



PC C+O 11/16/10  
ITEM D3  
#1

## MEMORANDUM

**TO:** PC Codes and Ordinances Committee  
Planning Commission Board

**FROM:** Margaret Russell  
Parks and Recreation Department

**DATE:** September 21, 2010

**SUBJECT:** Proposed Code Changes in response to Community Gardens Resolution

Changes have been made to code in response to the City Council's resolution # 20091119-065, Community Gardens and Urban Farms, which requested a system for creating community gardens on city property to be streamlined.

Chapter 8-4 for Qualified Community Gardens is repealed. This Chapter was for community gardens that fit a very specific description for location. It is no longer supported by specific grants.

Chapter 14-7 is added for Sustainable Urban Agriculture, including in particular the following sections:

14-7-2,3 Garden permit is required to operate a city supported community garden (to receive water tap waivers) and must go through the land dept. director

14-7-11 Garden permit application must come from a non profit

14-7-21 License application for city supported community gardens must come from a non profit and is required

14-7-32 Land Department director approves an annual renewal of license.

Chapter 11.1 is amended to process community garden license agreement separately from other city land license agreements.

Currently, there is no zoning that permits community gardens except for Qualified Community Gardens. Changes to Chapter 25 will allow community gardens as a described agricultural use permitted in all districts, and urban farms as allowable in Public districts. The waivers that were in place for Qualified Community Gardens, for site plans, water tap permits and platting, will be allowed for all community gardens. Additionally, the ordinance eliminates impact fees on community gardens placed on city land.

**RESOLUTION NO. 20091119-065**

**WHEREAS**, the Sustainable Food Policy Board (SFPB) exists to advise City policy makers on ways to enhance local production of quality food and its accessibility to residents in Austin; and

**WHEREAS**, the SFPB was charged to:

- (1) explore new means for the city to improve the local food economy, including availability, sustainability, accessibility, and quality of food and our environment; and
- (2) assist city departments in the coordination of their efforts; and
- (3) review availability and recommend measures to promote the preservation of agricultural land in the City of Austin; and
- (4) recommend to the city adoption of measures that will improve existing local food production by adding new programs, incentives projects, regulations, or services; and

**WHEREAS**, urban farms and community gardens provide access to nutritious foods produced with less carbon resources than those shipped in from other regions, supporting the City's Climate Protection and Zero Waste initiatives; and

**WHEREAS**, urban farms and community gardens contribute to food security for the city, support the local economy and provide educational opportunities for urban residents; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Austin City Council supports sustainable urban agriculture and community gardening in Austin and directs the City Manager to:

(1) Streamline the process to establish a qualified community garden and responsible urban farm.

(a) Initiate necessary code amendments to define “qualified” community gardens and urban farms as those which will include using water conservation practices, composting, and non-polluting growing practices.

(b) Identify and map public lands that would be appropriate for urban agriculture and qualified community gardens.

(c) Support efforts to gauge interest and publicize urban agriculture and community gardens through the SFPB.

(2) Name a single point of contact within the City of Austin to support community members in establishing and sustaining urban farms and qualified community gardens.

(3) Direct appropriate Watershed Protection Department staff to discuss with the SFPB their recommendations for riparian buffers, integrated pest management and fertilizer use on public land.

4) Present the plan for sustainable urban agriculture and community gardens to the SFPB at their February 22, 2010, meeting for recommendations prior to presenting to Council on March 11, 2010.

**ADOPTED:** November 19, 2009

**ATTEST:** Shirley A. Gentry  
Shirley A. Gentry  
City Clerk

Dj  
#3

## ORDINANCE NO.

1 **AN ORDINANCE REPEALING CHAPTER 8-4; REPLACING CHAPTER 14-7;**  
2 **AND AMENDING CHAPTER 14-11 TO THE CITY CODE RELATING TO**  
3 **SUSTAINABLE URBAN AGRICULTURE.**

4 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

5 **PART 1.** The Council finds that urban farms and city-supported community gardens:

- 6 (A) provide access to nutritious foods produced with fewer carbon resources  
7 than those shipped to the community from other regions;
- 8 (B) promote sustainability by reducing fuel consumption and air pollution with  
9 reduced transportation requirements for distributing food;
- 10 (C) reduce the need for energy required for cooling through increasing plants in  
11 the environment;
- 12 (D) increase storm water collection;
- 13 (E) support the City's Climate Protection and Zero Waste initiatives;
- 14 (F) contribute to food security for the City;
- 15 (G) support the local economy;
- 16 (H) provide educational opportunities for urban residents; and
- 17 (I) when located on eligible city land, eliminate the need for City resources  
18 necessary to mow and maintain land owned by the City.

19 **PART 2.** Section 14-11-1(A) of the City Code is amended to read:

20 **§ 14-11-1 APPLICATION REQUIRED.**

- 21 (A) Except as provided in Chapter 14-7 (*Sustainable Urban Agriculture*) and  
22 14-11-2 (*Exceptions For Certain Uses Of Public Property*), a person must  
23 submit an application to the director of the Public Works Department to  
24 obtain a release of a public easement, license for the non-city use of public  
25 property, or vacation of a public right-of-way.

26 **PART 3.** City Code Chapter 8-4 (*Qualified Community Garden*) is repealed and a new  
27 Chapter 14-7 is added to read as follows:

1 **CHAPTER 14-7. SUSTAINABLE URBAN AGRICULTURE.**

2 **ARTICLE 1. GENERAL PROVISIONS.**

3 **§ 14-7-1 DEFINITIONS.**

4 In this chapter:

5 (1) CITY-SUPPORTED COMMUNITY GARDEN means eligible city land  
6 controlled under a license agreement or non-city land controlled under a land  
7 control document which is located in the city corporate limits or  
8 extraterritorial jurisdiction by a non-profit organization that:

9 (a) is used by a group of four or more participating gardeners either on  
10 separate plots or farmed collectively by the group to grow, produce  
11 and harvest food crops for personal or group use, consumption or  
12 donation by the non-profit organization or cooperatively for the  
13 benefit of its members;

14 (b) is operated in a manner that includes water conservation, and in the  
15 case of eligible city land includes composting, non-polluting, and  
16 integrated pest management practices that promote a sustainable  
17 garden, and is cultivated solely for the production of organic produce;

18 (c) may include common areas maintained and used by the group or non-  
19 food, ornamental crops;

20 (d) is platted as a legal lot or exempted under Section 25-4-3 (*Temporary*  
21 *Exemption from Platting Requirements*); and

22 (e) has a community garden zoning use classification.

23 (2) CITY LAND DEPARTMENT DIRECTOR means the department director  
24 or administrative head of the city department responsible for managing the  
25 city-owned land used as a city-supported community garden.

26 (3) DEPARTMENT means the department or office designated by the city  
27 manager to administer this chapter.

28 (4) DIRECTOR means the department director or administrative head of the  
29 department or the director's authorized designee.

30 (5) ELIGIBLE CITY LAND means city-owned land identified by the director  
31 as public land that is eligible for use as a city-supported community garden  
32 and the city land department director approves its use as a city-supported  
33 community garden.



- 1 (6) GARDEN PERMIT means a permit issued by the director for a city-  
2 supported community garden on eligible city land or non-city land.
- 3 (7) LAND CONTROL DOCUMENT means a deed, written agreement (or an  
4 amendment to a previously executed land control document) or other  
5 documentation acceptable to the director evidencing the non-profit  
6 organization's control of the non-city land that allows the non-city land to be  
7 used as a city-supported community garden under this chapter.
- 8 (8) LICENSE AGREEMENT means a written agreement (or an amendment to a  
9 previously executed license agreement) between the city and a non-profit  
10 organization approved by the director that allows eligible city land to be  
11 used as a city-supported community garden under this chapter and in a form  
12 acceptable to the city attorney.
- 13 (9) NON-CITY LAND means a parcel of land not owned by the city that is  
14 eligible for use as a city-supported community garden.
- 15 (10) NON-PROFIT ORGANIZATION means a non-profit entity under the Texas  
16 Business Organizations Code whose purpose allows it to operate a city-  
17 supported community garden, is legally responsible for filing an application  
18 and documentation under this chapter, and is authorized to enter into a  
19 license agreement or land control document under this chapter. The director  
20 will approve each organization that is eligible under this chapter.
- 21 (11) PARTICIPATING GARDENER means each family or unrelated individual  
22 that participates in a city-supported community garden.
- 23 (12) URBAN FARM means a parcel of land between 1 and 5 acres that is  
24 agriculturally cultivated by a person solely for the production of organic  
25 produce to be sold for profit.

26 **§ 14-7-2 GARDEN PERMIT REQUIRED; WAIVER OF DEADLINES.**

27 A person may not operate a city-supported community garden under this chapter  
28 unless the person obtains and possesses a garden permit and any other permit required by  
29 this chapter or the city, and pays any required fees.

30 **§ 14-7-3 RESTRICTIONS ON ISSUANCE OF GARDEN PERMIT.**

31 The director may not issue a garden permit on eligible city land unless the city land  
32 department director consents in writing to its use as a city-supported community garden.

33 ***ARTICLE 2. GARDEN PERMIT PROCESSING REQUIREMENTS.***

1     **§ 14-7-11 DOCUMENTATION REQUIREMENTS FOR GARDEN PERMIT**  
2     **APPLICATIONS.**

- 3           (A) An application in a form acceptable to the director for a garden permit filed  
4           under this chapter must be submitted to the director by a non-profit  
5           organization that has not been issued a notice under section 14-7-33 (*Notices*  
6           *Of Termination Of Use And Qualification*).
- 7           (B) An application for a garden permit filed under this section must be  
8           accompanied by:
- 9                 (1) any required fees; and
- 10                (2) in the case of a city-supported community garden on non-city land, a  
11                copy of the executed land control document.

12     **§ 14-7-12 DETERMINATION ON GARDEN PERMIT APPLICATION;**  
13     **APPROVAL AND ISSUANCE OF GARDEN PERMIT.**

- 14           (A) The director shall review an application submitted by a non-profit  
15           organization for a garden permit for completeness and the acceptability of  
16           the application.
- 17           (B) The director may approve or deny a garden permit after the director receives  
18           a complete and acceptable application. The director shall issue a permit to  
19           the non-profit organization if the director determines that the application for  
20           a garden permit complies with this chapter and any rules with respect to this  
21           chapter.

22     **ARTICLE 3. LICENSE AGREEMENT APPLICATION AND**  
23     **APPROVAL PROCEDURES.**

24     **§ 14-7-21 APPLICATION REQUIREMENTS FOR LICENSE AGREEMENT**  
25     **APPROVAL; LICENSE AGREEMENT APPROVAL.**

- 26           (A) A non-profit organization desiring to operate a city-supported community  
27           garden on eligible city land must file a supplemental application for a license  
28           agreement in a form acceptable to the director with the application for a  
29           garden permit.
- 30           (B) The director may approve a supplemental application by a non-profit  
31           organization for a license agreement for the private use of eligible city land  
32           for a city-supported community garden, unless:



- 1 (1) the director or the city land department director determines that the  
2 proposed license agreement interferes with the public use of the  
3 eligible city land; or
- 4 (2) the city land department director:
- 5 (a) is not provided a copy of the application required by section 14-  
6 7-11 (*Documentation Requirements For License Agreement*  
7 *Applications*); or
- 8 (b) is provided a copy of the application required by section 14-7-  
9 11 (*Documentation Requirements For License Agreement*  
10 *Applications*) by the director and the city land department  
11 director objects to approval of the application; or
- 12 (3) a garden permit is not issued.
- 13 (C) The director may approve execution of a license agreement if the director  
14 determines that the application complies with this chapter and any rules with  
15 respect to this chapter.

16 **§ 14-7-22 CONTENTS OF LICENSE AGREEMENT; DESIGNATING AREA;**  
17 **EXECUTION.**

- 18 (A) A license agreement approved under this chapter must contain:
- 19 (1) a provision allowing the city to terminate the license agreement  
20 without cost to the city, and not earlier than 30 calendar days after  
21 issuing a written notice of the termination to the non-profit  
22 organization;
- 23 (2) a provision describing insurance requirements;
- 24 (3) a sketch including boundary points of the city-supported community  
25 garden;
- 26 (4) any special provisions required by the city land department director  
27 concerning limitations on the use of the eligible city land; and
- 28 (5) other provisions that the city attorney determines are necessary.
- 29 (B) A license agreement may not be executed until the non-profit organization  
30 has paid any fees required under this chapter.

31 **ARTICLE 4. ADMINISTRATION.**

32 **§ 14-7-31 FEES.**

1 The fees required under this chapter shall be established by separate ordinance.

2 **§ 14-7-32 ANNUAL LICENSE AGREEMENT RENEWAL.**

3 (A) Each license agreement will be automatically renewed annually under the  
4 terms of the agreement, provided:

5 (1) a termination or suspension notice has not been issued under section  
6 14-7-33 (*Notices Of Termination Of Use And Qualification*) or section  
7 14-7-34 (*Suspension or Termination Of Garden Permit*);

8 (2) the city land department director responsible for managing the land  
9 that is the subject of the license agreement consents to its continued  
10 use as a city-supported community garden.

11 **§ 14-7-33 NOTICES OF TERMINATION OF USE AND QUALIFICATION.**

12 (A) A non-profit organization operating a city-supported community garden  
13 must notify the director and each person or garden committee responsible for  
14 managing each of the organization's city-supported community gardens not  
15 later than 90 calendar days before the organization terminates a garden  
16 permit.

17 (B) If a non-profit organization operating a city-supported community garden  
18 ceases to qualify under this chapter, the director must notify the non-profit  
19 organization and each person or garden committee responsible for managing  
20 each of the organization's city-supported community gardens that the  
21 organization is no longer designated as a non-profit organization. The  
22 license agreement must be assigned to another eligible non-profit  
23 organization within 90 calendar days after the date the non-profit  
24 organization ceases to qualify under this chapter or the garden permit and  
25 the license agreement will be terminated by the director.

26 **§ 14-7-34 SUSPENSION OR TERMINATION OF GARDEN PERMIT.**

27 If the director determines that a non-profit organization or a participating gardener  
28 has violated or failed to comply with the terms of a garden permit or license agreement  
29 issued under this chapter, the director may immediately halt all city-supported  
30 community garden activities under the garden permit and suspend or terminate the garden  
31 permit.

32 **§ 14-7-35 APPEAL.**

1 A non-profit organization may appeal the suspension or termination of a garden  
2 permit under section 14-7-33 (*Suspension Or Termination Of Garden Permit*) to the city  
3 manager in accordance with Article 7, Division 1 (*Appeals*) of Chapter 25-1.

4 **ARTICLE 5. URBAN FARMS.**

5 **§ 14-7-41 ADMINISTRATION OF URBAN FARMS.**

6 An Urban Farm on city owned land will be managed by the city under an  
7 appropriate contracting method, as determined by the city manager.

8 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2010.

9  
10 **PASSED AND APPROVED**

11  
12 \_\_\_\_\_, 2010

§  
§  
§

13  
14  
15 Lee Leffingwell  
16 Mayor

17  
18 **APPROVED:**

19 Karen M. Kennard  
20 Acting City Attorney  
21

**ATTEST:**

Shirley A. Gentry  
City Clerk

## 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 ~~[lot]~~ had a temporary exemption from the  
5 platting requirements before the garden permit was terminated,  
6 the user must plat the parcel of land ~~[lot]~~ before the W[ater]  
7 and W[astewater] 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.

**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



## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 20100913-004 TO  
AUTHORIZE ADDITIONAL FEES AND WAIVER OF CERTAIN FEES  
RELATED TO SUSTAINABLE URBAN AGRICULTURE.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The City Council amends Ordinance No. 20100913-004, the Fiscal Year 2010-2011 Fee Ordinance (Original Fee Ordinance), to authorize the following additional fees and fee waivers be set and charged by the City for Fiscal Year 2010-2011 beginning on the effective date of this ordinance and ending on September 30, 2011:

- A. Under the Category titled "Planning & Development Review Department – Site Plan, Miscellaneous Site Plan Fees – Site Plan" on page 52 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Site Plan Commercial Exemption fee shall be waived for any section 25-5-2(K) site plan exemption associated solely with a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."
- B. Under the Category titled "Planning & Development Review Department – Building Plan Review Fee" on pages 53-54 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Building Plan Review Fee shall be waived for any review of engineer drawings associated solely with a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."
- C. Under the Category titled "Planning & Development Review Department – Building Permit Fees, New Construction (residential and Miscellaneous – Group R-3) (4) Plumbing Fee " on page 60 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Plumbing Fee shall be waived for any inspection associated solely with a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."
- D. Under the Category titled "Austin Water Utility – Tap & Reconnection Fee performed by the City, Meter Size: 5/8" plus actual cost of meter" on page 147 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Meter Tap & Reconnection fees (not to exceed Meter Size – 5/8" plus actual cost of meter fees) shall be waived for the installation of a water meter solely for a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."

- E. Under the Category titled "Austin Water Utility – Wastewater Service Rates – Wastewater Service Rates for Retail Customers: - "Existing Customers," Item (C) on page 149 of Exhibit A to the Original Fee Ordinance replace the comment with the following note: "Non-Residential Customers with Irrigation Meters. For those non-residential customers that have a separate City of Austin water meter for irrigation other than a water meter solely for a City Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code, the City will base wastewater billing for domestic usage on actual monthly water consumption."
- F. Under the Category titled "Austin Water Utility – Wastewater Service Rates – Wastewater Service Rates for Retail Customers: - "New Customers," Item (D) on page 149 of Exhibit A to the Original Fee Ordinance replace the comment with the following note: " Non-Residential Customers with Irrigation Meters. If a new non-residential customer has installed a separate City of Austin water meter for irrigation other than a water meter solely for a City Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code, the City will base the new customer's wastewater billing for domestic usage on actual monthly water consumption."
- G. Under the Category titled "Austin Transportation Department – Transportation Fund, Construction Inspection Right of Way Fees, Inspection of Utility Cuts " on page 189 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Utility Cut Cost Recovery fees shall be waived for any inspections of utility cuts associated with the installation of a water meter solely for a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."
- H. Under the Category titled "Public Works Department – Transportation Fund, Utility Cut Cost Recovery" on page 200 of Exhibit A to the Original Fee Ordinance add the following note at the end of the category: "NOTE: Utility Cut Cost Recovery fees shall be waived for any utility cuts associated with the installation of a water meter solely for a City-Supported Community Garden issued a garden permit under Chapter 14-7 of the City Code."
- I. Under the Category titled "City-wide Fees" on page 215 of Exhibit A to the Original Fee Ordinance :

City-Supported Community Garden Fees:

|                                   | Approved<br><u>2009-10</u> | Approved<br><u>2010-11</u> |
|-----------------------------------|----------------------------|----------------------------|
| Garden Permit Application Fee\$   | \$0.00                     | \$50.00                    |
| License Agreement Application Fee | \$0.00                     | \$100.00                   |

**PART 2.** To the extent that the Original Fee Ordinance conflicts with this ordinance, the earlier ordinance is repealed.

**PART 3.** Except as otherwise specifically provided in the Original Fee Ordinance, 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