

DEFINITION**Codes & Metrics Working Group Rationale**

After much consideration, taking into account the concerns and input expressed by diverse stakeholders, city staff and policymakers, as well as considering examples of other cities, the working group recommends an Urban Farm use, which maintains the 1-acre minimum, but removes the 5-acre maximum. The working group also proposes a new designation called Market Garden for operations on parcels under 1-acre, and places additional restrictions on the commercial nature of these smaller parcels. In addition, the working group recommends an Urban Farm with Livestock use that is conditional use in all zones, so that urban farmers wishing to raise sheep, goats, and/or pigs can do so on a case-by-case basis depending on their individual parcel of land and its location. Finally, a fourth use called Urban Farm with Facilities for Gatherings is also proposed, conditional in residential zones (discussed in the events section). These four uses capture the existing nature of urban agricultural operations in Austin, while creating guidelines for the future of urban food production.

| Existing code | Stakeholder Input | Staff Review |
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| 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, Rain Lily and HausBar). Applications for urban farms should go through the Neighborhood Plan amendment process.</p> <p>Farmers (Boggy Creek, Rain Lily, Springdale, HausBar): Do not place maximum or minimum acreage for an urban farm.</p> | <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. Agricultural education events are part of the every-day operations of a farm and should be allowed. Cooking classes are not education events and should not be allowed by right.</p> <p>Environmental Health: No minimum lot size for Market Gardens means even the smallest residential properties could be used for producing agricultural products and hosting advertised activities.</p> <p>Sustainability: Challenge is to balance protection of public health, safety and welfare, specifically on sites adjacent to urban farms while encouraging more urban food production, which encourages small businesses and promotes public health through increasing supply of fresh, healthy food.</p> |

DWELLINGS**Codes & Metrics Working Group Rationale**

The working group proposes that the number of dwellings (a structure with a minimum of a bedroom, bathroom, and kitchen) allowed for all types of Urban Farms and Market Gardens follows the base zoning, and that no dwelling is required unless animals are being raised on site. Furthermore, the group proposes that auxiliary structures should be allowed regardless of whether a farm has a dwelling. The group makes no recommendation regarding bed and breakfasts or other such operations, and defers to current and future zoning ordinances for guidance on this subject. In accordance with existing code for “home occupation businesses,” the working group further recommends that the residential character of residential lots and dwellings must be maintained.

| Existing code | Stakeholder Input | Staff Review |
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| 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, Rain Lily, Springdale, HausBar): Allow more than one dwelling, as per current property zoning allows, for farm stays, B&Bs and intern lodging.</p> | PDRD: Dwelling requirements should follow base zoning. |

EMPLOYEES

Codes & Metrics Working Group Rationale

This was a very challenging recommendation for the working group to make. Urban farmers expressed significant concerns over any limitations on farm employees given the seasonal nature of their work – they often need a lot of farm-workers during harvest seasons, but very few during other times of the year. Other stakeholders and city staff expressed concerns about parking needs of employees. The working group recommends a compromise by increasing the number of employees that farmers can have on site from 1 employee per acre (existing code) to 2 per acre or partial acre. An “employee” will be defined as a full-time, non-seasonal worker on site at a given time, which allows flexibility for volunteers and apprentices. On a market garden, only 1 full-time employee apart from the resident renter/owner is permitted, because of the smaller size and scale of market gardens.

| Existing code | Stakeholder Input | Staff Review |
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| Urban farms can have one employee per acre and one employee for each partial acre. E.g. someone with 2.5 acres can have 3 employees. | <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, Rain Lily, Springdale, HausBar): Do not limit number of employees. Farm labor is seasonal and all done by hand; labor is needed at various times throughout the year, but there needs to be flexibility in farmers ability to hire labor.</p> | <p>PDRD: Number of employees should remain 1 per acre + 1 per partial acre. There should either be a strict limit on employees or a parking requirement based on the number of employees on site (regardless of full-time/part-time status).</p> <p>Code Compliance: One employee per acre is a better fit for residential zones.</p> |

ENVIRONMENTAL PROTECTION

Codes & Metrics Working Group Rationale

Stakeholders widely agreed that the term “organic” has unwanted legal meaning that can be burdensome to farmers, and that it does not necessarily provide any added environmental protection. In response, the working group worked with the Watershed Protection Department to create a recommendation restricting the use of “synthetic inputs,” and requiring water conservation practices. The WPD is currently developing a new

| <p>Watershed Protection Ordinance that will address development—including urban agriculture—around streams, creeks, and sinkholes (in a variably-sized creek buffer known as the Critical Water Quality Zone). Therefore, the Working Group’s recommendation is that the urban agriculture code simply point to the Watershed Protection Ordinance for specific regulations on the permitted or conditional locations of urban agricultural sites near streams, creeks, and sinkholes. With these recommendations, the need to make urban agricultural operations a conditional use in the Drinking Water Protection Zone is rendered unnecessary.</p> | | |
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| Existing code | Stakeholder Input | Staff Review |
| <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 DWPZ and in the 25-year floodplain.</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 already regulated by TCEQ. 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 incentivized, 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. The existing IMP covers most of what WPD is concerned about.</p> <p>Sustainability: Restricting synthetic inputs may be too broad; even Organic standards permit some synthetic inputs. Can this be tied to an existing third-party standard?</p> |

ANIMAL RAISING & PROCESSING

Codes & Metrics Working Group Rationale

Current city code allows the raising of fowl on an urban farm, so long as the structure that houses the fowl is at least 50 feet from neighboring homes or businesses. Code compliance has interpreted “raising” to include processing. State law has strict standards for permitting facilities that process small animal (rabbits and fowl) to protect human and environmental health.

The working group recommends that on Urban Farms, processing of rabbits, fowl and fish be allowed provided it is out of sight of the public. This animal production is limited by the size of the farm; one animal per week may be processed per 1/10th of an acre. For example, a farm that is 1.8 acres could process no more than 18 animals per week, so long as the processing operation is properly licensed by the state and is not causing a nuisance to the neighbors. It is also recommended that Market Gardens should be allowed to raise protein, but not process on site because of the small size of their operations. The working group also recommends that larger livestock such as sheep, pigs, and goats be allowed on Urban Farms by conditional use permit only, but processing of these larger animals would be prohibited. These recommendations take into consideration the current practices of Austin's urban farms, most of which raise small animals, while placing appropriate restrictions on the size of processing operations on small farms, which tend to be located in residential zones.

The working group recommends that the setbacks for enclosures for fowl (chickens) be in alignment with the requirements for the setbacks for small animals (rabbits, etc), so that small numbers of chickens (2-10) be allowed closer to a residence or business than larger numbers of chickens (10+). This is also informed by stakeholder input from potential Market Gardeners, who find it difficult to comply with the current 50-foot setback requirement on small lots. The working group recommends the following: enclosure for small animals to be at least 40' from an adjacent, enclosure for fowl (2-10) at least 20' from an adjacent structure, enclosure for fowl (10+) at least 40' from an adjacent structure.

The working group recommends a compromise between the differing sets of opinions regarding animal composting. Generally, if animal processing is prohibited, carcass composting should be prohibited, and if animal processing is allowed, composting should be allowed with some restrictions on the location of the compost operation within the site. As such, the Working Group recommends that composting animal carcasses be allowed on Urban Farms, where allowing animal processing is recommended, and prohibited on Market Gardens, where prohibiting animal slaughter is recommended. Finally, the Working Group recognizes that there are important regulations already in place that are designed to protect neighbors from intrusive smells. It is recommended that composting best practices be included in a best practices guide, to help farmers avoid smells and other unpleasant potentialities of compost operations. Regulations regarding the composting of animal products are also addressed by existing TCEQ regulations. Additionally, the number of fowl or rabbits processed on an Urban Farm will be easy to track. The Texas Department of State Health Services requires that anyone who receives a Grant of Poultry/Rabbit Exemption, keep detailed records of the dates, number, and type of animals processed at that facility.

Finally, the working group also recommends a new use called Urban Farm with Livestock, which would be conditional in all zones. Making this a conditional use allows for a participatory process where neighbors can give input and it places the onus on the farmer to justify the appropriateness of the breed, numbers and sexes of the animals in keeping with the specific zoning situation, while ensuring the welfare of the animals. According to an April 2013 publication by the American Planning Association (APA) entitled Practice: Urban Livestock, ordinances that made livestock illegal were historically created to exclude the poor; the benefits of raising some livestock - even in residential areas - are many (e.g., by-products including food and manure, community building, and keeping species diverse), the nuisances are generally minimal, and can be regulated. The working group anticipates few applicants for an urban farm with livestock conditional use permit, but believes it is a critical step in supporting the local food sector.

| Existing code | Stakeholder Input | Staff Review |
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| <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. No animal composting should be allowed.</p> <p>PODER: Set limits on chickens/fowl and other animals allowed on urban farms.</p> <p>Farmers (Boggy Creek, Rain Lily, Springdale, HausBar): Allow raising, processing and sales of animal protein: eggs, rabbits, fowl and fish (through aquaponics).</p> | <p>PDRD: Need to have some limitation on the number of animals processed on site and processing needs to occur out of public view. Need clarification between aquaponics systems and aquaculture, which is not appropriate from a water conservation standpoint. Enclosures for chickens and small animals should remain at existing distance (50 feet) from neighboring residences. Urban farms with livestock are not an appropriate use in residential zones.</p> <p>Environmental Health: Processing animals for retail requires Food Enterprise Operating Permit (HHSD); must take place in separate structure from residence. Plan review and CO inspection by HHSD required, following PDRD review and approval. There is no evidence that the existing setbacks for small-animal enclosures is a burden or that a reduction of the setback is needed. EH receives numerous complains every year from citizens regarding odors, sanitary conditions and noise from chickens and other fowl. Reducing setbacks from 50->20 feet will increase complains.</p> <p>Code Compliance: Reducing the setback for enclosures for fowl may increase the chances that adjacent residents will smell, see, and hear fowl.</p> |

EVENTS

Codes & Metrics Working Group Rationale

The current Urban Farm Ordinance does not specifically address events. Event regulation is subject to the underlying zoning of each lot. By current code, a few land use categories in residentially zoned property could apply for a Temporary Use Permit that would allow the applicant to host private,

free events for up to 50 attendees (Chapter 25-2-291-C-1). Urban farms are currently not included in the list of uses that may apply for a TUP. Events larger than 50 attendees can only be permitted on commercially zoned properties.

This has been one of the most challenging sets of recommendations for the working group to make. Trying to balance the needs of various stakeholders concerned about the impact of large events on neighborhood character while appreciating that urban farmers often rely financially on hosting some special events. All stakeholders agreed that educational events – including volunteer programs, farm tours, youth programs, and farming classes - are part of a farm or market garden’s every-day operations and should be allowed by right. Special events like weddings, fundraisers, special dinners, and cooking classes, however, cause a larger burden on the neighborhood because of the number of attendees, frequency, and parking requirements.

To accommodate the needs of all stakeholders, and staff input, the working group recommends that urban farms wishing to host regular large, special events obtain a conditional use permit to become an Urban Farm with Facilities for Gatherings. This new use is modeled after Chapter 250-2-786 (Rental of a Bed and Breakfast Residential Use Facility for Gatherings). This use is only available for urban farms (over 1 acre in size) and will require an application and review process by the Planning Commission and corresponding public input. These would be granted on a case-by-case basis and will allow each urban farm to be evaluated based on its individual context and available parking. Temporary Use Permits would still be an option for Urban Farms or Market Gardens that wish to host the occasional special event.

| Existing code | Stakeholder Input | Staff Review |
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| <i>No clear restrictions within the Urban Farm Ordinance.</i> Generally, all large outdoor events of 50+ attendees are required to pull a Temporary Use Permit, though Urban Farms are not currently allowed to pull TUPs if they | <p>Public sessions: Restrictions on events should be minimal. 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. Farms should not have to turn productive land into parking lots.</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>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. Urban farms should <u>not</u> be able to operate as an <u>outdoor entertainment facility</u> for weddings, parties, concerts, etc.</p> <p>Environmental Health: Cooking classes need to be a special type of event as they require a permitted commercial kitchen separate from the residence and an Operating Permit; EH does not have these for urban farms or market gardens.</p> <p>Code Compliance: If farms are allowed to use Temporary Use Permits, then they should have to get one for every event.</p> |

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| are in residential zones. | <p>appropriate, acceptable use on land zoned single-family.</p> <p>Govalle/Johnston Terrace Neighborhood Contact Team: Farms must provide on-site parking for all activities.</p> <p>Farmers (Boggy Creek, Rain Lily, 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. TUP's are a significant burden (cost and time).</p> | |
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SALE OF PRODUCTS

Codes & Metrics Working Group Rationale

Many urban farms in Austin operate a farm stand, while several farms sell third-party agricultural products from other farms they own or other farms outside the city. There is currently no definition of an “agricultural product” within code, which makes it difficult for code enforcement staff to evaluate farm stands. The Working Group recommends a clear definition of agricultural products, the only types of products allowed to be sold from an urban agricultural business (urban farm or market garden). Agricultural products are defined as produce, meat, fish, honey, dairy, seeds, live plants intended for food production and compost products produced by a farmer.

In order to balance all interests, the Working Group recommends that urban farms be able to sell unlimited agricultural products produced on their farm or another farm that they own at their own farm stand. This is in keeping with the current practices of most urban farmers in Austin. In order to mitigate the potential for a farm stand to grow too large for the neighborhood context, the working group recommends a limit to the agricultural products produced on someone else's farm that are sold at a farm stand. Third party products should take up no more than 20% of the farm stand's sales area and be produced in the state of Texas. Finally, an urban farm should be permitted to have a non-electrified sign no larger than 8 square feet.

As the Working Group considered the needs of small-scale agricultural operations - Market Gardens under 1-acre in size - it became clear that additional restrictions should be placed on these small properties in order to control the impact on neighborhoods. Market Gardens are most likely to provide limited supplemental income for their owners, but should be able to sell agricultural products grown from the garden. The Working Group recommends that Market Garden sales be regulated in accordance with the current restrictions placed on Home Occupation businesses (City Code 25-2-900). As such, on-site farm stands should not be permitted; instead, sales must be conducted out of sight of the general public on the property, and generate no more than three customer-related trips per day on average. In keeping with neighborhood scale, a non-electrified sign no larger than 4

| square-feet should be permitted. | | |
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| Existing code | Stakeholder Input | Staff Review |
| 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 and provides additional access to local food. 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, Rain Lily, Springdale, HausBar): Allow sale and delivery (retail and wholesale) of 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> | <p>PDRD: 3rd party products need to be restricted to agricultural products raised on the farm (as it is in existing code). Changing this standard opens the property to operate like a farmers market, but without the requirements for parking, restrooms, etc.</p> <p>Environmental Health: 3rd party product sales may significantly increase size of these businesses in residential areas.</p> |