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NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET

Amendment: Initiate an amendment to Title 25 of the City Code to clarify the types of activities allowed as a part of agricultural development.

Description:

Staff is requesting an amendment to the Land Development Code to clarify what is meant by "agricultural activity" within section 25-1-21(28). The lack of a clear definition, as well as exemptions from that definition, has created confusion among staff, property owners and developers as to what each party's responsibilities are within the City's regulatory permitting framework.

Proposed Language:

Background: Initiation recommended by Codes and Ordinances Subcommittee on July 15, 2014.

Staff Recommendation:

Board and Commission Actions:

Council Action:

Ordinance Number: NA

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Austin City Code

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2**§ 25-1-21 DEFINITIONS.**

Unless a different definition is expressly provided, in this title:

- (1) **ACCESSORY**, when used as an adjective to describe a land use, means incidental to, and customarily associated with, a principal use.
- (2) **ACCOUNTABLE OFFICIAL** means the City officer or employee designated by this title or the city manager with a particular administrative or enforcement responsibility.
- (3) **ADVISORY BODY** means a City board, commission, or other appointed body that does not make a final decision and whose review is not required by state law.
- (4) **AMPHITHEATER** means an outdoor or open-air structure or manmade area specifically designed and used for assembly of 50 or more people and the viewing of an area capable of being used for entertainment and performances.
- (5) **APPROVAL** means:
 - (a) a final decision granting or approving an application; or
 - (b) an approval granted subject to modifications or conditions.
- (6) **APPROVAL AUTHORITY** means the City officer, employee, or body charged with reviewing and determining whether to approve an application.
- (7) **ATTACHED**, when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.
- (8) **BASE DISTRICT** means a zoning district established by this chapter to prescribe basic regulations governing land use and site development.
- (9) **BLOCK** means one or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.
- (10) **BUFFER ZONE** means a strip of land used to separate one land use from another incompatible land use.
- (11) **BUILDING COVERAGE** means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.
- (12) **BUILDING LINE** means a line beyond which a building must be set back from the street line.
- (13) **BUILDING SERVICE EQUIPMENT** means plumbing, mechanical, electrical, and elevator equipment necessary for the occupancy or use of a structure.
- (14) **CARPORT** means a roofed space used as shelter for a parked vehicle.
- (15) **CHANGE**, when used in reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name, or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.

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(16) **COLLECTOR STREET** means a street collecting traffic from other streets and serving as the most direct route to a thoroughfare.

(17) **COMBINING DISTRICT** means a zoning district established by this title to prescribe regulations to be applied to a site in combination with regulations applicable to a base district.

(18) **COMMON AREA** means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.

(19) **COMMON SIDE LOT LINE** means a side lot line between two or more lots.

(20) **COMPREHENSIVE PLAN** means the plan adopted by the city council in accordance with Article X, Section 5, of the City Charter.

(21) **CONDEMNATION** includes a purchase or donation of property under the threat of condemnation, but excludes a dedication of property as a condition of zoning, subdivision, site plan, or building permit approval.

(22) **CONDITIONAL USE** means a use that is allowed on a discretionary and conditional basis in accordance with the conditional use process established in Chapter 25-5 (*Site Plans*).

(23) **CONTRACTOR** means a person employed by an owner to develop property.

(24) **CORNER LOT** means a lot located at the intersection of two streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.

(25) **CURB** means a vertical sloping structure located along the edge of a roadway, normally constructed integrally with the gutter, that strengthens and protects the pavement edge and clearly defines the pavement edge.

(26) **DENIAL** means a final decision denying an application.

(27) **DESIRED DEVELOPMENT ZONE** means the area not within the drinking water protection zone.

★ (28) **DEVELOPMENT** means the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:

(a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;

(b) removal of trees or vegetation damaged by natural forces;

★ (c) agricultural activity that is not prohibited by Section 25-8-321(*Clearing Of Vegetation*);
or

(d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

(29) **DIRECTOR**, when used without a qualifier, means the director of the Watershed Protection and Development Review Department or the director's designee.

(30) **DOMINANT SIDE YARD**, when used in reference to a small lot, means the side yard having the larger width.