

ORDINANCE NO. 28125

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, 51A-4.124, 51A-4.127, and 51A-4.201; creating a new community garden use; providing appropriate standards for the use; 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 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:

"(1) Farm or ranch.

(A) Definitions:

(i) 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, 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.

(ii) FARM OR RANCH means a[A]n area which is used for growing farm products or keeping farm poultry and farm livestock.

(B) Districts permitted:

(i) A community garden is permitted by right in all districts.

(ii) A farm or ranch is permitted by right in r[R]esidential districts except MH; nonresidential districts except NO, LO, MO, and GO districts.

(C) Required off-street parking:

(i) For a community garden, none.

(ii) For a farm or ranch, a[A] minimum of two spaces.

(D) Required off-street loading: None.

(E) Additional provisions for community gardens:

(i) A community garden must comply with the regulations for the zoning district in which the community garden is located.

(ii) Animal grazing and animal production are prohibited.

(iii) For a community garden in a residential district, the combined floor area of structures may not exceed 200 square feet and must be erected in the rear 30 percent of the lot.

(iv) For a community garden in a residential district, signage is limited to a single, non-illuminated, flat sign of no more than six square feet.

(F) Additional provisions for farms or ranches:

(i) A person shall not operate a farm or ranch upon an area less than three acres.

(ii) Farm products include vegetables, fruits, trees, and grain.

(iii) Farm poultry and farm livestock include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iv) A structure may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. This structure may not include a dwelling unit.

(v) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(vi) The keeping of horses is subject to the requirements under the private stable use.

(vii) Fences for pens, corrals, or similar enclosures must be of sufficient height and strength to retain the animals. No pen, corral, fence, or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 20-foot requirement.

(viii) Manure must be collected at least once a day and placed in concrete or metal fly-proof containers. Manure must be removed from the premises at least once a week.

(ix) The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals for health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibits which are otherwise regulated by the city."

SECTION 2. That Subparagraph (A), "Agricultural Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "CA-1(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District 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) Agricultural uses.

-- Crop production. [~~None permitted.~~]"

SECTION 3. That Subparagraph (A), "Agricultural Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "CA-2(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District 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) Agricultural uses.

-- Crop production. ~~[None permitted.]”~~

SECTION 4. That Subparagraph (A), “Agricultural Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District 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) Agricultural uses.

-- Crop production. ~~[None permitted.]”~~

SECTION 5. That 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:

“(3) Crop production.

(A) Definitions. In this paragraph:

(i) 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, 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.

(ii) FARM means a~~[A]~~n area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain ~~[wheat]~~, field forage, and other plant crops intended to provide food or fiber.

(B) Districts permitted: By right in all ~~[residential and nonresidential districts except the P(A), central area, and urban corridor]~~ districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions for community gardens:

(i) A community garden must comply with the regulations for the zoning district in which the community garden is located.

(ii) Animal grazing and animal production are prohibited.

(iii) For a community garden in a residential district, the combined floor area of structures may not exceed 200 square feet and must be erected in the rear 30 percent of the lot.

(iv) For a community garden in a residential district, signage is limited to a single, non-illuminated, flat sign of no more than six square feet.

(F) Additional provisions for farms:

(i) A person shall not operate a farm ~~[this use]~~ upon an area less than three acres.

(ii) ~~[Crop products include but are not limited to vegetables, fruits, trees, and grain.~~

~~(iii)]~~ Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

~~(iii[iv])~~Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.”

SECTION 6. 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 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. 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.

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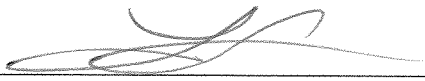
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SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. 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:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed FEB - 9 2011