can be found on the webpage.

Community gardens are encouraged to develop a unique branding and an outreach program that contributes to its identity as a community asset and keeps both garden members and surrounding neighbors informed and engaged with the garden's activities. Garden organizers should consider integrating educational activities into the garden operations; availing themselves of experts from local universities, schools and gardening clubs. Communication materials should provide information about the activities and contact information for the garden manager. Community outreach can take the form of a newsletter, a webpage, or an on-site sign posting upcoming events.

Once a year, on the first of October, the garden is expected to provide the City an Activity Report and a renewal request. This form is available on the City's website under the Sustainability tab and should be submitted to the Environmental Services Department.

II. Application Package

To establish a community garden, the organizers must prepare an Application Package comprised of:

1. An application form, which can be downloaded from: www.XXXXXXXXXXX
2. A liability insurance policy and/or policy statement of Release of Liability and Hold Harmless
3. The affidavit acknowledging the guidelines of the Delray Beach Community Garden Program. (Link to Affidavit)
4. Permission of Land Use agreement with the property owner. The form can be found at XXXX
5. A copy of Property Owners Warranty deed or Tax Record
6. A Garden Project Management Plan* (GMP) - see specifics below

Please gather items 1 -5, attach 1,2 and 3 in one paperclip, and 4 and 5 in a separate paper clip. Item 6, The Garden Management Plan should be submitted as a bound booklet containing the site plan and any supporting information, the narrative section describing the policies and a cover including the name of the proposed garden and the contact information for the organizers. Submit the Application materials and the GMP together in one large envelop to the City's Sustainability Officer at 434 S. Swinton Avenue, Delray Beach, 33444.

Once the application is received, it will be reviewed by the City's Green Advancement Implementation Board for approval at one of the Board's regularly scheduled meetings held the third Thursday morning of each month. The approval process may take up to 1 month, often less. Any deficiencies in the site plan or GMP will need to be corrected prior to approval and commencement of operations.

***The Garden Management Plan (GMP)**

The Garden Management Plan (GMP) is created by the community garden organizers and its members, and lays out all the policies and rules pertaining to that garden, its operation and upkeep. The GMP is submitted as part of the Application Package for City approval, and becomes the document governing all member activities in that space. In this way, community members control and enforce their own rules for their garden. By requiring the garden organizers to take care in crafting a comprehensive GMP, the City

hopes that the garden manager has considered the complexities that might arise and is moving forward on the Community Garden project with a solid plan.

There are many excellent examples of Garden Management Plans available on the internet. Garden organizers are encouraged to review several and borrow ideas and concepts from the best practices. Another approach is to take the items listed under #3, and create a heading for each bullet point. Under the heading, write text that paraphrases the language and intent of the policies outline in the Community Garden Policy Guideline section. Develop a sketch of the planned garden with key measurements included and place it as an appendix. Create a cover with the contact information, table of contents and bind the booklet. Each new member of the garden should be provided an opportunity to review the GMP before participating in the garden.

The Garden Management Plan Document should include the following:

1. Contact information for garden manager and one alternate responsible for financial and maintenance oversight of the property.
2. A site plan (a sketch of the garden's plan design, not to scale but with key measurements written in), description and photos describing:
 - the number and size of plots, and or description of cooperative/communal model
 - fencing materials, heights and location
 - location of storage shed, greenhouse and composting area (if applicable)
 - source of water and electrical
 - types of plants planted (keeping in mind tree height and canopy issues)
 - photos of the site, the adjacent parcels and parcels across the street
3. Narrative description of management and maintenance policies addressing:
 - Name and address of Garden
 - Days and hours of operation
 - Summary Description – name of organization, goals and objectives of project
 - What you can and can't grow in the garden
 - Minimum and maximum number of proposed users
 - A description of how plots will be allotted to members and or description of cooperative/communal model and how products are distributed to members
 - A proposed annual budget and fee schedule for garden members that ensures water utilities and other expenses are covered.
 - The gardeners' responsibilities in terms of plot maintenance and up-keep of common areas.
 - An environmental sustainability policy prohibiting the use of non-organic pesticides, limiting fertilizer use, restricting invasive plant species and establishing a water conservation strategy.
 - A description of composting activities, and location of these activities on the site with a focus on preventing unsightly appearance and unpleasant odors.
 - Policy on the use and maintenance of mechanical equipment, particularly those that produce noise or odor or can easily result in injury.
 - A sample of the Release of Liability and Hold Harmless statement each member will sign

- A policy statement discussing access for children and pets, and use of the site for activities other than gardening.
- A description of how members will enforce their own rules.
- A description of any educational programming planned for the site, if applicable.
- A description of how the members of the garden and community can stay informed of garden initiatives and how the garden will foster community cohesion and cooperation. If you have established a webpage or social media account for the garden, please provide us the URL so we can create a link to the site from the City's webpage.

III. Activities Report

Once a year, by the first week of October, the garden's management team is required to submit an Activities Report summarizing the garden's operations during the year and plans for the coming year. The Activity Report allows the City to track and develop metrics of the gardens' operations, be aware and possibly provide assistance on issues that are problematic, and offer positive feedback or alert garden organizers to opportunities for growth and collaboration with other organizations. The Activity Report, which also serves as the request renewal form, asks for updated contact information, two current photos of the garden and responses to eight straight forward questions. If there is a change in leadership during the year, a new Activities Report should be submitted early so that the City maintains current contact information for the garden management team. It is available on the website for download.

The Activity Report will be reviewed by the Green Implementation Advancement Board for approval. All gardens in good standing that submit an Activities Report will typically be viewed favorably. The GIAB may also provide feedback to address any issues raised about the garden's condition, or recommend that the garden be closed down, if the garden is not upholding the standards of their GMP. Garden's denied a renewal request will be given the opportunity to remedy the issues raised and resubmit the Activities Report, the following month. In this case, it is recommended that representatives of the garden attend the GIAB meeting to discuss the garden's activities with the Board.

Contacts

For questions about application or approval process, please contact Dr. Ana Puszkin-Chevlin, Sustainability Officer at 561 243-7324, or puszkinA@mydelraybeach.com

For questions about sale of produce and/or flowers at the Delray Beach Green Market please contact Laurie Nolan at the Community Redevelopment Agency 561 276-8640

DRAFT FOR REVIEW