

3-24-15

ORDINANCE NO. 29687

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.215 and 51A-4.201; renaming community gardens to urban gardens; providing new regulations for urban gardens; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (A), "Definitions," of Paragraph (1), "Farm or Ranch," of Section 51-4.215, "Animal Related Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(A) Definitions:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(iii) BED COVER means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) COMMUNITY GARDEN means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) URBAN [COMMUNITY] GARDEN means an area [of land] managed and maintained [by a group of individuals] to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban [Community] gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

~~[(ii) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.]”~~

SECTION 2. That Romanette (i) of Subparagraph (C), “Required Off-Street Parking,” of Paragraph (1), “Farm or Ranch,” of Section 51-4.215, “Animal Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(i) For an urban [community] garden, except as otherwise provided in this Subparagraph, off-street parking is not required [none]. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.”

SECTION 3. That Subparagraph (E), “Additional Provisions for Community Gardens,” of Paragraph (1), “Farm or Ranch,” of Section 51-4.215, “Animal Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions for urban [community] gardens:

(i) An urban [community] garden must comply with the regulations for the zoning district in which the urban [community] garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.

(iii) For an urban [community] garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area [and must be erected in the rear 30 percent of the lot]. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban [community] garden in a residential district, [signage is limited to] one single, non-illuminated, flat sign of no more than six square feet must be provided. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.”

SECTION 4. That Subparagraph (B), “Districts Permitted,” of Paragraph (1), “Animal Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.”

SECTION 5. That Romanette (i) of Subparagraph (E), “Additional Provisions,” of Paragraph (1), “Animal Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(i) In an A(A) district, a [A] person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.”

SECTION 6. That Subparagraph (A), “Definitions,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definitions. In this paragraph:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(iii) BED COVER means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) COMMUNITY GARDEN means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) URBAN [~~COMMUNITY~~] GARDEN means an area [~~of land~~] managed and maintained [~~by a group of individuals~~] to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban [~~Community~~] gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

~~[(ii) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.]”~~

SECTION 7. That Subparagraph (C), “Required Off-Street Parking,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Except as otherwise provided in this subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided. [~~None.~~]”

SECTION 8. That Subparagraph (E), “Additional Provisions for Community Gardens,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions for urban [~~community~~] gardens:

(i) An urban [~~community~~] garden must comply with the regulations for the zoning district in which the urban [~~community~~] garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other a[A]nimal grazing and animal production are prohibited.

(iii) For an urban [community] garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area [and must be erected in the rear 30 percent of the lot]. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

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(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.”

SECTION 9. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

Passed     **MAR 25 2015**



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAR 25 2015

ORDINANCE NUMBER 29687

DATE PUBLISHED MAR 28 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Sims".