



# **CITY OF DELRAY BEACH**

## **Community Gardens Policy**



Photo credit: Cason Community Garden

# Introduction

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

A Community Garden is defined as a green garden space, often within urbanized areas, that is communally cared for and cultivated. A Community Garden may consist of individually worked plots or communally tended areas and grow horticulture plants, trees, flowers, vegetables, fruits, and herbs primarily for the use of those involved in the project. Community Gardens differ from Urban Farms, which are commercial operations that sell goods and services to the public for profit. Urban Farms may be small and have the likeness of a Community Garden, but they are regulated under the Section 4.3.3 D “Urban Agriculture” section of the City’s Land Development Regulations (LDRs).

The City of Delray Beach supports the Community Garden movement and has developed this Community Garden Policy to facilitate the establishment of Community Gardens in the City. The City shall promulgate administrative guidelines to further the goals of this Policy. By clarifying public expectations around Community Gardens, the City hopes to avoid adverse environmental impacts and incompatible land practices within communities sometimes associated with Community Gardens.

Although the City has adopted this Community Garden Policy, the City neither sponsors nor organizes Community Gardens. Instead, local residents are encouraged to organize a gardening club, identify suitable land for establishing the garden and develop their own plan to regulate and enforce the activities and operation of their garden. In this way, community members control and enforce their own rules for their garden. Community Gardens must also comply with all applicable rules, regulations, laws, and ordinances of the City of Delray Beach.

Once a Community Garden is properly established, the City will endeavor to aid its activities by promoting the Community Garden and its activities with a link on the City’s Sustainability webpage, facilitating the garden’s collaboration with the Delray Green Market, and providing other support as appropriate.

## Community Garden Locations

Community Gardens can be established on vacant parcels or concurrent with structures containing other land uses in any zoning district. Roofs of multifamily or condominium apartment buildings may also be used for Community Gardens so long as the plantings are containerized in pots or planters and not integrated within the roof membrane. Green roof installations designed as part of the structure should be reviewed by the City's Building Department. Use of City-owned land for Community Gardens will be allowed only upon City approval of a Revocable License agreement. Community Garden organizers are encouraged to discuss plans for creating a Community Garden with owners of adjacent properties in order to foster good will within the community and to set expectations as to the aesthetics and activities of the Community Garden.

### *Soil*

If Community Gardens grow food for human consumption, Community Garden organizers are encouraged to research previous uses on the site to determine whether the soil could be contaminated with toxic substances. Residential land is less likely to be contaminated, but former industrial land could potential pose a risk. Community Garden organizers are encouraged to test soils on sites that may be contaminated, or use a raised bed garden plot so that the Community Garden is not exposed to site pollutants. Community Garden organizers may also choose to get a soil analysis performed by University of Florida (UF) in order to learn about the soil's nutrient content. Forms for submitting soil samples are provided by UF Agricultural Extension, and a link to this website can be found in the Community Garden section of the City's website.

## Community Garden Activities

The primary activities associated with a Community Garden are the cultivation of horticulture plants, fruits, vegetables and herbs for the consumption and enjoyment of the Community Garden's members. The City encourages Community Gardens be used for recreation, education and wellbeing, and to supplement food needs. Community Gardens can also be used to create and store compost for on-site use, and may store garden-related tools and materials, subject to the applicable rules, regulations, laws, and ordinances of the City of Delray Beach. Additionally, because a garden is intended to build community pride, it may be used as a meeting place for educational programs, fundraising events and administrative meetings on a limited basis.

### *Food Production*

The City does not intend for Community Gardens to be commercial operations, thus Community Gardens are not permitted to grow produce, plants and flowers, or create compost primarily to profit from their sale. Organizers of Community Garden that wish to grow and sell produce and plants for profit should review the Section 4.3.3 (D) "Urban Agriculture" of the Land Development Regulations and seek a permit for an Urban Farm. Unlike agricultural uses taking place on agriculturally zoned land, the property owner

of a Community Garden may not be eligible for agricultural tax exemptions offered by local, state or federal taxing authorities.

Community Gardens that grow food are encouraged to donate surplus food to organizations that help feed less privileged members of the community. Community Garden members may sell surplus food preferably at a community green market (like the Delray Green Market) or on site, subject to applicable guidelines, to support the garden's collective operating costs, or to recover expenses associated to the individual gardening activities of its members. These expenses can include tools, tool maintenance, water and electric costs, soil, seeds and plants for planting, permit or plot rental fees, and modest administrative costs. No permanent structure for retail sale can be constructed on site, but temporary stands or displays may be allowed subject to applicable rules, regulations, laws, and ordinances of the City of Delray Beach.

### ***Prohibited plant species and animals***

In compliance with Florida law, illegal or controlled plants, including 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 in Community Gardens. Community Gardens are also prohibited from housing rabbits, poultry or other livestock. Honeybees may be allowed subject to the state regulations regarding hive locations, inspections and maintenance as further set forth in Section 586.10, *Florida Statutes*.

## **Design of Community Gardens**

The City encourages aesthetic creativity in the design of the Community Gardens. The site will be subject to setback requirements and site design should take into consideration access to plots by the gardeners, as well as circulation through and around the gardened areas. The Community Garden layout and plots should not allow water, soil, and fertilizer run-off onto adjacent properties or the public right-of-way. This can be achieved by using raised boxed plots, small berms, planted swales, and the judicious placement of walking paths. Plants that grow taller than 5 feet should be placed in such a way that they do not encumber circulation, overhang the street, impair visibility into the site, or otherwise create a public safety hazard.

### ***Composting***

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 seven (7%) of a ground-level community garden property. No composting operations or structures may be placed within 5 feet of property lines abutting a residential building. If the Community 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 must be screened from view from the public and adjacent neighbors using plants, trellis or fencing. The compost activities must be carefully monitored so it is not a neighborhood nuisance.

### ***Buildings, Fences, and other Furnishings***

A shed and/or a greenhouse may be allowed in a Community Garden subject to the applicable rules,

regulations, laws, and ordinances of the City of Delray Beach. A perimeter fence is encouraged to delineate the space and deter intruders. Before constructing a shed or a perimeter fence, organizers of the Community Garden should contact the City's Building Department to determine whether a permit is required. Within the Community Garden, appropriate outdoor furnishing including a picnic table, seating benches, open gazebo, trellis, potting workbench, water fountain/feature and bird feeders are encouraged to enhance the enjoyment and aesthetic of the garden, so long as they do not create a public safety hazard or invite unwanted loitering.

### ***Signage***

Community Gardens shall be identified by signs that face the street that state the name of Community Garden and the street address. A second sign identifying general rules of conduct in the Community Garden and contact information for the Community Garden manager should be placed prominently on the interior of the Community Garden. All exterior signs must comply with the City's sign code.

## **Garden Care and Maintenance**

Community Gardens are intended as both a place of sustainable agricultural production and an open space for the community. As such, it is recommended that Community Gardens implement sustainable growing practices, employ water and energy conservation techniques, and most importantly, maintain an aesthetic that is pleasing to the surrounding community. Sustainable gardening practices generally prohibit the use of pesticides, herbicides, weed killers, or insecticides made from synthetic chemical materials. Washing or cleaning of equipment must not contaminate the soil. Soaps and detergents used on site must be biocompatible.

### ***Irrigation***

Watering is critical to abundant production. Community Gardens must also use natural resources prudently and avoid wasting water or having water run-off. Community Gardens should identify a source of water in their site plan and plan appropriately for utility bills, if any. Community Gardens may make arrangements with adjacent properties for a source of water, or request that an irrigation meter be installed. The Community Garden will be responsible for the costs associated with the irrigation meter and the cost of installing a spigot for service. Hand watering or supervised sprinkling provides a high degree of control and is the preferred, when possible. Automatic sprinkling is permitted, but care should be taken to minimize water waste and run-off of fertilizer, earth or groundcover. It is recommended that Community Gardens contain a water harvesting infrastructure that would allow capture and storage of rain water in appropriate containers.

### ***Trash collection***

The Community Gardens manager and the participating garden members are responsible for ensuring that the garden is maintained at an acceptable standard. Trash and recycling generated at the site must be placed in appropriate containers and discarded weekly. Trash receptacles must be stored in a screened area, moved to the curb the evening before collection, and moved away from the curbside as soon as possible.

after trash pick-up.

### ***Maintenance requirements***

Community Gardens must be maintained to a high standard. To achieve this, the Community Gardens manage shall ensure that the following maintenance tasks are performed regularly:

- Plants must be maintained at manageable height and density (no overgrowth that can reduce visibility)
- Weeds and dead or dried plant must be removed
- Tools, water hose and garden materials must be stored in an appropriate location or shed, and not left out after garden activities are completed
- Unused plots and non-farmed areas of the site must be kept neat and free of overgrowth
- No litter or trash shall be left on the site
- Compost bins be maintained so that the odor is minimal and the compost does not attract animals
- Art and sculpture placed on the site must be proportionate to the site and maintained in good condition
- Fencing, signage and outdoor furniture, if installed, must be maintained in good condition
- Any containers that may collect water are drained and dry to minimize mosquito breeding.

### ***Termination***

Community Gardens shall operate at the will of the property owner, and must cease operations if the property owner withdraws approval. In the event that a Community Garden permanently ceases operation, the land must be returned to a stable condition that preserves the integrity of the soil and the surrounding environment. Improvements, such as buildings, equipment and machinery, must be removed from the site and low, slow growing native vegetative ground cover should be installed.

## **Regulations and Enforcement**

Community Gardens shall be subject to the applicable rules, regulations, laws, and ordinances of the City of Delray Beach, the City's Land Development Regulations, or any other applicable state law, code, or regulation.

Before starting operations, all Community Gardens must submit a Community Garden application, which includes a site plan and Community Garden Maintenance Plan (CGMP) to the City. In addition, all Community Gardens shall submit annually an Activities Report summarizing the garden's operations during the year and plans for the coming year to the City. The purpose of the annual Activities Report is to alert the City as to any challenges facing the Community Garden so that the City may provide additional support as appropriate.

### ***Existing Community Gardens***

Community Gardens that were established prior to the adoption of this Policy will not be subject to this Policy for a period of one year, unless they alter the site design more than fifty percent (50%). Within one year of the adoption of this Community Garden Policy, existing Community Gardens will be required to submit a Community Garden Application, including a site plan and CGMP. They will also be required

to submit the annual Activities Report.

***Additional Information and Resources***

City shall maintain a webpage under the Sustainability section of the City's website that is devoted to Community Gardens. The Community Gardens webpage shall include at a minimum this Community Gardens Policy, the Application Package, and the administrative guidelines for Community Gardens, as may be amended from time to time.

The Community Gardens webpage shall provide contact information for City staff, links to resources in the local community and other national gardening programs, and links to model documents from other community garden organizations that can be used to develop the Community Garden Management Plan and site plans. The Community Gardens webpage shall also have links to each of the registered gardens in Delray Beach, allowing the public to read and learn about their activities.