AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA ADOPTING AND
ENACTING A NEW CITY CODE IN CHAPTER 32 ARTICLE III OF THE CODE OF THE
CITY OF HALLANDALE BEACH\(^1\), AS AMENDED, ENTITLED "ZONING AND LAND
DEVELOPMENT CODE/ZONING ", MORE PARTICULARLY BY CREATING A NEW
DIVISION #26 ENTITLED "MARKET GARDEN PROGRAM"\(^2\), CREATING SUBSEQUENT
SECTIONS; DEFINING MARKET GARDENS, PERMITTING PROCESS, LOCATION,
OPERATIONS AND FEES AND ENFORCEMENT\(^3\) OF SAID PROGRAM; CONTAINING A
SEVERABILITY CLAUSE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

WHEREAS, Florida Statute 163.3161 states that it is the duty of local government to
"overcome present handicaps" such as threats to health and to "preserve, promote,
protect, and improve the public health and safety;" and

WHEREAS, urban food projects such as sustainable local food production and farmers
markets have shown to combat handicaps to health while improving community
economic vitality and environmental sustainability; and

WHEREAS, the City of Hallandale Bach ("City") has expressed in its Citywide Master
Plan\(^4\) a Smart Growth vision and principles promoting a more sustainable urban
environment, enhanced community character, with mixed-use developments that create a
sense of place with a vibrant atmosphere; and

WHEREAS, Federal agencies such as the EPA\(^5\), USDA\(^6\) and the CDC\(^7\) recognize and
fund sustainable local food projects as Smart Growth strategies that catalyze livable,
walkable, economically vibrant main streets, foster greater social interaction in
neighborhoods, while improving access to healthy, local food, especially among
disadvantaged populations who disproportionately tend to live in areas with low healthy
food opportunities AKA as food deserts; and

\(^1\) The city may choose another section. This was chosen as a possible location in the code.
\(^2\) The City may propose to incorporate this under an existing division, or create a new one.
\(^3\) Enforcement and Fees will not be covered in this document.
\(^4\) City of Hallandale Beach City Master Plan Vision and Principles:


\(^6\) USDA Community Food Projects Grant: https://nifa.usda.gov/funding-opportunity/community-food-projects-cfp-competitive-grants-program

\(^7\) CDC Land Use Planning and Urban/Peri-Urban Agriculture:
https://www.cdc.gov/healthyplaces/healthtopics/healthyfood/landuse.htm
WHEREAS, the Broward County Land Use Plan POLICY 3.2.5 states that local
governments should consider the identification and elimination of “food deserts” when
making land use policy and decisions;

WHEREAS, the Broward County Land Use Plan defines urban agriculture and urban
farming broadly as the practice of cultivating, processing, and distributing food in or
around a village, town, or city;

WHEREAS, the Broward County Comprehensive Plan Climate Change Element,
POLICY 19.8 directs the County to work in conjunction with its municipalities to create
programs and policies for community garden networks and local food production, in
order to meet the multiple goals of reduced emissions and energy consumption, while
increasing the resiliency and long-term food security of the community;

WHEREAS several municipalities in Broward County have generated “Smart Growth”
like benefits from their local food projects such as market gardens, farmers markets, and
community gardens; and

WHEREAS the American Planning Association, its Chapters and Divisions advocate
strengthening the local and regional economy by promoting community and regional
food systems; and

WHEREAS, current City ordinances do not define, promote, protect, or permit
sustainable, local food production or other community and regional food systems
activities, which are beneficial to the City's residents, their environment and the City’s
local economy; and

WHEREAS, the City desires to increase access to healthy, local, and affordable foods;
encourage community-building; and support local agriculture and economic
development; and

WHEREAS, such goals can be accomplished by providing producers of locally grown
and raised food the ability to directly reach residents without requiring that such products
be sold in fixed location storefronts; and

WHEREAS, if locations where local food producers are allowed to sell directly to
residents are permitted in locations that are zoned residential, close regulation of the use
is necessary to prevent the sale of other types of goods that could change the character of
the use into a type of commercial venture that is inappropriate for residential
neighborhoods; and

WHEREAS, if such use is permitted in residential neighborhoods, its character is
unlikely to have detrimental effects in zoning districts that allow other types of uses; and

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8 PATCH in Dania Beach, The Urban Farming Institute in Oakland Park, the Miramar Community Garden
9 APA Guide on Food System Planning: https://www.planning.org/policy/guides/adopted/food.htm

10 From the City of Atlanta ordinance on Market Gardens: http://growingfoodconnections.org/wp-
WHEREAS, the City finds it to be in the public health, safety and general welfare to adopt zoning regulations governing the definition, location and operation of urban gardens and market gardens within the various zoning districts of the Hallandale Beach Zoning Ordinance.¹⁰

WHEREAS, the City seeks to be a leader, guided by equitable planning, which protects and improves the health and well-being of its residents, their environment and local economy, as it fulfills the vision and principles of the City Master Plan and the intent of Florida Community Planning Act, Florida Statute 163.3161;

NOW, THEREFORE, BE IT ORDAINED/RESOLVED BY ________________

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 32 of the Code of the City of Hallandale Beach, Florida, as amended, entitled "ZONING AND LAND DEVELOPMENT CODE", is further amended in the following particulars:

CHAPTER 32 ZONING AND LAND DEVELOPMENT CODE

ARTICLE III. – ZONING

DIVISION 26. MARKET GARDEN PROGRAM

Sec. 1. MARKET GARDEN PROGRAM.

A. Intent. In order to achieve the list of benefits below, the following Market Garden Program is instituted for a period of ___ years and will automatically terminate on _____ unless otherwise extended by an affirmative vote of the City Commission:

- Improve the economic health of the community;
- Promote the health of residents;
- Improve direct access to fresh, healthy, affordable locally produced food where people live, work and play;
- Increase access to culturally appropriate food while helping residents rediscover their community's food culture;
- Promote sustainable local food production for local distribution;
- Transform vacant urban property into appealing places and foster a sense of community;
• Provide an educational platform for all residents interested in local food production and to allow for collaboration or partnerships with other organizations; and divert organic waste from landfills into compost.\(^{11}\)

**B. Definitions.**

**Community Garden:** A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation. No onsite sales are permitted.

**Community Supported Agriculture (CSA):** Community Supported Agriculture consists of a community of individuals who pledge support to a farm/Market Garden operation so that the land that produces the food becomes, either legally or spiritually, the community's farm, with the growers and consumers providing mutual support and sharing the risks and benefits of food production. Members buy a share of the farm’s production before each growing season. In return, they receive regular distributions of the farm’s bounty throughout the season. The farmer receives advance working capital, gains financial security, earns better crop prices, and benefits from the direct marketing plan.\(^{12}\)

**Electronic Benefits Transfer (EBT)** is an electronic system that allows a recipient to authorize transfer of their government benefits from a federal account to a retailer account to pay for products received, such as SNAP benefits.\(^{13}\)

**Farmers’ Market:** an organized reoccurring operation at a designated location used by Farmers of Locally-grown products primarily for the distribution and sale of Locally-grown agricultural products or a limited amount of non-agricultural Locally-grown products.\(^{14}\)The predominant sales area is for agricultural products such as fruits, vegetables, herbs, nuts, flowers, or animal food products, such as eggs, honey, meat, milk, cheese and fish.\(^{15}\) The sale of other food products at such markets shall not disqualify it as a Farmers’ Market provided that such food products meet all applicable federal, state, and local health laws regulating the manufacture and sale of such food products. A Farmers’ Market is not an event. The use of EBT/SNAP benefits at a Farmers’ Market is encouraged.

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\(^{11}\) Sec 1(a) mostly comes from the City of Lauderhill’s Community Garden code: [https://library.municode.com/fl/lauderhill/codes/land_development_regulations?nodeId=ARTIIZODI_S5.14COG](https://library.municode.com/fl/lauderhill/codes/land_development_regulations?nodeId=ARTIIZODI_S5.14COG)

\(^{12}\) USDA Definition: [https://www.nal.usda.gov/afsic/community-supported-agriculture](https://www.nal.usda.gov/afsic/community-supported-agriculture)

\(^{13}\) EBT, SNAP, Farmer, Farmers Market, and Locally Grown are definitions from the City of Miami 2011 Farmers Market Pilot Program ordinance.

\(^{14}\) From the City of Miami’s Farmers Market Pilot Program ordinance, 2011.

\(^{15}\) Extracted from the City of Miramar’s code for Food System definitions.
**Farmer:** a person who grows food or has direction over a person who grows at least 75% of the products offered for sale at a Farmers' Market.

**Locally-grown:** a product that is grown, raised, or cultivated within 100 miles of South Florida.

**Market Garden:** A lot, or any portion thereof, managed and maintained by a person or group of persons for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for community supported agriculture or on-site sales. At least 75% of the products sold on-site at a farmers market must be grown on-site.\(^{16}\)

**Supplemental Nutrition Assistance Program (SNAP)** is a federal-assistance program, formerly known as the Federal Food Stamp Program, which provides a means for low income individuals and families to buy nutritious food.

### C. Permitted Locations, Size, Operation Standards, Permit Application requirements and process, Enforcement and Fees

<table>
<thead>
<tr>
<th>Permitted Locations</th>
<th>Residential Single</th>
<th>Residential Multifamily</th>
<th>Commercial, Industrial, Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted Locations</strong></td>
<td>Permitted as an accessory use in the front or back yard, subject to conditions.</td>
<td>Permitted as an accessory use in common area, subject to conditions.</td>
<td>Permitted as a Principal or Accessory use anywhere, subject to conditions.</td>
</tr>
<tr>
<td><strong>Scope of Provisions</strong></td>
<td>Market Gardens must comply with all requirements set forth in the City of Hallandale Beach Code, unless otherwise expressly set forth herein.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Size</strong></td>
<td>Up to 60% of front yard space. Up to 100% of back yard space.(^{17})</td>
<td>60% of one designated common yard space.</td>
<td>100% of parcel</td>
</tr>
<tr>
<td><strong>Operation Standards: Structures</strong></td>
<td>Notwithstanding any provision in the Hallandale Zoning Ordinances to the contrary, trellises,</td>
<td>Notwithstanding any provision in the Hallandale Zoning Ordinances to the contrary, trellises,</td>
<td>Notwithstanding any provision in the Hallandale Zoning Ordinances to the contrary, hoop-</td>
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\(^{17}\) Adopted from the City of Orlando code on front yard vegetable gardens. [https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH60SULA_PT2LATPR_2FOMITMIRELARE_S60.223OMITMIREDEST](https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH60SULA_PT2LATPR_2FOMITMIRELARE_S60.223OMITMIREDEST)
| raised beds, are expressly allowed anywhere given the appropriate setbacks. However, tool sheds, hoop-houses, greenhouses, and any other structure used by the Market Garden for the purposes set forth in Section____ are expressly allowed out of site from the public view. | raised beds, are expressly allowed anywhere given the appropriate setbacks. However, tool sheds, hoop-houses, greenhouses, and any other structure used by the Market Garden for the purposes set forth in Section____ are expressly allowed out of site from the public view. | houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the Market Garden for the purposes set forth in Section____ are expressly allowed anywhere given the appropriate setbacks. |
| Machinery and equipment | Notwithstanding any provision in the City of Hallandale Beach Zoning Ordinances to the contrary, machinery and equipment used by the Market Garden for the purposes set forth in Section____ are expressly allowed. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in a Market Garden in I-1 Light Industrial District or I-2 Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way. | No parking minimums. Legal on-street parking spaces shall also be eligible as off-site parking. |
| Parking Requirements | The Market Garden shall provide parking during the hours of operation at a rate of a maximum of two (2) customer parking spaces in any one or combination of the following means: (i) with on-site parking (existing) shall be applicable toward meeting the required parking. ii. Offsite parking within 500 feet shall be applicable toward meeting the required parking. Legal on-street parking spaces shall also be eligible as off-site parking. | |
| Sales Hours | Market Garden sales hours shall be between 7 a.m. to ___ p.m. Set up of sales operations shall begin no earlier than 7 a.m. and take-down and clean-up shall end no later than ___ p.m. Community Supported Agriculture (CSA) pickups are allowed at any time during the sales hours. | |
| Soil and Plant Selection | Prior to establishment, site operators shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology (if needed) | |
shall be provided to and kept on file with the City [insert department name] Department. It is highly recommended that Market Gardener Farmers take a course from the University of Florida Institute of Food and Agricultural Services (UF/IFAS) to plant a successful garden for Orlando's unique climate. Exotic Plants. No plants listed as invasive exotic species under Florida Statutes [section] 581.091, or as Category I invasive exotic species by the Florida Exotic Pest Plant Council (FLEPPC) shall be installed.

<table>
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**Urban Garden** *definition.* An establishment where edible or ornamental crops are grown as an accessory use on the ground, or a rooftop or inside a building, to be sold or donated.

Urban Gardens are permitted on property zoned commercial and residential as an accessory use, and shall be subject to the following operational standards:

- **a.** Parking requirements shall comply with [Section 808](https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH60SULA_PT2LATRPR_2FOMITMIRELARE_S60.223OMITMIREDEST).
- **b.** The irrigation source must be from a non-potable water supply.
- **c.** Compost materials shall be stored at least ten (10) feet from adjacent property and in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation with insects, and minimizes runoff into waterways and onto adjacent properties.
- **d.** Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is prohibited.
- **e.** Accessory retail sales of edible or ornamental crops grown on-site or products that are made from produce grown on-site.

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18 From ChangeLab Solutions model ordinance for Urban Agriculture  
19 From the City of Orlando: [https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH60SULA_PT2LATRPR_2FOMITMIRELARE_S60.223OMITMIREDEST](https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH60SULA_PT2LATRPR_2FOMITMIRELARE_S60.223OMITMIREDEST)
Shipment and delivery of products or supplies shall be limited to between dawn and dusk and shall occur only in single axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

5.14.3. Special requirements.

A. RM-18 zoning district. Within the RM-18 zoning district, a community garden is restricted by the requirement that the land where the community garden is located must be owned or leased by the City of Lauderhill or one (1) of its agencies, such as the Community Redevelopment Agency or the Lauderhill Housing Authority. However, the City Manager may require a review process for the land.

B. CF zoning district. Within the CF zoning district, a community garden is restricted by the requirement that the land where the community garden is located must be owned or leased by the School Board of Broward County, Florida, or by the City of Lauderhill or one (1) of its agencies, such as the Community Redevelopment Agency or the Lauderhill Housing Authority. However, the City Manager may require a review process for the city owned or leased land. Community gardens consistent with this restriction are exempted from the regulations herein.

C. Retail sales. Retail sales are limited to those produce planted, cultivated, and harvested on the community garden. Sales shall be conducted from stands.

D. Certificate of use/business license tax. A community garden is exempted from the requirement of securing a Certificate of Use and paying a business license tax.

5.14.4. Application requirements and process.

A. Application requirements. A general development order application to operate a community garden and two hundred dollar ($200.00) application fee shall be submitted to the Planning and Zoning Division. The application shall include the following information:

1. Applicant information. Documentation showing that the entity proposing to operate the community garden, the Applicant, is a public or private non-profit organization.

2. Property ownership. A letter or resolution from the City Commission, City agency or the City Manager stating that the City owns or leases the property and that the applicant has authority to use the real property for purposes of operating a community garden.

3. Acknowledgement letter. Evidence that the civic or homeowners association representing the area where the community garden will be located has received a letter acknowledging a community garden is proposed for their neighborhood.

4.
Management plan. The management plan shall include the following:

a. General location. A drawing or sketch showing the location of the community garden on the property. The sketch shall show the perimeter dimensions in linear feet of the community garden and the setback from each of the property lines. In addition, the total size of the community garden in square feet shall be displayed.

b. Site plan. A drawing or sketch showing the community garden and the following features:
   1) Parking area. The location of the parking area, including the perimeter dimensions in linear feet, and its relationship to all community garden entrances and exists.
   2) Walkway location. The location of a minimum five (5) feet wide handicapped accessible route connecting the parking area to the different components of the garden (i.e., entrance, planting area, storage area, etc) to one (1) another. Such routes shall follow a consistent design treatment whenever possible.
   3) Planting area. The location and perimeter boundary dimensions in linear feet of the planting area shall be displayed.
   4) Compost area. The location and perimeter boundary dimensions in linear feet of any compost area.
   5) Structures. The location of any fence, storage shed, greenhouse, compost or waste bins, benches, farm stands, or other structure. In addition, a picture or sheet shall be provided showing the length, width and height of each structure and its appearance, including any raised planting beds.
   6) Water source. The location of the potable water source and the provider.
   7) Signs. The location of any sign.

c. Soil issues. If planting is on the ground, evidence shall be provided that the soil is free from contamination. A Phase I Environmental Assessment (ESA) may be provided to support this demonstration. Any historical sources of contamination identified in the ESA must be tested to determine the type and level of contamination and appropriate remediation procedures must be undertaken to ensure that the soil is suitable for gardening. If an ESA is not available, a soil test may be provided. If planted on a raised bed, then no soil assessment shall be necessary. In addition, a minimum of four (4) percent of the garden must contain raised beds that are designed for access for gardeners using wheelchairs or with other mobility impairments.

d. Operating procedures. A narrative describing the operating procedures shall be submitting and shall, at a minimum, address the following:
   1) The anticipated types of edible produce to be planted;
2) The days and hours of operation;
3) Maintenance and security requirements and responsibilities
4) The name, telephone number, street address and e-mail address of the garden coordinator, who will perform the coordinating role for the management of the community garden and to serve as the liaison with the City;
5) The estimated number of persons who may participate in the community garden;
6) How garden plots will be assigned to persons in a fair and equitable manner;
7) A description of any proposed rain-capture systems, including the size, location, method of operation, and stating how water stagnation will be prevented;
8) A water management plan addressing run-off to adjoining property, water bodies, or rights-of-way;
9) A description of composting activities, including transportation on and off-site, and means of containment;
10) A complete description of any aspects of the operation that may generate noise, odor, or other condition (e.g., mosquitos) that may adversely impact surrounding properties;
11) A list of non-motorized equipment and supplies to be used and how such will be stored and secured;
12) A copy of any proposed sign, including its size, shape, color, and type of construction;
13) A list of the chemicals, pesticides, fertilizers or any combination of same to be used; the frequency of use; and the pests, diseases or plants to which they will be applied; and
14) Any other rules and regulations governing the operation of the community garden.

Other requirements. A statement shall be provided assuring the City that each participant will be provided a written copy of the management plan and community garden rules. Moreover, a statement acknowledging that the garden coordinator will annually submit to the Planning and Zoning Division an annual report highlighting the successes and failures of the operation, and conformance to the approved management plan.

B. Application process. A community garden development order application shall be processed in a manner similar to a site plan modification but shall provide for mailed notice to all landowners within three hundred (300) feet of the land where the community gardens is located.
Application review criteria. The Development Review Committee shall review and approve, approve with conditions, or deny without prejudice, a community garden general development order application based upon the below-described review criteria.

A. Consistency with the zoning district requirements in Subsections 5.14.2 and 5.14.3.

B. Consistency with the application requirements specified in Subsection 5.14.4.

C. Consistency with the following parking and loading standards:
   1. *Parking.* At least one (1) handicapped accessible parking space and five (5) parking spaces shall be provided.
   2. *Loading.* At least one (1) loading space shall be provided.

D. Consistency with the following sign requirements:
   1. A handicapped sign shall be posted for the parking space.
   2. One (1) sign may be posted identifying the name of the community garden and any sponsors. The sign may not exceed six (6) square feet.

Annual review process. An annual review report shall be submitted to the Planning and Zoning Division no later than sixty (60) days after the community garden’s approval anniversary date. The annual report shall:

A. Document the successes and failures of the community garden;

B. Identify areas of non-compliance with the Management Plan;

C. Recommend appropriate changes to improve the community garden and to address failures and non-compliance issues; and

D. State whether or not the community garden should continue.

The City Commission shall review the annual report and determine whether the community garden should continue to operate, to operate with conditions, or be terminated.