

July 12, 2013

Dear Committee on Codes and Ordinances,

The **Code Coordination and Metrics Working Group** of the Sustainable Food Policy Board (SFPB) appreciates the opportunity to brief you on the Urban Farm Code Update. Enclosed, please find:

1. The draft code language of our current recommendations to update sections of the Land Development Code dealing with urban agriculture.
2. A summary table highlighting information gathered from a series of public meetings and feedback from community organizations and individuals over the past several months.

In January, the SFPB passed a resolution recommending that the Planning Commission initiate an amendment to the land development code to **clarify the definition of an urban farm**.¹ At its February 26 meeting, the PC charged the SFPB with “initiating an ordinance to amend Chapter 25-2 of the City of Austin Land Development code to clarify, update and revise regulations related to urban farms, livestock, size of farm, employees and dwelling.”² The SFPB resolved to “work with the Planning Commission and City staff to review zoning for additional opportunities to increase local food production.”³

In 2011, Council passed an ordinance (20110210-018) making urban farms and community gardens a permitted use in every zone. The working group has not been charged with making recommendations regarding the current zoning, only to the uses allowed within the urban farm definition. The Code Coordination & Metrics Working Group has been meeting weekly since early March on this effort.

Key members of the working group include:

- Heather Frambach (co-chair) - Sustainable Urban Agriculture & Community Garden Program
- Katherine Avalos Nicely (co-chair)- Sustainable Food Policy Board Member
- Kate Vickery (co-chair)- Sustainable Urban Agriculture & Community Garden Program
- Dorsey Barger - HausBar Farms
- Mindy Cooper – dwg
- Jean Drew - Watershed Protection Department
- Greg Dutton - Planning & Development Review Department
- Michael Hanan -Ten Acre Organics
- Paige Hill - Urban Patchwork
- Matt Hollon - Watershed Protection Department
- Cliff Kaplan - UT Community & Regional Planning
- Paula McDermott - Sustainable Food Policy Board Chair
- Jerry Rusthoven - Planning & Development Review Department
- Jack Waite - Urban Organics / Agua Dulce
- Paola Aguillon-Brashear - Purple Bean Farmers Market

The Working Group decided to use a Context Sensitive Solutions and Public Involvement Approach in order to engage all stakeholders and their concerns and has worked to ensure that the communities affected by the future code changes have a voice and are kept well informed. The Working Group planned a series of **four public engagement sessions**, aimed at gathering data about areas of concern about the current code. Session #1 covered the topics of Animal Raising & Aquaponics (April 22); Session #2 was about Site Requirements, Wholesaling & Labor (May 1); Session #3 covered Byproducts, Environmental

¹ Resolution for Urban Farm Definition Update, January 28, 2013: <http://www.austintexas.gov/edims/document.cfm?id=185883>

² Planning Commission meeting minutes, February 26, 2013, pg. 8: <http://www.austintexas.gov/edims/document.cfm?id=185889>

³ Ibid.

Health & Sustainability (May 15). Each of the public sessions was attended by more than 70 people.⁴ Stakeholder attendee lists are available upon request. Key areas of the discussions included:

- Defining an urban farm, including limits to size;
- Determining how many dwellings (if any) should be required;
- Impact of the number of employees on a farm;
- Mechanisms for ensuring urban farms are environmentally sustainable;
- Managing animal raising and processing;
- Striking a balance in regards to events held on urban farms, especially in residential areas;
- Determining the appropriate size and scope of the retail farm stand located on an urban farm.

The working group presented its first draft recommendations at a **Town Hall meeting** on June 11 and received feedback and comments. Throughout the process, the draft recommendations have been housed on the Sustainable Urban Agriculture & Community Garden website as a Google Doc that the public can make comments on. The group also maintained a stakeholder list that received periodic updates and announcements about the recommendation's progress.

In addition to the public meetings, members of the Working Group have responded to **requests for meetings** from other community groups, including:

- **Govalle/Johnston Terrance Neighborhood Contact Team**, which asked members of coordinating group to attend a team meeting to hear their recommendations.
- **ANC-East**, which asked SUACG staff to give a brief update and answer questions.
- **Human Rights Commission**, which was considering a resolution to Council (proposed by PODER) that urban farms not be allowed in single-family zones as a way of protecting affordable housing. The Working Group was asked to present the draft recommendations.
- **Community Development Commission**, which asked SUACG staff for an update on the process.

The recommendations have been created over the past several months, taking into consideration the public input, key areas of conflict and concern, and staff input (primarily PDRD and WPD). **Draft recommendations** went out for **formal staff review** (Planning & Development Review, Health & Human Services, Sustainability, Watershed Protection Department, and Code Compliance) the first week of July.

Preliminary schedule of next steps:

- SFPB action on final recommendations – July 22
- Codes & Ordinances Subcommittee action – August 20
- Planning Commission action – August 27
- Working Group/SFPB briefs Council – August 29
- Council action – early October

This effort has garnered a significant amount of public interest from current urban farmers, local food enthusiasts, neighborhood residents, and environmental justice advocates. We look forward to answering your questions about the current recommendations and welcome any feedback you have.

Sincerely,

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⁴ Notes from each of the public session and draft recommendations available of the SUACG website:
<http://austintexas.gov/departments/sustainable-urban-agriculture>

DRAFT CODE RECOMMENDATIONS

Draft 7/01/2013 (to be presented for STAFF REVIEW on 7/1/13)

Per an action taken by the Planning Commission (PC) for the City of Austin on February 26, 2013 the Code and Metrics working group of the Sustainable Food Policy Board (SFPB) began a Context Sensitive Solutions and Public Involvement Approach in order to update the current Urban Farms use designation in the City's land use code. The Planning Commission voted to "initiate an ordinance to amend Chapter 25-2 of the City of Austin Land Development code to clarify, update, and revise regulations related to urban farms, livestock, size of farm, employees and dwelling." Furthermore, in their recommendation to the PC that requested the update, the SFPB resolved that they "will work with the Planning Commission and City staff to review zoning for additional opportunities to increase local food production."

With that said, the following document highlights the draft code recommendations the Sustainable Food Policy Board (SFPB) Code and Metrics working group has put together considering input from: public meetings, stakeholder groups, experts, precedents/case studies, and City of Austin staff. Related to this charge, the working group recommends the following changes to the Urban Farms use and the creation of two new use designations: Urban farms with Livestock use (conditional in all zones) and Market Gardens use (less than an acre, permitted in all zones).

The following document is divided into the following sections:

- A. Urban Farms code recommendations*
- B. Urban Farms with Livestock code recommendations*
- C. Market Gardens introduction and code recommendations*

§ 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) MARKET GARDEN 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 25-2-836(3). Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.

A. Urban Farms use code Recommendations

§ 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 in accordance with 25-8-261 (Critical Water Quality Zone Development).~~

~~—(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 in a non-single-family zone. 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 synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in accordance with the Environmental Criteria Manual and approved by the Watershed Protection Department, must be followed.

(G) Agricultural and value-added 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 and value-added agricultural products produced off-site by someone other than the farmer cannot exceed 10% of the retail space by area.

(H) Employees are permitted. The maximum number of full time employees is ~~one~~ two for each full acre, plus ~~one~~ two for the remaining portion of an acre, if any. This does not include property owner. Any full time 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, non-electrified sign is permitted.

(K) Any event hosted on a farm with 50 or more attendees requires a Temporary Use Permit administered by Planning and Development Review. TUPs should be renewed every 6 months. A TUP application can include requests for multiple events within a flexible schedule in the 6-month period. Events that do not require off-site parking are exempt from the TUP process. Events of 50+ attendees that charge a fee and that take place during evening hours are limited to an average of 4 per month.

§ 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.~~

§ 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 market garden 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.

§ 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.

C. Market Gardens introduction and code recommendations

The code recommendations for a “Market Gardens” use come from the marriage of existing codes that currently govern activities which are allowed in residential neighborhoods in Austin.

The working group recommends that Market Gardens be a specific designation as a valid home occupation-type business that can be operated on a scale that maintains the site’s primary residential use, but by its unique nature cannot be effectively operated under the parameters of any single area of code as defined below.

Under the “Cottage Food Production” law that will go into effect this year, defined products do not include fresh vegetables, but other food products like pickles and cakes can be sold from the home and internet and wholesale sales of such goods are expressly prohibited.

“Community Garden” use allows someone to cultivate private land for the production of organic produce, but defines Community Garden in a way that a single individual running the operation will not be eligible for the designation, and sales above and beyond what would reasonably go back into the farm to support its maintenance are prohibited. Community Gardens CAN have signs and on-site farm stands.

“Home Occupation” allows a whole host of home based businesses as long as they are in keeping with neighborhood character, do not cause a nuisance, and keep related vehicle trips to no more than three per day. Home based businesses are not allowed a sign, which an operation like a Market Garden would rely on for walk-up neighborhood sales (the home occupation use does not allow for advertising or publication of the address).

“Urban Farm Sign” gives a clear description of what a very small sign would look like for a farm operating from a residential setting but is specific to just Urban Farms. Farms operating from other zones can have signs per the requirements of those zones.

Market Gardens may need a specific designation due to the unique nature of this type of home business that necessitates keeping produce fresh. The extra hours and cost of preparing for off-site markets can be too much for someone growing at such a small scale. Requiring a fresh food producer to sell only off-site can be onerous, costly, and wasteful, requiring additional post harvest handling and bundling, washing and refrigeration of fresh produce using water at residential rates, and expensive equipment that a small grower may not be able to afford, and leads to food waste when the farmer cannot “restock” the unsold produce. These gardens can be considered a City and Neighborhood asset as part of a larger discussion that relates to sustainability and accessibility to food within walking distance of where people live.

§ 25-2-XXX MARKET GARDENS.

- (A) This section applies to a market garden use.
- (B) Market Gardens are allowed within the Critical Water Quality Zone in accordance with 25-8-261 (Critical Water Quality Zone Development)
- (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 market garden. 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) The use of synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in accordance with the Environmental Criteria Manual and approved by the Watershed Protection Department, must be followed.
- (G) Agricultural and value-added 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 in alignment with the Home Occupation Ordinance.
- (H) The residential character of the lot and dwelling must be maintained.
- (I) 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, 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.

Topic	Existing code	Public Input	Staff Input	Codes & Metrics Working Group Recommendations
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.	<p>Public sessions (70-100 attendees per session): No minimum or maximum acreage restrictions, though some concern about “hobby farmers” taking advantage of urban farm benefits that could harm career farmers. Allowing smaller parcels to be designated urban farms would allow more people to make a supplemental income from selling vegetables grown in their yard and help lower the cost to starting an urban farm. No zoning restrictions for where a farm can be located.</p> <p>Govalle/Johnston Terrace Neighborhood Contact Team + PODER: More than 1 acre minimum, perhaps 2 acres, and no farms in single family zones (grandfather boggy creek, Springdale, Rainlilly and Hausbar). Applications for urban farms should go through the Neighborhood Plan amendment process.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Do not place maximum or minimum acreage for an urban farm.</p>	Planning & Development Review Department (PDRD): Prefer to preserve 1 acre minimum and 5 acre maximum; willing to accept less than 1 acre use if parking and event impacts are tightly controlled.	<p>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.</p> <p>-----</p> <p>MARKET GARDEN use is the same as urban farm use, but <u>less than one acre</u> in size.</p>
Dwelling	Exactly one dwelling is permitted and required for an urban farm.	<p>Public sessions: The number of dwellings allowed should follow the base zoning. For zones where only one dwelling is allowed (SF1, SF2), urban farms should be allowed to have 2 in order to support farm operations. Unique uses of land such as bed and breakfasts and live-work employee housing should be allowed. Homes should be required on sites where animals are being raised and those in residential zones. Auxiliary structures should be allowed, but no consensus on whether auxiliary structures should be allowed on sites without dwellings.</p> <p>PODER: Land zoned single-family should only be used for single family housing.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Allow more than one dwelling, as per current property zoning allows, for farm stays, B&Bs and</p>	Planning & Development Review Department (PDRD): Dwelling requirements should follow base zoning.	<p>URBAN FARMS: 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</p>

		intern lodging.		<p>maintained.</p> <p>-----</p> <p>MARKET GARDENS: Same dwelling requirements.</p>
Employees	<p>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.</p>	<p>Public sessions: Due to the flexible and seasonal nature of agricultural production, farms should be able to hire as many employees as necessary to function. If restrictions are introduced for employees, volunteers/members/apprentices should not be categorized as employees.</p> <p>PODER: Require on-site parking for business use.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Do not limit number of employees.</p>	<p>Planning & Development Review Department (PDRD): Restrictions on employees can be relaxed somewhat, but any employees beyond 2 per acre or partial acre must be provided a parking space.</p>	<p>If an URBAN FARM has more than 2 full-time 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.</p> <p>-----</p> <p>A MARKET GARDEN can have 1 full-time employee working at a given time. The owners of the property are not considered employees.</p>
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>Public sessions: Both vegetable and animal composting should be permitted as this is the most sustainable waste management system. Compost should be considered an agricultural product that can be sold by the farmer. Composting regulations are largely already regulated by TCEQ and neighborhood associations. Regulations of smell should be based on number of complaints, not smell itself. Well-managed compost piles should not smell. Incentives and guidelines, not regulations, should be developed for water and soil quality health. Special requirements within floodplains (particularly for aquaponics systems) should be researched. Urban farms should be kept to high standards regarding animal welfare. Sustainable water use should be incentivised, but not regulated. Desire to maintain expectation that new urban farmers practice sustainable methods as do the current urban farmers, but no clear conclusion regarding regulations needed. Best practices guidebook suggested. Concerns over the word "Organic" because of the cost of certification it implies.</p>	<p>Watershed Protection Department (WPD): No synthetic inputs can be used within certain distances to creeks/streams, and shouldn't be allowed generally on urban farms. Farming needs to be kept a certain distance from creeks/streams as well, but may be closer if responsible, organic methods are required.</p>	<p>URBAN FARMS No synthetic inputs may be used. Sustainable practices are required, defined by the City's Integrated Pest Management Plan.</p> <p>-----</p> <p>MARKET GARDENS Same regulations as urban farms.</p> <p>Regulations for URBAN FARMS and MARKET GARDENS regarding water quality will be included in a new Watershed Protection Ordinance and will allow (with certain restrictions) agricultural operations to be within the Critical Water Quality Zone (a buffer around creeks/streams).</p>

		Govalle/Johnston Terrace Neighborhood Contact Team: No animal composting should be allowed.		
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>Public sessions: Raising and slaughtering of fowl and rabbits should be permitted (out of public sight) with some cap on scale that respects neighborhood concerns and is in proportion with the size of the farm. Livestock (sheep, goats, pigs) should be permitted to be raised, but not slaughtered. Aquaponics systems should be permitted with no cap on processing fish, because aquaponics systems are self-regulating. Rules for structures associated with aquaponics should follow base zoning regarding accessory structures. Animal carcasses should be allowed to be composting in keeping with TCEQ regulations and being responsible regarding neighbors. Need notification process for neighborhoods to make complaints. Want to see pigs added to code; goats and sheep for milk production on farms <1 acre; meat production on >1 acre.</p> <p>Govalle/Johnston Terrace Contact Team: No slaughtering, commercial or otherwise, of animals within City limits.</p> <p>PODER: Set limits on chickens/fowl and other animals allowed on urban farms.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Allow raising, processing and sales of animal protein: eggs, rabbits, fowl and fish (through aquaponics).</p>	Watershed Protection Department (WPD): Need to have some limitation on the number of animals processed on site and processing needs to occur out of public view.	<p>URBAN FARM 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. Animal processing must take place out of view of the public.</p> <p>Farmers can raise fish using aquaponics systems only. Processing and composting of fish is permitted.</p> <p>Any animal composting must be at least 50 feet from the nearest residential structure that isn't yours.</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>-----</p> <p>MARKET GARDEN: An enclosure used to keep 2-10 fowl must be kept at least 20 feet from the nearest residential</p>

				<p>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>
Events	<p><i>No clear restrictions within the Urban Farm Ordinance. Generally, all large outdoor events of 50+ attendees are required to pull a Temporary Use Permit.</i></p>	<p>Public sessions: Restrictions on events should be minimal. TUPs are too much of a barrier for farmers to obtain, especially if it's more often than 6 months. Agricultural education events should be allowed by right. If a farm has adequate on-site or nearby parking, there should be limited or no restrictions on the number of events allowed. If the problem is really about parking, then solve it through parking strategies. An individualized parking plan for each farm should be submitted as part of application for CO - this would allow individual assessment of a farm's capacity for events. Limiting the number of people who attend an event doesn't take into consideration carpools, schools events in which kids arrive by bus, or people who bike/take alternative transportation. Volunteer events should not be regulated as these are often part of a farm's mission (e.g. Urban Roots). Farms should not have to turn productive land into parking lots in order to meet parking requirements.</p> <p>Guadalupe Association for an Improved Neighborhood: When urban farms become a frequent tour destination, or place for weddings, parties and concerts, they may no longer be an</p>	<p>Planning & Development Review Department (PDRD): Must have some way to limit the number of events (especially those that charge a fee) in residential zones, as these are restricted for all other events in Austin. Parking regulations must be taken into consideration in order to minimize neighborhood impact.</p>	<p>URBAN FARMS: Agricultural education activities and special events are permitted.</p> <p><u>Agricultural education activities include volunteer programs, farm tours, cooking classes, youth programs and farming classes.</u></p> <p>The working group is proposing that Urban Farms (farms larger than 1 acre) are permitted to host educational events, with those larger than 50 people requiring a Temporary Use Permit (TUP). TUPs should be able to be approved on a six-month basis, so the farmer can anticipate how many large events will occur in the six-month period. An urban farm who can meet its parking needs on site will not be</p>

		<p>appropriate, acceptable use on land zoned single family use in single-family neighborhood.</p> <p>Govalle/Johnston Terrace Neighborhood Contact Team: Farms must provide on-site parking for all activities.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Allow urban farms to host events, including nonprofit fundraisers, weddings, supper clubs, garden clubs and school groups. Allow classes such as composting, gardening, cooking/canning, harvesting/processing protein and animal husbandry.</p>		<p>required to apply for a Temporary Use Permit. In single-family zones, evening events charging a fee and larger than 50 people would be limited to an average of 4 events per month.</p> <p>-----</p> <p>MARKET GARDENS: 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>All other events</u> 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>Public Sessions: Desire to not regulate who farmers sell products to (individual or commercial buyer). Farm stand operations should be self-regulated by farmers (based on scale of production) rather than city. No concerns expressed regarding traffic impact of farm stands or appropriate scale given size of farm. 3rd party products should not be restricted, as these are important income generators for both the farm stand and the third-party producers. Only agricultural products should be sold at farm stands. Products grown by same farmer (but no different site) shouldn't be considered 3rd party.</p> <p>Farmers (Boggy Creek, Rainlilly, Springdale, Hausbar): Allow sale and delivery (retail and wholesale) of</p>	<p>Planning & Development Review Department (PDRD): 3rd party products need to be restricted to agricultural products and should have a % cap on third-party sales. Suggested 10-25%, measured in the least restrictive way possible (farm stand area less restrictive than % of products).</p>	<p>URBAN FARMS may 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,</p>

		eggs, produce, and protein grown on the urban farms and/or other land owned and farmed by urban farmer without restrictive percentages. Allow sales of local third party agricultural products including coffee, produce, meat, dairy, eggs, bakery goods, etc. without restrictions on amounts of products sold. Allow independent craftspeople, artisans, artists and musicians on farm stands.		<p>dairy, seeds, live plants intended for food production and compost products produced by a farmer.</p> <p>A non-electrified sign is permitted.</p> <p>-----</p> <p>MARKET GARDENS may sell agricultural products raised by the farmer or produced within the state of Texas 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>
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Introduction

- Kate Vickery & Heather Frambach
- Staff member of the SUACG program, which is a program of PARD
- Representing the **Code Coordination and Metrics working group**
- Update on our work on the Urban Farm Code Update
 - On February 26, the Planning Commission voted to “initiate an ordinance to amend Chapter 25-2 of the City of Austin Land Development code to clarify, update, and revise regulations related to urban farms, livestock, size of farm, employees and dwelling.”
 - They asked the SFPB to take the lead on initiating the recommended changes.
 - Furthermore, in their recommendation to the PC that requested the update, the SFPB resolved that they “will work with the Planning Commission and City staff to review zoning for additional opportunities to increase local food production.”
 - Currently, urban farms are an allowed use in every zone. The working group has not been charged with making zoning recommendations; only changes to the uses allowed within the urban farm definition.

Gathering Data & Drafting Recommendations

- There have been two parallel efforts
 - **Working Group** – has met weekly since March
 - Key members of that sub-group have been
 - Cliff Kaplan – student in CRP
 - Dorsey Barger – urban farmer
 - Paula McDermott - SFPB
 - Heather Frambach - SUACG
 - Mindy Cooper – landscape designer
 - Katherine Nicely – chair of the group and urban planner
 - Michael Hanan – urban farmer
 - Jack Waite – urban farmer
 - Jerry Rusthoven - PDRD
 - Andy Moore – Martinez office
 - Greg Dutton – PDRD
 - Paige Hill – Urban Patchwork

- **Public engagement process**, which has involved four public meetings
 - April 22 – Animal Raising & Aquaponics
 - May 1 – Site Requirements, Wholesaling & Labor
 - May 15 – Byproducts, Environmental Health & Sustainability
 - June 11 – Town Hall Meeting – draft recommendations presented
 - Written comments from community members
- In addition to the public meetings, members of the small group have **responded to requests for meetings** from other community groups.
 - Govalle/Johnston Terrance Neighborhood Contact Team (asked members of coordinating group to attend a team meeting to hear their recommendations)
 - ANC-East (asked SUACG staff to attend a meeting and give a brief update & answer questions)
 - Human Rights Commission (HRC was asked by PODER to consider a resolution to council requesting that urban farms not be allowed in single family zones as a way of protecting affordable housing – members of the Working Group presented recommendations and answered questions)
 - Community Development Commission (asked staff to update them on the process; twice cancelled the request for May and June meetings; group of farmers spoke in June)

Key areas included in the WG’s recommendations:

Recommendations have been created over the past several months, taking into consideration the public input, key areas of conflict and concern, and staff input (primarily PDRD and WPD).

- Clarify the definition of an urban farm
- Dwellings – how many should be allowed on a farm? Should residential areas have to have a house on site?
- Employees – should there be a limit to the number of employees?
- Environmental protection – how can code help ensure that urban farms are operation with a high standard for environmental and human health?
- Animals/animal raising/animal processing and composting on site
- “Non-farm” activities & events - such as educational and private events on farms that cause parking problems within residential neighborhoods but are critical for many urban farms’ incomes

- Sale of products – what kinds of limits (if any) should there be on what can be sold from an urban farm site?

Recommendations currently undergoing staff review by:

- Planning & Development Review
- Health & Human Services
- Sustainability
- Watershed Protection Department
- Code Compliance

Next steps:

- Working Group briefs Codes & Ordinances Subcommittee (PC) – July 16
- SFPB will take action on recommendations July 22
- Planning Commission will consider recommendations August 13
- Working Group briefs Council August 29
- Council action expected September or October