

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING TITLE 25 AND TITLE 30 OF THE CITY CODE
2 RELATED TO COMMUNITY GARDENS.

3 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

4 PART 1. Section 25-2-7 (*Agricultural Uses Described*) of the City Code is amended to
5 read:

6 § 25-2-7 AGRICULTURAL USES DESCRIBED.

7 (A) Agricultural uses include the on-site production of plant and animal products
8 by agricultural methods.

9 (B) Agricultural use classifications are described as follows:

10 (1) ANIMAL PRODUCTION use is the use of a site for the raising of
11 animals or production of animal products including eggs and dairy
12 products, on an agricultural or commercial basis. This use includes
13 grazing, ranching, dairy farming, and poultry farming.

14 (2) COMMUNITY GARDEN use is the use of a site for growing or
15 harvesting food crops or ornamental crops on an agricultural basis, by
16 a group of individuals for personal or group use, consumption or
17 donation.

18 [~~2~~](3) CROP PRODUCTION use is the use of a site for the raising and
19 harvesting of tree crops, row crops, or field crops on an agricultural or
20 commercial basis, including packing and processing.

21 [~~3~~](4) HORTICULTURE use is the use of a site for the growing of
22 horticultural or flora cultural specialties, including flowers, shrubs,
23 and trees intended for ornamental or landscaping purposes, but
24 excluding retail sales. This use includes wholesale plant nurseries and
25 greenhouses.

26 [~~4~~](5) SUPPORT HOUSING use is the use of a site for living
27 accommodations by agricultural employees or their families.

1 ~~(5)~~(6) URBAN FARM use is the use of an urban site for the production and
2 sale of organic agricultural products.

3 **PART 2.** The table in Section 25-2-491(C) of the City Code is amended to add
4 "Community Garden" use under Agricultural Uses and to indicate that "Community
5 Garden" use is permitted in all districts.

6 **PART 3.** The table in Section 25-2-491(C) of the City Code is amended to indicate that
7 an "Urban Farm" use under Agricultural Uses is changed to indicate that "Urban Farm"
8 use is a permitted use in all districts.

9 **PART 4.** Section 25-2-863 (*Urban Farms*) is amended to add a new Subsection (C) to
10 read as follows and to re-letter the remaining subsections accordingly:

11 **§ 25-2-863 URBAN FARMS.**

12 (C) For a Public (P) district the use:

13 (1) must be approved as a concession by the director; and

14 (2) must be located:

15 (a) outside the 25-year flood plain; and

16 (b) no less than 100 feet from a creek centerline.

17 **PART 5.** Section 25-4-3 (*Temporary Exemption from Platting Requirements*) of the City
18 Code is amended to read:

19 **§ 25-4-3 TEMPORARY EXEMPTION FROM PLATTING REQUIREMENTS.**

20 (A) The director may temporarily exempt a parcel of land from the requirement
21 to plat if the director determines that the sole use of the parcel is as a
22 [qualified] community garden [~~described in Chapter 8-4 (Qualified~~
23 ~~Community Gardens)~~]. An applicant shall provide the director with the
24 information and documentation necessary to establish the exemption.

25 (B) If the sole use of an exempted parcel changes from a [qualified] community
26 garden, an exemption under this section expires.

27 (C) A parcel temporarily exempted under this section must be platted before it
28 may be used for a purpose other than as a [qualified] community garden

1 **PART 6.** Section 25-5-2 (*Site Plan Exemptions*) of the City Code is amended to add a
2 new Subsection (K) to read as follows:

- 3 (K) A site plan is not required for development of a site solely for a community
4 garden use if the director determines that the overall plan does not exceed
5 the exceptions described in subsections (B), (C) or (D).

6 **PART 7.** Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading*
7 *Requirements, Part 1 – Motor Vehicles*) of the City Code is amended to add “Community
8 Garden” as a new use classification in the first column under “Agricultural Uses” and to
9 add “Schedule B” as the corresponding minimum off-street parking requirement in the
10 second column and “None” as the off-street loading requirement in the third column.

11 **PART 8.** Section 25-9-99 (*Temporary Tap Permits for a Community Garden*) of the
12 City Code is amended to read:

13 **§25-9-99 TEMPORARY TAP PERMITS FOR A CITY-SUPPORTED**
14 **COMMUNITY GARDEN.**

- 15 (A) In this section, city-supported [~~qualified~~] community garden and garden
16 permit have [~~has~~] the meanings assigned by Section 14-7-1 (*Definitions*) [~~8-~~
17 ~~4-1~~ (*Designation*)].
- 18 (B) A tap permit issued for a city-supported [~~qualified~~] community garden is a
19 temporary permit. A tap permit issued for a city-supported community
20 garden remains valid only while the [~~community~~]garden permit is valid [~~is a~~
21 ~~qualified community garden~~].
- 22 (C) If the [~~a community~~]garden permit terminates [~~ceases to be a qualified~~
23 ~~community garden~~] and the parcel of land [~~lot~~] is no longer exempt under
24 Section 25-4-3 (*Temporary Exemption From Platting Requirements*), the
25 Water and Wastewater Utility shall remove the tap from [~~for~~] the city-
26 supported community garden.
- 27 (D) If the [~~a community~~]garden permit terminates [~~ceases to be a qualified~~
28 ~~community garden~~] and the parcel of land [~~lot~~] is a legal lot, the Water and
29 Wastewater Utility shall remove the tap from [~~for~~] the city-supported
30 community garden unless:
- 31 (1) the owner or the user of the legal lot submits an application for a tap;
32 and

1 (2) the director of the Water and Wastewater Utility approves a tap
2 permit.

3 (E) An applicant under Subsection (D) must pay the fees for each tap for which
4 an application is submitted, including any impact [~~a capital recovery~~] fee.

5 **PART 9.** Subsection (B) of City Code Section 25-9-312 (*Definitions*) is amended to
6 read:

7 **§ 25-9-312 DEFINITIONS.**

8 (A) Except as provided in this section, words and phrases in this article that are
9 defined in Chapter 395 of the Local Government Code have the same
10 meaning in this article that they have in Chapter 395.

11 (B) In this article:

12 (1) CITY-SUPPORTED COMMUNITY GARDEN has the meaning
13 assigned by Section 14-7-1 (*Definitions*).

14 (2) [~~(2)~~] NEW DEVELOPMENT means the subdivision of land; the
15 construction, reconstruction, redevelopment, conversion, structural
16 alteration, relocation, or enlargement of any structure; or any use or
17 extension of the use of land; any of which increases the number of
18 service units for water or wastewater service, and includes the sale of
19 water or wastewater taps resulting from the conversion of an
20 individual well, or of an individual waste disposal system, to the
21 City's water or wastewater utility.

22 [~~(2)~~] QUALIFIED COMMUNITY GARDEN means a parcel of land used
23 as a cooperative garden under Chapter 8-4 (*Qualified Community*
24 *Garden*).

25 (3) TAP PERMIT means a permit for a connection to the City's water or
26 wastewater system under Article 1, Division 3 (Tap Permits).

27 (4) WASTEWATER IMPACT FEE means an impact fee for wastewater
28 service.

29 (5) WATER AND WASTEWATER IMPACT FEE SERVICE AREA
30 means the water and wastewater impact fee service area designated by
31 separate ordinance.

- 1 (6) WATER IMPACT FEE means an impact fee for water supply service.
- 2 (7) WHOLESALE CUSTOMER means a customer of the City's water
- 3 and wastewater utility who purchases service for resale to a retail
- 4 customer.

5 **PART 10.** Section 25-9-346 (*Exemption for Qualified Community Gardens*) of the City

6 Code is amended to read:

7 **§ 25-9-346 EXEMPTION FOR CITY-SUPPORTED [QUALIFIED]**

8 **COMMUNITY GARDENS.**

9

10 (A) In this section, city-supported community garden and garden permit have the

11 meanings assigned by Section 14-7-1 (*Definitions*) of the City Code.

12 ~~(B)~~~~(A)~~ An [A] impact fee may not be assessed on a city-supported [qualified]

13 community garden.

14 ~~(C)~~~~(B)~~ The director of the [Parks and Recreation D]department designated

15 under Section 14-7-1 (*Definitions*)shall determine if the parcel of land is

16 issued a [community] garden permit [is qualified under Section 8-4-1

17 (Designation)].

18 ~~[(C) An exemption under this section applies to a single 5/8 inch simple meter for~~

19 ~~one service unit if no other plumbing other than irrigation is installed.]~~

20 (D) If the garden permit on a parcel of land terminates, [a property loses its

21 status as a qualified community garden under Chapter 8-4 (Qualified

22 Community Garden)], the director of the department [Parks and Recreation

23 Department] designated under Section 14-7-1 (*Definitions*) shall notify the

24 director of the Water and Wastewater Utility and the director of the

25 [Watershed Protection] Planning and Development Review Department of

26 the change in [loss of the property's] status.

27 (E) After a garden permit terminates on a parcel of land and if the tap is not

28 removed in accordance with Section 25-9-99 (*Temporary Tap Permit for a*

29 City-supported Community Garden) [property loses its status as a qualified

30 community garden]:

- 31 (1) a user of the parcel of land [property] shall pay any impact fees on the
- 32 parcel of land within 30 calendar days [property]; and

- 1 (2) if the impact fee is not paid as required under Paragraph (1), the
2 director of the Water and Wastewater Utility ~~must~~ [may] notify the
3 user that:
- 4 (a) if the parcel of land [let] had a temporary exemption from the
5 platting requirements before the garden permit was terminated,
6 the user must plat the parcel of land [let] before the W[w]ater
7 and W[w]astewater U[u]tility can continue service;
- 8 (b) the delinquent impact fee on the parcel of land must be paid
9 within 15 calendar days [is due]; and
- 10 (c) the [user's] failure to secure legal lot status or to pay the impact
11 fee is grounds for terminating water service; and[.]
- 12 (3) if, following the notice under Paragraph (2), legal lot status is not
13 obtained or the impact fee is not paid as required under Paragraph (2),
14 the water service may be disconnected.

15 **PART 11.** Section 30-2-3 of the City Code is amended to read:

16 **§ 30-2-3 TEMPORARY EXEMPTION FROM CITY PLATTING**
17 **REQUIREMENTS.**

- 18 (A) The director may temporarily exempt a parcel of land from the city's
19 requirement to plat if the director determines that the sole use of the parcel is
20 as a [qualified] community garden [~~described in City Code Chapter 8-4~~
21 ~~(Qualified Community Gardens)~~]. An applicant shall provide the director
22 with the information and documentation necessary to establish the
23 exemption.
- 24 (B) If the sole use of an exempted parcel changes from a [qualified]community
25 garden, an exemption under this section expires.
- 26 (C) A parcel temporarily exempted under this section must be platted before it
27 may be used for a purpose other than as a [qualified] community garden.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

PART 12. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____ §
_____ §
_____, 2010 § _____

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

DRAFT - 8/4