

# Memorandum



CITY OF DALLAS

DATE March 5, 2010

TO Members of the Transportation and Environment Committee:  
Linda Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Pauline Medrano and Ron Natinsky

SUBJECT Community Gardens Briefing

On March 8, 2010 staff will brief the Committee on the zoning options for a municipal community gardens program. Please find attached a copy of the presentation, and feel free to contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Jill A. Jordan'.

Jill A. Jordan, P.E.  
Assistant City Manager

C: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Deborah A. Watkins, City Secretary  
Thomas P. Perkins, City Attorney  
Craig Kinton, City Auditor  
Judge C. Victor Lander  
Ryan S. Evans, First Assistant City Manager  
A. C. Gonzalez, Assistant City Manager  
Jill A. Jordan, PE, Assistant City Manager  
Forest Turner, Assistant City Manager  
Frank Libro, Public Information Office  
Helena Stevens-Thompson, Assistant to the City Manager

# Community Gardens

## Creating a Sustainable Dallas

Dallas City Council  
Transportation and Environment Committee  
March 8, 2010



# What is a Community Garden?

- “Any piece of land gardened by a group of people.”
  - *American Community Gardening Association*
- Common element: all of these gardens are created and maintained by members of the community for the benefit of the community
  - *Brooklyn Botanic Garden All-Region Guide: Community Gardening*
- Typically considered a publicly functioning asset in terms of ownership, access, and management
- May consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot)

# Purpose

- Provide additional information to the Committee on zoning options for community gardens
  - Follow up to December 14<sup>th</sup>, 2009 TEC briefing
- Allow for gardens on vacant lots while meeting the needs of surrounding property owners, community gardening groups, and the City

# Current Dallas Regulations

Community gardens are currently allowed “by right” in all zoning districts as an accessory use to a main use

- **In other words, anyone can have a garden in their backyard, on the side of their church, school, business, etc.**

Examples of successful gardens in Dallas

- GICD: Gardeners in Community Development
- REAL School Gardens

# Other Municipalities

Community gardens are typically treated as open space or as a specific use listed in City zoning regulations

- Key Considerations

- Lot size
- Animals/bees
- Responsible party
  - license or user agreement
- Accessory structures, setbacks, fencing, screening, structure height, lighting
- Sales
- Avenue for complaints

	<b>Cincinnati</b>	<b>Denver</b>	<b>Durham</b>	<b>Portland</b>
<b>Zoning Definition</b>	Agricultural and Extractive Uses, Community Gardens	Specific Agricultural Use, Urban Gardens	Parks and Open Areas	Parks and Open Spaces
<b>Districts Allowed</b>	All Zoning Districts By Right, except intense manufacturing district	All Zoning Districts By Right	All Districts By Right	Any Zoning District By Right
<b>Lot Size</b>	No restrictions, limited equipment size	Compatible with zoning district	Compatible with zoning district	None in the code; park standard, minimum of 10,000 sq. ft. = 15 garden plots [30-50 is better] with walkways/parking
<b>Animals/Bees</b>	Dealt with in other municipal code sections	Bees allowed; chickens by appeal to the Zoning Administrator	Accessory use to residential only for chickens/bees	Considering allowing chickens/bees
<b>Responsible Party</b>	Property owner responsible for all requirements; If City owned land - "Good Gardener's Contract" between group and City	Owner (owner or lessee can be cited for code violation); User agreement (between DUGS, a non-profit, and gardeners)	Property owner leases land to SEEDs, a non-profit, that contracts with gardeners who renew annually	City Parks Department; participants sign annual agreement with City; Volunteer managers run gardens
<b>Accessory Structures</b>	Specific rules included in zoning regulations	Associated structures, equipment allowed	Not regulated if under 120 sq.ft., required fence	Compatible with surrounding zoning district
<b>Sales</b>	On-site sales prohibited	Allowed in all zones except residential	Derived food distributed among neighborhood; not sold	Prohibited because City funded program (not for profit)
<b>Avenue for Complaints</b>	Building or health inspectors	3-1-1, none received	None received	Outreach and public meeting before creating garden to talk about concerns; once established, no complaints received

# Zoning Issue - Vacant Lots

Zoning for gardens becomes an issue when located on vacant lots and not accessory to a main use

- No specific use in the development code for community gardens
- Agricultural uses are listed in 51A-4.201
  - Require a minimum of 3 acres
  - Community gardens are often smaller than 3 acres

Goal: For the Development Code to explicitly allow community gardens on vacant lots



# Vacant Lot Zoning Options

1. By right in all districts
2. By SUP only in all districts
3. Hybrid approach in all districts
  - Community Gardens and/or Neighborhood Gardens
    - By SUP only in Single Family and Duplex Districts
    - By right in all other zoning districts
  - Urban Agriculture
    - By SUP only

## **Definitions:**

Neighborhood Garden: lot size compatible with zoning district, must be run by organized neighborhood group where garden is located

Community Garden: ≤ 1 acre, can be run by non-profit group

Urban Agriculture: 1-3 acres, can be run by outside group

# Comparison of Options

	<b>By Right</b>	<b>SUP</b>	<b>Hybrid</b>
<b>Other Cities</b>	Consistent	Inconsistent	Unique; mostly consistent
<b>Cost to Garden</b>	None	\$1170 application fee; reapplication fees	\$0 for use by right; \$1170 SUP application fee and reapplication fees for Urban Agriculture and Neighborhood/Community Gardens in Single Family and Duplex
<b>Process</b>	Private agreement between property owner and gardeners	<ol style="list-style-type: none"> <li>1) Pay \$1170 application fee</li> <li>2) Make case before Council</li> <li>3) 6 month process</li> <li>4) Draft ordinance</li> <li>5) Public hearing</li> <li>6) Application accepted or rejected</li> </ol>	<ol style="list-style-type: none"> <li>1) If 0-1 acres, community garden or neighborhood garden and in Single Family or Duplex</li> <li>2) If 1-3 acres, urban agriculture, or if in Single Family or Duplex see SUP column for process</li> </ol>
<b>Accountability System</b>	CO requires compliance with zoning regulations. If not meeting zoning regulations, responsible party may be cited or CO could be revoked.	<p>SUP ordinance lists conditions that the property must meet before BI issues certificate of occupancy</p> <p>Options:</p> <ol style="list-style-type: none"> <li>1) SUP with no expiration date</li> <li>2) SUP with expiration date but allows for automatic renewal</li> <li>3) SUP with expiration date with no automatic renewal</li> </ol>	<ol style="list-style-type: none"> <li>1) CO requires compliance with zoning regulations. If not meeting zoning regulations, responsible party may be cited or CO could be revoked.</li> <li>2) SUP: see SUP column</li> </ol>

# Option 1: Gardens By Right

- Allowing by right in all districts is consistent with other City zoning regulations
- Lower cost will encourage neighborhoods to create these gardens
- Neighbors and City have little control
- Development Code changes:
  - Add “Neighborhood Garden” and “Community Garden” as two new specific accessory uses under 51A-4.217(b), “Specific Accessory Uses” (similar to accessory community center [private] in that it need not be located on the same lot as the main use)
  - Add “Urban Agriculture” as a new main use under 51A-4.201, “Agricultural Uses”

# Option 2:

## SUP- Specific Use Permit

- Interested gardeners or urban agriculturalists would have to make their case before Council
- Applicants pay **\$1170** to file an application, and could still be denied the SUP
- For each SUP application, CPC holds public hearing before submitting their recommendation to Council
- Process is slow, cumbersome, and costly; could keep many people from trying, especially in lower income neighborhoods where community or neighborhood gardens offer the most benefit and are the most needed
- Development Code changes:
  - Add “Neighborhood Garden” and “Community Garden” as two new specific accessory uses under 51A-4.217(b), “Specific Accessory Uses” (similar to accessory community center [private] in that it need not be located on the same lot as the main use); by SUP only
  - Add “Urban Agriculture” as a new main use under 51A-4.201, “Agricultural Uses”; by SUP only

# Option 3:

## Hybrid Approach

- Allow community gardens by right in all districts and by SUP in Single Family and Duplex Districts on properties less than one acre (neighborhood gardens on lot sizes compatible with zoning district where garden is located)
  - Development Code change: Add “Neighborhood Garden” and “Community Garden” as two new specific accessory uses under 51A-4.217(b), “Specific Accessory Uses”
    - Similar to accessory community center (private) in that it need not be located on the same lot as the main use
- Allow urban agriculture by SUP on properties between one and three acres
  - Development Code change: Add “Urban Agriculture” as a new main use under 51A-4.201, “Agricultural Uses”; by SUP only

# Hybrid Approach

	<b>Neighborhood Garden</b>	<b>Community Garden</b>	<b>Urban Agriculture</b>
<b>Lot Size</b>	Compatible with district	One acre or less	Between one and three acres
<b>Sales</b>	Two harvest sales allowed annually (consistent with garage sale regulations)	Two harvest sales allowed annually (consistent with garage sale regulations)	Harvest sales allowed (consistent with City regulations on markets)
<b>Accessory Structures</b>	Consistent with zoning district	Consistent with zoning district	Consistent with zoning district
<b>Animals/Bees</b>	Animals prohibited; bees regulated in other code provisions	Animals prohibited; bees regulated in other code provisions	Animals allowed; bees regulated in other code provisions
<b>Responsible Party</b>	Must consist of members from the established Neighborhood Association in which the site is located	Responsible party comes in from outside the neighborhood (i.e. non-profit like SEEDs in Durham)	Participants allowed to come in from outside the community (i.e. youth educational group); SUP only
<b>Code Change</b>	List in Development Code as a specific accessory use under 51A-4.217(b)	List in Development Code as a specific accessory use under 51A-4.217(b)	List in Development Code as a specific main use under Agricultural Uses in 51A-4.201

# Staff Recommendation

- The Hybrid Model best meets the objective to allow for gardens on vacant lots while meeting the needs of the surrounding property owners, the community gardening group, and the City

# Next Steps

- Receive direction from TEC committee
- City Attorney's Office drafts ordinance to reflect staff recommendation
- Staff takes recommendation to ZOC
- ZOC submits recommendation to CPC
- CPC submits recommendation to City Council
- Council action



# Questions?

