

Memorandum



CITY OF DALLAS

DATE February 27, 2015

TO Honorable Members of the Economic Development Committee:
Tennell Atkins (Chair), Rick Callahan (Vice Chair), Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Progress Report on the Economic Opportunities of Sustainable Food Systems**

On Monday, March 2, 2015, the Economic Development Council Committee will be briefed on a Progress Report on the Economic Opportunities of Sustainable Food Systems.

The following materials are attached for your review:

1. Progress Report on the Economic Opportunities of Sustainable Food Systems Briefing
2. Attachment A – Draft Ordinance with Revisions to Development Code Chapters 51 & 51A
3. Attachment B – Draft Ordinance with Revisions to Neighborhood Farmers Market Code Chapter 29A
4. Attachment C – Background Document: Community Garden Grant Fund

If you have any questions or require additional information, please do not hesitate to contact me.

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

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

c: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Craig D. Kinton, City Auditor
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Karl Zavitkovsky, Director, Office of Economic Development
J. Hammond Perot, Assistant Director, Office of Economic Development
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Progress Report on the Economic Opportunities of Sustainable Food Systems

Presented by the Office of Environmental Quality
to the Economic Development Committee
of the Dallas City Council

March 2, 2015



Departments Involved

- **Office of Environmental Quality**
 - Frank A. Camp, Managing Director
- **Sustainable Development and Construction**
 - David Cossum, Director
 - *Chapters 51 & 51A – Development Code*
 - *Chapter 52 – Administrative Procedures for Construction Codes*
- **Convention and Event Services**
 - Ron King, Director
 - *Chapter 29A – Neighborhood Farmers Markets*
- **Code Compliance Services**
 - Ben Collins, Assistant Director

Purpose

- **Update Economic Development Committee on items to be presented on March 25 Council Agenda**
 - Proposed changes to Chapters 51 & 51A
 - Proposed changes to Chapter 29A
 - Proposed changes to Chapter 52
 - Community Garden Grant Fund program
- **Share information about other elements associated with sustainable food systems**
 - Consumption and Waste Recovery
 - Protection of Bees and Butterflies

Stakeholder Input

- Met with stakeholders from spring 2014 to current
- Created Sustainable Food Systems page on GreenDallas.net
- Distributing information via social media and GreenDallas.net website
- Created contact form on GreenDallas.net
- Stakeholders have participated in public meetings with staff and at Zoning Ordinance Committee and City Plan Commission

Stakeholders Involved

- Dallas residents
- American Beekeeping Federation
- Anita's Arbor
- Aquaponic Dave
- bcWorkshop
- Bethlehem Center
- Children at Risk
- Corinth Park Gardens
- Dallas Coalition for Hunger Solutions
- Dallas Farmers Market
- DISD – Food & Child Nutrition
- Dallas Zoo Green Team
- Diabetes Health and Wellness Institute
- Divinekinship
- Dolphin Heights Neighborhood Association
- Earth Day Texas
- Earth Healthy
- Eat The Yard
- Eden's Organic Garden Center
- First Presbyterian Church Meal Services
- Garden Café
- Good Company Creative
- Green Phoenix Farms
- GROW North Texas
- Half Pint Palates
- Hunt Institute at SMU
- Kevin Sloan Studio
- Lake Highlands Community Garden
- North Texas Food Bank
- Painter Garden Classroom
- Promise of Peace Garden
- Revitalize South Dallas Coalition
- Save Open Space
- Seed Incorporated
- Slow Food Dallas
- Texas Beekeepers Association
- Texas Honeybee Guild
- Texas Hunger Initiative
- Texas State Federation of Garden Clubs
- Trinity Valley Beekeepers
- Unity Community Gardens
- Urban Acres
- We Over Me Farm – Paul Quinn College
- White Rock Local Market

Changes requested by Stakeholders

- Allow aquaponics
- Allow animal grazing
- Change garden size requirements
- Encourage sustainable farming practices
- Address fees
- Define structures and uses
- Eliminate redundant oversight
- Allow sales
- Allow alternative food delivery mechanisms



Development Code Amendment Process

- Zoning Ordinance Committee (ZOC) considered this issue at five public meetings between December 2014 and February 2015
- ZOC meetings were attended and issues and input provided by local stakeholders: agrarian gardeners, aquaponic gardeners, non-profit and educational institutions, and Dallas residents
- February 5, 2015: ZOC recommended approval of the Chapter 51 & 51A proposed amendments to City Plan Committee (CPC)
- February 19, 2015: CPC recommended approval of the Chapter 51 & 51A proposed amendments

Ch. 51 & 51A: Development Code

Proposed Amendments

- Name change from “COMMUNITY GARDEN” to “URBAN GARDEN”
- Allow sale of URBAN GARDEN (UG) produce:
 - Off-site sales when UG located in residential districts
 - On-site sales when UG located in non-residential districts
- Allow aquaponics, aquaculture and the raising of female chickens

Ch. 51 & 51A: Development Code (continued)

Proposed Amendments

- **Structures** (when UG in residential district)
 - Combined floor area may not exceed 10% of the lot
 - No single structure may exceed 200 square feet
 - Must comply with yard, lot and space regulations for district
 - Structures that assist in growing such as bed covers or raised planting beds are not included in square footage calculations
- **Parking**
 - One space for every 200 square feet of sales area, minimum of 2 spaces
 - No sales area - no parking required
- **Signage** (when UG in a residential district)
 - Must contain phone number of emergency contact for the Urban Garden
 - If animals are present must contain information for Dallas 311 City services

Ch. 51 & 51A: Development Code (continued)

Proposed Amendments

- **Definitions Added:**

- **AQUACULTURE**: means the cultivation, maintenance, and harvesting of aquatic species
- **AQUAPONICS**: means the combination of aquaculture (fish) and hydroponics (plants) to grow food or ornamental crops and aquatic species together in a recirculating system without any discharge or exchange of water
- **BED COVER**: means a hoop-house, shade structure, or similar structure located above a growing bed to assist with the growing or shading of food crops or ornamental crops

Ch. 51 & 51A: Development Code (continued)

Proposed Amendments

- **Animal Production**

- Currently:

- Allowed in Agricultural District only
- Minimum 3 acres required

- Proposed:

- Allow by Specific Use Permit (SUP) in non-residential districts
- No minimum acreage required in non-residential districts
- Minimum 3 acres required in Agricultural District

Chapter 52 – Construction Code

Proposed Amendment

- Extend exemption for storage structures under 200 square feet to URBAN GARDEN
 - To be presented to Building Inspection Advisory, Examining & Appeals Board on March 17, 2015

Chapter 29A: Neighborhood Farmers Market

Proposed Amendments

- Increase number of vendors from 50 to 70
- Adjust permitting fees
 - \$250 for markets up to 35 vendors
 - \$350 for markets up to 70 vendors
- Increase number of sale days per calendar year from 28 to 40
- Increase booth size to 10 feet by 15 feet
- Allow applicants to apply for multiple permits in the same year; only one permit will be issued per location per year

Community Garden Grant Fund

- Since 2008, City of Dallas has been accepting funds to promote water conservation at community gardens
 - August 8, 2008: Administrative Action 082344 created Community Garden Grant Fund
- Fund has over \$9,500 available
 - Funded through voluntary donations on water bill and other contributions
- Office of Environmental Quality is seeking City Council approval to disburse these funds to applicants for this grant program

Community Garden Grant Administration

- Director of OEQ to administer grant program
 - May designate staff to oversee application and verification processes
- Criteria to include:
 - Documented garden leadership and experience
 - 3 year commitment
 - Reporting requirements
 - Use of funds for the establishment or expansion of gardens that use organic growing methods, donate food to local food banks, and use rain water harvesting and drip irrigation

Consumption & Waste Recovery

- City of Dallas creating wellness initiative pilot projects with interactive public website to focus on health, nutrition, and wellness¹
- City staff working with stakeholders on U.S. EPA Food Recovery Challenge to reduce the environmental impact of food materials through their entire life cycle
 - Nearly 35 million tons of wasted food generated in 2012, 95 percent of which was thrown into landfills or incinerators²
 - Per the 2012 Municipal Solid Waste Characterization Report, food waste makes up 21% of material going to landfill and combusted for energy recovery³

1: CUSP Report, November 18, 2014

2: http://www.epa.gov/smm/foodrecovery/join_info.htm

3: http://www.epa.gov/epawaste/conservesmm/images/foodchart_640px.jpg

Protection of bees and butterflies

- **Stakeholders seeking Council action to recognize economic and agricultural value of honeybees and other pollinators**
 - Bees, butterflies, and other pollinator species help sustain ecosystem health
 - Pollinators help produce an estimated 1 out of every 3 bites of food and reproduce at least 80 percent of flowering plants
 - Honeybees pollinate an estimated \$14,600,000,000 worth of crops in the United States each year
 - Aggressive bee species move into areas without managed honeybee colonies
 - Seeking to improve process before mosquito spraying to allow for protection of pollinators
- **Staff exploring current use of pesticides at City facilities**
 - Exploring ways to reduce the use of substances known to harm bees and pollinators at City facilities
 - *Integrated Pest Management* program in development

Proposed Timeline

- ✓ Meet with stakeholders – **November 2014 - January 2015**
- ✓ Present suggested code changes to Economic Development Committee – **January 2015**
- ✓ Present Chapter 51 & 51A code amendments to ZOC – **February 2015**
- ✓ Present Chapter 51 & 51A code amendments to CPC – **February 2015**
- Present proposed changes to Chapters 29A, 51 & 51A, and 52; and, present Community Garden Grant Fund Program to Economic Development Committee for approval – **March 2, 2015**
- Present approved items to City Council on Agenda – **March 25, 2015**
- Changes effective for spring season – **upon adoption**

Next Steps

- Economic Development Committee being asked to:
 - Approve proposed amendments to city code Chapters 51 & 51A and Chapter 29A and send amendments to March 25, 2015 Council Agenda for approval
 - Approve proposed Community Garden Grant Fund program and send to March 25, 2015 Council Agenda for approval

Questions



Appendix

Index Cities

	Aquaculture & Aquaponics	Community Garden	Farm	Market Garden	Structures
Austin	Allowed in Market Garden & Farm	Less than 1 acre, allowed in all districts. Sales above and beyond supporting the maintenance is prohibited.	1 acre or more. If raising animals, must provide dwelling unit. Sales allowed.	Less than 1 acre for production and sales onsite.	Considered accessory, and must meet accessory setbacks, height, and size for each district
Chicago	Allowed in Farm.	25,000 square feet max. No sales.	3,000 square feet of growing area max for accessory use in non-residential districts. Sales allowed.	N/A	Structures must meet accessory structures setbacks, size, and height of each district; except hoop house or other fabric structures, which do not require a building permit.
Detroit	Separate use. Allowed in business and industrial districts.	Allowed in all districts. No farm animals.	No size requirement, must meet base zoning regulations. Allowed in all districts, limited in residential districts. No farm animals. Sales allowed.	N/A	Allowed structures: greenhouse, farm stand, hoop house or similar, signs, site amenities (benches, etc), tool sheds and shade pavilions, garages; no limit on size, must meet district height regulations or accessory structures.
Minneapolis	Allowed under Urban Farm.	Allowed in all districts. Temporary sales only. No animals.	Production, procession and storage in commercial & industrial districts. No animals.	10,000 square feet allowed in all districts, over 10,000 square feet in non-residential. Temporary sales in residential, by right in non-residential. No animals.	Limits growing structures to 20 square feet and 8' height, raised beds allowed up to 3' in height and 5' from property line, allows temporary structures for seasonal use
Seattle	Separate use. Allowed for production and sales in industrial and commercial districts.	No size restrictions. Allowed in all districts. No sales. Animals allowed.	Allowed in all districts. Sales allowed. Up to 4,000 square feet as an accessory use, and over 4,000 square feet by SUP. Animals allowed. Sales allowed.	N/A	Total floor area of structures cannot exceed 1,000 square feet, and 12' height limit

ORDINANCE NO. _____

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) 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.

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

(iv) 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.

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

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 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 when calculating the maximum square footage. 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] a single, non-illuminated, flat sign of no more than six square feet must be visible from public right-of-way. 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 single growing bed.

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

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

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 the 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) 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 means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food and fiber.

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

(iv) 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.

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

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 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 when calculating the maximum square footage. 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] a single, non-illuminated, flat sign of no more than six square feet must be visible from public right-of-way. 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 single growing bed.

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

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

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 Chapter 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 _____

2-27-15

ORDINANCE NO. _____

An ordinance amending Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code by amending Sections 29A-5, 29A-6, 29A-8, and 29A-11; increasing application fees; allowing an applicant to apply for more than one neighborhood farmers market annually; allowing 40 neighborhood farmers markets at each location annually; allowing 70 vendors at each neighborhood farmers market; allowing stalls to be a maximum 10 feet by 15 feet; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, 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 Subsection (a) of Section 29A-5, "Application; Issuance," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

“(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. ~~[Only one permit for a neighborhood farmers market will be issued to the same applicant within a calendar year, and that permit will only allow the market to be operated at the single location designated in the permit application.]~~ Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.”

SECTION 2. That Paragraph (1) of Section 29A-6, "Fees," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

"(1) A nonrefundable application fee of:

(A) \$250 [~~\$200~~] for a neighborhood farmers market in which the estimated number of vendors does not exceed 35 [~~25~~];

(B) \$350 [~~\$300~~] for a neighborhood farmers market in which the estimated number of vendors is more than 35 [~~25~~] but does not exceed 70 [~~50~~]; or

(C) \$400 for the Dallas Farmers Market."

SECTION 3. That Subsection (a) of Section 29A-8, "Denial or Revocation," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

(a) The director shall deny a neighborhood farmers market permit if:

(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;

(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood farmers market;

(B) maintenance of public order in and around the neighborhood farmers market location;

(C) crowd security, taking into consideration the size of the market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;

(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;

(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;

(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(10) ~~[the applicant has conducted or sponsored another neighborhood farmers market during the same calendar year in which the proposed neighborhood farmers market is to be held, except that this restriction does not apply to the Dallas Farmers Market;~~

~~(11)~~ a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 ~~[28]~~ days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;

~~(12)~~ the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

~~(13)~~ the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(~~13~~¹⁴) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(~~14~~¹⁵) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).”

SECTION 4. That Subsection (a) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(a) A neighborhood farmers market may not be operated more than 40 [~~28~~] days at the same location in a calendar year and may not be operated on consecutive days.”

SECTION 5. That Subsection (d) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(d) No more than 70 [~~50~~] vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 [~~10~~] feet.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 29A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. 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 _____

Attachment C

March 2, 2015

Members of the Economic Development Committee:

Tennell Atkins (Chair), Rick Callahan (Vice Chair), Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

Authorize approval of disbursement of Community Garden Donation Fund (Fund 0894, Unit 1294, A.A. 082344), March 25, 2015 Council Agenda

BACKGROUND

On August 8, 2008, Administrative Action 082344 authorized the creation of Fund 0894 and Unit 1294 for the purpose of acceptance of donations for the Community Garden Donation Fund.

The Community Garden Donation Fund functions as a means for the community to support community gardening through donations to provide for organic gardening with a special emphasis on water conservation practices by implementing drip irrigation and rain water harvesting.

Through the summer of 2014, the Community Garden Donation Fund collected \$9,502.

Community Garden Donation Fund Goals

- Award reimbursement grants up to \$1000 for community gardens on property equal to or smaller than ¼ acre and up to \$2500 for community gardens on property larger than ¼ acre to create or expand existing gardens that will:
 - Donate a portion of their produce to local food banks;
 - Use organic growing methods; and,
 - Use rain water harvesting and drip irrigation.
- The fund will promote water conservation and sustainable gardening practices in Dallas as part of the creation of sustainable food systems which will provide economic opportunity and healthy food choices for Dallas residents, businesses, and visitors.
- Garden groups applying for the reimbursement grant must commit to operation of a garden for a term of no less than 3 years from the time of award.
- Garden groups apply for the reimbursement grant must have written documentation of authority to operate on said parcel for a term of no less than 3 years from the time of award.
- The Office of Environmental Quality (OEQ) will manage the Community Garden Donation Fund program on behalf of the City of Dallas. OEQ will:
 - Screen grant applicants for eligibility
 - Award reimbursement grants for applicable materials up to the awarded level; funds not used will return to the Community Garden Donation Fund

- Conduct reviews of each facility to verify equipment placement and use for the full term; reviews will be conducted at least once per year
- Process and distribute reimbursements upon installation and use of drip irrigation and rain water harvesting system
- Maintain all documentation per reimbursement grant award

FISCAL INFORMATION

\$9,502 – Community Garden Donation Funds

Staff

Frank A. Camp, Managing Director, Office of Environmental Quality

Dayna Cowley, Senior Environmental Coordinator, Office of Environmental Quality

Kevin Lefebvre, Senior Environmental Coordinator, Office of Environmental Quality

RECOMMENDATION

Staff recommends the city council authorize the Office of Environmental Quality to administer the Community Garden Donation Fund reimbursement grant program and establish an appropriation on an amount not to exceed \$9,502 in Fund 0894 and disbursement of funds.