

A Guide to Getting Started: Urban Agriculture in Dallas



*Assembled by the Urban Agriculture Action Team
of the Dallas Coalition for Hunger Solutions*

A Guide to Getting Started: Urban Agriculture in Dallas

Table of Contents

Introduction

1. Identifying Property

- A. Ownership
- B. Negotiating use of the land – finding an owner, rental/lease contracts, liability
- C. Zoning
- D. Existing Structures
- E. Additional allowed uses
 - a. Residential land (what's allowed from a home)
 - b. Commercial land (gardens as accessory use at churches & businesses)

2. Cultivating the Land – what's allowed with Urban Garden CO

- A. Building regulations
- B. Fencing
- C. Animals and Bees
- D. Sales
- E. Parking
- F. Aquaponics
- G. Compost
- H. Other information and resources
 - a. Soil testing
 - b. Additional potential licenses and regulations (florist for cut flowers, eggs)
 - c. Insurance
 - d. Community garden resources

3. Obtaining the Certificate of Occupancy – steps with the city

- A. What's needed for a CO
- B. Water meters

Appendix A – Glossary of Terms

Appendix B – Aquaponics Permits for Texas

Introduction

A Guide to Getting Started: Urban Agriculture in Dallas is brought to you by the Urban Agriculture Action Team, a collaboration supported by the Dallas Coalition for Hunger Solutions. Our mission is to empower residents to gain equal access to healthy food.

Urban agriculture is increasingly recognized by city authorities and communities for the many benefits it brings such as the following:

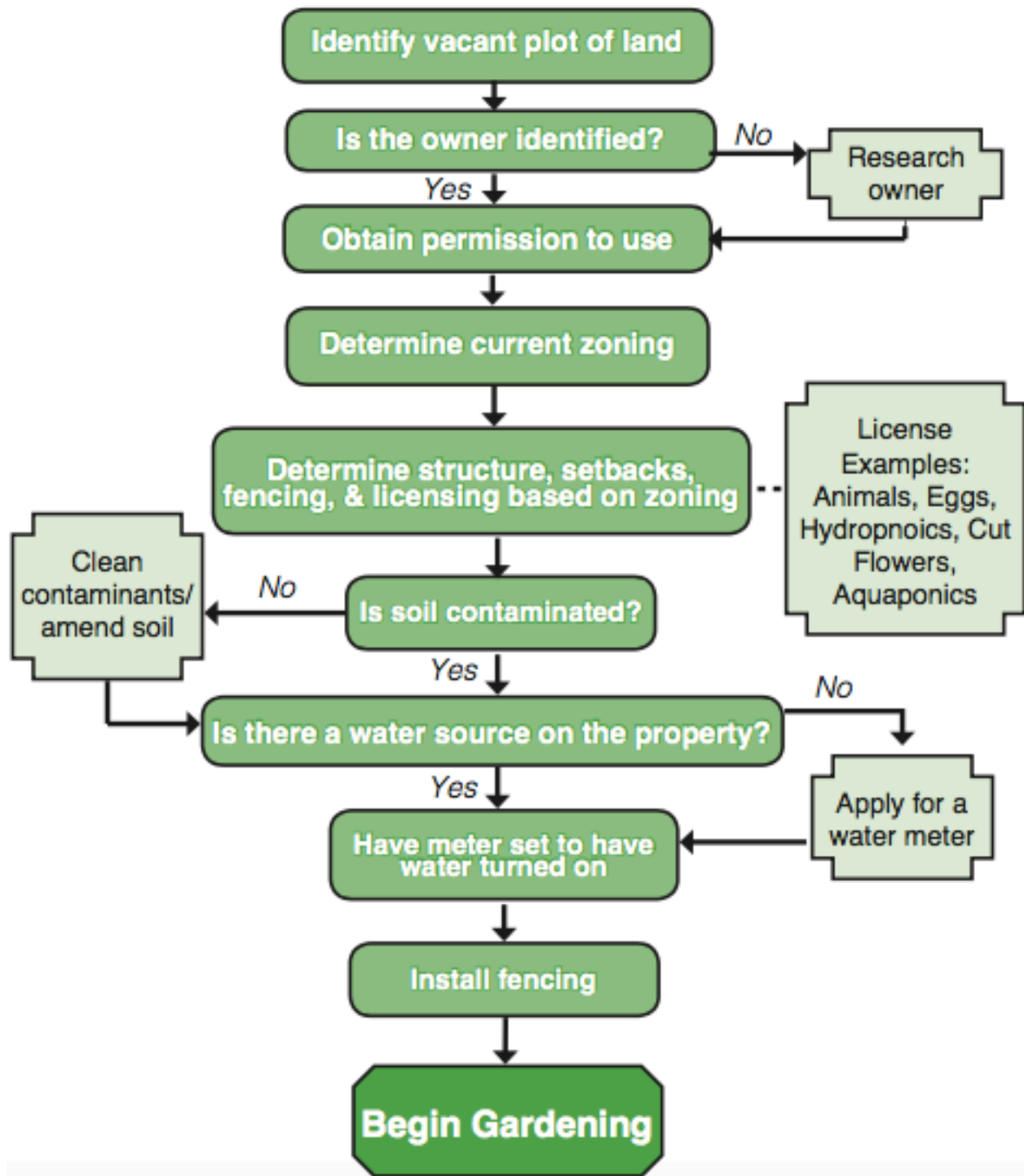
- Strengthening the resilience of the urban food system,
- Promoting access to healthier food,
- Promoting economic opportunity, income and entrepreneurialism
- Helping neighborhoods revitalize themselves

This guide will provide you with information on the new Dallas code amendments as well as describe best practices for growing food in an urban environment and will walk you through a series of topics to be considered as you are putting together an urban agriculture project. Later versions will provide tips for marketing and selling produce at neighborhood and farmers markets.

Our goal is to make it easier for our community members to grow and sell food in their neighborhoods as a way to promote economic development and improve access to fresh, nutritious food. Whether the project is a community garden or an income-producing farming operation, this guide is intended to help leaders understand the current city ordinances for urban food production as well as think through the items that must be considered when embarking on an urban agriculture project.

This guide reflects the city ordinances at the time it was written. Every effort will be made to ensure that it is kept up to date, but please know that changes can happen in between editions.

Urban Agriculture Flow Chart



Part 1: Identifying Property

A. Ownership

Ownership of the property for a community garden or urban agriculture project must be established in order to obtain permission to use the property for this purpose.

If ownership is known and the landowner is a participant in the urban agriculture project, then the project can proceed. If ownership is not known, the owner must be found and contacted to obtain formal permission for use of the land.

Land ownership information can be obtained from the Dallas County Appraisal District (www.dcad.org) by searching for the property address. The owner can then be contacted via the address listed on the Appraisal District record. If an owner is not easily contacted, another piece of property might need to be considered.

B. Negotiating Use of Land

In almost every possible situation, it is recommended that a written agreement be in place between the landowner and the group or individual creating the urban agriculture project, even if these two parties are a church and a group within the church. Having a written agreement, however simple, will prevent problems from occurring later. This is not because trouble is expected but so that a clear understanding is established for all involved.

Written agreements can be as simple as a Memorandum of Understanding (MOU) that states that the landowner is allowing the group or individual to use the specific piece of land for the specific purpose. Any additional limitations, expectations, or possibilities can be listed in the MOU. Then representatives from each party sign the document. These written agreements can be as formal as a lease drawn up by an attorney. While a formal lease is not required by the City of Dallas, it may be the best document to have in place if the landowner is not a participant in the urban agriculture project. A rental agreement is another option, especially when money is paid to the landowner at an agreed upon schedule.

If an agreement is difficult to negotiate, consider a different piece of land

Liability is another reason to have an agreement in place. The agreement should outline who will hold insurance on the property and for which purpose....

In 2015, the Texas Legislature passed HB 262 that limits the liability for landowners who allow their land to be used for community gardens. "HB 262 protects landowners from liability if they allow their land to be used for community gardens, absent willful, wanton or grossly negligent conduct by the landowner," Farm and Ranch Freedom Alliance (<http://farmandranchfreedom.org/texas-legislative-report>). For additional specific information

on this bill, go here:

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB262>.

Obtaining legal advice maybe beneficial in the following situations:

- Land negotiation becomes complicated
- The project becomes more complex
- Costs for the land seem to becoming more expensive
- The feeling that someone may be taking advantage of your or the garden project in the short term or the long term.

If you feel the need to consult a lawyer, the following resources maybe able to help:

SMU – Law School clinic - <http://www.law.smu.edu/clinics/get-help-now> or call 214-768-2562

Dallas Bar Association - <http://dallasvolunteerattorneyprogram.org>

C. Zoning

Zoning is the way land use is defined and regulated. The City of Dallas has many different zoning types within the city code. The two main divisions are Residential zoning and Commercial zoning. Within each, there are multiple subdivisions. Each subdivision will have slightly different rules about setbacks, fencing, and other details.

Zoning is the most important item that will affect how you farm your selected property. For instance, all zoning types can be used for urban agriculture, but depending on the exact zoning, rules for buildings and fences and parking will vary.

For the purpose of an urban agriculture project, the main difference between Residential and Commercial zoning is that in Commercial zoning designations sales of fruits and vegetables raised are allowed while in Residential zoning, on-site sales is not allowed.

D. Existing Structures on Land & Accessory Use

If there is an existing structure on a piece of property, different rules apply, and the Urban Garden ordinance may not apply. If there is NO existing structure on the property, see Section 2 for information.

An existing structure is a building - such as a house, church, school, library, warehouse, etc – that is in use.

Accessory use:

Accessory use is the term used when the garden or urban food project is on land adjacent to an existing structure, whether commercial or residential. Gardens are allowed as accessory

use. Again, recommendations are that a simple written agreement be created between the land owner(s) and the group or individual creating the urban agriculture project.

Land with an existing house:

If the piece of land used for urban food production has a home that is inhabited, the Urban Garden ordinance does not apply. At an occupied home, food production and sales (off-site) are allowed by right. If the house on the land is unoccupied and will not be occupied for residential use with the start of the urban agriculture project, then....

Land with existing multi-family housing:

If the piece of land used for urban food production has a multi-family building or several buildings, such as an apartment complex, that is inhabited, the Urban Garden ordinance does not apply because the food production is considered accessory use.

Land with an existing commercial building:

Commercial buildings are buildings that have been or are being used for commercial businesses. These include, but are not limited to buildings such as stores, warehouses, and gas stations. Churches are also included in the commercial building category. Urban food production is allowed at these sites and considered accessory use.

Part 2: Cultivating the Land or what's allowed with Urban Garden CO

A. Building regulations – In planning an urban garden, you will want to consider at least a storage shed for tools and other equipment and supplies. For urban gardens in a residential zoning, no more than 10% of a vacant lot can be covered with a structure. No single structure can be more than 200sq ft in size.

For example, if a lot is 7500 sq ft, the garden is allowed to 750 sq ft of buildings on the lot. So, a garden with this lot size might have three 200 sq ft buildings and one 150 sq ft building. The total amount of the buildings can total 10% of the total lots size as long as no building is more than 200 sq ft.

Raised beds or structures supporting bed cover are not considered buildings.

B. Fencing – Fencing rules vary based on the land zoning. Each type of zoning has specific requirements for fences. Typically, there is a standard set back for fences that line streets or a fence in what would be considered the front yard.

Urban garden projects will want to consider whether fencing is needed and the appropriate type of fencing for the project and the zoning designation.

C. Animals and Bees – Chickens, bees, and aquaponics are allowed on an urban garden. All other animals, whether for grazing or production, are prohibited except in certain zoning areas with a Special Use Permit. Other rules may apply with respect to signage, licenses, and sales for gardens with chickens, bees, or aquaponics.

D. Sales – Sale of food produced in an urban garden is allowed. If the garden is on a commercially zoned property, sales can occur on-site. Other requirements such as parking and facilities may apply. Check zoning rules for these. If the garden is on a residentially zoned property, sales on-site are **not** allowed. Sale at a neighborhood or farmers market is an option for any urban garden.

E. Parking – Parking is not required for urban gardens unless there is on-site sales (non-residential only). Then one off-street parking space is required for every 200 square feet of sales area with a minimum of two off-street parking spaces.

F. Aquaponics – Aquaponics (see glossary for definition) is allowed in an urban garden. In order to properly operate an aquaponics system, especially if any sales from the system will occur. See Appendix ___ for this information.

G. Compost – Composting is allowed in urban gardens; however, proper practices will ensure that the compost pile(s) do not become a draw for unwanted rodents and other animals. The easiest way to avoid this problem is to never add meat, other animal products, or dairy to the compost system. Many resources for proper composting are available for free.

H. Other information and resources

- a. *Soil testing* – Soil tests generally report the nutrient levels contained in soil. Many different types of tests are available. One of the easiest ways to do a soil test is through Texas AgriLife Extension.

If a garden is suspected to be in an area with contaminated soil, a soil test is very necessary to test for heavy metals. Tests for these are available commercially. Be sure the test is appropriate for use with soil.

- b. *Additional potential licenses and regulations* (florist for cut flowers, eggs)

Cut flowers – For commercial sale (any sale at a public location) of flowers, a florist permit may need to be obtained. These rules can be found at the Texas Department of Agriculture website.

Eggs – A person may sell eggs produced by chickens they own at a neighborhood or farmers market. The eggs must be kept at 45°F. If the eggs are sold by another person or sold to a business for use or sale (such as a restaurant or grocery store), then other rules apply and additional permits may be needed.

- c. *Insurance* - It is strongly recommended that urban gardens should have some type of liability coverage for any accidents that might occur. In addition, product liability is needed if produce is to be sold to the public.
- d. *Community garden resources* – Many resources for community gardening are available on the Internet. One of the best places to start is the American Community Gardening Association website (<https://communitygarden.org>). As this guide develops, other resources will be added.

Part 3: Obtaining the Certificate of Occupancy (CO)

- A. What's needed for a Certificate of Occupancy** – The Certificate of Occupancy (CO) lets the City know how you are using your particular piece of property and help you know what is allowed with in that use.

Remember: the CO will be needed if you are starting a garden on a vacant piece of land or if you are changing the use of the property such as with a commercially zoned property. Gardens that are on the property of a church or other business or community facility will not need their own CO.

To obtain a CO, visit the City's municipal offices at 320 E. Jefferson Blvd. in Oak Cliff, room 118. Their hours are 8:00 to 4:30, Monday through Friday.

First, visit the Zoning office. Give the address of the lot you intend to farm, and the person in zoning will go over the zoning regulations for the area in which the lot is located, and go over any restrictions with you. Certain areas may have additional restrictions or existing overlays, such as in PD 380 in the Bishop/Davis area or PD 595 in South Dallas/Fair Park.

For the CO, a map of the site will be needed. Currently, an official plat map of the lot will be required. Copies of a plat are not expensive. Some lack of clarity exists in whether urban gardens will be required to re-plate the land. Since this can cost a few hundred dollars, a compromise solution will be sought to make it affordable for urban gardens to meet the needs of the city. The CO takes 2-4 weeks to process and to be issued. The cost is \$280.

**Regardless of the plat map issue, an urban garden will be required to provide a site map, drawn to scale, that shows the layout for the planned garden. These site maps should identify where growing beds, walkways, any shade structures, storage sheds or other buildings, and compost piles will be located on the lot. This is something that a garden must decide on before moving any further through the process.

B. Water Meters – The office to visit about a water meter is in the same building at 320 E. Jefferson Blvd as the Zoning office. They will pull a map of the neighborhood, which shows where the water mains are located.

To find out if a water line needs to be run to the property, and cost of a water meter, call 214-670-8213 (Water Department Operations).

A water meter must be installed by a utilities contractor hired by the garden leaders. Costs are estimated to range from \$1800 to \$2500. More information regarding water meter installation will be added to this section in future versions.

** NOTE: Wait until just before planting and operations to order a water meter – to have one put in much ahead of time may mean the meter is tampered with or you will be paying for someone who comes and helps him/herself to your water!



Appendix A – Glossary

Accessory Use – a use that is secondary to the primary purpose of the property.

Accessory Structures – a structure that is secondary to the primary structure on the property.

Agriculture - cultivation of animals, plants, fungi, and other life forms, for food, fiber biofuel, medicinal and other products used to sustain and enhance human life.

Agricultural Crop – plants grown for consumption.

Aquaculture - the rearing of aquatic animals or the cultivation of aquatic plants for food.

Aquaponics - a system of aquaculture in which the waste produced by farmed fish or other aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water.

Bed Cover (aka row cover) any transparent or semi-transparent, flexible material, like fabric or plastic sheeting, used as a protective covering to shield plants from cold, wind, and insect damage.

Bee Hive – a man-made or naturally occurring enclosed structure in which bees live, raise their young, produce and store honey.

Building Regulations – legal requirements to ensure that structures adhere to certain policies and standards.

Chicken Coop (aka hen house) a building where female chickens are kept; usually has an indoor area where the chickens sleep and nest as well as an outdoor area where chickens will feed.

City Code – legal rules enacted by a city government.

C.O./Certificate of Occupancy - document issued by a local government agency or building department certifying a building's compliance with building codes and other laws, and indicating it to be in a condition

suitable for occupancy; necessary to be able to

occupy the structure or land for everyday use.

Cold Frame - transparent-roofed enclosure, built low to the ground, used to protect plants from adverse weather, primarily excessive cold or wet; functions as a miniature greenhouse to extend the growing season.

Compost - organic matter that has been decomposed and recycled as a fertilizer and soil conditioner.

Compost Bins – a container for storing decomposed organic waste.

Community Garden - a community garden is a single piece of land gardened collectively by a group of people.

Container Garden - the practice of growing plants exclusively in containers instead of planting them in the ground.

Cultivate – prepare and use land for crops or gardening.

Farm Stand – structure for displaying and selling farm produce.

Fencing - a freestanding structure designed to restrict or prevent movement across a boundary, prevent trespassing or theft, and/or to keep livestock in or predators out.

Fertilizer - any material of natural or synthetic origin (other than liming materials) that is applied to soils or to plants to supply nutrients essential to the growth of plants.

Grade – describes a level surface or one with a specified slope for landscape and garden improvements or surface drainage.

Greenhouse - a structure with walls and roof made chiefly of transparent material such as glass or plastic in which plants requiring regulated climatic conditions are grown; a structure to extend the growing season.

Harvest - the process of gathering mature crops from the fields or gardens.

Hoop-House – a high tunnel structure typically constructed of lengths of PVC pipe and polyethylene used to extend the growing season; characterized by a half-round "hoop" shape.

Horticulture - the art or practice of garden cultivation and management of landscape plants.

Indoor Operation – growing plants and vegetables in an enclosed structure.

Landscaping - refers to any activity that modifies the visible features of an area of land.

Layout - the way in which plants, fruits, and vegetables are arranged or laid out in a garden.

License - a permit from an authority to own or use something, do a particular thing.

M.O.U./Memorandum of Understanding - a legal document outlining the terms and details of an agreement between parties, including each party's requirements and responsibilities.

Neonicotinoids - a class of insecticides that share a common mode of action that affect the central nervous system of insects, resulting in paralysis and death.

Ordinance – a law enacted by a local government authority.

Organic - matter that has come from a once-living organism, is capable of decay or the product of decay, or is composed of organic compounds.

Organic Certification - accreditation process for producers of organic products.

Organic Farming – agriculture conducted according to certain standards, especially the use of stated methods of fertilization and pest control; synthetic pesticides and chemical fertilizers are not allowed.

Ornamental Crop – plants grown for decorative purposes.

Outdoor Operation – growing plants or vegetables in the open-air.

Pen – an enclosure for holding livestock.

Permit – a written order granting permission to do something.

Pesticide - any substance used to kill, repel, or control certain forms of plant or animal life that are considered to be pests.

Plat - a map, drawn to scale, showing the divisions of a piece of land.

Produce - agricultural products, especially fresh fruits and vegetables.

Rain Barrel - a hollow, cylindrical container for collecting rainwater.

Rain Harvest – (aka rain catchment) is the accumulation, redirection and/or storage of rainwater for reuse on-site, rather than allowing it to run off.

Raised Planting Beds - a form of gardening in which the soil is formed in three-to-four-foot-wide beds, any length or shape; raised above the surrounding soil (approximately six inches to waist-high); sometimes enclosed by a frame generally made of wood, rock, or concrete blocks, and may be enriched with compost.

Rooftop Operation – a garden on the roof of a building.

Row Cover – (aka bed cover) any transparent or semi-transparent, flexible material, like fabric or plastic sheeting, used as a protective covering to shield plants from cold, wind, and insect damage.

Screening – a framed construction designed to conceal or protect.

Set-backs - the distance which a building or other structure is set back from a street, road or property line.

Shade Structure – construction to help protect plants and vegetables against extreme heat

Signage – public display signs.

Soil Remediation - the removal of pollution or contaminants from soil or sediment.

Soil Test – an analysis of a soil sample to determine composition, nutrient and contaminated content.

SUP/Special Use Permit - allows a specific exception to the zoning regulations for a particular parcel of land.

Sustainable Practices – methods of developing and maintaining healthy ecological and environmental systems and processes; conserving natural resources.

Tool Shed – storage structure for garden equipment.

Urban Garden –gardens located in densely populated areas that grow food intended to be sold.

Vertical Garden –a method of growing plants on walls.

Zoning/Zoning District – areas of land divided by appropriate authorities into

sectors and regulated such that various uses are permitted; the main divisions are residential and commercial.

Zoning Terms – describe the allowed uses of areas of land divided into sectors.

Water Meter - measures the volume of water used by residential and commercial buildings that are supplied with water by a public water supply system.

Appendix B – Aquaponics Permits for Texas

Current as of August 2015

If an aquaponics operation plans to sell its fish, there are three species that may be aquacultured with an Exotic Species Permit from Texas Parks and Wildlife: Blue, Nile, and Mozambique tilapia.

The ONLY tilapia species you can have on your property for personal use (i.e. not for sale to the public) without an Exotic Species Permit is MOZAMBIQUE tilapia. In order to be in possession of Mozambique tilapia without a permit you must maintain a copy of your exotic species transport invoice with a valid permit number from the group you purchased the fish from.

There is no permit required (other than a fishing license) to catch and put into your aquaponics system blue gill, bass, crappie or catfish.

3 Step Process for an Exotic Species Permit:

1. Obtain a TCEQ permit exemption form recognizing that the operation doesn't have any wastewater runoff. This can be downloaded from the TCEQ website. It does not seem to be a complicated form. Contact Melinda Luxemburg with TCEQ at 512-239-4541 or email at Melinda.Luxemburg@tceq.texas.gov for more information on how to obtain this permit.

2. Once the form is complete, send it to Rick Garza at Texas Department of Agriculture to obtain an aquaculture license 512-936-2430 or email at rick.garza@TexasAgriculture.gov. There will be some paperwork to complete with Rick as well.

3. Finally, send in a copy of the TCEQ exemption and Aquaculture permit along with your completed Exotic Species application to Luci Cook-Hildreth at Texas Parks and Wildlife Dept. The form is downloadable from <http://www.tpwd.state.tx.us/publications/fishboat/forms/>. Click on [Exotic Species Permit or Renewal \(PWD-1026\)](#) (Word51 KB) (for commercial and agricultural operations).

The application fee is \$263. Once TPWD has received all this information a TPWD biologist will get in touch with you to make arrangements to inspect your facility. Once your facility has passed inspection your permit will be issued. All permits expire on December 31st in the year they are issued. There is a \$27 fee to renew the Exotic Species permit each year. For help, at TPWD, contact Luci Cook-Hildreth at 512-389-8750.