

MEMO

To: Planning & Zoning Staff

From: Ana Puszkina-Chevlin, Sustainability Officer

Date: January 11, 2017

Re: Community Garden Program and Guidelines

Background:

In June of 2011, the City of Delray Beach adopted new land development regulations pertaining to community gardens. The city sought to control the site design, appearance and operation of gardens that were being established as some residents were uncomfortable about the garden locations and aesthetics. While the City seeks to encourage sustainable practices, including local production of food and plants, the LDRs adopted in Section 4.3.3 (D) created several hurdles that substantially hinder the establishment of community gardens, while not effectively curtailing the perceived nuisances they were intended to eliminate.

By late 2015, community garden advocates and city staff concluded that policy approach of regulation via LDR may not be appropriate for community gardens, as these activities are simply collective gardening, a low intensity use that is widely permitted on private property. The Sustainability Officer of the City at the time was asked to frame a new policy approach that reduced the burdens created by the LDR, but also addressed the concerns over aesthetics, proper management and oversight. It was also determined that while the City of Delray Beach supports the community garden movement, the City was not in the position to create a city-sponsored and operated community garden. Additionally, in consultation with the Planning and Zoning Department, it was concluded that activities related to urban agriculture should be separated into two broad categories, Urban Farming, which would require new LDR language, and Community Gardens, which should be removed from the LDR and managed through a more flexible “program” that was city-organized, but and citizen-regulated.

A new Sustainability Officer joined the City in April 2016 and began framing a new Community Garden Program and crafting policy guidelines that would balance the interest of the garden advocates, community residents and policymakers. After researching state regulations and programs in several Florida cities, as well as reviewing exemplary models in other states, the proposed Community Garden Program and associated Garden Policy Guidelines were drafted.

The program is comprised of submitting an Application Package that is reviewed and approved by the City’s Green Implementation Advisory Board (GIAB). The application package consists

of forms that document the garden's location and leadership, a land-use agreement between the garden organizers and property owner, an affidavit acknowledging review of Delray Beach's Community Garden Program guidelines, and most importantly, the preparation and submission of a written Garden Management Plan (GMP). The GMP, which is created by the garden's members, is the key document that describes all the operations and rules governing that specific garden, including its design, operations, maintenance and the responsibilities of its members. Each GMP will be unique, but all must reflect the guidelines established in Delray's Community Garden Program. By clarifying public expectations around community garden activities, documenting the garden management's approach, the City hopes to avoid adverse environmental impacts or incompatible land uses, thus allowing community gardens to be created and operate outside of the formalized Local Development Regulations.

Additionally, the Community Garden Program requires submission of an annual Activities Report, which is reviewed by the Green Implementation Advancement Board. This allows the city to receive updated contact information, track and promote the garden's successes, provide assistance if necessary, and withhold approval to continue operating if the garden fails to comply with their GMP, or the community has noted numerous complaints about the garden's operation.

To capture the depth and breadth of the program, one should read the Community Garden Program materials attached and review the forms and requirements for the Application Package. Nevertheless, to facilitate a review of the new policy guidelines, a comparison of the Community Garden Program guidelines and the current LDRs is provided below. This summary does not include all the details, but rather highlights the similarities and differences that are of typical concern to Delray Beach residents.

	Existing LDR Language	New Community Garden Policy Guidelines
LDR Section	Appearance	
4.3.3 (D) 2a	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 can be located in any zoning district, and not just on Single Family lots. They also can be situated on roof tops,
4.3.3 (D) 2b	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	The Community Garden manager is responsible for the property appearance. The standards of appearance are the same and more specific. <ul style="list-style-type: none"> • Plants be maintained at manageable height and density (no overgrowth that can reduce visibility); • Weeds and dead or dried plants are

	<p>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</p>	<p>removed, so that the garden's assets are appreciated;</p> <ul style="list-style-type: none"> • 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. <p>No indoor furniture, household appliances, sports equipment, permanent barbeque grills, fire pits or non-functioning vehicles may be placed on the property.</p> <p>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 require a building permit.</p> <p>Unused gardens must be returned to stable condition, not the same.</p>
	General Rules & Regulations	
	Dawn to dusk, but not stated	<p>Community Garden's hours of operation shall be limited from dawn to dusk seven days a week. Meetings and special events can occur after dark, but must conclude by 10pm and are limited to twice monthly. No machinery can be operated before 8:00 a.m. or after 7:00 pm seven (7) days a week.</p>
4.3.3 (D) 3a	Sale of produce and plants at the site are prohibited	<p>Sale of produce is permitted once a week for a period of three hours. Sales volume is restricted to levels of recouping costs</p>

		associated with managing the garden. No permanent structure for retail sale can be constructed on site.
4.3.3 (D) 3c	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.	Same organic standards are required
4.3.3 (D) 3e	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.	No minimums are required on diversity of plants or the amount of land actively gardened. Other activity uses for the garden are specified and regulated.
4.3.3 (D) 3f	The property owner shall be prohibited from seeking an agricultural tax exemption afforded by the local, state or federal tax regulations	Same as ordinance
	Site Standards	
4.3.3 (D) 4a	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.	Gardens are not restricted in size. The garden must be the efforts of three or more non-related individuals
4.3.3 (D) 4b	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	Planting should be no closer than 5 feet from the front property line and 3 feet from the interior side or rear property line. 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.
4.3.3	A perimeter fence or hedge is	A perimeter fence is recommended. No

(D) 4d	required for all gardens. The fence or hedge shall comply with LDR Section 4.6.5 and must have a drive through gate to accommodate trucks and other equipment that may be used from time-to-time as a part of the gardening maintenance.	requirement for a drive-through gate. Fences that are erected must follow the following: 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.
4.3.3 (D) 4e	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 within 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.	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 property. No composting operations or structures may be placed within 10 feet of property lines abutting a residential building. 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.
4.3.3 (D) 4f	Storage of toxic and flammable materials is not allowed. No tires are allowed to be stored on-site.	Similar restrictions on toxic. 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 1 ¼ gallons, and must be in appropriate no-spill gasoline containers, and stored in a locked shed.
4.3.3 (D) 4g	One sign is permitted, which shall not exceed 16 square feet and with a maximum height of 5 feet	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.