

Memorandum



CITY OF DALLAS

DATE May 7, 2010

TO Transportation and Environment Committee Members: Linda L. Koop (Chair),
Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Delia
Jasso, Pauline Medrano, Ron Natinsky, Vonciel Jones Hill

SUBJECT Community Gardens Briefing

On May 10, 2010 staff will brief the Committee with an additional option on zoning for community gardens. Please find attached a copy of the presentation, and feel free to contact me if you need additional information.

A handwritten signature in cursive script that reads "Jiff Jordan".

Jiff 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, Jr., City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A. C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
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
May 10, 2010



Purpose

- Provide an additional option on zoning for community gardens
 - Follow up to March 8, 2010 TEC briefing
- Allow for gardens on vacant lots while meeting the needs of surrounding property owners, community gardening groups, and the City

Community Garden Definition

- 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, or donation
- 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

Zoning Issue - Vacant Lots

- Zoning for gardens is currently an issue when the desired location is a vacant lot 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

Comparison of Options 1 – 3:

Presented TEC Briefing March 8, 2010

	By Right	SUP	Hybrid
Other Cities	Consistent	Inconsistent	Unique; mostly consistent
Cost to Garden	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
Process	Private agreement between property owner and gardeners	<ol style="list-style-type: none"> 1) Pay \$1170 application fee 2) Make case before Council 3) 6 month process 4) Draft ordinance 5) Public hearing 6) Application accepted or rejected 	<ol style="list-style-type: none"> 1) If 0-1 acres, community garden or neighborhood garden and in Single Family or Duplex 2) If 1-3 acres, urban agriculture, or if in Single Family or Duplex see SUP column for process
Accountability System	Standard code regulations for property owners as compatible with zoning district	<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"> 1) SUP with no expiration date 2) SUP with expiration date but allows for automatic renewal 3) SUP with expiration date with no automatic renewal 	<ol style="list-style-type: none"> 1) CO requires compliance with zoning regulations. If not meeting zoning regulations, responsible party may be cited or CO could be revoked. 2) SUP: see SUP column

New: Option 4

Gardens By Right with Neighbor Input

- Allowing by right in all districts (except the P(A) parking district) is consistent with zoning regulations in other cities
- The lower cost will encourage groups to create these gardens
- Includes process for neighborhood involvement and feedback
- Development Code change:
 - Add “Community Garden” as a new specific use under 51A-4.201

New: Option 4

Gardens by Right with Neighbor Input

- Request to establish community gardens must be supported by:
 1. Written statement signed by the property owner affirming that the operator, if different from the property owner, has obtained permission from the property owner to use the property as a community garden
 2. Site plan
 3. List of names and addresses of all property owners located within 200 feet of the proposed location of the community garden with signatures of the owners of at least 50% of the number of lots evidencing support of the operation of a community garden

New: Option 4

Gardens by Right with Neighbor Input

- If the owner or operator does not obtain the required signatures, then the Sustainable Development and Construction director shall:
 - Notify property owners within 500 feet of the proposed community garden and obtain comments
 - Hold a public neighborhood meeting to receive additional comments from the community members
 - Pursuant to comments received at the meeting, the director may impose reasonable conditions on the site plan that are necessary to make the use more compatible with surrounding residential uses
 - Neighborhood input will be considered, but does not determine whether or not a certificate of occupancy is granted

New: Option 4

Gardens by Right with Neighbor Input

- If neighbor signatures are produced, there is no cost other than the issuance of a certificate of occupancy - \$215
- If neighbor signatures are NOT produced and director moves to notify property owners and hold a neighborhood meeting, City's costs will be reimbursed at a fee not exceeding \$500 (TBD pending fee study)

New: Option 4

Proposed Additional Provisions

Provision	Current Staff Recommendation
Lot Size	Complies with the regulations for the zoning district in which the community garden is located
Structures	Combined square footage of all structures not to exceed 400 square feet of floor area in rear 30% of lot
Animals	Grazing and production prohibited
Sales	Prohibited
Fencing	Complies with the regulations for zoning district in which community garden is located
Lighting	Overhead lighting prohibited
Signage	Limited to a single, non-illuminated, flat sign less than six square feet
Parking/Loading	Off-street parking not allowed in single family districts; Off-street parking/loading not required in all other districts

New: Option 4

Upkeep of Community Gardens

- Community gardens as a land use would be treated the same as any land use we currently have on the books as far as code violations are handled
- The request for the CO must comply with the development code, other city ordinances, rules, regulations, etc. and will be required to remain in compliance
- If a violation occurs, the City may proceed in the following order:
 1. Issue a notice of violation
 2. Issue a citation
 3. Revoke the CO
 4. Seek a Chapter 54/211 injunction

New: Option 4

Upkeep of Community Gardens (continued)

- Chapter 52 also allows the City to revoke a CO if "the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more."
- If the vegetation is so poorly kept that it gets out of hand, the City's Mow Clean program can take care of it and then place a lien on the property

Staff Recommendation

- Option 4 best addresses the discussion expressed in the March TEC briefing:
 - Allowing by right will encourage the creation of community gardens throughout the City without burdening the gardeners with SUP fee and process
 - Requiring additional conditions will give neighbors an opportunity to be heard in the event opposition exists
 - Gardeners must prove they have the permission of the property owner to create a community garden on the lot
 - Meeting the needs of the surrounding property owners, the community gardening group, and the City

Next Steps

- Receive direction from TEC
- Staff takes recommendation to ZOC
- ZOC submits recommendation to CPC
- CPC makes recommendation
- Staff briefs TEC on CPC recommendation
- CPC submits recommendation to Council
- Council action

Questions?

