

<b>PLANNING AND ZONING BOARD MEMORANDUM STAFF REPORT</b>
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**MEETING OF:    JANUARY 23, 2017**

**AGENDA NO:     VI. A**

**AGENDA ITEM: CONSIDERATION OF CITY-INITIATED AMENDMENTS TO LDR SECTION 4.3.3(D) COMMUNITY GARDENS, TO REPEAL THIS SECTION IN ITS ENTIRETY AND TO ADD A NEW SECTION ENTITLED URBAN AGRICULTURE, TO AMEND ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AS A PRINCIPAL USE AND TO ADD URBAN AGRICULTURE AS PRINCIPAL, ACCESSORY AND CONDITIONAL USES IN SPECIFIC ZONING DISTRICTS; AMENDING SECTION 4.6.9 OFF-STREET PARKING REGULATIONS, SUB-SECTION 4.6.9(C)7 "OTHER USES" AND TABLE 4.4.13(K) "MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED IN THE CBD" TO ESTABLISH PARKING REQUIREMENTS; AMENDING SECTION 4.6.6 "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING" TO LIST URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITION AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA FOR THE NEW USE.**

<b>ITEM BEFORE THE BOARD</b>
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The item before the Board is a recommendation to the City Commission regarding City-initiated amendments to LDR Section 4.3.3(D), Community Gardens, to repeal this section and to add a new section entitled Urban Agriculture, to amend Article 4.4 to remove Community Gardens and to permit Urban Agriculture as a principal and accessory uses in specific zoning districts; to amend Section 4.6.9 Off-Street Parking Regulations, Sub-section 4.6.9(C)7 "Other Uses" and Table 4.4.13(K) "Minimum Number of Off-Street Parking Spaces Required in the CBD" to establish parking requirements; amending Section 4.6.6 "Commercial and Industrial Uses to Operate Within a Building" to list Urban Agriculture as an allowable outside use; amend Appendix A "Definitions" to provide for related definitions and to provide specific design and review criteria. Community Gardens will now be permitted through a staff coordinated program.

<b>BACKGROUND</b>
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On June 7, 2011, the City Commission adopted Ordinance 12-11, which introduced the use of "community gardens" within specified zoning districts as a principal and accessory use subject to certain regulations. The ordinance was intended to provide for the implementation of community gardens whereby a group of residents could grow their produce and horticultural plants for their own consumption without creating adverse environmental impacts or land use incompatibilities. Community gardens were not intended to be a commercial enterprise and thus the sale of produce and plants were prohibited.

Prior to the adoption of the Ordinance there were three community gardens within the City, known as the Cason Community Garden, the Swinton Community Garden and the Southwest Community Garden. Subsequent to the adoption of the Ordinance four new community gardens were established; the Frog Alley Community Garden, Delray Beach Children's Garden, Delray Students Farm School and the Gladiolus Community Garden.

Over the years several concerns have been raised with respect to the restrictions of the current Ordinance, which has resulted in a lack interest in establishing community gardens. The restrictions that are found to be most burdensome are: (i) that they are only allowed in some residential zoning districts; (ii) the sale of produce grown on-site is not allowed; (iii) evening community gatherings are not allowed; (iv) the cost of establishing water service; (v) the requirement to install a drive-through gate to accommodate trucks; and, (vi) the prohibition on bee keeping. Additionally, the ordinance did not address the emerging practice of urban farming, a rather new form of commercial agriculture that addresses local food production in urbanized areas.

With the adoption of Comprehensive Plan Amendment 01-10, revisions to the Conservation Element included a **NEW GOAL AREA "E" STRIVE TO BECOME A MORE SUSTAINABLE CITY**. Following this Comprehensive Plan amendment, the Green Implementation Advancement Board (GIAB) was created with the responsibility to review City operations and policies toward achieving Delray Beach's green and sustainability goals.

The Green Implementation Advancement Board (GIAB) has put forward several recommendations to encourage and expand community gardening and urban agriculture through innovative food production and creating a sustainable local food supply.

## PROPOSED AMENDMENT

The proposed amendments seek 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 coordinated by city staff and the GIAB while adding Urban Agriculture to the LDRs as a land use within the City.

Under the proposed Community Garden program, 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.

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 and requiring community garden organizations to carefully consider and document all aspects of initiating, and more importantly, managing and maintaining the garden, the City hopes to avoid adverse environmental impacts or incompatible land uses. These measures will allow community gardens to be created and operate outside of the formalized Land 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.

The Community Garden program would allow:

- The sale of products, however, 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. Garden members may sell surplus harvest retail at a community green market, (like the Delray Green Market) or on site twice weekly to support the garden's collective operating costs, or to recover expenses associated to the individual gardening activities of its members.
- 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), so as not to disturb adjacent neighbors, and no machinery can be operated before 8:00 a.m. or after 7:00 pm seven (7) days a week.
- Gardens may make arrangements with adjacent properties for a source of water, or request and pay the city for an irrigation meter to be installed.
- Members of the garden are 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. (The city is prohibited from restricting bee tending by Florida statute).
- In compliance with Florida law, illegal 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.
- The program requires the establishment of a management team to govern and manage the garden, requires maintenance and upkeep of the garden and includes ADA requirements.
- The program requires garden spaces to be restored to a stable and acceptable aesthetic if the garden ceases operations.

- The program establishes a requirement of filing an Activity Report and requires City staff and GIAB to review the operations annually. Permission to maintain the garden can be withdrawn if the garden is repeatedly cited for poor performance.
- The community gardens program would be adopted by City Resolution.

**The changes associated with the subject amendment are as follows:**

LDR Section 4.4.3(D) "Community Gardens": Repeal this section in its entirety and replace it with a new section entitled "Urban Agriculture".

The purpose of enacting this new land use is to promote local production of food crops, as well as non-food ornamental crops, such as flowers, and to promote the health, environmental, and economic benefits of having such uses in the City. Urban Agriculture refers to the science or practice of farming within an urbanized area, such as the city limits of Delray Beach. Urban Farms, may be small and have the likeness of a community garden, however they differ, in that they are commercial operations that sell goods and services to the public and businesses for profit.

Urban Agriculture includes the cultivation of the soil for food crops and other plant-based products and these activities can occur on commercial rooftop gardens, productive green walls, indoor farm facilities, urban outdoor farms, and other innovative food production methods that maximize production in an urban area.

LDR Section 4.3.3(D)(2) "Appearance": This section addresses the appearance of an urban farm and provide that such facilities shall contribute to the appearance and aesthetics of the area and be compatible with surrounding land uses; shall be maintained so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion due to storm water runoff; and requires that the site shall be restored if the property is not actively maintained as an Urban Farm for 180 or more consecutive days.

LDR Section 4.3.3(D)(3) "General Rules and Regulations": This section establishes general rules for operation such as, the prohibition of all forms of animal husbandry; requirements to register Honeybee colonies with the Florida Department of Agriculture and Consumer Services in accordance with Rule: 5B-54.010, Florida Administrative Code; 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 adjacent property; restrictions on hours of operation from sunrise to before sunset (hours of operation will not be limited for indoor farming activities).

LDR Section 4.3.3(D)(4) "Site Standards": Specific site design criteria are established and integrated with compliance with the development standards of the Land Development Regulations pertaining to signage, lighting, drainage, setbacks, sight visibility. This section also establishes the approval process for urban agriculture uses.

Article 4.4 "Base Zoning District" is amended to add Urban Agriculture as a permitted and/or accessory use within the following zoning districts:

- Agricultural (A)
- Rural Residential (RR)
- General Commercial (GC)
- Neighborhood Commercial (NC)

- Planned Commercial (PC)
- Mixed Industrial and Commercial (MIC)
- Industrial (I)
- Community Facilities (CF)
- Old School Square Historic Arts District (OSSHAD)
- Light Industrial (LI)
- Mixed Residential, Office and Commercial (MROC)

The amendment adds Urban Agriculture (excluding outdoor urban farms) as a permitted use and outdoor urban farms as a conditional use within the Central Business (CBD) District.

LDR Section 4.6.6(A) “Commercial and Industrial Uses to Operate Within a Building” is amended to add Urban Agriculture uses as an allowed outside use.

LDR Section 4.6.9 “Off-Street Parking Regulations” and Table 4.4.13(L) “Minimum Number of Off-street Parking Spaces Required in the CBD” is amended to require a parking ratio of 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 Farm (excluding sheds and other utility structures used only to house equipment and/or supplies.) These criteria were established based on research on the employment intensity of these types of uses in other cities with urban farming activities.

Appendix A “Definitions” is amended to include new definitions for Animal Husbandry, Community Gardens, Commercial Gardens, Greenhouse, Rooftop Gardens, School Gardens, Urban Agriculture and Urban Farms.

<b>ANALYSIS</b>
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Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendments are City-initiated text amendments to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and these are the applicable elements to this specific request.

**Objective E-1 of the Conservation Element:** The City of Delray Beach encourages land use planning and development based on sustainability principles and practices. The City also, when applicable, recommends implementation of policies and programs that provide environmental, economic and social benefits to residents, businesses, visitors and other governmental agencies to strengthen Delray Beach’s position as a model of sustainable practices.

**Policy E-1.1 of the Conservation Element:** By February 1st of each year, the Green Implementation Advancement Board (GIAB), shall review City operations and policies toward achieving Delray Beach’s green and sustainability goals and providing a report of recommendation to the City Commission regarding:

1. Ways to improve the environmental sustainability of City programs, services, and equipment facilities.
2. Strategies for improving environmental sustainability of the community.
3. Incentives for residents, businesses, and organizations to practice environmental conservation including recycling.
4. Methods to enhance water and energy conservation.
5. Ideas for promotion of tree planting and xeriscaping.
6. Best Practices for implementation in Delray Beach, including long-term strategies.
7. Proposed revisions to City Ordinances to address Green Technologies.

The actions proposed herein further the goal and policy outlined. Removing community gardens from the LDRs so that it is easier to create a garden and allowing Urban Farming to occur as a primary land use directly advance the sustainability goals of the City. Both activities address the need to grow more food and plant product closer to the point of consumption. This reduces the emissions related to transporting food and plants from agricultural areas to areas of consumption and increases community resilience, as the community is less dependent on outside factors, such as transportation, fuel, weather, labor disruptions to feed the population.

Community gardens and urban farming also improve access to fresh fruits and vegetables for residents, which can directly improve public health. Some urban areas, particularly less affluent parts of cities often lack grocery stores and markets which stock fresh produce. These "food deserts", arise as margins in the food and supermarket industries are very small, and some retailers simply do not choose to stock highly perishable merchandise. The lack of produce, and the higher costs of fruits and vegetable force some households to forego these food basics in their diet. Poor diet has high costs in terms of malnutrition, obesity, and disease in our community. Community gardens and urban farms mitigate these issues by allowing residents to grow their own fruits and vegetables, or produce goods locally, which can reduce their cost.

Land cultivation also helps to sequester CO<sub>2</sub> from the atmosphere. Plants grow by fixing carbon and water through photosynthesis. While grass covered land provides some benefits, crops that grow quickly, are harvested, and then regrow provide an ongoing form of carbon sequestration. Moreover, the green landscape acts as a lung in the city, releasing Oxygen and reducing the urban heat island effect of solar radiation absorbed by surrounding asphalt and dark roof coatings.

More importantly, community gardens connect citizens with the natural environment, educating the population on aspects of the water cycle, reproduction, organic decomposition and fertilization, insects and many secondary scientific concepts. This scientific education and appreciation for nature's bounty leads to an understanding of the need to conserve resources and increase recycling and minimize human's impact on the natural environment – all of which advance sustainability.

The promotion of urban farms can also be viewed as a cutting edge economic development policy. Over the past decade, there has been a growing farm to table movement, which has increased the demand for organic locally grown produce. By allowing these uses within the City of Delray, the city will become a destination for food-growing entrepreneurs. Our local restaurants will also have greater access to these products. The synergy between urban farmers and restaurants and markets will result in economic gains, employment opportunities, and tax revenue and business tax licenses.

## REVIEW BY OTHERS

The **Pineapple Grove Main Street (PGMS)** committee reviewed this item at their June 29, 2016 meeting and acknowledged support of this amendment.

The **Downtown Development Authority (DDA)** reviewed this item at their July 11, 2016 and recommended approval.

The **Community Redevelopment Agency (CRA)** reviewed this item at their July 14, 2016 and was supportive of the proposed amendments.

The **Green Implementation Advisory Board (GIAB)** reviewed this item at their July 21, 2016 meeting and recommended approval.

The **West Atlantic Redevelopment Coalition (WARC)** reviewed this item at their September 1, 2016 meeting and voted to recommend unanimous approval of the text amendment.

The **Historic Preservation Board (HPB)** reviewed this item at their December 7, 2016 meeting. The Board voiced several concerns with the propose ordinance, namely, ensuring that the community gardens/urban farms are properly maintained; permitting the on-site sale of produce at a community garden; addressing specific requirements when an urban farm is accessory to an existing residential use; monitoring the use and run-off of pesticides; the height and size of permitted accessory structures, and utilizing the front yard of a residential lot for urban farming. The Board recommended approval on a 4 to 3 vote subject to the concerns and comments noted.

## ALTERNATIVE ACTIONS

A. Continue with direction.

Move a recommendation of approval to the City Commission of the amendment to Land Development Regulation Section 4.3.3(D), Community Gardens, to repeal this section and to add a new section entitled Urban Agriculture, to amend Article 4.4 to remove Community Gardens and to permit Urban Agriculture as principal, accessory and conditional uses in specific zoning districts, amending Section 4.6.9 Off-Street Parking Regulations, Sub-Section 4.6.9(C)7 "Other Uses" and Table 4.4.13(K) "Minimum Number Of Off-Street Parking Spaces Required In The CBD" to establish parking requirements; amending Section 4.6.6 "Commercial And Industrial Uses To Operate Within A Building" to list Urban Agriculture as an allowable outside use; amend Appendix A "Definitions" to provide for related definition and provide specific design and review criteria for the new use, by adopting the findings of fact and law contained in the Staff Report, and a finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Move a recommendation of denial to the City Commission of the amendment to Land Development Regulation Section 4.3.3(D), Community Gardens, to repeal this section and to add a new section entitled Urban Agriculture, to amend Article 4.4 to remove Community Gardens and to permit Urban Agriculture as a principal, accessory and conditional uses in specific zoning districts, amending Section 4.6.9 Off-Street Parking Regulations, Sub-Section 4.6.9(C)7 "Other Uses" and Table 4.4.13(K) "Minimum Number Of Off-Street Parking Spaces Required In The CBD" to establish parking requirements; amending Section 4.6.6 "Commercial And Industrial

Uses To Operate Within A Building" to list Urban Agriculture as an allowable outside use; amend Appendix A "Definitions" to provide for related definition and provide specific design and review criteria for the new use by adopting the findings of fact and law contained in the Staff Report, and a finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).

<b>RECOMMENDED ACTION</b>
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Recommends approval to the City Commission of the amendment to Land Development Regulation Section 4.3.3(D), Community Gardens, to repeal this section and to add a new section entitled Urban Agriculture, to amend Article 4.4 to remove Community Gardens and to permit Urban Agriculture as principal, accessory and conditional uses in specific zoning districts, amending Section 4.6.9 Off-Street Parking Regulations, Sub-Section 4.6.9(C)7 "Other Uses" and Table 4.4.13(K) "Minimum Number Of Off-Street Parking Spaces Required In The CBD" to establish parking requirements; amending Section 4.6.6 "Commercial And Industrial Uses To Operate Within A Building" to list Urban Agriculture as an allowable outside use; amend Appendix A "Definitions" to provide for related definition and provide specific design and review criteria for the new use by adopting the findings of fact and law contained in the Staff Report, and a finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Report Prepared by Jasmin Allen, Senior Planner

Attachments:

Draft Ordinance No. xx-17

Community Gardens Policy



**ORDINANCE NO. xx-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(D) "COMMUNITY GARDENS", TO REPEAL THIS SECTION IN ITS ENTIRETY AND TO ADD TO THE CODE A NEW SECTION ENTITLED "URBAN AGRICULTURE"; TO AMEND ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AS A PRINCIPAL USE AND TO ADD URBAN AGRICULTURE AS PRINCIPAL AND ACCESSORY USES IN SPECIFIC ZONING DISTRICTS; AMENDING SECTION 4.6.9 OFF-STREET PARKING REGULATIONS, SUBSECTION 4.6.9 (C)7 "OTHER USES" AND TABLE 4.4.13(K) "MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED IN THE CBD" TO ESTABLISH PARKING REQUIREMENTS; AMENDING SECTION 4.6.6. "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING" TO LIST URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA FOR THE NEW USE, PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

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. Amend Section 4.3.3(D), "Community Gardens", of the Land Development Regulations of the City of Delray Beach to repeal the current section in its entirety and to replace it with the following:

Section 4.3.3 (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.

- b) Community Gardens and School Gardens are regulated by the City under the Community Gardens Program 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 and be compatible with surrounding land uses, resulting in no negative impact. The owner or lessee of the property on which Urban Farm 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 due to storm water runoff.
- b) If an outdoor farm is not actively maintained as an Urban Farm for 180 or more consecutive days from the issuance of the last water bill, a code citation will be issued and the Urban Farm shall be considered abandoned. The site of an abandoned urban farm shall be restored pursuant to LDR Section 4.6.16(l) and all exposed soil shall be planted with a suitable cover crop as approved by the City of Delray Beach Planning, Zoning and Building Department.

(3) General Rules & Regulations:

- a) All forms of animal husbandry are prohibited.
- b) 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.
- 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 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. The sale of produce, flowers, and plants shall not take place before 7:00 a.m. or after 9:00 p.m. at the on-site location.
- f) The Urban Farms site 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 product.

(4) Site Standards:

- a) Urban Agriculture shall be compatible with respect to size and scale to the development in which they are located and this will be determined during the site plan review and approval process pursuant to LDR Section 2.4.5(F) and LDR Section 2.4.5(G).
- b) All outdoor plantings for crop production shall be setback a minimum of 15 feet from the front property line and 5 feet from the side interior or rear property lines. Corner lots shall maintain a 10-foot side street setback. All plantings shall comply with the visibility at intersection requirements pursuant to LDR Section 4.6.14.
- 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 Section 52.19 of the Code of Ordinances upon approval from the Director of the Environmental Services Department with the concurrence of the City Manager. A cistern or other rain catching device such as wheelbarrows is encouraged on 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 use of PVC or other synthetic materials is discouraged. 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 fence.
- f) For rooftop gardens, all equipment and containers shall be screened so they are not visible from the adjacent street.
- g) The following accessory structures shall be permitted on all 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 1/20<sup>th</sup> of the site.
- h) Within the Historic Districts, where an urban farm is accessory to a residential use, the Urban Farm shall not be located within the front setback.
- i) Within the Historic Districts all accessory structures associated with an Urban Farm shall be located to the rear of the principal structure(s).

- 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 25 feet from the front property line and a minimum of 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) Storage of toxic and flammable materials is regulated as follows:
1. Only fuel used for the operation of lawnmowers or other combustion engine-driven gardening machinery may be stored at the Urban Agriculture sites 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 Urban Agriculture sites at any given time.
  2. Tires shall not be stored on site.
  3. 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) A management plan must be provided with the site plan application and shall be approved administratively by the Director of Planning, Zoning, and Building or their designee prior to review by the Site Plan Review and Appearance Board or the Historic Preservation Board. The management plan shall include:
1. A narrative describing the types of crop(s) to be grown, the hours of operation, and a detailed maintenance plan.
  2. A list of chemicals, pesticides, fertilizers or any combination of same to be used as well as the frequency of use and shall indicate compliance with LDR Section 4.5.5(B) "Wellfield Protection Ordinance".
  3. On site water source and a water management plan addressing containment of run off onto adjoining properties, waterways or rights-of-way.
  4. A description of proposed rain-capture systems including size, location and method of operation as well as how water stagnation will be prevented.
  5. Photograph of the proposed Urban Agriculture site and existing structures.

6. Description of composting activities including, location, size and means of containment.
  7. Complete description of any aspects of the operation that may generate noise or odor on site and that may impact adjacent property.
  8. Urban Agriculture management plans 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
- m) Signs shall conform to the standards set forth in Section 4.6.7 of the Land Development Regulations.
- n) 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:
1. Riding/push mower designed for personal use.
  2. Handheld tillers or edgers that may be gas or electrically powered.
  3. Other handheld farming equipment that create minimal impacts related to the operation of said equipment, including noise, odors, and vibration.
- o) Required on-site parking shall be determined pursuant to the off-street parking regulations set forth in Section 4.6.9(C)(7)(m) of the Land Development Regulations. The design of on-site parking shall be pursuant to LDR Section 4.6.9

Section 3. Article 4.4 "Base Zoning District" is amended as follows:

Section 4.4.1, "Agricultural Zone (A) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

(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:

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

Section 4.4.2, "Rural Residential Zone (RR) District", of the Land Development Regulations of the City of Delray Beach is hereby 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:

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

Section 4.4.9, "General Commercial (GC) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

(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)(3) Four Corners Overlay District:

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

Section 4.4.11, "Neighborhood Commercial (NC) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

(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 4.4.12, "Planned Commercial (PC) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

(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)~~].

Table 4.4.13(A), “Allowable Uses in the CBD Sub-Districts”, of Section 4.4.13, “Central Business (CBD) District”, of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

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

Section 4.4.19, “Mixed Industrial and Commercial (MIC) District”, of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

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

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

Section 4.4.20, “Industrial (I) District”, of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

(B) Principal Uses and Structures Permitted: The following types of use are allowed within the I 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 4.4.21, “Community Facilities (CF) District”, of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:



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(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 4.4.24, "Old School Square Historic Arts District (OSSHAD) District", of the Land Development Regulations of the City of Delray Beach is hereby 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 4.4.26, "Light Industrial (LI) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

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

(5) 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 4.4.29, "Mixed Residential, Office and Commercial (MROC) District", of the Land Development Regulations of the City of Delray Beach is hereby amended to read as follows:

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

(3)(d) 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 4. Amend Section 4.6.6(A) Commercial and Industrial Uses to Operate Within a Building add the following:

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

Section 5. Amend Section 4.6.9(C)(7) On-Site Parking – Requirements for Other Uses to add the following:

(d) Urban Agriculture 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 Farm (excluding sheds and other utility structures used only to house equipment and/or supplies.)

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

Section 6. Amend Appendix A: Definitions (Add the following definitions):

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 farming within the city limits of the City of Delray Beach that includes the cultivation of the soil for the growing of crops to provide food and other plant based products.

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 7. That 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 8. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 9. That this Ordinance shall become effective immediately upon its passage on second and final reading.

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

\_\_\_\_\_  
Cary D. Glickstein, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_