

SUMMARY OF RECOMMENDATIONS

Draft 6/22/2013 (to be presented to SFPB on 6/24/13)

WHAT IS A FARM WITHIN CITY LIMITS?

Topic	Current Code	Urban Farm	Neighborhood Farm
Definition	URBAN FARM means a parcel of land between 1 and 5 acres that is agriculturally cultivated by a person solely for the production of organic produce to be sold for profit.	URBAN FARM use is the use of a site that can consist of multiple contiguous parcels that is <u>at least one acre</u> in size cultivated primarily for the sustainable production of agricultural products to be sold for profit and may provide agricultural education activities and other special events, as permitted by section 25-2-863(3). Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.	SAME AS URBAN FARM EXCEPT <u>less than one acre</u> .
Dwellings	Exactly one dwelling is permitted and required for an urban farm.	<p>The maximum number of dwellings allowed depends on the base zoning of a lot. For SF-1 and SF-2, that means one dwelling. For SF-3, that means two dwellings.</p> <p>A farm doesn't need a dwelling, but you cannot raise animals if there is no dwelling on site.</p> <p>Auxiliary structures (such as greenhouses and sheds) are allowed regardless of whether there is a home on site.</p> <p>The residential character of the lot and dwelling must be maintained.</p>	SAME AS URBAN FARM
Employees	Urban farms can have one employee per acre and one employee for each partial acre. So, someone with 2.5 acres can have 3 employees.	If an urban farm has more than 2 paid employees per acre + 2 employees for any partial acre, the farm must provide 1 parking space per additional employee. A 2.4 acre farm could have 6 employees on site at a given time. A 1.9 acre farm could have 4 paid employees at a given time.	A neighborhood farm can have 1 paid employee working at a given time. The owners of the property are not considered employees.

Environmental protection	<p>No non-organic fertilizer may be used. If manure is used, it must be composted first.</p> <p>Urban farms are a conditional use in the Drinking Water Protection Zone and in the 25-year floodplain. Otherwise, they are permitted. Organic agriculture must be practiced.</p>	<p>No synthetic inputs may be used. Sustainable practices are required, defined by the City's Integrated Pest Management Plan.</p> <p>Urban Farms are allowed within the Critical Water Quality Zone (a buffer around creeks/streams) if farm operations are located at least 25 feet from the centerline of a creek. In suburban watersheds, they must be at least 50 feet from the centerline of a <i>minor</i> waterway, 100 feet from the centerline of an <i>intermediate</i> waterway, and 150 feet from the centerline of a <i>major</i> waterway. Within the CWQZ, uses are limited to vegetable plots, fruit trees and pathways (e.g. no animal raising or processing), and no structures (dwelling, sheds, large compost piles, etc) are allowed, with the exception of limited fencing (with WPD consent).</p>	<p>SAME AS URBAN FARM</p>
---------------------------------	--	---	---------------------------

WHAT CAN A FARMER DO ON A FARM WITHIN CITY LIMITS?

Topic	Current Code	Urban Farm	Neighborhood Farm
Animal Raising	<p>An enclosure used to keep 2 or more fowl must be kept 50 feet from the nearest residential structure.</p> <p>Raising [and processing] fowl is permitted.</p>	<p>An enclosure used to keep 2-10 fowl must be kept at least 20 feet from the nearest residential structure. An enclosure to keep more than 10 fowl must be at least 40 feet from nearest residential structure.</p> <p>Farmers can raise, process, and compost 1 animal (fowl, rabbits, or a combo) per week per 1/10th of an acre that you have. You can raise, process, and compost as many fish as you need using aquaponics systems only.</p> <p>Any animal composting must be at least 50 feet from the nearest residential structure that isn't yours.</p> <p>Animal processing must take place out of view of the public.</p> <p>If a smell or other nuisance occurs, residents contact Code Compliance to address the problem.</p> <p>Urban farms that have livestock (sheep, pigs, and goats) must obtain a <u>conditional use</u> permit in every zone. On-site processing of sheep, pigs, or goats is prohibited.</p>	<p>An enclosure used to keep 2-10 fowl must be kept at least 20 feet from the nearest residential structure. An enclosure to keep more than 10 fowl must be at least 40 feet from nearest residential structure.</p> <p>Raising of fowl, rabbits, and aquatic foods (using aquaponics systems) is permitted.</p> <p>On-site processing or composting of animals is not permitted.</p> <p>A dwelling is required for the raising of animals.</p> <p>If a smell or other nuisance occurs, residents contact Code Compliance to address the problem.</p> <p>No livestock (sheep, pigs, goats) are permitted.</p>
Events	<p><i>No clear restrictions within the Urban Farm Ordinance.</i></p>	<p>Agricultural education activities and special events are permitted.</p> <p><u>Agricultural education</u> activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.</p> <p><u>Large events (50+ attendees)</u> Large events or non-educational events that of any size that charge a fee require a Temporary Use Permit administered by Planning and Development Review. TUPs should be renewed once every 6-months.</p>	<p>Agricultural education activities and special events are permitted.</p> <p><u>Agricultural education</u> activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.</p> <p><u>Small events (0-25 attendees)</u> Small educational or non-educational events are permitted an average of once per month.</p>

		<p><u>Medium events (26-49 attendees)</u> Small educational or non-educational events are limited to 12 per 6-month period.</p> <p><u>Small events (0-25 attendees)</u> Small educational or non-educational events are permitted.</p>	<p>All other events require a Temporary Use Permit administered by Planning and Development Review.</p>
Sale of Products	Only agricultural products raised on the property are allowed to be sold on site.	<p>Urban farmers are allowed to sell unlimited agricultural products produced on their farm or another farm that they own at their own farm stand.</p> <p>Products produced on someone else's farm may be sold as long as the products don't take up more than 10% of the farm stand's area and are produced in the state of Texas.</p> <p><u>Agricultural Products</u> are produce, meat, fish, honey, dairy, seeds, live plants intended for food production and compost products produced by a farmer.</p> <p>A non-electrified sign no larger than 4 square feet is permitted.</p>	<p>Agricultural products raised by the farmer or produced within the state of Texas may be sold from the site or distributed off-site to buyers.</p> <p>On-site farm stands are not permitted.</p> <p>Sales must be conducted out of sight of the general public on the property, and no more than three customer-related trips per day are permitted (this requirement is in accordance with the Home Occupation ordinance of code).</p> <p>A non-electrified sign no larger than 4 square feet is permitted.</p>

URBAN FARM EVENTS TABLE (for reference)

Attendees	Educational (fee or no-fee)	Non-educational (fee)	Non-educational (no-fee)
0-25	n/a	TUP	n/a
26-49	12 per 6mo period	TUP	12 per 6mo period
50+	TUP	TUP	TUP

Neighborhood FARM EVENTS TABLE (for reference)

Attendees	Educational (fee or no-fee)	Non-educational (fee)	Non-educational (no-fee)
0-25	Avg of 1/month	Avg of 1/month	Avg 1/month
26-49	TUP	TUP	TUP
50+	TUP	TUP	TUP

SUMMARY OF NON-CODE RECOMMENDATIONS

1. Create Urban Farming best practices handbook, accessible through the SUACG website. This should include best practices about how to do urban farming in a neighborhood context that is compatible with residential areas.
2. Grandfather CO's for existing urban farms and dedicate a staff person to usher these farms through the process.

CODE RECOMMENDATIONS

Draft 6/22/2013 (to be presented to SFPB on 6/24/13)

Session 1 recommendations

Session 2 recommendations

Session 3 recommendations

Watershed Protection Department Recommendations

§ 25-2-XXX NEIGHBORHOOD FARMS.

(A) This section applies to a neighborhood farm use.

(B) Neighborhood Farms are allowed within the Critical Water Quality Zone (as defined by 25-8-92)

(1) No less than 25 feet from the centerline of the creek as classified by 25-8-2 as an urban watershed,

(2) In watersheds other than urban, as classified by 25-8-2, no less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway, as defined by 25-8-91

(a) Within the buffers for each type of watershed, uses are limited to farm plots, fruit trees, and paths, with no storage facilities, animal pens, compost piles or other structures.

(4) Sustainable practices must be utilized as established by an approved Integrated Pest Management Plan (see section H below)

(C) A site area of less than one acre is required.

(D) The maximum number of dwellings allowed will follow the base zoning of the lot(s). No minimum number of dwellings is required on a neighborhood farm. Animal raising in accordance with 25-2-863(G) is not allowed without a dwelling on site. Accessory structures are permitted without a dwelling.

(E) Raising of fowl, rabbits, and aquatic foods (using aquaponics systems) is permitted in accordance with Chapter 3-2 of the City Code. On-site processing or composting of animals is not permitted. A dwelling is required for the raising of animals.

(F) No synthetic inputs may be used. An Integrated Pest Management Plan, as established by the Environmental Criteria Manual and approved by the Watershed Protection Department, must be followed.

(G) Agricultural products raised by the farmer or produced within the state of Texas may be sold from the site or distributed off-site to buyers. On-site farm stands are not permitted. Sales must be conducted out of sight of the general public on the property, and no more than three customer-related trips per day are permitted.

(H) One paid employee is permitted.

(I) The residential character of the lot and dwelling must be maintained.

(J) For an urban farm use, a sign is permitted that is not more than four square feet in size; has a sign face not more than four feet wide; and is not more than four feet above grade. The sign cannot be electrified.

(J) Agricultural education activities, such as volunteer programs, farm tours, cooking classes, youth programs and farming classes, with 25 or fewer attendees are permitted an average of once per month. Temporary uses, such as

special events with more than 25 attendees, or events with 25 or fewer attendees held more frequently than an average of once per month must be permitted by the Temporary Use Permit process administered by Planning and Development Review.

§ 25-2-XXX URBAN FARMS WITH LIVESTOCK.

- (A) This section applies to an urban farm use with livestock. Livestock on urban farms means sheep, goats, and pigs.
- (B) In all zones, the use is conditional.
- (C) The use must be in accordance with 25-2-863. On-site processing of livestock is not permitted.

§ 25-2-863 URBAN FARMS.

- (A) This section applies to an urban farm use.
 - ~~—(B)— For a single family (SF) district:~~
 - ~~——(1)—— the use is a permitted use on a site that is located:~~
 - ~~——(a)—— in the desired development zone; and~~
 - ~~——(b)—— outside the 25 year floodplain; or~~
 - ~~——(2)—— the use is a conditional use on a site that is located:~~
 - ~~——(a)—— in the drinking water protection zone; or~~
 - ~~——(b)—— in a 25 year floodplain.~~
 - (B) Urban Farms are allowed within the Critical Water Quality Zone (as defined by 25-8-92)**
 - (1) No less than 25 feet from the centerline of the creek as classified by 25-8-2 as an urban watershed,**
 - (2) In watersheds other than urban, as classified by 25-8-2, no less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway, as defined by 25-8-91**
 - (a) Within the buffers for each type of watershed, uses are limited to farm plots, fruit trees, and paths, with no storage facilities, animal pens, compost piles or other structures.**
 - (4) Organic Sustainable practices must be utilized as established by an approved Integrated Pest Management Plan (see section F below)**
 - ~~—(C)— For a Public (P) district the use:~~
 - ~~——(1)—— must be approved under an appropriate contracting method, as determined by the director; and~~
 - ~~——(2)—— must be located:~~
 - ~~——(a)—— outside the 25 year floodplain; and~~

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

(C) A site area of ~~not less than one acre~~ **1 acres or greater** and not more than five acres is required.

~~—— (1) — at least 50 feet from each adjacent lot and from each residential structure other than one associated with the use; and~~

~~—— (2) — at least 20 feet from utility easements, utility lines, and on-site sewage facilities.~~

(D) ~~One dwelling is permitted.~~ **The maximum number of dwellings allowed will follow the base zoning of the lot(s). No minimum number of dwellings is required on an urban farm. Animal raising in accordance with 25-2-863(G) is not allowed without a dwelling on site. Accessory structures are permitted without a dwelling.**

~~(F) — Raising livestock is prohibited notwithstanding Chapter 3-2 of the City Code.~~

(E) Raising **and processing and composting of** fowl, **rabbits, and aquatic foods (using aquaponics systems)** is permitted in accordance with **Chapter 3-2** of the City Code. **On farms at least 1 acre in size, 1 animal (either fowl or rabbit) may be processed per 1/10th of an acre per week. Composting or processing of animals must be at least 50 ft from the nearest residential structure other than the structure associated with the use. Processing animals must take place out of public view.**

~~(F) The use of a fertilizer other than an organic fertilizer is prohibited. If manure is used as a fertilizer, it must be composted.~~ **No synthetic inputs may be used. An Integrated Pest Management Plan, as established by the Environmental Criteria Manual and approved by the Watershed Protection Department, must be followed.**

(G) Agricultural products raised ~~on the property~~ **by the farmer or produced within the state of Texas** may be sold from the site **or distributed off-site to buyers. Agricultural products produced off-site cannot exceed 10% of the retail space by area.**

(H) Employees are permitted. The maximum number of **paid** employees is ~~one~~ **two** for each full acre, plus ~~one~~ **two** for the remaining portion of an acre, if any. **Any paid employees above this limit would require the farm to provide 1 off-street parking space per additional employee.**

(I) **The residential character of the lot and dwelling must be maintained.**

(J) **For an urban farm use, a sign is permitted that is not more than four square feet in size; has a sign face not more than four feet wide; and is not more than four feet above grade. The sign cannot be electrified.**

(K) **Agricultural education activities and special events are permitted. All events with more than 50 attendees or non-educational events that of any size that charge a fee require a Temporary Use Permit administered by Planning and Development Review. TUPs should be renewed every 6-months. Events with 26-49 attendees (educational or non-educational) are limited to 12 per 6-month period. Events with 0-25 attendees (educational or non-educational) are permitted. Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.**

§ 3-2-12 ENCLOSURE FOR SMALL ANIMAL.

(A) An enclosure used to keep more than two but fewer than 10 small animals must be located at least 20 feet from an adjacent residence or business, excluding the residence or business of the owner or handler of the small animals.

(B) An enclosure used to keep ten or more small animals must be located at least ~~50~~ 40 feet from an adjacent residence or business, excluding the residence or business of the owner or handler of the small animals.

(C) This section does not apply to an animal shelter, veterinary clinic, pet store, or institutional or education research facility.

§ 3-2-16 ENCLOSURE FOR FOWL.

An enclosure used to keep ~~two or more~~ **two to 10 fowl** must be located at least ~~50~~ 20 feet from a residence or business, excluding the residence or business of the fowl's owner or handler. **An enclosure used to keep more than 10 fowl must be located at least ~~50~~ 40 feet from a residence or business, excluding the residence or business of the fowl's owner or handler.**

§ 14-7-1 DEFINITIONS.

In this chapter:

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

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

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

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

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

(e) has a community garden zoning use classification.

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

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

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

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

(6) GARDEN PERMIT means a permit issued by the director for a city-supported community garden.

(7) LAND CONTROL DOCUMENT means a deed, written agreement (or an amendment to a previously executed land control document) or other documentation acceptable to the director evidencing the non-profit organization's control of the non-city land that allows the non-city land to be used as a city-supported community garden under this chapter.

(8) LICENSE AGREEMENT means a written agreement (or an amendment to a previously executed license agreement) between the city and a non-profit organization approved by the director that allows eligible city land to be used as a city-supported community garden under this chapter and in a form acceptable to the city attorney.

(9) NON-CITY LAND means a parcel of land not owned by the city that is eligible for use as a city-supported community garden.

(10) NON-PROFIT ORGANIZATION means a non-profit entity under the Texas Business Organizations Code whose purpose allows it to operate a city-supported community garden, is legally responsible for filing an application and documentation under this chapter, and is authorized to enter into a license agreement or land control document under this chapter. The director will approve each organization that is eligible under this chapter.

(11) PARTICIPATING GARDENER means each family or unrelated individual that participates in a city-supported community garden.

~~(12) URBAN FARM means a parcel of land between 1 and 5 acres that is agriculturally cultivated by a person solely for the production of organic produce to be sold for profit.~~

§ 25-2-7 AGRICULTURAL USES DESCRIBED.

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

(B) Agricultural use classifications are described as follows:

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

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

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

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

(5) SUPPORT HOUSING use is the use of a site for living accommodations by agricultural employees or their families.

(6) URBAN FARM use is the use of an urban site that can consist of multiple contiguous parcels for the production and sale of organic agricultural products **that is at least one acre in size cultivated primarily for the sustainable production of agricultural products to be sold for profit and may provide agricultural education activities and other special events, as permitted by section 25-2-863(3). Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.**

(7) NEIGHBORHOOD FARM use is the use of a site that is less than one acre in size cultivated primarily for the sustainable production of agricultural products to be sold for profit and may provide agricultural education activities, as permitted by section 25-2-XXX(X). Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.

§ 10-3-1 DEFINITIONS.

(A) Except as provided in Subsection (B), a term defined by Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapter K (*Texas Food Establishments*) has the same meaning in this chapter.

(B) In this chapter:

(1) BAKED GOODS means cookies, cakes, breads, Danishes, donuts, pastries, pies, and other items that are prepared by baking in an oven. A baked good does not include a potentially hazardous food item.

(2) CERTIFIED FARMERS MARKET means a farmers market that has been certified by the Texas Department of Agriculture pursuant to Subchapter D of Title 4 of the Texas Administrative Code.

(3) FARM PRODUCE means herbs and spices in their natural or dried state, vegetables, fruits, nuts, berries, grains, honey, watermelons and other melons, and cantaloupes in their natural state.

(4) FOOD ENTERPRISE includes:

(a) a food establishment; and

(b) a food processing plant.

(5) FOOD HANDLER means a food enterprise employee who works at any time with unpackaged food, food equipment or utensils, or food contact surfaces.

(6) MARKET MANAGER means a person who is designated as the person-in-charge of a certified farmers market.

(7) MOBILE FOOD ESTABLISHMENT means one of two types of mobile food units:

(a) A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods. Preparation, assembly or cooking of foods is not allowed;

(i) A foot peddler permit is a restricted unit, and except as set forth in subsection (ii), is limited to one portable ice chest, cooler, case or unit per permit, capable of being carried by one person;

(ii) A foot peddler at a Certified Farmers Market may use multiple portable ice chests, coolers, cases or units;
or

(b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;

(i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed;
and

(ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

(8) PERSON IN CHARGE means an employee who possesses a food manager certificate at a food enterprise, bed and breakfast limited or unrestricted mobile food establishment. If the person possessing a food manager certificate is not present, then if an employee appears to be a supervisor, that employee is the person in charge.

(9) SAMPLING means the demonstration or promotion of a food via offering a small serving of the food which cannot be sold and which may not consist of a whole meal, an individual portion or a whole sandwich.

(10) TEMPORARY FOOD ESTABLISHMENT shall mean a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single special event or celebration, and shall also include an establishment that is granted an exemption by the health authority.

(a) A person or organization is allowed four temporary events in a calendar year unless granted an exemption by the health director.

(b) Properties overseen by the City and multi-use facilities that are used for trade shows and conventions are exempt from this restriction.

(c) A temporary food establishment at a certified farmer's market may operate one day a week for 14 consecutive weeks as a single special event if the temporary food establishment is permitted as a food establishment, or is preparing its food at a permitted food establishment, and is in compliance with its permit issued by the health authority. The permit shall be issued to the vendor. The vendor shall meet requirements of the Texas Food Establishment Rules (TFER) and all other applicable laws. A temporary food establishment at a certified farmer's market is not exempt from the food handler requirements of this chapter.

(11) UNSAFE FOOD means:

(a) food that contains any chemical, poisonous or injurious substance which may be harmful to the health of a consumer;

(b) food that is not packaged in conformity with this chapter;

(c) food that contains a contaminated or putrid substance; or

(d) food that has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated, or may have been rendered diseased, unwholesome, or harmful to health.

(12) VIOLATION means the failure to follow this [Chapter 10-3](#) or an act prohibited by this Chapter. A violation may result in charges being filed in municipal court for:

(a) scoring below a 70 on a food enterprise inspection;

(b) using an unapproved source;

(c) home prepared foods; or

(d) food out of temperature compliance.

(13) **AGRICULTURAL PRODUCT** means produce, meat, fish, honey, dairy, seeds, live plants intended for food production and compost products produced by a farmer.

(14) **AQUAPONICS** is the symbiotic cultivation of fish and plants in a recirculating system.

§ 25-2-921 TEMPORARY USES DESCRIBED.

(A) The following may be permitted by the building official as temporary uses under this division:

- (1) model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains;
- (2) a circus, carnival, rodeo, fair, or similar activity, if the use is located at least 200 feet from a dwelling and located in a CS or less restrictive zoning district;
- (3) an outdoor art or craft show or exhibit, if the use is located in an LR or less restrictive zoning district;
- (4) Christmas tree sales;
- (5) an on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months;
- (6) seasonal retail sale of agricultural or horticultural products, if the use is located at least 200 feet from a dwelling and located in an LR or less restrictive zoning district;
- (7) seasonal day care, if the use is conducted for not more than eight hours a day and not more than 30 days a year; and
- (8) temporary day care, if the use is conducted for not more than eight hours a day and not more than 12 hours a week.

(B) A sales office for a new subdivision may be permitted as a temporary use under this division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.

- (1) A sales office for a new subdivision may not be operated after:
 - (a) the expiration of four years from the date the first construction permit issued in the subdivision; or
 - (b) the date by which 95 percent of the lots are sold.
- (2) The board of adjustment may grant an extension of the deadlines described in this subsection.

(C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience may be permitted as a temporary use under this division if:

- (1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less restrictive zoning district **or has an urban farm or neighborhood farm use**;
- (2) for a gathering of more than 50 persons, the use is located in an LO or less restrictive zoning district **or has an urban farm or neighborhood farm use**; or
- (3) for an exhibit, the use is located in a GR or less restrictive zoning district.