

Sec. 64.14. - Community gardens.

- (a) *Purpose and intent.* It is the intent of this section to establish standards for regulating community gardens as a principal use in residential zoning districts to mitigate any associated undesirable impacts on neighboring uses.
- (b) *Applicability.* This section shall apply to community gardens as a permitted principal use subject to special use permit approval. This section shall not apply to a residential garden which is accessory to a principal residential or other principal use permitted in the zoning district.
- (c) *Permit and application requirements.* Any community garden shall require a special use permit from the planning and development department and required building, electrical, plumbing, and other permits as appropriate. An application shall be submitted to the planning and development department pursuant to the application and review procedures for a code compliance certification application of this part, accompanied by a nonrefundable application fee. In addition to any of the requirements for a code compliance certification application, the following additional information shall be required:
 - (1) A site plan depicting the layout of the individual plots and other components proposed on the site of the community garden, setbacks from property lines, access points to site, and if applicable, the location of any proposed storage shed, trash and organic material storage containers, and off-street parking space.
 - (2) A photograph of the property from the street abutting the property.
 - (3) A description of intended use of organic materials, chemical fertilizers, herbicides, and pesticides.
 - (4) Operating rules identifying the governance structure of the garden and maintenance and security responsibilities.
 - (5) Contact information for individual responsible for oversight of the community garden.
- (d) *Development standards.*
 - (1) The community garden shall be smaller in area than the subject lot of record in the subdivision or a maximum of one acre in area, whichever is less. A community garden shall not be subdivided into separate tracts for sale.
 - (2) The community garden shall be designed to prevent any chemical pesticide, fertilizer, garden waste, soil, drainage or runoff onto adjacent property.
 - (3) Plantings and containers used for storage shall be located no closer than 15 feet to the side or rear property line and no closer than 25 feet to the front property line.
 - (4) Any storage shed shall be located as follows:
 - a. For lots with one front property line or corner lots, except as set forth in subsection c. below, the storage shed shall be located to the rear of the lot so as to be no closer to a front property line than half the linear distance between the front property line and opposite property line and no closer than 15 feet to the side or rear property line.
 - b. For lots with two front property lines directly opposite each other, the storage shed shall be located midway between the two front property lines and no closer than 15 feet to the side property line.
 - c. For lots with three front property lines, the storage shed shall be located as close to the center of the lot as practicable as determined by the planning director.
 - (5) Any fencing shall comply with the development standards for the residential zoning district.
 - (6) One storage shed of no more than 100 square feet in floor area and a maximum of ten feet in height may be placed on the property.
 - (7) Stakes, trellises or other similar structures of no more than ten feet in height used to support plant growth may be placed on the property.
 - (8) One small sign per street frontage identifying the individuals, neighborhood, community or, subdivision or not-for-profit group sponsoring the community garden may be placed on site. Said sign shall be no larger than three square feet in area and three feet in height and shall meet the sign setback requirements for signs not requiring a permit in chapter 38, article I, Signs, of this Code.
 - (9) One parking space may be allowed on site if the planning director determines that access to the site can be accomplished without crossing a public sidewalk or curb and that the parking

space will not create soil erosion or tracking of soil onto public streets. No handicapped parking is required.

- (10) No exterior lighting is permitted, except for solar power lighting fixtures that are no higher than 1.5 feet above grade.
- (11) Community gardens are not bona fide agriculture under F.S. § 823.14, the Florida Right to Farm Act.

(e) *Permit conditions.*

- (1) The owner of the property on which the garden is located shall be responsible for maintaining the property in accordance with the conditions of the special use permit and the property maintenance requirements of chapter 38, Environment, of this Code.
- (2) No produce or plants grown on the site shall be sold, but may be used for the consumption and enjoyment of individuals or group participating in the community garden activity or, for donation to a not-for-profit or governmental organization.
- (3) Hours of operation shall be limited to the hours between sunrise and sunset.
- (4) No power machinery shall be operated between 7:00 p.m. and 7:00 a.m.
- (5) The community garden site shall be maintained as follows:
 - a. No trash or debris shall be stored or allowed to remain on the property, except within containers so as not to produce offensive odors or attract animals and vermin. Such containers will be emptied at least once a week.
 - b. Small tools and supplies shall be stored indoors or removed from the property daily; however, large power tools and machinery (e.g., mowers, tillers, small farm tractors) may be stored at the rear of the site, but shall be no closer to the property line than the required yard setback.
 - c. Compost and organic matter to be used for the community garden shall not be stored in open air. Such matter shall be contained in appropriate containers or within a storage shed. The containers shall be maintained to prevent odors and prevent the harborage of rodents, pests, and other vermin.
 - d. Composting materials shall only be those materials generated on-site or contributed by active members of the community garden. No fresh manure shall be used or composted.
 - e. Additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion, and shall not create visual blight or offensive odors.
 - f. Powered or motorized machinery used on site shall be similar to that normally used in connection with home gardening, e.g., a walk-behind rototillers. Small farm tractors or other heavier machinery shall not be employed on site except as authorized by the planning director.
 - g. Pesticides and fertilizers may only be stored on the property in a locked building and shall comply with any other applicable requirements for hazardous materials.
 - h. Storage of toxic and flammable materials is prohibited.
 - i. Within 30 days of the expiration or revocation of the special use permit the site shall be returned to its pre-community garden condition.
- (6) Any other reasonable condition that the planning director may impose to ensure consistency with the site development and other applicable provisions of this Code.

- (f) *Duration of permit.* Unless the special permit use holder requests termination of the permit by contacting the planning director by regular or electronic mail, special use permits shall be for a period of a year. The permit may be renewed annually prior to its expiration by submitting a special use permit application pursuant to this section within 30 days of the special use permit's expiration date.

- (g) *Revocation of permit.* The special use permit may be revoked by the planning director should any of its permit conditions be violated, or if the property is not used as a community garden for more than 120 consecutive days. The planning director shall notify the community garden's contact person of the violation of the permit conditions by telephone and electronic or regular mail. The permit holder shall have 15 days to correct the violations from the date of the notice. If the permit holder fails to correct the violation, the planning director may proceed to revoke the permit by serving notice to the permit holder by certified mail.

- (h) *Appeals*. Appeal of any special use permit denied or revoked by the planning director may be to the planning and zoning board pursuant to [section 64.04](#) of this part.

(Ord. No. 2013-25, § 3, 12-3-2013)