

# Late Backup

## ORDINANCE NO.

### AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2 AND 25-10 RELATING TO URBAN FARMS.

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

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

(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) AQUAPONIC SYSTEM is the symbiotic cultivation of fish and plants in a recirculation system.

(3)~~(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.

(4)~~(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.

(5)~~(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.

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

- 1 (7)[(6)] URBAN FARM use is the use of a [an urban] site that can consist of  
2 multiple contiguous parcels that is at least one acre in size cultivated  
3 primarily for the sustainable production of agricultural products to be  
4 sold for profit and may provide agricultural education activities.  
5 Agricultural education activities include volunteer programs, farm  
6 tours, youth programs and farming classes [for the production and sale  
7 of organic agricultural products].
- 8 (8) MARKET GARDEN use is the use of a site that is less than one acre  
9 in size cultivated primarily for the sustainable production of  
10 agricultural products to be sold for profit and may provide agricultural  
11 education activities. Agricultural education activities include  
12 volunteer programs, farm tours, youth programs and farming classes.
- 13
- 14 (9) URBAN FARM WITH FACILITIES FOR GATHERINGS is an  
15 Urban Farm use per Section 25-2-7(6) (Agricultural Uses Described)  
16 and in addition allows special events including weddings, fundraisers,  
17 dinner and cooking classes. Agricultural education activities include  
18 volunteer programs, farm tours, youth programs and farming classes.
- 19
- 20 (10) INDOOR CROP PRODUCTION use is the use of a site for the raising  
21 and harvesting indoors of tree crops, row crops, or field crops on an  
22 agricultural or commercial basis, including packing and processing.  
23

24 **PART 2.** City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is  
25 amended to reflect the following:

26 Animal Production is a permitted use in the following base district:

27 Agricultural (AG)

28 Crop Production is a permitted use in the following base district:

29 Agricultural (AG)

30 Horticulture is a permitted use in the following base district:

31 Agricultural (AG)

32 Support Housing is a permitted use in the following base district:

33 Agricultural (AG)

1 Indoor Crop Production is a permitted use in the following base districts:

2 General Commercial Services (CS), Industrial Park (IP), Major Industry  
3 (MI), Limited Industrial Service (LI), Planned Unit Development (PUD)

4 PART 3. City Code Section 25-2-863 (*Urban Farms*) is amended to read:

5 **§ 25-2-863 URBAN FARMS.**

6 (A) This section applies to an urban farm use.

7 (B) An Urban Farm is allowed within the Critical Water Quality Zone only to the  
8 extent it meets the requirements in 25-8-261(B)(4) (*Critical Water Quality*  
9 *Zone Development*) for sustainable urban agriculture or a community  
10 garden. [For a single family (SF) district:

11 ~~(1) the use is a permitted use on a site that is located:~~

12 ~~(a) in the desired development zone; and~~

13 ~~(b) outside the 25-year floodplain; or~~

14 ~~(2) the use is a conditional use on a site that is located:~~

15 ~~(a) in the drinking water protection zone; or~~

16 ~~(b) in a 25-year floodplain.~~

17 ~~(C) For a Public (P) district the use:~~

18 ~~(1) must be approved under an appropriate contracting method, as~~  
19 ~~determined by the director; and~~

20 ~~(2) must be located:~~

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

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

23 ~~(C)[(D)] A site area of not less than one acre and not more than five acres is required.~~

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

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

3 (D) ~~[(E)]~~ The maximum number of dwellings allowed on a site may not exceed the  
4 number of dwellings allowed under the base zoning district. No minimum  
5 number of dwellings is required on an urban farm in a non-single-family  
6 zone. Animal raising in accordance with Section 25-2-863(E) is not allowed  
7 without a dwelling on site. Accessory structures are permitted without a  
8 dwelling. [One dwelling is permitted.]

9 (E) ~~[(F)]~~ Raising livestock is prohibited notwithstanding Chapter 3-2 of the City  
10 Code.

11 (F) ~~[(G)]~~ Raising, processing and composting of fowl, rabbits, and aquatic foods  
12 using an aquaponic system is permitted in accordance with Chapter 3-2  
13 (Restrictions on Animals) of the City Code. One animal (either fowl or  
14 rabbit) may be processed per 1/10<sup>th</sup> of an acre per week. Composting or  
15 processing of animals must take place at least 50 feet from the nearest  
16 residential structure other than the structure associated with the use.  
17 Processing animals must take place out of public view.

18 (G) The use of synthetic inputs is prohibited. An Integrated Pest Management  
19 Plan, developed in accordance with the Environmental Criteria Manual and  
20 approved by the Watershed Protection Department, must be followed.

21 (H) Water conservation practices must be followed, at minimum in accordance  
22 with Chapter 6-4 (Water Conservation) of the City Code.

23 ~~[(H)] The use of a fertilizer other than an organic fertilizer is prohibited. If~~  
24 ~~manure is used as a fertilizer, it must be composted.]~~

25 (I) Agricultural and value-added agricultural products raised [on the property]  
26 by the farmer or produced within the state of Texas may be sold from the  
27 site or distributed off-site to buyers. Agricultural products and value-added  
28 agricultural products produced off-site by someone other than the farmer  
29 cannot exceed 20% of the retail space by area.

30 (J) Employees are permitted. The maximum number of full-time, non-seasonal  
31 employees is two [one] for each full acre, plus two [one] for the remaining  
32 portion of an acre, if any. This does not include the property owner.

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

1 (L) For an urban farm use, a sign is permitted in accordance with Chapter 25-10-  
2 155 (Urban Farm Sign).

3 (M) Agricultural education activities as defined in Chapter 25-2-7 (Agricultural  
4 Uses Described) do not require a Temporary Use Permit.

5 PART 4. A new City Code Section 25-2-865 is added to read:

6 **§ 25-2-865 URBAN FARMS WITH FACILITY FOR GATHERINGS.**

7 (A) All regulations from Chapter 25-2-863 (*Urban Farms*) apply to this use.

8 (B) The use of an urban farm as a rented site for a gathering, including a  
9 wedding, fundraiser, dinner or cooking class, is a conditional use in all  
10 zoning base districts.

11 (1) The maximum number of attendees at a gathering held under this  
12 section equals three times the total of the number of off-street parking  
13 spaces available for the urban farm's use.

14 (2) A gathering must end at 9:00 p.m. on Sunday through Thursday and at  
15 10:30 p.m. on Friday and Saturday.

16 PART 5. A new City Code Section 25-2-866 is added to read:

17 **§ 25-2-866 MARKET GARDENS.**

18 (A) This section applies to a market garden use.

19 (B) Market gardens are allowed within the Critical Water Quality Zone in  
20 accordance with 25-8-261 (*Critical Water Quality Zone Development*) for  
21 sustainable urban agriculture or a community garden. ]

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

23 (D) The maximum number of dwellings allowed will follow the base zoning of  
24 the lot(s). A market garden is a permitted use in all base zoning districts. A  
25 market garden use is a conditional use in all residential zoning districts if ]  
26 no dwelling exists on the property. Accessory structures are permitted  
27 without a dwelling.

28 (E) [ Raising of fowl, rabbits, and aquatic foods (using aquaponics systems,  
29 ~~defined as the symbiotic cultivation of fish and plants in a recirculating~~  
30 ~~system) is permitted in accordance with Chapter 3-2 (Restrictions on~~  
31 ~~Animals) of the City Code. On-site processing or composting of animals is~~ ]

1 not permitted. Animal raising in accordance with 25-2-863(F G) (*Urban*  
2 *Farms*) is not allowed without a dwelling on site.

- 3 (F) The use of synthetic inputs is prohibited. An Integrated Pest Management  
4 Plan, developed in accordance with the Environmental Criteria Manual and  
5 approved by the Watershed Protection Department, must be followed.
- 6 (G) Water conservation practices must be followed, at minimum in accordance  
7 with Chapter 6-4 (*Water Conservation*) of the City Code.
- 8 (H) Agricultural products produced on-site may be sold from the site or  
9 distributed off-site to buyers. On-site farm stands are not permitted. Sales  
10 must be conducted out of sight of the general public on the property, and no  
11 more than three customer-related trips per day are permitted in alignment  
12 with the Home Occupation Ordinance.
- 13 (I) Employees are permitted. The maximum number of full-time employees is  
14 one. This does not include the property owner.
- 15 (J) The residential character of the lot and dwelling must be maintained.
- 16 (K) For a market garden use, a sign is permitted in accordance with Chapter 25-  
17 10-155 (*Urban Farm Sign*).
- 18 (L) Agricultural education activities as defined in Chapter 25-2-7 (*Agricultural*  
19 *Uses Described*) do not require a Temporary Use Permit.

20 **PART 6.** Subsection (C) of City Code Section 25-2-921 (*Temporary Uses Described*) is  
21 amended to read:

- 22 (C) An outdoor public, religious, patriotic, or historic assembly or exhibit,  
23 including a festival, benefit, fund raising event, or similar use that typically  
24 attracts a mass audience may be permitted as a temporary use under this  
25 division if:
- 26 (1) for a gathering of not more than 50 persons, the use is located in an  
27 SF-4 or less restrictive zoning district or has an urban farm or market  
28 garden use;
- 29 (2) for a gathering of more than 50 persons, the use is located in an LO or  
30 less restrictive zoning district or has an urban farm or market garden  
31 use; or

1 (3) for an exhibit, the use is located in a GR or less restrictive zoning  
2 district.

3 PART 7. City Code Section 25-10-155 (*Urban Farm Signs*) is amended to read:

4 § 25-10-155 URBAN FARM AND MARKET GARDEN SIGNS.

5 (A) For an urban farm or urban farm with facilities for gatherings use, a non-  
6 electrified sign is permitted that:

7 (1) is not more than eight [~~four~~] square feet in size;

8 [~~(2) has a sign face not more than four feet wide; and~~]

9 (2) [~~(3)~~] is not more than four feet above grade.

10 (B) For a market garden use, a non-electrified sign is permitted that:

11 (1) is not more than four square feet in size; and

12 (2) is not more than four feet above grade.

13 PART 8. This ordinance takes effect on \_\_\_\_\_, 2013.

14 PASSED AND APPROVED

15 \_\_\_\_\_, 2013 §  
16 §  
17 §  
18 \_\_\_\_\_, 2013 §

19 Lee Leffingwell  
20 Mayor

21  
22  
23 APPROVED: \_\_\_\_\_  
24 Karen M. Kennard  
25 City Attorney

23 ATTEST: \_\_\_\_\_  
24 Jannette S. Goodall  
25 City Clerk