

ORDINANCE NO. 07-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", BY REPEALING SUBSECTION (D), "COMMUNITY GARDENS" IN ITS ENTIRETY AND ENACTING A NEW SUBSECTION (D) ENTITLED, "URBAN AGRICULTURE" TO PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA FOR URBAN AGRICULTURE USES; BY AMENDING THE FOLLOWING SECTIONS TO REMOVE COMMUNITY GARDENS AS A PERMITTED USE: SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS", SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT", AND SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT"; AND BY AMENDING THE FOLLOWING SECTIONS TO ADD URBAN AGRICULTURE AS A PERMITTED USE: SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)"; SECTION 4.4.2, "RURAL RESIDENTIAL ZONE (RR) DISTRICT"; SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT"; SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT"; SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT"; SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", TABLE 4.4.13(A) ALLOWABLE USES IN THE CBD SUB-DISTRICTS"; SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT"; SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT"; SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT"; SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) DISTRICT", SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT"; SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT"; AND BY AMENDING SECTION 4.6.6., "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING" TO LIST URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE; BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS" AND SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT" TO ESTABLISH PARKING REQUIREMENTS FOR URBAN AGRICULTURE USES; BY AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;

PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach desires to promote local production of crops for local consumption and to promote the health, environmental, and economic benefits of having such uses in the City; and

WHEREAS, the purpose and intent of this amendment is to encourage Community Gardens within the City of Delray Beach by removing them from the Land Development Regulations (LDRs) and making them a program that will be administered by City staff while adding Urban Agriculture to the LDRs as a land use within the City; and

WHEREAS, Urban Agriculture includes urban farms, commercial rooftop gardens, community gardens, and other innovative food production methods in a small area; and

WHEREAS, Urban Agriculture offers the possibility of growing food and plants closer to the location of consumption and thereby increasing access to fresh produce for residents and local businesses; and

WHEREAS, Community Gardens promote the local production of food for use or consumption by the individuals directly involved; and

WHEREAS, the City wants to make the process and oversight for Community Gardens more efficient and timely, while still providing rules and regulation to protect both the Community Garden and the neighboring properties; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on _____, and voted _____ to recommend that the changes be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.3.3, “Special Requirements for Specific Uses”, Paragraph (D), “Community Gardens”, shall hereby be repealed in its entirety and a new Subsection (D), “Urban Agriculture”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be enacted to read as follows:

Section 4.3.3 Special Requirements for Specific Uses

~~(D)~~ — **Community Gardens**

~~(1) — **Purpose:** It is the intent of this section to regulate Community Gardens which are green spaces that are communally cultivated and cared for. The intent of permitting community gardens is to allow a group of residents to grow produce and horticultural plants for their consumption and enjoyment without creating adverse environmental impact or land use incompatibilities. These spaces may consist of individually-worked plots, communally-tended areas and sitting areas.~~

~~(2) — **Appearance:**~~

~~(a) — All community gardens on single-family lots within Single-Family Residential, Low Density Residential, and Medium Density Residential zoning districts, shall require administrative plan approval through the Community Improvement Department. Community Gardens proposed on parcels other than single-family lots within Multiple Family Residential Zoning districts shall require site plan modification approval through the Planning and Zoning Department. The application shall require the property owners consent and the following items must be attached: layout of plots and other components proposed on the site of the community garden, setbacks from adjacent properties, identification of water supplies, established operating rules identifying the governance structure of the garden~~

~~and maintenance and security responsibilities; contact information for the person responsible for the oversight of the garden.~~

- ~~(b) The owner of the property on which the garden is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion or storm water runoff. If the property is not used as a community garden for 120 or more consecutive days, the site shall be restored back to its pre-Community garden condition.~~

~~(3) **General Rules & Regulations:**~~

- ~~(a) A Community Garden is not intended to be a commercial enterprise. Sale of produce and plants at the site are prohibited.~~
- ~~(b) The raising of poultry or other livestock, fish and the keeping of bees is prohibited.~~
- ~~(c) The use of pesticides, herbicides and weed killers, or insecticides made from synthetic chemical materials and chemicals is prohibited. The use of materials and practices used for organic production (guidelines) is strongly encouraged.~~
- ~~(d) The site shall be designed and maintained to prevent drainage or runoff onto adjacent property.~~
- ~~(e) The community garden shall grow at least four (4) different food crops and/or non-food crops. No gardening activities shall take place before sunrise or after sunset. 50% or more of the planting area shall be in production at all times. (f) The property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state or federal tax regulations.~~

~~(4) **Site Standards:**~~

- ~~(a) Community gardens are primarily intended to occupy infill lots in single family subdivisions, thus a garden shall not be greater in size than the standard lot within the neighborhood it is located. Multiple infill lots are not to be combined, nor developed with individual~~

~~gardens adjacent one another. For Multiple Family Residential zoning designations the proposed garden shall be appropriate with respect to size and scale to the development in which they are located and this will be determined during the site plan modification process.~~

- ~~(b) All planting shall be planted no closer than 15 feet from the front property line and 10 feet from the interior side or rear property lines. Corner lots shall maintain a 15-foot side street setback. All plantings shall comply with the visibility at intersection requirements pursuant to applicable Land Development Regulations.~~
- ~~(c) The Community garden shall be served by a water supply sufficient to support the cultivation practices used on the site.~~
- ~~(d) A perimeter fence or hedge is required for all gardens. The fence or hedge shall comply with LDR Section 4.6.5 and must have a drivethrough gate to accommodate trucks and other equipment that may be used from time to time as a part of the gardening maintenance. Hedges are encouraged and may consist of drought-tolerant shrubs.~~
- ~~(e) Compost and organic matter to be used for the community garden shall not be stored in open air. They shall be contained in appropriate containers, which shall not be located with a 25-foot front setback nor 15-foot side street setback from all rights-of-way and shall be a minimum of 10-foot setback from all interior property lines. Such containers shall be maintained to prevent odors and prevent the harborage of rodents and pests.~~
- ~~(f) Storage of toxic and flammable materials is not allowed. No tires are allowed to be stored on-site.~~
- ~~(g) One sign is permitted, which shall not exceed 16 square feet and with a maximum height of 5 feet.~~
- ~~(h) No parking is allowed on-site.~~

(D) Urban Agriculture

(1) Purpose and Intent: The purpose of this section is to promote local production of food for consumption as well as non-food ornamental crops, such as flowers, cactus and shrubs and to promote the health, environmental, and economic benefits of having such uses in the City.

- a) Urban Agriculture includes commercial rooftop gardens, productive green walls, indoor farm facilities, urban farms, and other innovative food production methods in an urban area, excluding Community Gardens and School Gardens.
- b) Community Gardens and School Gardens are regulated by the City under the Community Gardens Program that has been adopted by the City of Delray Beach via resolution and, as such, are not regulated by this Section.

(2) Appearance:

- a) Urban Agriculture shall contribute to the appearance and aesthetics of the area, shall be compatible with surrounding land uses, and shall not negatively impact the surrounding area.
- b) The owner or lessee of the property on which an Urban Agriculture site is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a become a source of erosion due to storm water runoff.
- c) Failure to maintain an outdoor Urban Agriculture site shall be a violation of City's Code of Ordinances Sections 100.01, 100.05, and 100.07, as appropriate. If the site does not come into compliance with the Code of Ordinances within 180 days after the issuance of a citation, the site shall be deemed abandoned. The owner of an abandoned site will be responsible for restoring the site in accordance with the City's Landscape Regulations in LDR Section 4.6.16.

(3) General Rules & Regulations:

- a) All forms of Animal Husbandry are prohibited.
- b) The following plants species are prohibited:
 - i. Invasive species identified on the Florida Exotic Pest Plant Council's list of exotic species, as amended, such as Old World Climbing Ferns and Air Potato vines that are, and as determined by the Senior Landscape Planner.

- ii. Noxious weeds as defined by Rule 5B-57.007, Florida Administrative Code.
- c) Honeybee colonies must be registered with the Florida Department of Agriculture and Consumer Services in accordance with Rule 5B-54.010, Florida Administrative Code.
- d) The site shall be designed and maintained so that the water used in the production of agricultural products, compost, and fertilizer will not drain onto the adjacent property.
- e) Outdoor Urban Agriculture activities shall take place after sunrise or before sunset. Hours of operation will not be limited for indoor Urban Agriculture activities.
- f) The sale of produce, flowers, and plants produced by the site shall occur at the site only and shall not take place before 7:00 a.m. or after 9:00 p.m.
- g) Urban Farms must comply with the Americans with Disabilities Act design standards for accessible routes if the site allows customers to pick their own produce or other products.

(4) Site Standards:

- a) A site plan is required for all Urban Agriculture. Site plans shall be subject to review by the Site Plan Review and Appearance Board or the Historic Preservation Board in accordance with LDR Section 2.4.5(F) "Site and Development and Master Development Plans) and LDR Section 2.4.5 (G) "Modification to Site and Development Plans". The approving body shall make a finding that the site is compatible with respect to size and scale of the development in which they are located. All outdoor plantings for crop production shall be setback a minimum of fifteen (15) feet from the front property line and five (5) feet from the side interior or rear property lines. Corner lots shall maintain a ten (10)-foot side street setback. All plantings shall comply with the visibility at intersection requirements pursuant to LDR Section 4.6.14.
- b) A Site Management Plan must be submitted with the Site Plan application. The Site Management Plan shall include:
 - i. A narrative describing the types of crop(s) to be grown, the hours of operation, and a detailed maintenance plan.
 - ii. A list of chemicals, pesticides, fertilizers or any combination of same to be used as well as the frequency of use.
 - iii. Certification that the site is in compliance with LDR Section 4.5.5(B) "Wellfield Protection Ordinance".

- iv. Description of the on-site water source and a water management plan addressing containment of run off onto adjoining properties, waterways or rights-of-way.
 - v. A description of proposed rain-capture systems including size, location and method of operation as well as how water stagnation will be prevented.
 - vi. Photograph of the proposed Urban Agriculture site and existing structures.
 - vii. Description of composting activities including, location, size and means of containment.
 - viii. Complete description of any aspects of the operation that may generate noise or odor on site and that may impact adjacent property.
 - ix. The Site Management Plan shall provide number of vehicles associated with the use and identification of permanent parking spaces on site, driveway, and drive aisle locations and the method of screening parking areas from adjacent properties and rights-of-way
- c) The Urban Agriculture site shall be served by a water supply sufficient to support the cultivation practices used on the site. The use of City water services for irrigation may be permitted in accordance with Chapter 52 of the City's Code of Ordinances upon written approval from the Director of the Environmental Services Department with the concurrence of the City Manager. The use of rain-capture systems is encouraged on the site.
 - d) Lighting used for the Urban Agriculture site shall be limited to that required for operational and safety purposes. Lighting shall comply with LDR Section 4.6.8
 - e) A perimeter fence or hedge for a ground level outdoor Urban Agriculture site is required. The use of decorative metal, wood masonry, pickets, wrought iron, or board-type wood is encouraged. The fence or hedge shall comply with Section 4.6.5 of the Land Development Regulations. Vegetative screening is encouraged and should consist of drought-tolerant South Florida native trees and shrubs and must be located outside the perimeter fence.
 - f) For rooftop gardens, all equipment and containers shall be screened so they are not visible from the adjacent right-of-way.
 - g) The following accessory structures may be permitted on Urban Agriculture sites: tool storage sheds, greenhouses, hoop houses, cold

frames, raised/accessible planting beds, compost or waste bins, farm stands, restrooms, and offices, that are not used for cultivating crops. The height of these accessory structures shall not exceed the height of the associated principal structure and in no case be greater than 20 feet. The combined total square footage for all accessory structures for an outdoor urban farm shall not exceed 1/20th of the site.

- h) In Historic Districts, all accessory structures associated with an Urban Agriculture use shall be located to the rear of the principal structure(s).
- i) In Historic Districts, where an Urban Agriculture use is an accessory use to a residential use, the Urban Agriculture use shall not be located within the front setback.
- j) Compost and organic matter to be used on the Urban Agriculture site shall be stored in appropriate containers, which must be located on the subject site and shall be setback a minimum of twenty-five (25) feet from the front property line and a minimum of ten (10) feet from all side and rear yard property lines. Compost bins shall be shielded from the adjacent right-of-way by plantings or fencing pursuant to LDR Section 4.6.5. Such containers shall be maintained to minimize odors, prevent run-off, and prevent the harborage of rodents and pests.
- k) For Urban Farms, storage of toxic and flammable materials is regulated as follows:
 - i. Storage of toxic and flammable materials used for the operation of lawnmowers or other combustion engine-driven gardening machinery may be stored at the site and shall be kept in sealed containers in locked, ventilated structures in accordance of the National Fire Protection Association (NFPA) Code 30: “Flammable and Combustible Liquids” and the Florida Fire Prevention Code (FFPC). No other flammable materials or chemicals may be stored on site. A maximum of 10 gallons of fuel is allowed to be stored at the site at any given time.
 - ii. Tires shall not be stored at the site.
 - iii. Toxic materials, such as pressure treated wood (creosote), shall not be used where they will come into contact with soils that are growing food.
- l) Signs shall conform to the standards set forth in Section 4.6.7 of the Land Development Regulations.

- m) Mechanical equipment used in the operation of outdoor Urban Agriculture sites that are located in districts that allow residential uses shall comply with the noise regulations in Chapter 99 of the Code of Ordinances and shall be limited to the following:
 - i. Riding/push mower designed for personal use.
 - ii. Handheld tillers or edgers that may be gas or electrically powered.
 - iii. Other handheld farming equipment that create minimal impacts related to the operation of said equipment, including noise, odors, and vibration.
- n) Required on-site parking shall comply with the off-street parking regulations set forth in Section 4.4.13(C), Table 4.4.13(L); and Section 4.6.9(C)(7)(m) of the Land Development Regulations.
- o) Notwithstanding the foregoing, all Urban Agriculture sites and Urban Farms shall comply with the additional requirements of the applicable zoning district.

Section 3. That Article 4.4, “Base Zoning District”, Section 4.4.1, “Agricultural Zone District (A)”, Paragraph (B), “Principal Uses and Structures Permitted” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray “Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.1 Agricultural Zone District (A)

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the (A) District as a permitted use:

...

(7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(5) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 4. That Article 4.4, “Base Zoning District”, Section 4.4.2, “Rural Residential (RR) Zone District”, Paragraph (C), “Accessory Uses and Structures Permitted”, of the Land

Development Regulations of the City of Delray Beach, Florida, shall hereby be amended by adding a new sub-paragraph (3) to read as follows:

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(3) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 4. That Article 4.4, “Base Zoning District”, Section 4.4.3, “Single Family Residential (R-1) Districts”, Paragraph (B), “Principal Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.3 Single Family Residential (R-1) Districts:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the Single Family Districts as a permitted use:

...

(8) ~~Community Gardens~~

Section 5. That Article 4.4, “Base Zoning District”, Section 4.4.5, “Low Density Residential (RL) Districts”, Paragraph (B)(10), “Principal Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.5 Low Density Residential (RL) Districts:

(B) Principal Uses and Structures Permitted: The following types of sue are allowed within the (RL) District as a permitted use:

...

(8) ~~Community Gardens~~

Section 6. That Article 4.4, “Base Zoning District”, Section 4.4.6, “Medium Density Residential (RM) District”, Paragraph (B)(12), “Principal Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.6 Medium Density Residential (RM) District:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the (RM) District as a permitted use:

...

(12) ~~Community Gardens~~

Section 7. That Article 4.4, “Base Zoning District”, Section 4.4.9, “General Commercial (GC) District”, Paragraph (B), “Principal Uses and Structures Permitted”, and Paragraph (G) “Supplemental District Regulations” of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.9 General Commercial (GC) District:

(B) Principal Uses and Structures Permitted: The following are allowed within the GC District as permitted uses, except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(a):

...

(8) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(G) Supplemental District Regulations:

(3) Four Corners Overlay District: The following supplemental district regulations apply to the Four Corners Overlay District, as defined in Section 4.5.14.

(a) The permitted uses shall be those listed in Sections 4.4.9(B)(1,2,4,5,8)

Section 8. That Article 4.4, “Base Zoning District”, Section 4.4.11, “Neighborhood Commercial (NC) District”, Paragraph (B), “Principal Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.11 Neighborhood Commercial (NC) District:

(B) Principal Uses and Structures Permitted: The following types of uses are allowed within the NC District subject to the limitations per Subsection (H) as a permitted use:

...

(4) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 9. That Article 4.4, “Base Zoning District”, Section 4.4.12, “Planned Commercial (PC) District”, Paragraph (B)(1), “Principal Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.12 Planned Commercial (PC) District:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the PC District as a permitted use, except within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(G)(3)(a):

...

(1) All uses allowed as such within the GC District [Section 4.4.9(B)(1) through (5), ~~and (7)~~ and (8)].

Section 10. That Article 4.4, “Base Zoning District”, Section 4.4.13, “Central Business (CBD) District”, Table 4.4.13(A), “Allowable Uses in the CBD Sub-Districts”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Table 4.4.13 (A) - Allowable Uses in the CBD Sub-Districts				
	Central Core	Railroad Corridor	Beach Area	W. Atlantic Neigh.
24-hour or late-night businesses, within 300' of residential property (see 4.3.3(VV))	C	C	C	C
<u>Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms</u>	<u>P, A</u>	<u>P, A</u>	=	<u>P, A</u>
<u>Outdoor Urban Farms [4.4.3(D)]</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Section 10. That Article 4.4, “Base Zoning District”, Section 4.4.13, “Central Business (CBD) District”, Table 4.4.13(L), “Minimum Number of Off-Street Parking Spaces Required in the

CBD”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Table 4.4.13(L)	
Minimum Number of Off-street Parking Spaces Required in the CBD	
Commercial Uses	
Hotels/Motels ¹	.7 space per guest room plus 1 space per 800 sf. of meeting rooms and shops
Business and Professional Office <10,000sf	1 space per 500 sf. of net floor area
Business and Professional Office >10,000sf located more than 750 feet from a public parking garage or Planned Tri-Rail Coastal Link station	1 space per 300 sf. of net floor area
Business and Professional Office >10,000sf located within 750 feet of a public parking garage or Planned Tri-Rail Coastal Link station	1 space per 500 sf. of net floor area
Retail and Commercial Uses	1 space per 500 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) NOT in the Atlantic Avenue Parking District	6 spaces per 1,000 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) in the Atlantic Avenue Parking District	12 spaces per 1,000 sf. for the first 6,000 sf. Plus 15 spaces per each additional 1,000 sf.
<u>Urban Agriculture</u>	<u>1 space for every 2 acres or portion thereof of outdoor production and 2 spaces for every 1,000 sq. ft. or portion thereof of gross floor area of buildings used for the Urban Farm site (excluding sheds and other utility structures used only to house equipment and/or supplies.)</u>

Section 11. That Article 4.4, “Base Zoning District”, Section 4.4.19, “Mixed Industrial and Commercial (MIC) District”, Paragraph (B), “Principal Uses and Structure Permitted” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.19, “Mixed Industrial and Commercial (MIC) District:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the MIC District as a permitted use:

...

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(8) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 12. That Article 4.4, “Base Zoning District”, Section 4.4.20, “Industrial (I) District”, Paragraph (B), “Principal Uses and Structure Permitted” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.20 Industrial (I) District:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the Industrial District as a permitted use:

...

(6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 13. That Article 4.4, “Base Zoning District”, Section 4.4.21, “Community Facilities (CF) District”, Paragraph (B), “Principal Uses and Structure Permitted” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.21 Community Facilities (CF) District:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the CF District as a permitted use:

...

(10) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 13. That Article 4.4, “Base Zoning District”, Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”, Paragraph (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 14. That Article 4.4, “Base Zoning District”, Section 4.4.26, “Light Industrial (LI) District”, Paragraph (B), “Principal Uses and Structure” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.26 Light Industrial (LI) District:

(B) Principal Uses and Structures Permitted: The following types of uses are allowed within the LI District as a permitted use:

...

(6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

...

(8) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

Section 14. That Article 4.4, “Base Zoning District”, Section 4.4.29, “Mixed Residential, Office and Commercial (MROC) District”, Paragraph (B), “Principal Uses and Structure” and (C), “Accessory Uses and Structures Permitted”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.4.29 Mixed Residential, Office and Commercial (MROC) District:

(B) Principal Uses and Structures Permitted: The following types of uses are allowed within the MROC District as a permitted use:

...

(8) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

(8) Urban Agriculture, pursuant to regulations set forth in Section 4.3.3(D).

Section 15. That Article 4.6, “Supplemental District Regulations”, Section 4.6.6, “Commercial and Industrial Uses to Operate Within a Building”, Paragraph (A), “Intent”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.6.6 Commercial and Industrial Uses to Operate Within a Building:

(A) Intent:

...

(4) Urban Agriculture uses may be conducted outside pursuant to Section 4.3.3(D).

Section 16. That Article 4.6, “Supplemental District Regulations”, Section 4.6.9, “Off-Street Parking Regulations”, Paragraph (7), “Other Uses”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 4.6.9 Off-Street Parking Regulations:

(C)(7) Number of Parking Spaces Required:

...

(m) Urban Farm Sites: Shall provide 1 space for every 2 acres or portion thereof of outdoor production area and 2 spaces for every 1,000 sq. ft. or portion thereof of gross floor area of buildings used for the Urban Agriculture site (excluding sheds and other utility structures used only to house equipment and/or supplies.)

Section 17. That “Appendix A, Definitions”, of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Animal Husbandry: An agricultural business for the breeding and caring for farm animals.

Community Garden: Any piece or pieces of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may be used only for the production of fruits, vegetables, herbs, edible mushrooms, flowers, and/or ornamental plants and the gardens are reviewed by the City’s Green Implementation Advancement Board, pursuant to the Community Garden Program.

Greenhouse: An enclosed structure (usually with glass) for the production of fruits, vegetables, herbs, flowers, and/or ornamental plants.

Rooftop Gardens: A garden located on the roof of a building that is used for the commercial and/or private production of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants.

School Gardens: Garden plots that are owned by or used exclusively by a public or private school and are used exclusively for educational or on site consumption purposes to teach students about the production of produce fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants.

Urban Agriculture: The science or practice of cultivation of the soil for the growing of crops to provide food or other plant-based products within the city limits of the City of Delray Beach.

Urban Farm: A small-scale commercial operation which includes the production and sale of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants which may be conducted indoor or outdoor.

Section 18. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 19. Specific authority is hereby given to codify this Ordinance.

Section 20. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____