



Legislation Text

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TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: April 18, 2017

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 PARAGRAPH (D), "COMMUNITY GARDENS" IN ITS ENTIRETY AND ENACTING A NEW SECTION (D) ENTITLED, "URBAN AGRICULTURE"; AMENDING ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AND TO ALLOW URBAN AGRICULTURE IN CERTAIN ZONING DISTRICTS; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA, PARKING REQUIREMENTS, AND TO ADD URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE. (FIRST READING AND PUBLIC HEARING).

Recommended Action:

Motion to Approve Ordinance No. 07-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 07-17, as presented.

Background:

The item before the City Commission is to consider City-initiated amendments to LDR Section 4.3.3, "Special Requirements for Specific Uses", by repealing paragraph (D), "Community Gardens" in its entirety and enacting a new section (D) entitled, "Urban Agriculture"; amending Article 4.4 to remove "Community Gardens" and to allow "Urban Agriculture" in certain zoning districts; amending Appendix A "Definitions" to provide for related definitions, to provide specific design and review criteria, parking requirements, and to add Urban Agriculture as an allowable outside use.

On June 7, 2011, the City Commission adopted Ordinance No. 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.

Subsequent to the adoption of Ordinance No. 12-11, 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 were 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; (vi) the prohibition on bee keeping, and (vii) currently, gardens cannot be greater than one standard lot and lots cannot be combined.

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.

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 the creation of a sustainable local food supply.

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.

The Community Garden program will establish Garden Policy Guidelines to be adopted by the City Commission via Resolution. The Garden Policy Guidelines will establish firm expectations on design, operations, maintenance and monitoring of the community gardens. The Community Garden Program is based on a model of community-self governance that requires garden organizers to develop and adopt a formal garden management plan. The garden management plan identifies not simply the garden design, but also responsibilities for operation and maintenance.

City Commission consideration of the Community Gardens Policy is scheduled to occur concurrent with the adoption of this ordinance. The Community Gardens Policy is in legal review and a copy of the draft policy is attached.

The proposed ordinance enacts Urban Agriculture as a new land use to promote local production of food crops, 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 includes rooftop gardens, productive green walls, indoor farm facilities, outdoor urban farms, and other innovative production methods that maximize production in an urban area.

The ordinance proposes to add Urban Agriculture as a principal (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)

Within the Central Business District (CBD), Urban Agriculture (excluding outdoor urban farms) is listed as a principal (permitted) use. Outdoor urban farms are listed as a conditional use.

The proposed ordinance establishes regulations with respect to the following:

Appearance: By requiring properties involved in such uses to be maintained so that they do not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion due to storm water runoff; and requires the Urban Agriculture sites to be restored if the property is determined to be abandoned.

General Rules and Regulations: The ordinance 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; requiring the site to be designed and maintained so that the water used in the production of agricultural products, as well as compost and fertilizer, do not drain onto adjacent properties; and, restrictions limiting hours of operation from sunrise to before sunset (hours of operation will not be limited for indoor farming activities).

Site Standards: These regulations specify the approval process for urban agriculture uses and outlines specific site design criteria pertaining to signage, lighting, drainage, setbacks and sight visibility.

The complete outline of the proposed amendments is provided in the attached Planning and Zoning Board Staff Report.

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. Subsequent to the Historic Preservation Board meeting, the ordinance was revised to address the concerns noted by the Board.

At its meeting of January 23, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 07-17 on a vote of 4 to 0 (Joe Pike and Leslie Marcus absent) with the condition that the reference to discouraging pvc and other non-synthetic fencing materials be deleted. It is noted that the ordinance before the City Commission has been revised to reflect the standard ordinance format, as well as editorial changes.

Attachments:

- Ordinance No. 07-17
- Planning and Zoning Board Staff Report
- Draft Community Gardens Program
- Comparison of existing and proposed Community Garden Program

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

Second Reading is scheduled for May 2, 2017, concurrent with the Resolution adopting the Community Gardens Program.