

ORDINANCE NO. 20131121-105

**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.
- (7)~~(6)~~ URBAN FARM use is the use of a [an urban] site that can consist of multiple contiguous parcels 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.

Agricultural education activities include volunteer programs, farm tours, youth programs and farming classes [for the production and sale of organic agricultural products].

(8) 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. Agricultural education activities include volunteer programs, farm tours, youth programs and farming classes.

(9) INDOOR CROP PRODUCTION use is the use of a site for the raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

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

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

Agricultural (AG)

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

Agricultural (AG)

Horticulture is a permitted use in the following base district:

Agricultural (AG)

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

Agricultural (AG)

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

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

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

§ 25-2-863 URBAN FARMS.

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

(B) An urban farm is allowed within the critical water quality zone if it meets the requirements in 25-8-261(B)(4) (*Critical Water Quality Zone Development*)

for sustainable urban agriculture or a community garden. [~~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.~~

~~(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 flood plain; and~~
 - ~~(b) no less than 100 feet from a creek centerline.~~

~~(C)~~(D) A site area for an urban farm shall not be less than one acre and not more than five acres [~~of not less than one acre 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)~~(E) The number of dwelling units allowed on a site may not exceed the number of dwelling units allowed under the base zoning district regulations. Notwithstanding the foregoing, not more than two units are allowed on the site. Animal raising in accordance with Section 25-2-863(F) is not allowed without a dwelling on the site. Accessory structures are permitted without a dwelling. [One dwelling is permitted.]

~~(E)~~ ~~{(F)}~~ Raising livestock is prohibited notwithstanding Chapter 3-2 of the City Code.

(F) For properties not zoned residential, raising, slaughtering, processing and composting of fowl, rabbits, and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (Restrictions on Animals) of the City Code. One animal (either fowl or rabbit) may be processed per 1/10th of an acre per week. Composting, slaughtering or processing of animals must take place at least 50 feet from the nearest residential structure other than the structure associated with the use. Slaughtering and processing animals must take place out of public view.

For properties zoned residential, raising of fowl, rabbits, and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (Restrictions on Animals) of the City Code. Slaughtering and processing of aquatics foods is permitted. Slaughtering, processing of fowl and rabbits is prohibited. Composting of animal parts is prohibited in residential zoning districts.

~~[(G)] [Raising fowl is permitted in accordance with Chapter 3-2 of the City Code.]~~

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

(H) 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.

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

(I) 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. Agricultural products and value-added agricultural products produced off-site by someone other than the farmer cannot exceed 20% of the retail space by area.

~~[(I)] [Agricultural products raised on the property may be sold from the site.]~~

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

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

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

- (M) Agricultural education activities as referenced in Chapter 25-2-7 (Agricultural Uses Described) do not require a temporary use permit.

PART 4. A new City Code Section 25-2-864 is added to read:

§ 25-2-864 MARKET GARDENS.

- (A) This section applies to a market garden use.
- (B) A market garden is allowed within the critical water quality zone if it meets the requirements in 25-8-261 (*Critical Water Quality Zone Development*) for sustainable urban agriculture or a community garden.
- (C) A site area for a market garden shall not be more than one acre.
- (D) A dwelling unit must be located on the site.
- (E) The number of dwellings units on a site may not exceed the number of dwelling units allowed under the base zoning district regulations. A market garden is a permitted use in all base zoning districts.
- (F) Raising of fowl, rabbits, and aquatic foods using aquaponic systems is permitted in accordance with Chapter 3-2 (*Restrictions on Animals*) of the City Code. On-site slaughtering, processing or composting of animals is not permitted.
- (G) The use of synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in accordance with the Environmental Criteria Manual and approved by the director, must be followed.
- (H) Water conservation practices must be followed, at minimum in accordance with Chapter 6-4 (*Water Conservation*) of the City Code.
- (I) Agricultural products produced on-site 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. No more than three customer-related trips per day are permitted.
- (J) Employees are permitted. The maximum number of full-time employees is one. This does not include the property owner.
- (K) The residential character of the lot and dwelling must be maintained.
- (L) For a market garden use, a sign is permitted in accordance with Chapter 25-10-155 (*Urban Farm Sign*).
- (M) Agricultural education activities do not require a temporary use permit.

PART 5. City Code Section 25-2-921 (*Temporary Uses Described*) is amended to add a new subsection to read:

(G) This section applies to an urban farm.

(1) An urban farm may apply for and be permitted to hold a temporary use permit under this section no more than six times per year.

(2) The limitations set forth above in Section (C) (1), (C) (2) and (C) (3) do not apply to a temporary use permit on an urban farm.

~~(G)~~ (H) The building official may permit other temporary uses that are similar to those described in this section.

PART 6. City Code Section 25-10-155 (*Urban Farm Signs*) is amended to read:

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

(A) For an urban farm use, a non-electrified sign is permitted that:

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

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

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

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

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

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

PART 8. This ordinance takes effect on March 21, 2014.

PASSED AND APPROVED

_____, November 21, 2013

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Lee Leffingwell
Mayor

APPROVED: 

Karen M. Kennard
City Attorney

ATTEST: 

Jannette S. Goodall
City Clerk