

## **ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2013-005 Urban Farms

**Description:** Consider an ordinance amending Chapters 25-2, 14-7, 3-2, and 10-3 of the City Code to amend the definition of use Urban Farm and to create new uses: Market Garden; Urban Farm with Facilities for Gathering; Indoor Crop Production.

**Proposed Language:** See attached draft language.

**Background:** Initiated by Planning Commission on February 26, 2013.

In 2011, Ordinance 20110210-018 made urban farms and community gardens a permitted use in every zone. 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. 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.”

A Working Group conducted a series of four public engagement sessions, aimed at gathering data on 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 Health & Sustainability (May 15). Each of the public sessions was attended by more than 70 people. Stakeholder attendee lists are available upon request.

The Working Group presented its first draft recommendations at a Town Hall meeting on June 11 and received feedback from stakeholders. Throughout the process, the draft recommendations have been housed on the Sustainable Urban Agriculture & Community Garden website. The group also maintained a stakeholder list that received periodic updates and announcements about the recommendation’s progress.

In addition to the public meetings, the Working Group attended various other meetings on request:

- **Govalle/Johnston Terrance Neighborhood Contact Team** (May 13) asked members of coordinating group to attend a team meeting to hear their recommendations.
- **ANC-East** (May 14) asked SUACG staff to give a brief update and answer questions.
- **Human Rights Commission** (June 24) was considering a resolution that urban farms not be allowed in single-family zones. The commission voted to table the resolution.

- **Community Development Commission** (July 10) asked SUACG staff for an update on the process.

The recommendations have been created over the past several months, taking into consideration stakeholder and staff input, noting key areas of conflict and concern. Draft recommendations received formal staff review in July-August.

**Staff Recommendation:** Staff recommends the proposed code amendment with the following concerns:

1. Staff does not support the proposed code that permits the maximum number of dwellings per the base zoning district. This would allow a high density of dwellings and food production/sales on the same site (if the site had MF zoning) at an intensity that could be overwhelming for adjacent neighborhoods. Staff *does* support changing the code to allow for a maximum number of dwellings per the base zoning district, up to two.
2. Staff does not support allowing 20% of products by sales area sold at a farm stand to be produced off-site. Staff supports allowing up to 10% of products sold by sales area at a farm stand to be produced off-site, as this in accordance with existing code related to accessory uses.
3. Staff does not support the proposed new use “Urban Farms with Facilities for Gatherings.” However, Staff feels that the Codes and Ordinances amendment to make this use conditional in all zoning districts would be the most appropriate way to address this use, as it would require a public hearing.

### **Board and Commission Actions**

**August 26, 2013:** Recommended by the Sustainable Food Policy Board on an 8-0 vote.

**September 17, 2013:** Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote, with the following amendments:

1. Remove language changing the size requirements for Urban Farm definition. Current code states: “A site area of not less than one acre and not more than five acres is required.” The proposed code states: “A site area of one acre or greater is required.”
2. Remove language for the proposed creation of a new use “Urban Farms with Livestock.”
3. Change language for the proposed creation of a new use “Urban Farms with Facilities for Gathering” to make this a conditional use in all zoning districts.
4. Remove language that reduces the setbacks for the enclosure of fowl or small animals.
5. Change language for the proposed creation of a new use “Market Garden” to make this a conditional use in all residential zoning districts if no dwelling exists on the property.
6. Add language allowing the following agricultural uses to be permitted in AG zoning: Animal Production, Crop Production, Horticulture, Support Housing.

7. Add language to allow the creation of a new use: Indoor Agriculture, to be permitted in CS, IP, MI, and LI zoning districts.

**September 24, 2013:** Recommended by the Planning Commission, with Codes and Ordinances amendments, on a 6-1 vote with Commissioner Hatfield voting nay.

**October 8, 2013:** Postponement recommended by the Community Development Commission, on a 9-1 vote, Comm. Walters nay, with the following recommendations:

- That Council delays the passage of the Urban Farm Ordinance and supports the creation of an independent body including relevant stakeholders and a member of the CDC for further review.

**Council Action**

**October 17, 2013:** A public hearing has been set for City Council.

**Ordinance Number:** NA

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