FORT WORTH®

GROWING GOOD FOOD in Fort Worth

A SUMMARY OF THE PROPOSED URBAN AGRICULTURE AMENDMENTS TO FORT WORTH'S ZONING ORDINANCE

The City of Fort Worth wants residents to live longer, healthier lives. This guide has been prepared to help you and your neighbors grow fresh, healthy food in the City of Fort Worth.

Understanding the zoning ordinance for urban agriculture will assist you in building great gardens and stronger communities. This guide is a summary of the ordinance.

How does urban agriculture help our community?

- Urban agriculture can make fresh fruits and vegetables more readily available.
- Urban agriculture can provide income for people who want to grow and sell produce.
- Food grown in the community can supply local businesses, schools and nonprofit organizations.
- Urban agriculture can create jobs and teach people how to grow food.
- Underused or vacant lots can sometimes be used to grow food, improving the appearance of neighborhoods.
- Beekeeping, as part of urban agriculture, can help pollinate plants and increase the amount of produce a garden or farm grows.

Types of urban agriculture	Definition*
Community garden	A shared garden space for crops or ornamental crops divided up by garden members on land permitted for that purpose. A community garden can be run by a nonprofit, neighborhood association or by a member of the community and is open to the local neighborhood.
Urban farm	A public or private, for-profit or nonprofit agricultural operation consisting of planting and harvesting crops, raising fowl and/or beekeeping.
Aquaponics	The combination of aquaculture (farming aquatic species) and hydroponics (plants) to raise crops and fish together.

* Some definitions are summarized. Reference the zoning ordinance for the full definitions.

What is currently allowed in Fort Worth?

- Home gardens and community gardens.
- Well-kept front yard produce gardens.
- Some small animals, like guinea pigs, rabbits and certain birds are allowed. See Fort Worth Code of Ordinances, Sec 11A-22.

What will the changes allow?

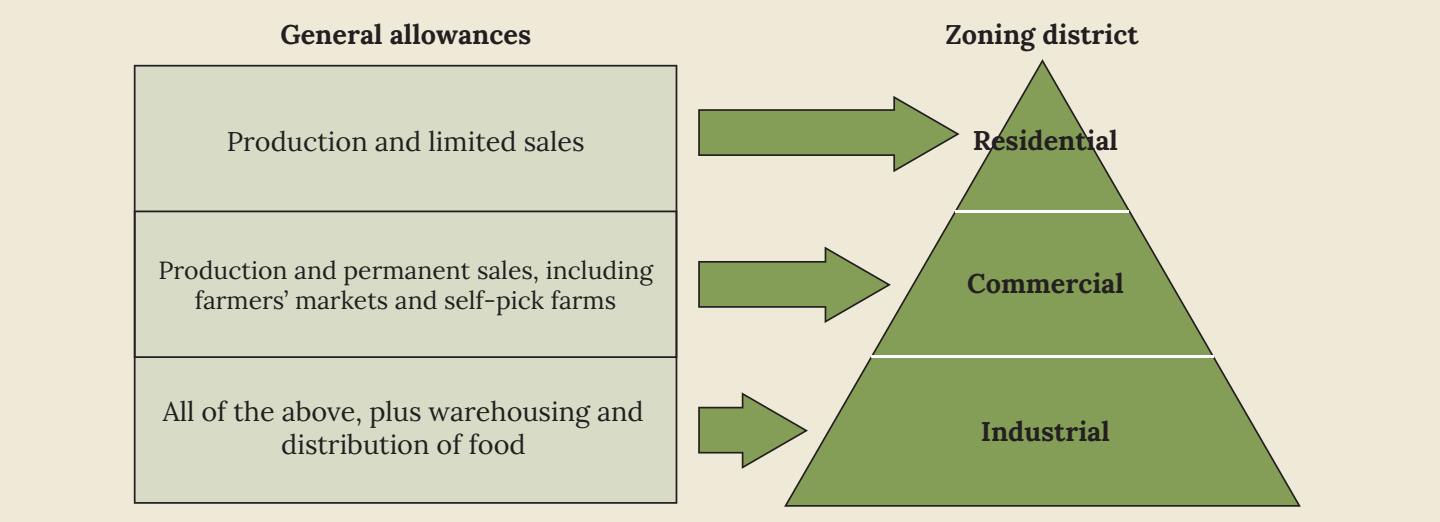
- Urban farms.
- Aquaponics inside a covered structure.
- Sales of produce grown in all zoning districts.

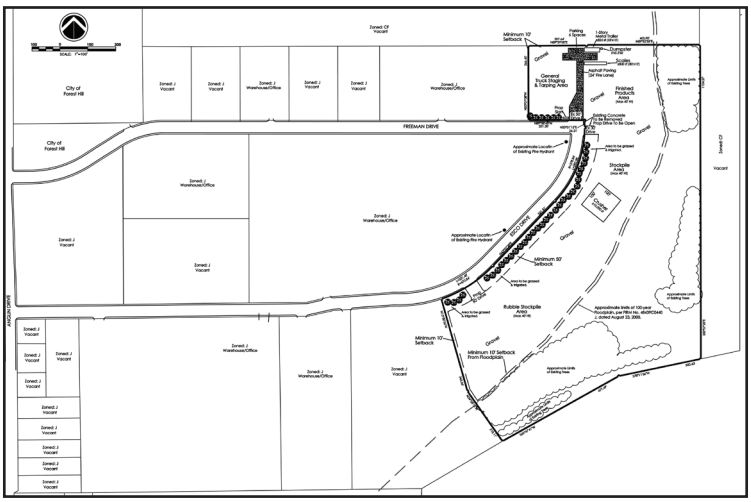
Are there additional guidelines to follow?

- Each zoning district has different allowances. Generally, residential areas have more restrictions to ensure that urban agriculture activities do not disrupt residents.

What documentation does the city require for urban farms?

- A site plan – required for all urban farm sites located on a lot not shared with a residence. See a sample site plan below.
- Site plans show all properties used for urban farms.
- A Land Use Certificate of Occupancy must be obtained for any farm on land not used for other purposes (residential or business) or for any structures being built on urban farm properties.
- A Development Permit for lots over 1 acre in size. It is evaluated by several city departments.





Are there city fees for urban agriculture sites?

- Water and sewer fees
  - o Tap fee – if there is not an existing tap (http://FortWorthTexas.gov/water/developers/tap-fees/.)
  - o Impact fee (http://FortWorthTexas.gov/water/developers/impact-fees/).
  - o Meter deposit.
  - o Normal water and sewer usage fees.
- Stormwater management fees
  - o Monthly utility fee – depends on amount of hard ground cover, such as pavement or buildings (http://FortWorthTexas.gov/stormwater/utility-fee/).

How do I get started?

If you plan to start an urban farm in Fort Worth, contact the city for a pre-development conference. Start by visiting the Planning and Development web page at http://FortWorthTexas.gov/planninganddevelopment/pre-development/ or by calling 817-392-6226.

Helpful links

Tarrant County Master Gardeners Association
http://tarrantmg.org/
Help desk for gardening questions: 817-884-1944 or tarrantmg@ag.tamu.edu

Tarrant County Food Policy Council Working Group on Community Gardens and Urban Agriculture
http://www.tarrantcountyfoodpolicycouncil.org/cgua-working-group.html

Texas A&M Agrilife Extension Service
http://agrilifeextension.tamu.edu/

Metro Beekeepers Association
http://metrobeekeepers.net

Urban agriculture uses in Fort Worth
Adapted from the Fort Worth Zoning Ordinance
☑ **Allowed***

Zoning district	Community garden	Urban farm	Aquaponics, within a structure	General signage	Temporary sales	Farmers' market	Sale signage	Honeybees	Self-pick sales	Warehousing/ distribution
Residential	☑	☑	☑	☑	☑		☑	☑		
Commercial	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Industrial	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑

*** See zoning ordinance for conditions.**

ORDINANCE NO._____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY REVISING THE USE TABLES IN CHAPTER 4, "DISTRICT REGULATIONS", ARTICLES 6, 8 AND 12 TO ADD "URBAN AGRICULTURE" AND "COMMUNITY GARDENS" AS A PERMITTED USE IN ALL DISTRICTS; TO AMEND CHAPTER 5, "SUPPLEMENTAL USE STANDARDS", TO ADD SECTION 5.146 "URBAN AGRICULTURE AND COMMUNITY GARDENS" PROVIDING DEVELOPMENT STANDARDS FOR URBAN AGRICULTURE, COMMUNITY GARDENS AND RELATED USES; AND TO REVISE CHAPTER 9, "DEFINITIONS" TO ADD DEFINITIONS RELATED TO URBAN AGRICULTURE AND COMMUNITY GARDENS; TO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, obesity related health problems are highest in areas that lack access to fresh food; and

WHEREAS, healthy and fresh foods should be grown and/or purchased in areas where they can easily be accessed by local residents; and

WHEREAS, urban gardens increase the supply of locally grown produce encourage healthy eating and gardening as a part of a healthy lifestyle; and

WHEREAS, urban gardens facilitate job training and food related education activities including how to grow healthy and fresh foods; and

WHEREAS, existing underutilized lots and vacant land in areas that are in need of revitalization are ideal to convert to food production; and

WHEREAS, small and large scale food production operations as a primary use should be able to exist within most zoning districts, with regulations; and

WHEREAS, urban farming contributes to providing locally grown and sourced foods to local businesses, schools, and nonprofit organizations; and

WHEREAS, consideration is given to minimize the potential negative impacts onto adjacent properties from urban agriculture practices; and

WHEREAS, enabling urban agriculture throughout the city supports the Blue Zones Resolution No. 4278 approved by the City Council on January 28, 2014;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS

SECTION 1.

Chapter 5 "Supplemental Use Standards" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, "Standards for Selected Uses" to add Section 5.146 "Urban Agriculture and Community Gardens" to provide development standards for Urban Agriculture and Community Gardens and related uses, to read as follows:

A. General Requirements

1. A single responsible party shall be identified for any Urban Farm. The party may be a private resident, nonprofit or for profit entity.
2. A Land Use Certificate of Occupancy (CO) shall be required for any area that is used solely for food crop production. Contiguous property within a Production Unit may be included within one CO. Noncontiguous property will require separate COs.
3. Building permits and COs shall be required for any habitable structure. Building permits shall be required for non-habitable structures greater than 400 square feet.
4. A maximum 12 square foot sign may be provided displaying the operator and description of the operation.
5. Large animals. Raising Large Animals for production or slaughter or both shall not be an allowed use under Urban Agriculture. Large Animals are allowed in accordance with Section. 5.307.
6. Fowl are allowed in accordance with Appendix B, "Code Compliance" Section 11A-22, "Keeping of Rabbits, Guinea Pigs, Pigeons, and Certain Fowl" of the City Code.
7. Parking may be provided off-site if employees are parking personal vehicles and traveling to the worksite in a single or minimal number of vehicles. If personal vehicles are parked on the street at a site in a residential area, the vehicles shall not remain parked longer than four (4) hours in a workday.
8. Urban Forestry requirements shall not apply for any Production Area. Trees shall be required as part of a required landscape buffer when structures requiring a building permit are on the site, including nonproduction areas such as retail and warehouse. Fruiting trees may be provided as credit toward the buffer and planting requirements. An Urban Forestry Plan showing the existing conditions and nay trees to be removed shall be provided. If trees are removed for agricultural purposes and the agricultural use ceases within (5) years, replacement trees shall be installed from the protected tree list.

9. Odor shall be controlled on all urban gardens and farms so as to not be a nuisance to surrounding properties. Any sources of odor shall be controlled and mitigated in accordance with the City Code and all applicable laws.
10. Beekeeping/Apiary is allowed with the below regulations:
    a. The responsible parties, who are beekeepers, must adhere to all applicable state laws concerning the care and handling of bees;
    b. Honeybee colonies are kept in hives with removable frames or top bars with dividers, which shall be maintained in sound working condition;
    c. The numbers of hives is tailored to the size of the lot as follows: a maximum of two hives on lots ¼ acre or smaller, four hives on lots larger than ¼ but less than ½ acre, six hives on lots larger than ½ acre but smaller than 1 acre. There shall be no limit on the number of hives on lots larger than one acre. The number of hives may increase by up to 50% over the designated limits for a period not greater than sixty (60) days. The Planning and Development Director or designee shall have the authority to require a person to reduce the number of hives or require other reasonable safety precautions in an apiary in order to abate any nuisance.
    d. If a hive's orientation has the hive entrances located perpendicular to and within 25 feet or less of an adjacent property line, a solid wall, fence, hedge or combination thereof at least six feet high shall be placed between hives and adjacent property lines of developed properties, and extends at least four (4) feet beyond the hive in each direction along the property line in order to minimize interactions between bees and the adjacent property
    e. A convenient source of water is provided to the bees on the property at all times during the year to discourage bees from congregating at swimming pools, hose bibs, or other water sources where contact with humans or pets may occur.
    f. No wax comb or other material that encourage robbing by other bees is left upon the grounds of the lot; instead this material should be stored in sealed, insect-proof containers or closed buildings. For a period not greater than twenty-four (24) hours frames and hone harvesting equipment may be left in the bee yard to allow bees to clean excess honey from the equipment.
    g. If a colony exhibits aggressive behavior without provocation, the beekeeper will ensure that the colony is re-queened or otherwise managed using customary beekeeping practices;
11. Watering equipment shall comply with the water regulations of the City of Fort Worth. Irrigation shall utilize water conserving fixtures.
12. Delivery of compost, mulch, soil, or other clean organic or inorganic materials shall be allowed, provided however, that the storage of the materials shall not exceed six (6) feet in height and is screened from public view.
13. Chemical applications such as pesticides, herbicides, and fertilizers are allowed provided that state regulations are followed and the responsible party obtains the required permits. However, organic growing practices are preferred due to the negative impacts of many chemicals on environmental quality and public health.

14. All food products provided for sale shall comply with the requirements of Chapter 16 "Health and Sanitation" of the City Code.
15. Property shall be restored to its former condition immediately prior to or an improved state upon cessation of the Urban Agriculture use, including but not limited to, the removal of all agricultural structures, tanks, raised beds, irrigation lines and equipment.

B. In all residential districts as a primary use and "ER" Neighborhood Commercial as a primary use:
1. On site sales shall be allowed sunrise to sunset, not to exceed three days per week. A maximum sales area fifty (50) square feet with one temporary structure to be used the day of the sale. A maximum two (2) foot by two (2) foot signage shall be allowed the day of sale. A temporary sandwich board sign shall be allowed within ten (10) feet of the site of sales.
2. Sales may occur in accordance with subsection (1) above for nonresidential properties in residential districts, e.g. churches and schools.
3. There shall be no size limitation for urban farms.
4. Coverage of buildings shall be determined by the lot coverage for the zoning district. Any vertical structure over four (4) feet is included in this calculation and includes classrooms, greenhouses, and storage structures.
5. Screening fences are required for the storage of compost, mulch and similar items. Storage piles or the fence shall not exceed six (6) feet in height. Storage of these items shall not be visible from the ground level of adjacent residential property or public street. Open security fencing shall be allowed for all Production Areas provided however fences in the front yard shall comply with Section 5.305.
6. Cisterns shall not exceed 500 gallons and/or six (6) feet in height, whichever is greater.
7. Aquaponics shall be allowed within a structure with no outside storage of equipment or materials.
8. When the agricultural use is accessory to a primary residential use:
    a. Subsection (1) above applies, and
    b. Front yard gardens are allowed for crop production. Once production ceases and plants begin to die back, the yard shall be maintained. No weeds or other unkempt conditions shall remain. Plants that seed shall be allowed to remain during the seeding process but shall be otherwise maintained.

C. In "E", "F" and "G" Commercial Districts and "CF" Community Facilities District:
1. Production plus permanent or temporary retail sales allowed. Permanent sales facilities shall operate in accordance with Section 5.145 as a Farmer's Market. Temporary sales operations shall comply with Section B(1) above.
2. Aquaponics shall be allowed within a structure, with no outside storage of equipment or materials.
3. Self-pick farms are allowed. Parking shall be required at one vehicle per four (4) employees and one vehicle per acre of urban farm for customer parking and may be provided as compacted gravel base.

4. Screening fences are required for the storage of compost, mulch and similar items. Storage piles or the fence shall not exceed 6 feet in height. Open security fencing shall be allowed for all production areas. Any retail or nonproduction structure or any structure that contains a portion of these activities shall comply with the commercial regulations of the Zoning Ordinance.
5. Motorized equipment shall not exceed ten (10) horsepower.

D. In "I", "J" and "K" Industrial Districts
1. The commercial requirements in Section C above apply; warehouse/distribution uses are allowed.
2. Storage of equipment and vehicles including tractors, spreaders and harvesting equipment may only occur on lots within industrial districts
3. Aquaponics shall be permitted within or outside a structure.
4. Storage piles and fencing may exceed six (6) feet in height.

E. In "H" Central Business District, Mixed Use ("MU) and Form-Based Districts
1. Acreage shall be limited to one acre.
2. Motorized equipment shall not exceed ten (10) horsepower.
3. Screening fences are required for the storage of compost, mulch and similar items. Neither the storage piles nor the fence shall exceed six (6) feet. Open security fencing shall be allowed for all Production Areas. Any retail or nonproduction structure or any structure that contains a portion of these activities shall comply with the commercial regulations of this ordinance.

F. Site Plans:

1. A site plan is required for any urban farm under Sections B through E above operated as a primary use. The site plan shall show all areas used for the farming purposes and may include a multi-lot Production Unit. The site plan may be approved administratively by the Planning and Development Director or designee. Operations as an accessory to a residential use shall not be required to provide a site plan. The site plan may be prepared by the applicant.

2. A site plan shall include the following information:
   a) Name and contact information of responsible party(ies)
   b) The land area included within the site, the zoning classification of adjacent sites, and a plat, or survey if not recorded;
   c) A legal description of the platted lots of the proposed site and the boundaries thereof;
   d) The location of each proposed permanent structure on the site labeled with the intended use and include the distance to the property lines;
   e) The location of any temporary sales structure;

f) Identification of the location of outdoor storage including composting, organic debris, and permanent equipment. Storage in piles shall provide intended maximum pile height;
g) Identification of any equipment to be used in the crop production, location of storage and expected frequency and duration of use;
h) The dimensions and capacities of parking areas and loading areas, as applicable;
i) Depiction of the landscaping of all street frontages for retail or warehouse uses or a note that it will comply with Section 6.301 of the Zoning Ordinance
j) The location and height of all walls, fences and screen planting and landscaping;
k) The location of parking for employees.
l) The location, size, height, foot candle level (brightness) and direction of all lighting in residential districts or adjacent to "A" or "B" residential districts. Lighting in residential districts or adjacent to "A" or "B" residential districts shall be shielded in order to eliminate light trespass onto adjacent properties.
m) Proposed signage if applicable. Signage for nonproduction uses shall meet the regulations of the applicable Zoning District;
n) The location and screening of refuse containers, mechanical equipment, and other structures not requiring a building permit;
o) A schedule of the phasing of all improvements shown in the plan, if applicable;
p) For production areas only: if not provided on the farming site, a note shall be provided where restrooms shall be available for employees. If at the farm's business office, provide the location. If by agreement with a surrounding business, provide the name and address of the business and a copy of the written agreement. Temporary restroom facilities shall be allowed as allowed by Chapter 16 "Health and Sanitation" of the City Code. Restrooms shall be provided in accordance with applicable building codes for retail, warehouse, and distribution structures.
q) Location and type of water supply and electrical outlet(s) provided for the farm/garden.

Note: A basic Storm Water/Erosion and sediment control plan will be required for review.

Note: All regulations of the Zoning Ordinance apply unless a variance is received and provided on the site plan.

G. Community Garden

1. On site sales shall be allowed sunrise to sunset, not to exceed three days per week. Maximum sales area 50 sf. with a temporary structure to be moved to the point of sale only the day of the sale. Maximum 2 ft. x 2 ft. signage shall be allowed for the day of sale only. A temporary sandwich board sign shall be allowed within 10 feet of the site of sales.

2. No fencing or landscaping required, but gardens shall be maintained to a residential standard. No weeds or other unkempt conditions shall remain.
3. No additional parking spaces are required.
4. No size limit but shall be located on a platted residential lot
5. Accessory structures shall not exceed 400 total square feet.
6. Landscaping structures such as arbors may be installed for aesthetic and shade purposes behind the required front setback.
7. The maximum structure lot coverage for the applicable zoning district shall apply.
8. A minimum 2 ft. x 2 ft. permanent unilluminated sign shall be installed providing the phone number of a contact person. A maximum 32 square foot sign may be installed behind the required front setback. The sign shall be well maintained and removed upon closure of the garden.

SECTION 2.

Chapter 4, Article 8, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Non-Residential District Use Table" is hereby amended to revise section "Agricultural", to add the use "Urban Agriculture" and add a "P*" under "E" Neighborhood Commercial through "K" Heavy Industrial District columns for the use with a reference to the Supplemental Standard Section 5.146.

SECTION 3.

Chapter 4, Article 12, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.1203, "Form Based District Use Table" is hereby amended to revise section "Agricultural", to add the use "Urban Agriculture" and add a "P*" under "MU-1" Low Intensity Mixed Use through "MU-2G" High Intensity Mixed Use, "NS" Near Southside Form Based District, "TU" Trinity Uptown Form Based District, "CB" Camp Bowie Form Based District and "TL" Trinity Lakes Form Based District with a reference to the Supplemental Standard Sect. 5.146.

SECTION 4.

Chapter 4, Article 6, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.603, "Residential District Use Table" is hereby amended to revise section "Agricultural", to add the use "Community Garden" and add a "P*" under ALL DISTRICTS "A-2.5" One-Family Residential through "UR" Urban Residential District columns for the use with a reference to the Supplemental Standard Section 5.146.

SECTION 5.

Chapter 4, Article 8, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Non-Residential District Use Table" is hereby amended to revise section "Agricultural", to add the use "Community Garden" and add a "P*" under ALL DISTRICTS "E" Neighborhood Commercial through "K" Heavy Industrial District columns for the use with a reference to the Supplemental Standard Section 5.146.

SECTION 6.

Chapter 4, Article 12, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.1203, "Form Based District Use Table" is hereby amended to revise section "Agricultural", to add the use "Community Garden" and add a "P*" under ALL DISTRICTS? "MU-1" Low Intensity Mixed Use through "MU-2G" High Intensity Mixed Use, "NS" Near Southside Form Based District, "TU" Trinity Uptown Form Based District, "CB" Camp Bowie Form Based District and "TL" Trinity Lakes Form Based District with a reference to the Supplemental Standard Section 5.146.

SECTION 7.

Chapter 9, "Definitions" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 9.101, "Defined Terms" is hereby amended to add definitions to read as follows:

9.101 Defined Terms

AQUAPONICS: the combination of aquaculture (farming of aquatic species) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculation system without discharge or exchange of water.

COMMUNITY GARDEN: A shared garden space managed by a public or nonprofit organization, a neighborhood association, person or group of individuals in the community, to grow plants and harvest food or ornamental crops for use by those cultivating the land and their households.

PRODUCTION AREA: raised beds and rows; not to include buildings or structures, including structures that involve the growing of crops.

PRODUCTION UNIT: For purposes of a site plan, a production unit shall include all property, contiguous or noncontiguous, that is used for toward the production of agricultural crops. Uses may include direct production of the land, accessory structures such as greenhouses, storage buildings, and tanks, and storage of other equipment as appropriate and allowed in the zoning district. A land use CO will be required for each noncontiguous lot.

URBAN AGRICULTURE/URBAN GARDEN/URBAN FARM*:* A public or private, for profit or nonprofit agricultural operation consisting of the planting and harvesting of crops, the raising of fowl, and beekeeping. This does not include the raising of large animals for production except as allowed in the Land Use Charts. Per Section 5.146 Supplemental Standards

SECTION 8.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 9.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 10.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 11.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896, 21653 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

DRAFT

SECTION 12.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 13.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 12.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____ _____

Assistant City Attorney Mary J. Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

DRAFT