

**DATE: May 14, 2013**

**STAFF: Laurie Kadrich  
Lindsay Ex**

*Pre-taped staff presentation: available  
at [fcgov.com/clerk/agendas.php](http://fcgov.com/clerk/agendas.php)*

## **WORK SESSION ITEM FORT COLLINS CITY COUNCIL**

### **SUBJECT FOR DISCUSSION**

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Urban Agriculture - Proposed Land Use and City Code Changes.

### **EXECUTIVE SUMMARY**

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City Plan contains several principle and policy statements aimed at promoting local food production and encouraging urban agriculture. Several City departments are coordinating with numerous public, private, and academic entities to implement these principles and policies. However, the Land Use Code is in direct conflict with City Plan as it only allows urban agriculture in four of the twenty-five zone districts as a primary use. While City Council amended the Land Use and City Code in 2008 to allow six chickens hens per lot (Ordinance No. 072, 2008), hundreds of citizens expressed the desire to practice urban agriculture in more zones in the City, allow farmers markets in more areas, and allow for a wider range of animals to be raised.

Based on City Plan and this feedback, staff proposes Land Use and City Code changes to implement City Plan. The proposed Land Use Code changes include: (1) the establishment of an urban agriculture licensing system that will allow urban agriculture in all zone districts; and (2) allowing farmers markets in more zone districts in the City. Proposed City Code changes include: (1) scaling the number of chickens allowed based on lot size; (2) allowing ducks to be raised; (3) allowing two dwarf or pygmy goats per household for milk production; and (4) updating the beekeeping Ordinance to reflect current best practices.

### **GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED**

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1. What concerns or questions does Council have about implementing these urban agriculture Code changes within city limits?
2. Are these proposed Code changes ready for formal Council consideration?
3. Are there other urban agriculture policy issues Council would like to see addressed?

### **BACKGROUND / DISCUSSION**

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Urban agriculture includes the production, distribution and consumption of locally produced food in an urban environment. City Plan contains principles and policy statements in support of urban agriculture in three of the seven key issue chapters. Partnerships internal and external to the City are working to implement these policy and principle statements. For example, the Social Sustainability Department and the Gardens on Spring Creek are implementing the Community Gardens Outreach Program (Offer 236.1) to promote access to community gardens in low-income

neighborhoods (**Attachment 10**). The Planning Department is coordinating with numerous entities to ensure the Land Use Code and City Codes are not acting as a barrier to implementing urban agriculture in the City. Beginning in May, representatives from the private sector, public sector, and academic sector are coming together to identify how City Plan strategically through the development of a Local Food Cluster, sponsored by the City's Economic Health Department. Each of these efforts is critical to implement the urban agriculture portions of City Plan.

What is before Council on May 14 is the Planning Department's effort to remove the Land Use and City Code barriers that would allow more urban agriculture practices to take place throughout the City. Currently, the Land Use Code only allows urban agriculture as a primary use in four of the City's twenty-five zone districts (see **Attachment 1**: Map of Zone Districts), yet these uses are currently being practiced in numerous other zone districts (see **Attachment 2**: Map of Urban Agriculture Land Uses).

This project aligns with the City Plan Principle SW 3, which states, "The City will encourage and support local food production to improve the availability and accessibility of healthy foods, and to provide other educational, economic, and social benefits."

On July 2, 2012, the urban agriculture public engagement plan was submitted to Council (see **Attachment 3**). Extensive public outreach, including a project website, online survey (611 responses; see **Attachment 5**), public open house (95 attendees; see **Attachment 6**), several focus group discussions with local farmers, Homeowners Associations, the Larimer County Humane Society, and discussions with six City boards and commissions occurred since the project was initiated (in accordance with the Project's Public Engagement Plan, see **Attachment 3**). Staff also benchmarked existing City regulations with other similar communities, including Austin, Portland, Seattle, Steamboat Springs, Denver, and Wheat Ridge.

Throughout the outreach process, citizens requested that urban agriculture be allowed in all zone districts and that additional farm animals be allowed, e.g., allow for more chickens based on lot size and allow for ducks and goats to be raised, as well.

Based on research, outreach, and City Plan direction, this project has the following objectives:

1. Establish an urban agriculture licensing system that addresses neighborhood compatibility concerns raised during the outreach process instead of requiring urban gardens to go through a full development review process;
2. Allow farmers markets in more zone districts in the city;
3. Amend the City Code regulations regarding animals in the following ways:
  - a. Scale the number of chickens allowed based on lot size, allows ducks to be raised, and adjusts the space requirements for chickens and ducks to four square feet;
  - b. Allow two dwarf or pygmy goats per household for milk production (must meet minimum space and humane condition requirements, as with the allowance of chickens); and
  - c. Update the beekeeping Ordinance (adopted in 1989) to reflect hive styles currently used and allows for nucleus colonies to be kept for a longer timeframe.

**Objective 1: Create an alternate development review process for urban agriculture land uses***Problem Statement*

While the Land Use Code allows for the cultivation, storage and sale of crops, vegetables, plants and flowers as an accessory use in all zone districts, Agricultural Activities as a principal use on the land is only permitted in the RC (River Conservation) and POL (Public Open Lands) zone districts. In all other zone districts, an Addition of a Permitted Use is required for these uses to be the principal use on a parcel.

Thus, while City Plan indicates the City will “encourage and support local food production,” the Land Use Code currently acts as an obstacle to these types of land uses.

*Research and Outreach*

At the onset of the project, staff initiated a focus group discussion with existing producers and farmers within the city to assess what practices are already occurring in the city and what additional practices are desired. Staff also organized focus groups with homeowners associations, realtors and interested citizens to assess any concerns they might have with allowing these uses in additional zone districts.

Staff also conducted an online survey and a public open house to assess the broader community’s perspectives on these issues. The online survey found that almost 96% of the 611 respondents supported allowing both market and community gardens in more areas (or all districts) across the city. Many respondents identified the societal benefits from allowing gardens, such as increased neighborly interaction, food security, and food access. When asked to identify what concerns were associated with community or market gardens, respondents identified the following primary concerns:

- Nuisances such as noise, odor, traffic and visual impacts (34%);
- Chemicals, including the use of fertilizers, herbicides, and pesticides (15%);
- Overregulation (8%); and
- Food Safety (6%).
- 19% of respondents had no concerns.

Staff benchmarked the existing regulations regarding urban agriculture land uses against five other communities and found that the Land Use Code was inconsistent in comparison to what other communities allow. Every community researched had standards associated with the urban agriculture practices, but none required the projects to go through the full development review process. The standards proposed for the urban agriculture license are designed to address the primary concerns identified by the public.

*Proposal*

Create an urban agriculture licensing system that allows urban agriculture to be practiced throughout the city while ensuring neighborhood compatibility. If adopted, urban agriculture will be a permitted use in all zone districts, subject to the licensing requirements set forth in Section 3.8.31 of the Land Use Code. This licensing system creates a process for these land uses to be permitted without

requiring the uses to go through development review, which could prove prohibitive for achieving the City Plan principle of encouraging local food production.

Some concern was expressed at both at the open house and during the Planning and Zoning Board Work Session, regarding whether a license for urban agriculture land uses is necessary. While survey respondents were largely in support of allowing urban agriculture in more zone districts, concerns were raised regarding compatibility with existing land uses e.g., screening, noise, traffic etc. Staff also learned that many producers are unaware of City regulations, such as building permit requirements, floodplain use permit requirements, etc. The licensing allows staff to work with farmers to discuss the best management practices outlined in the proposed regulations. Early dialogue with producers regarding compatibility can ensure that impacts can be proactively minimized. Staff believes a licensing system also provides the opportunity to share information regarding City regulations and allows the ability to track these land uses over time.

### *Implications of this Proposal*

If a licensing system is enacted, urban agriculture land uses will be exempt from development review requirements. Exempting urban agriculture from development review means these land uses will not be required to plat or improve the local street frontage in front of their operations. Platting and development requirements would only be triggered if a principal building, e.g., a retail store for produce, were proposed on the site. Depending upon how long the urban agriculture is practiced, this could transfer the costs of improving local streets to the taxpayer.

Starting up a local farm is not a capital-intensive business and requiring urban agriculture to be processed through development review could prove prohibitive to these land uses. As City Plan encourages these types of land uses, it is staff's finding that processing these land uses through a licensing system encourages these uses while still addressing the neighborhood concerns associated with allowing urban agriculture in more zone districts. However, staff does recommend this issue be closely monitored and continuously assessed, e.g., through the annual Land Use Code updates, to determine if the process is still suitable.

## **Objective 2: Allow farmers markets to be permitted in additional zone districts**

### *Problem Statement*

Farmers markets are currently limited to the following zone districts: Downtown, River Downtown Redevelopment, Community Commercial, General Commercial, Neighborhood Commercial, Limited Commercial (except in the Riverside Area), and in the Harmony Corridor in neighborhood or community centers. In all of these zone districts, farmers markets are subject to a Type I (Administrative Hearing) review. In the public outreach process, citizens requested staff to examine if farmers markets could be allowed in more zone districts.

### *Research and Outreach*

The results of the online survey illustrated that 94% of the survey respondents supported allowing farmers markets in more locations in the city. Concerns regarding allowing this land use in more zone districts included increased noise, traffic and parking issues as well as overregulation of vendors and the potential for diluting the market.

In staff's benchmarking analysis, staff found that allowing farmers markets in all commercial zone districts (currently allowed) is consistent with other communities. However, other communities, such as Portland and Denver, also allow these land uses in mixed-use areas.

### *Proposal*

Staff is proposing that farmers markets be allowed, in addition to the existing zone districts, in the LMN (Low Density Mixed-Use Neighborhood) and MMN (Medium Density Mixed-Use Neighborhood) zone districts. However, staff is recommending that these uses be allowed only if located within a neighborhood center, park, or central feature or gathering place to ensure that the traffic and other nuisance issues, as identified through the survey, are minimized. Staff is also proposing that farmers markets be allowed in the HMN (High Density Mixed-Use Neighborhood) district, which is limited in its geographic extent and would not likely pose the same concerns as in the other zone districts.

**Objective 3: Scale the number of chickens allowed based on lot size, allow ducks and miniature goats to be raised, and update the beekeeping standards.**

### *Problem Statement*

In 2008, City Council passed an ordinance allowing for up to six chicken hens per lot within the city limits, requiring two square feet per chicken, and that coops be setback 15 feet from the property line, among other standards aimed at achieving compatibility and protecting animal welfare. Since that time, 153 chicken licenses have been granted and one citation has been issued. During early discussions with producers and interested citizens, staff was asked to explore if additional chickens could be allowed and if other animals, such as ducks and goats, could also be permitted within the city.

### *Research and Outreach*

The online survey results show that 90% of the survey respondents supported scaling the number of chicken hens based on lot size, allowing ducks to be combined with the allowable number of chickens, and allowing goats. Concerns about allowing this land use in more zone districts included increased noise and odor, a lack of enforcement, having more animals at large, and ensuring humane conditions for the animals.

Staff's benchmarking analysis found that Denver allows up to eight chickens or ducks, combined, and two dwarf goats on any city lot without a zoning permit. If residents would like additional animals, then a zoning permit and notice to neighbors is required. Denver requires 16 square feet per chicken or duck and 130 square feet per dwarf goat.

Steamboat Springs allows up to five chicken hens per lot with a permitting process for more. Steamboat Springs also allows two to three goats on all city lots and 200 square feet is required per goat. The Enforcement Officer in Steamboat Springs indicated their spacing requirements exceed what a goat really needs and that Denver's standards are more appropriate. In certain zone districts, two to five goats are allowed per half acre of land, instead of being limited to three.

In Portland, anyone can keep a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits combined without a permit. If they wish to exceed that number, then a permit and neighbor notification is required. Colorado Springs allows up to 10 fowl as a use by right, and Seattle allows three animals per lot (including cats, dogs, chickens, and goats) if 20,000 square feet is available and four additional animals per each additional 5,000 square feet.

In addition to public outreach, staff held numerous meetings with staff from the Larimer County Humane Society (Animal Control), who handles the enforcement and licensing side of allowing chickens. Animal Control staff indicated that increasing the number of chickens based on lot size and allowing ducks presents no concerns, as allowing chickens within the city has not presented any significant problems.

Initially, Animal Control was concerned about allowing goats as they are not equipped to manage full-size goats. In addition, they were concerned about how well goats are really working in the other communities. Animal Control staff contacted their counterparts and found that goats have presented no problems in other communities. One Animal Control staff member in Denver noted that allowing dwarf goats “seems to have greatly increased the goodwill from the public and has not greatly affected the calls for service or complaints from the neighborhoods.”

### *Proposal*

Regarding chickens and ducks, staff initially proposed that the number of chickens allowed be scaled to the size of the lots and that ducks be allowed within that scaled number. During the open house, attendees requested that staff scale the number of chickens and ducks similar to what Denver proposed. Based on further discussions with Animal Control, staff is now proposing the following scaling structure for chickens and ducks based on lot size:

- Less than 1/2 acre – up to eight chickens and/or ducks, combined (this would allow everyone in the city to have up to eight chickens and/or ducks, similar to the City of Denver);
- Between 1/2 acre and 1 acre – up to twelve chickens and/or ducks; and
- More than 1 acre – six chickens and/or ducks per each additional 1/2 acre above a one-acre lot size; however, when more than twelve chickens and/or ducks are requested, then all abutting property owners must be notified prior to the issuance of a license to ensure compatibility with the neighbors.

Regarding space requirements for chickens and ducks, numerous resources documented that ducks need 4 square feet per animal to thrive. In addition, based on staff discussions from an enforcement perspective, it was determined that increasing the size of poultry coops required for chickens and ducks would be more easily managed if 4 square feet per animal was provided instead of 2 square feet per chicken and 4 square feet per duck. In addition, as humane conditions were one of the concerns of the survey respondents, staff is recommending that the regulations regarding the keeping of chicken hens and ducks stipulate 4 square feet of spacing per animal.

In regards to goats, staff is proposing that two pygmy or dwarf (African Pygmy and Nigerian Dwarf breeds) goats be allowed per lot in the city. As goats are herding animals, a minimum of two goats is required to prevent nuisances. Staff also proposes, based on the feedback from Steamboat Springs staff and from additional research, that a minimum of 150 square feet be provided per goat allowed, for a total of 300 square feet. Additional standards to ensure compatibility, e.g., a 15-foot setback

from any property line and having adequate fencing, and humane conditions are outlined in the draft Municipal Code Ordinance.

With regard to bees, numerous citizens requested removing the current requirement that hives be only Langstroth-style hives, since it is an antiquated standard. Numerous other communities, including Larimer County, regulate beekeeping based on movable comb hives. Staff is recommending that the hive requirement be updated to reflect more recent best practices and require movable comb hives instead of Langstroth-style hives. In addition, citizens requested additional time to dispose of or combine nucleus colonies. Instead of 30 days to dispose of or combine the colony, staff is recommending allowing residents up to 60 days.

Finally, staff proposes a one-year review of the City Code changes be reported to City Council to assess if allowing additional numbers and kinds of animals was successful and if any additional changes need to be made to ensure compatibility with surrounding land uses.

### **Fees**

A question that arose during the public process is “what the City would charge for an urban agriculture license”? As there are many urban agriculture land uses already in place throughout the city, staff recommends that a 12-month grace period be applied so that all existing urban agriculture land uses can be “grandfathered” into the city. The purpose of the grace period is two-fold: first, it would allow for all existing gardens within the city to be permitted at no cost. Second, the grace period would allow City staff to track the time it takes to process the applications and calculate the appropriate fee to charge based on actual time. Staff expects the fee would not exceed \$100/application or 4 hours of staff time.

The current fee for a chicken license is \$35/license. Animal Control staff has indicated a preference for combining poultry and goats into one urban farm animal license. They propose that the fee for the urban farm animal license stay at \$35.

### **Additional Concerns Not Addressed with these Code Changes**

During the public outreach process, interested citizens and farmers requested that other issues be addressed, including allowing hoop houses (temporary greenhouses with frames made of conduit, PVC, or wood covered by polyurethane) within the city without a building permit and allowing other farm animals on any lot within the city, if the lot size allows and humane conditions are met. Staff began researching these issues but is not yet ready to bring forward any Code changes or policy direction to address them. Instead, staff suggests that these changes be addressed in future phases, such as through the building code revisions currently under way.

Staff also recognizes that some concerns still remain about allowing any additional animals within the City limits and proposes, similar to what was done when the Ordinance allowing chicken hens to be raised was passed, that a review of the code changes be conducted one year after adoption to assess the success of the code changes and if any additional changes need to be made.

It is also important to reiterate that staff is not proposing any changes related to an individual’s right to have a private garden. Private gardens are currently allowed under the Land Use Code and the urban agriculture licensing system would not apply to these land uses. Instead, it would apply to

urban agriculture land uses that are the principal use on a lot in the City of Fort Collins, unless those uses were already approved under the development review process, in which case, a license is not needed.

## OUTREACH

As discussed above, extensive public outreach led to the formation of the proposed Code changes. These outreach efforts included the following:

- April 2012
  - Planning and Zoning Board Work Session and Hearing – Project Kick-off
- June 2012
  - Interested Citizens Kick-off Meeting – 25 individuals attended from the farming, gardening, non-profit community as well as interested citizens
- July 2012
  - Project website launched
  - Meeting with the Chamber Legislative Affairs Committee
  - Planning and Zoning Board Work Session
  - HOA , Realtor and Public Focus Group – 10 individuals attended
  - Project email list created – currently almost 370 members
- August 2012
  - Meeting with the Fort Collins Housing Authority Development Committee
  - Landmark Preservation Commission
- September 2012
  - Meeting with the Natural Resources Advisory Board
  - Meeting with the Parks and Recreation Board
  - Meeting with the Senior Advisory Board
  - Online survey launched (611 responses when the survey closed in December)
  - Media article in the Coloradoan announcing the launch of the survey
  - Memo sent to the Community Development Block Grant Commission
- October 2012
  - Planning and Zoning Board Work Session
- January 2013
  - Focus group with local farmers to review the proposed regulations
  - Media article in the Coloradoan announcing the public open house
  - Public Open House (95 attendees)
- March 2013
  - Planning and Zoning Board – Unanimous Recommendation of Land Use Code Changes (see **Attachment 4**)

- April 2013
  - Economic Advisory Commission (see **Attachment 5**)
- May 2013
  - City Council Work Session
  - Natural Resources Advisory Board (May 15)
  - Focus group discussion with Colorado State University Extension, Animal Sciences, and Veterinary Sciences professors, Larimer County Department of Health, Larimer Humane Society and interested citizens to review the regulations and receive feedback from these professionals (May 16)

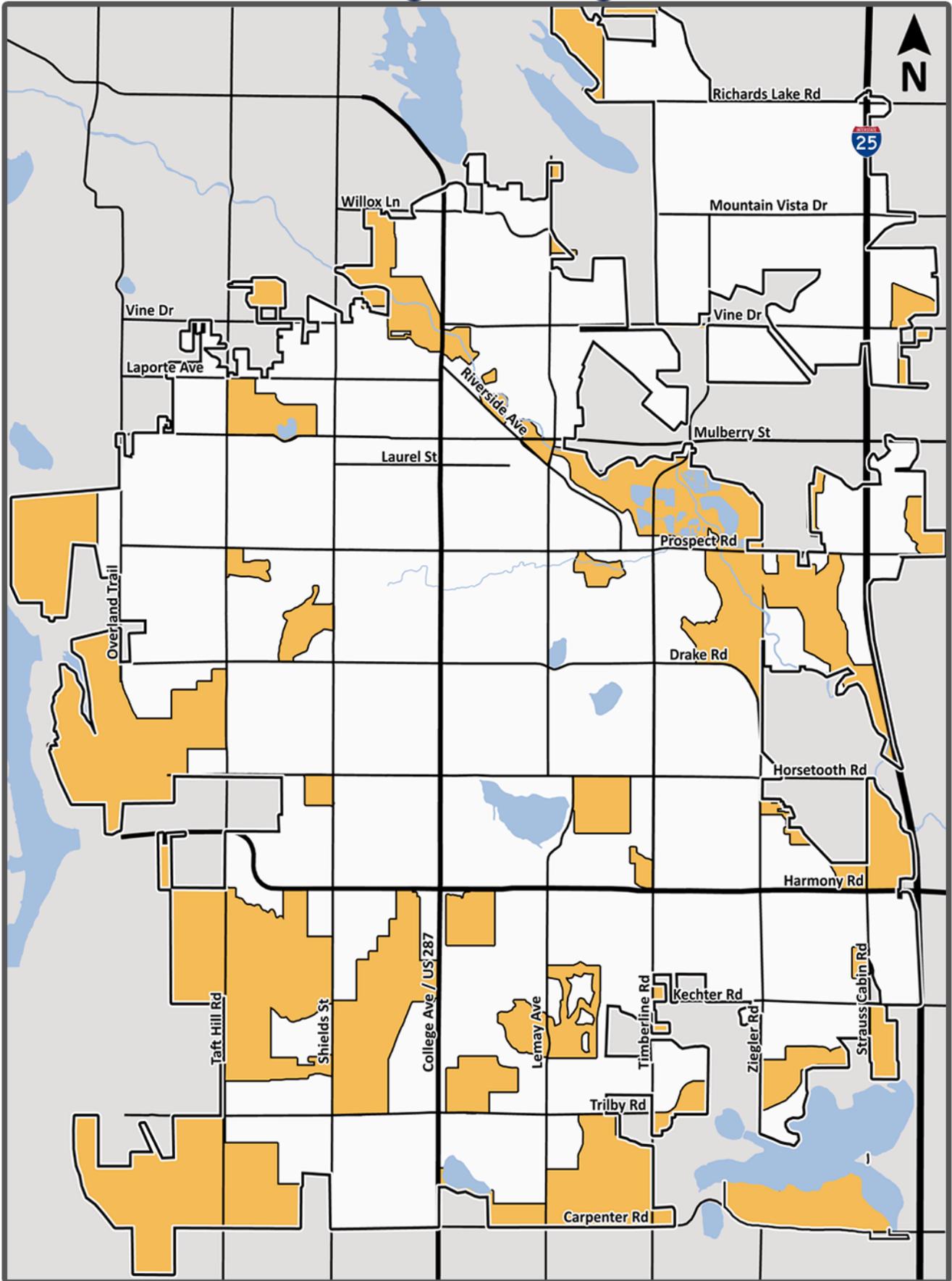
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## ATTACHMENTS

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1. Map 1 - Zone Districts where Urban Agriculture practices are currently allowed
2. Map 2 – Illustration of where Urban Agriculture practices are actually occurring
3. Public Engagement Plan
4. Planning and Zoning Board Meeting Minutes
5. Economic Advisory Commission Meeting Minutes
6. “At-a-glance” Online Survey Results
7. Meeting notes from the Public Open House
8. Public Comment received to date
9. Frequently Asked Questions about the proposed code changes
10. Memo from Social Sustainability and the Gardens on Spring Creek
11. Powerpoint Presentation

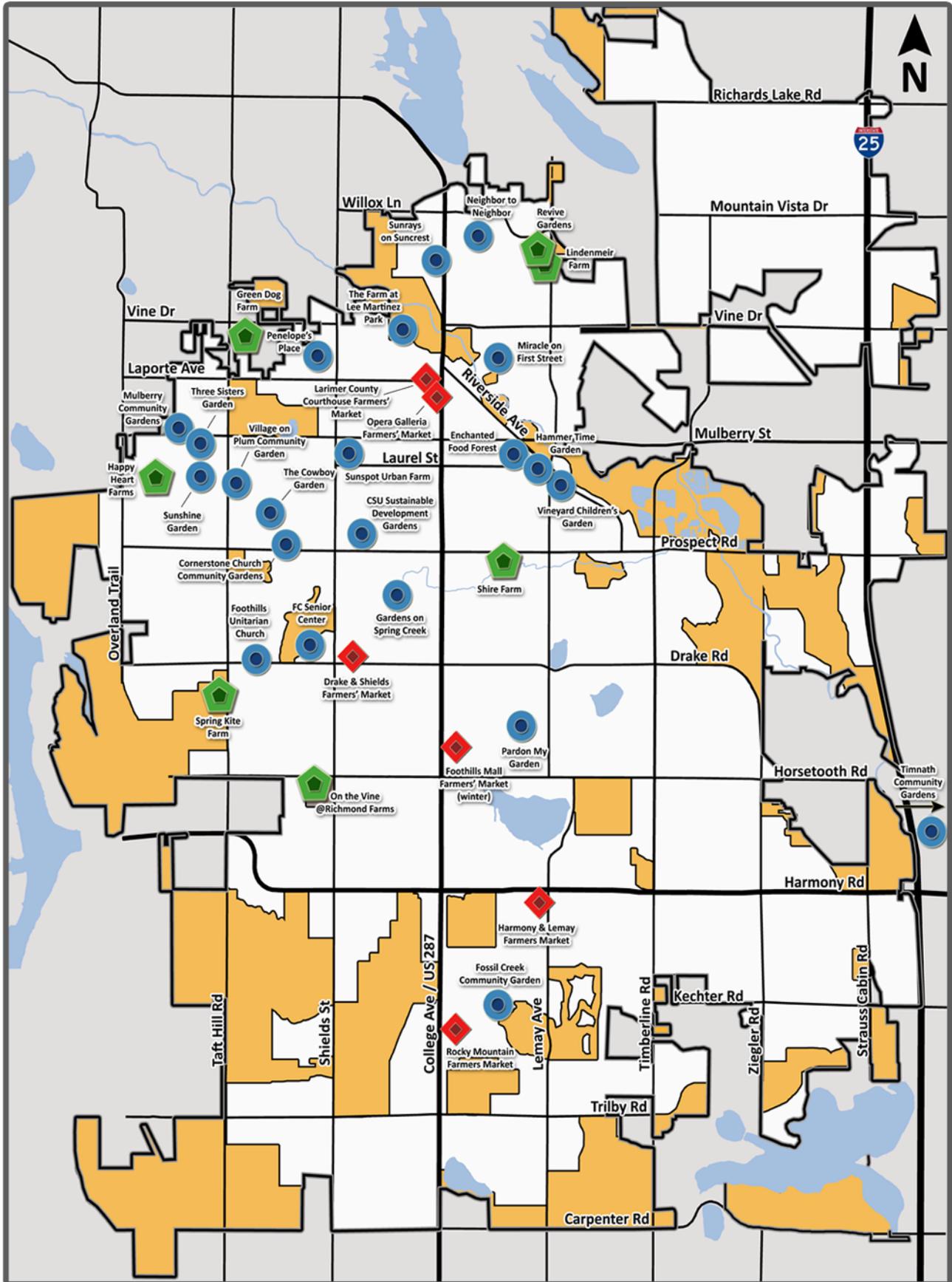
# Zone Districts Allowing Urban Agriculture Land Uses



**Zone Districts Allowing Urban Agriculture** — **City Limits**  
*(Residential Foothills, River Conservation, Urban Estate & Public Open Lands)*

Scale 1 in. = 1.25 mi.

# Current Location of Urban Agriculture Land Uses



Scale 1 in. = 1.25 mi.

- Community Garden
- Market Garden
- Farmers' Market
- Zone Districts Allowing Urban Agriculture (Residential Foothills, River Conservation, Urban Estate & Public Open Lands)
- City Limits

## PUBLIC ENGAGEMENT PLAN

**PROJECT TITLE:** URBAN AGRICULTURE LAND USE CODE CHANGE  
**PROJECT LEAD:** LINDSAY EX

**BOTTOM LINE QUESTION:** What local food practices does the community support? Where should these practices be allowed? And how should they be regulated?

**OVERALL PUBLIC INVOLVEMENT LEVEL:** Collaborate

### **KEY STAKEHOLDERS:**

- Neighbors/residents
- Producers, consumers, and businesses related to agriculture
- Health and built environment advocates (CanDo, Gardens on Spring Creek, Food Bank)
- Realtors and others involved in real estate
- Homeowners Associations

**TIMELINE:** April – December 2012

### **Phase 1: Involve/Collaborate**

**Timeframe:** May – June 2012

#### **Key Messages:**

- Local food production is strongly supported in Plan Fort Collins (Principle SW 3 and Policy SW 3.1),
- The Land Use Code is out of date regarding more urban forms of agriculture
- What practices does the community support?

#### **Tools and Techniques**

- Web – webpage within the development review webspace, spotlight on fcgov.com
- Media – news release
- Open houses – identify the range of practices and key areas where citizens agree

### **PHASE 2: Involve/Collaborate**

**Timeframe:** July – September 2012

#### **Key Messages:**

- Illustrate what was heard at the early open house and what actions have been taken to date
- Determine if the direction being taken is on the right track

#### **Tools and Techniques:**

- Web – monthly updates
- Open houses – review draft standards and revise

### **PHASE 3: Inform and Consult/Involve**

**Timeframe:** October – December 2012

#### **Key Messages:**

- Highlight community feedback
- Determine if the direction being taken is on the right track

#### **Tools and Techniques:**

- Web – monthly updates
- Media – news release
- Open house – final feedback, check in to make sure we captured their original feedback

Planning and Zoning Board Hearing Minutes March 21, 2013 6:00 p.m.			
<b>Council Liaison:</b>	Mayor Weitkunat	<b>Staff Liaison:</b>	Laurie Kadrich
<b>Chair:</b>	Andy Smith	<b>Phone:</b>	(H) 482-7994

Chair Andy Smith called the meeting to order at 6:10 p.m.

Roll Call: Carpenter, Campana, Hart, Heinz, Kirkpatrick, and Smith

Unexcused Absence: Hatfield

Staff Present: Kadrich, Eckman, Ex, Sowder, Porter, Levingston, Stanford, Siegmund, Vrata, Schleuter, and Sanchez-Sprague

Chair Smith said in an effort to make the process a little more citizen friendly he would provide background on the order of business. He described the following processes:

- Citizen participation – an opportunity to present comments on issues that are not specifically listed on the meeting agenda.
- Consent agenda items are considered items which have no known opposition. Any member of the board, staff or audience may request for an item to be pulled from the consent agenda and discussed in detail as a part of the discussion agenda.
- Discussion agenda items will include a staff presentation, an applicant presentation, and questions by board members, staff comments and public comment.
- At the time of public comment, he asked that you come to the podium, state your name and address for the record, and sign-in. He asked that the speaker clearly state their position and he encouraged them to share comments relevant to the topic under discussion.
- Responses by applicant and staff will follow public comment.
- The board will deliberate and reach a decision once a motion has been made and a vote taken.
- The board will do their best not to use acronyms or jargon.
- He will begin each new item with a description of the development type being considered.

#### **Agenda Review**

CDNS Director Laurie Kadrich reviewed the agenda.

**Citizen participation:**

Eric Sutherland, 3520 Golden Current, said over time he's noticed that many individuals who speak during public input do not restrict their comments to areas to which the board has purview – Land Use Code (LUC). He said many times the public's remarks pertain to eminent domain, social, economic or environment components on which the board does not have purview. Additionally, he said there's some sensitivity from himself and others in the community relative to prohibitions on speaking to their elected representatives (City Council) on issues that relate to the Land Use Code process because the decision that the board or hearing office might make is appealable to the City Council. He sees no legal justification for that policy and thinks it goes against the intent of our entire democratic process. He thinks people should be well advised as to the purview of this board so they can specifically address the elements on which the board makes their decisions.

**Consent Agenda:**

1. Minutes from the February 7, 2013 Special Hearing and the February 21, 2013 Hearing
2. Addition to the Land Use Code – Section 2.2.10(D), Parkway Landscaping Amendments
3. Waterglen PUD Self Storage Extension of Final Plan - #71-93D

**Member Campana made a motion to approve the consent agenda which consists of the Minutes of the February 7, 2013 Special Hearing and the February 21, 2013 Hearing, the Addition to the Land Use Code – Section 2.2.10(D), Parkway Landscaping Amendments, and the Waterglen PUD Self Storage Extension of Final Plan - #71-93D. Member Kirkpatrick seconded the motion. The motion passed 6:0.**

**Discussion Agenda:**

4. 2013 Revisions, Clarifications and Additions of the Land Use Code – Division 3, 4 and 5 – Urban Agriculture
5. Carriage House Apartments Project Development Plan, #PDP120035
6. Remington Row Project Development Plan, #PDP110017

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**Project:**                               **2013 Revisions, Clarifications and Additions of the Land Use Code – Division 3, 4 and 5 – Urban Agriculture**

**Project Description:** This request is for a recommendation to City Council to update the Land Use Code so it:

1. Establishes an urban agriculture licensing system that addresses neighborhood compatibility concerns raised during the outreach process instead of requiring urban gardens to go through a full development review process;
2. Allows farmers markets in more zone districts in the City;

**Recommendation:** Staff recommends that the Planning and Zoning Board make a formal recommendation for adoption of the Land Use Code changes related to urban agriculture

### **Hearing Testimony, Written Comments and Other Evidence**

Senior Environmental Planner Lindsay Ex said urban agriculture is the food production and distribution in the urban environment and includes community gardens, farms, farmers markets, and animals. This project addresses one (policy barriers) of many local issues - Land Use and Municipal Code Regulations

Land Use Code (LUC) only allows urban agriculture practices in four of the twenty-five zone districts as a principal use: *Agricultural activities* – River Conservation and Public Open Lands and *Farm animals* – River Conservation, Residential Foothills, and Urban Estate. The project goal is to ensure the LUC supports the community's desires in relation to urban agriculture practices both when and where appropriate. Ex described the public outreach process (focus groups, boards and commissions, Chamber Legislative Affairs Committee, on-line survey (611 responses) and public open house (95 attendees). It is by those means they learned that the community supports (while addressing compatibility issues such as traffic, noise, odor, and parking):

- Allowing urban gardens in more zones
- Allowing farmers markets in more locations in the City
- Allowing ducks, goats, and scale poultry based on lot size.

Staff recommends creating a licensing system that allows urban agriculture in all zone districts. After conferring with the board at work session they suggest a one year grace period which would allow existing producers to be licensed at no additional cost. It encourages early dialogue and a commitment to best practices. It allows for tracking of licenses. A development review process would not be required.

Ex said staff recommends that the Planning and Zoning Board make a formal recommendation for adoption of the Land Use Code changes related to urban agriculture, with the following condition:

- The City Manager allows a twelve month grace period for all existing urban agriculture land uses to be permitted allowing existing urban agricultural land uses to be permitted at no cost.

Ex also recommends draft ordinance reference LUC Section 3.8.31(C) (2) (b) Parking be revised to delete "all". It would read "Urban agriculture land uses shall provide additional off-street vehicular and bicycle parking areas adequate to accommodate all parking demands created by the use."

### **Public Input**

Dennis Stenson, 2820 W. Elizabeth, said he and his wife started Happy Heart Farm 30 years ago. He said they started Colorado's first CSA (Community Supporting Agriculture) project. There are now 35 CSA and community gardens in Fort Collins so it indicates how the community has supported agriculture over the past 30 years. He said agriculture (with Colorado State University) is definitely a part of our heritage. He said moving forward we're looking at a city government that would like to be included in that 'hero' story in Northern Colorado of going back to the future and getting people engaged in the process of growing and distributing food in a local area. He asked that the existing projects be given the 'grandfathering' they need to keep doing the good job they've been doing.

Brigitte Schmidt, 932 Inverness, said she supports the proposal and wanted to say staff has done a fantastic job. She said when reading through the proposed ordinance she found in Section C.2 (b) that it said accommodate all parking. She said she doesn't think we've ever required anything else to accommodate all parking and that would be unfair. She's happy to see staff supports the idea of eliminating 'all' and asked the board to consider making that change.

Elizabeth Joyce, 711 Laporte Avenue, said she's generally supportive of the agriculture proposal as it pertains to the gardens and farmers market but she does have some concerns about expanding the livestock allowed in the city. She thinks there are too many conflicting issues about competing neighbor interests – sanitation, health, and animal welfare issues. She has concerns related to code enforcement; she wonders in some cases if it'll have lower priority with demands/available resources. She supports scaling the number of chickens if consideration is given to smaller lots so there is minimal impact on the neighborhood. She asked how the increased numbers of goats that come from pregnancy are handled and if the anti-slaughter provision for chickens applies to goats.

Chuck Cotherman, 516 Villanova Ct, said he runs the Mulberry Community Gardens. He said beyond food production they are educationally focused. He hopes the board adopts staff's recommendation – get back to where our food comes from.

Michael Baute, 2825 S. Taft Hill Road, said together with Megan Williams they manage Spring Kite Farm. Luckily they are in one of the 3 zones that allow them. He supports the grandfathering of existing operations as well as the removal of "all" as relates to parking. He said land values are incredibly high and there are few who want to do the work. There needs to be a reevaluation of the disparity between access to land and water (e.g. competition for water for sod). He'd like to support what's happening here and congratulate everyone for being a part of it.

Trevor Shores, 2201 Creekwood Drive, is an apprentice at Happy Heart Farms. As a prospective farmer, he does agree with many of the proposals. He'd encourage the city to try and find a way to make it more attractive to people who want to farm. If he has to buy a permit on top of the costs of seed, tractor, land, and water; capital he might have will run out. He believes Fort Collins wants to be more food secure and this is a very nice first step.

## **End of Public Input**

### **Staff Response**

Staff member Lindsay Ex said most of the regulations are around synthetic chemicals in fertilizer. No urban agriculture land user would be able to use those types of synthetic chemicals in a natural habitat buffer zone. Ex said there are provisions in the Municipal Code ordinance that is not yet available for public review. She can speak to it in generalities. She said the regulations allow the kids to remain with the does for 12 weeks after they're born so they can be nursed. At that point they would need to be sold or given away. Ex said the prohibition of slaughter of goats is the same as for the chickens.

Bill Porter of Larimer Humane Society said they support the increase of the number of chickens based on the size of the land. He said since the adoptions of the 'chicken ordinance' there have

been 76 complaints and 1 citation. He said it's pretty much been a non-issue for the Humane Society. He said the chickens must be in an enclosure and allowed outside during daylight hours. At night they must be placed inside the enclosure to protect them from predators. The coop is defined as an indoor/outdoor coop 15 feet from the adjacent property line.

Member Hart asked about setbacks for goats. Ex said it's also 15 feet – similar to Denver and Steamboat Springs and that it seems to be working for them.

Member Heinz asked about the urban agriculture license. Ex said the licenses are for the farms or the gardens that are the principle uses on a lot. It will be coordinated by Planning Services. Animal licenses are coordinated by Animal Control. Ex said concerns they heard through public outreach were related to traffic and odor (compost piles) – she outlined proposed provisions as relates to farms or gardens that are principal use for the Land Use Code and other provisions related to the Municipal Code (which are the purview of City Council).

Member Campana asked if there is a requirement for a manure or compost management plan. Ex said with licensing they would provide an overall plan on how they would handle that. She said they did not hear concerns related to manure so they did not include a specific standard for that. If it's going to be in an area with higher density, they could discuss that issue. He'd recommend the distribution of information related a manure management to raise awareness at the Development Review Center front counter.

Member Heinz asked what was meant by 'grandfathering' as noted in public comment. Community member Stenson said his concerns related to the already established farms and how Planning Services (whose orientation may primarily have been other types of development) would address an application for an existing or a new farm. He's hoping existing operations would be granted a 'pass'. Member Hart asked if Mr. Stenson was aware of Colorado's Right to Farm provision. He was not. Staff member Ex said the licensing process is fairly benign. It's more about having the dialogue about the regulations that apply to those types of uses. She thinks having the 12 month grace period with no cost will also help that.

Member Carpenter said many of the Home Owners Associations have regulations against animals and she's assuming this is not going to change any of that. Ex said correct.

Member Campana said he likes the idea of no cost to get the farms licensed. He said he assumes the farms that exist today within the city are in zone districts that allow them. He thinks what's proposed will clean things up -- requiring farms to come in for licenses and to have the dialogue with staff especially if there are any non-conforming uses.

Member Heinz said she likes the implementation of transparency of growing practices.

**Member Heinz made a motion for the Planning and Zoning board to recommend to City Council the adoption of Revisions, Clarifications and Additions of the Land Use Code – Division 3, 4 and 5 – Urban Agriculture including the condition of the 12 month grace period and the change related to deleting 'all' as relates to parking. Member Campana seconded the motion.**

Member Campana said great work. Member Heinz agreed.

Member Smith said he'd like to see us continue this trend. He thinks this is a very important element of our community from an economic, social and ecological standpoint.

**The motion passed 6:0**

DRAFT

Economic Advisory Commission  
 April 17, 2013  
 minutes

i's claims in a more formal written presentation

Mike Pruznick commented on job/skills mismatch and believes it is a fallacy based on research he has done. In addition, he believes the City should diversify its financial support and not rely so heavily on sales tax revenue. He also stated that local retailers are not meeting the needs of the citizens of Fort Collins, but internet retailers are. Retail is changing and it doesn't need to be revitalized, it needs to be revamped.

**Agenda Item 4: Follow-up Discussion**

Josh Birks provided an update regarding the Woodward Assistance Package. He stated that first and second reading have passed Council, and the Package will now be reviewed by Woodward's Board. He is hopeful the project will move forward in May.

**Agenda Item 5: Future Agenda Items and Sales Tax Update**

Jessica Ping-Small presented a Sales Tax Update. Sales and Use Tax are up 4.2% for the year and we have been trending in about the 4% range.

Josh Birks, Sam Solt, and Blue Hovatter met prior to the meeting to discuss a new EAC Agenda format with the goal of making our monthly meetings more efficient. The new format would include a logistics section (30 minutes), New Projects/Policy Review (45 minutes) and on-going initiatives (75 minutes). It was also stated that moving forward, the EAC would be more selective in reviewing items brought forth by other departments and more proactive about the implementation of the Economic Health Strategic Plan and other topical areas of focus. The EAC agreed, and the new agenda format will be put in place for next month.

After additional discussion regarding the Urban Renewal Authority, next month's agenda will include a URA educational training including a 3<sup>rd</sup> party URA expert and additional information provided by the City specific to our program. In May, the agenda will include a panel discussion with all interests represented to discuss the use of URA's and their positive and negative benefits.

**Agenda Item 6: EAC Process Logistics**

No updates provided at this time.

**Agenda Item 7: Urban Ag**

Lindsay Ex presented an overview regarding Urban Agriculture in Fort Collins. Information included a description of urban agriculture, the project goal, public outreach, proposed regulations, and next steps in the process. Current trends show that many urban agricultural uses are already occurring outside of their zone districts. The proposed changes include creating a licensing system that allows for urban agriculture in all zone districts including a change in land use codes to support farming activities and a change in City animal codes to allow ducks and goats. Dan Lenskold and Jim Clark commented that they were concerned about allowing more livestock in an urban environment and the possibility for disease. Lindsay commented that she would add those concerns to do further research. After thorough consideration and discussion, the EAC developed the following recommendation to the Fort Collins City Council.

Mike Kulisheck motioned, and Dan Lenskold seconded the following motion:

Due to the economic benefit of sourcing food locally, the Economic Advisory Commission supports the Land Use Code changes as proposed on April 17, 2013. We find the changes to be economically sustainable appropriately supporting a local marketplace in a local economy.

Motion passed 9-0

# URBAN AGRICULTURE SURVEY RESULTS - AT A GLANCE

## TOPIC: MARKET GARDENS

By definition, market gardens are gardens or orchards where food is grown to be sold. It may be sold directly to consumers, restaurants, and stores. Market gardens tend to be smaller scale than typical farms. A market garden can be the primary use on a property or an accessory use to a primary use such as a house or an office building. Local examples include the farm stands you see at the farmers markets as well as a Community Supported Agriculture (CSA) you may belong to.

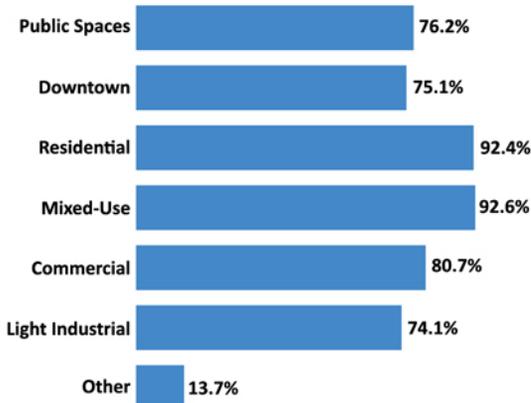
Direction:

- Define market gardens, including sub-categories of market gardens such as Community Supported Agriculture and Neighborhood Supported Agriculture.
- Allow market gardens in more locations beyond the four zone districts where they are currently allowed.
- Consider incorporating options, where necessary, for addressing neighborhood concerns and ensuring compatibility, e.g. screening, noise mitigation, sales timing, etc.

**Question 1** - Is this the right direction?



**Question 2** - Check the types of areas where you think market gardens should be allowed:



**Question 3** - In residential areas, do you think selling garden products on site could be appropriate, such as at a farm stand?



**Question 4** - What types of impacts concern you the most?

Response count: 389 -- Top responses:

- General nuisances: traffic, noise, odor, parking, bugs/invasive species
- Visual impacts: too many fences, unsightly structures/stands, signage
- Overregulation
- Use of fertilizers/herbicides/pesticides

## TOPIC: COMMUNITY GARDENS

By definition, community gardens are vegetable or flower gardens where several individuals or households work at the site. The land can be publicly or privately owned, but the food is used for personal consumption and/or donation. These gardens can be the primary or secondary use on a property.

Direction:

- Define community gardens.
- Allow community gardens in all zone districts.
- Consider incorporating options, where necessary, for addressing neighborhood concerns and ensuring compatibility, e.g., screening, odor, noise mitigation, sales timing, etc.

**Question 1** - Is this the right direction?



**Question 2** - What types of impacts concern you the most?

Response count: 281 -- Top responses:

- Nuisances/impacts to neighbors: traffic, noise, odor, parking, bugs
- Unkempt or abandoned gardens
- Use of fertilizers/herbicides/pesticides
- Food safety/quality

## TOPIC: PRIVATE GARDENS

By definition private gardens are gardens on private property for personal consumption or enjoyment. These gardens are an accessory use (whereas the home is likely the main use) and are currently allowed in all zones. If a garden is proposed as the main use on a property, then it would be classified as either a market garden or a community garden.

Direction:

- No change to current regulations proposed. The Land Use Code currently allows for the accessory use of cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises in all zone districts.

**Question 1** - Is this the right direction?



**Question 2** - What types of impacts concern you the most?

Response count: 159 -- Top responses:

- Environmental impacts: use of fertilizers/herbicides/pesticides; excessive water usage
- Restrictive HOA rules
- Potential impacts to property values
- Unsightly or unkempt gardens

# URBAN AGRICULTURE SURVEY RESULTS - AT A GLANCE

## TOPIC: FARMERS MARKETS / FARM STANDS

By definition, a farmers market or farm stand are where sales and activities occur on a regular basis in the same location (but may only occur during the growing season) and are considered temporary uses. Markets and farm stands are already regulated under the Municipal Code as outdoor vendors. Per code, one vendor is allowed per lot in commercial and industrial zones; in other zones, a vendor is only allowed if the produce was grown on site. Multiple vendors are viewed as farmers markets and are allowed only in certain zone districts.

Direction:

- Consider allowing markets in neighborhood centers or other appropriate locations throughout Fort Collins.
- Incorporate options for mitigating neighborhood concerns and ensuring compatibility, e.g. traffic, noise, market characteristics such as size, duration and customer base.

Question 1 - Is this the right direction?



Question 2 - What types of impacts concern you the most?

Response count: 168 -- Top responses:

- Increased noise, traffic and parking issues
- Overregulation of vendors that want to set up on a temporary basis
- Cleanliness and safety of the general area
- Diluting the market -- where should growers choose to locate given all the choices?

## TOPIC: FOOD MEMBERSHIP DISTRIBUTION SITES

By definition, food membership distribution sites are locations where community-supported agriculture (CSA) farms deliver food for their members. The farmer delivers the food to one location and individuals pick up their shares from the distribution site.

Direction:

- Create a definition for food membership distribution sites.
- Allow food membership distribution sites in commercial, mixed-use and light industrial areas.
- Consider allowing small distribution sites with fewer members to operate in residential areas.

Question 1 - Is this the right direction?



Question 2 - What types of impacts concern you the most?

Response count: 141 -- Top responses:

- Increased traffic, parking, noise and crowds
- Food safety & fertilizer/herbicide/pesticide usage
- New regulations interfering with existing CSA operations
- Signage and visual quality of the distribution sites

## TOPIC: ANIMALS

By definition, animals includes raising a variety of animals in residential and commercial areas for the purpose of producing food, e.g. eggs, milk, honey, etc.

Direction:

- Consider scaling the number of chicken hens per lot based on lot size. The Code currently allows six chicken hens per lot regardless of size. If an individual owns a 1-acre lot versus a 1/10th acre lot, consider increasing the number of chickens allowed on the larger lot. This would be similar to how the Code regulates bee hives.
- Consider including ducks within a poultry definition, so individuals could own either chickens or ducks.
- Consider allowing goats within city limits in the same manner chickens are allowed on any lot, or increase the number of zone districts in which goats are allowed. Other communities including Steamboat Springs and Denver allow for two miniature female or neutered male goats per household with setbacks from property lines and other requirements to ensure compatibility.

Question 1 - Is this the right direction?



Question 2 - What types of impacts concern you the most?

Response count: 209 -- Top responses:

- Increased nuisances (odor, noise, pollution, fly populations)
- Lack of enforcement of new/ existing regulations
- Escaped animals
- Property values
- Ensuring animals are receiving proper care and are not neglected

<b>Open House Feedback<sup>1</sup></b>
<b>Topic Area: Presentation and Overall Comments</b>
<p><b>Is a home occupation license required if selling at a second location? When does a home occupation license apply?</b></p> <p><i>Staff Response:</i> After the open house, staff has removed all references to a home occupation license, as the Land Use Code already allows for the cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises. Thus, a home occupation license will not be required if citizens wish to sell produce from their home, though a sales tax license is still required.</p>
<p><b>Please look into allowing hogs, sheep, milking cows and increasing the number of animal allowed</b></p> <p><i>Staff response:</i> We are still researching the questions surrounding hoop houses and scaling the number of farm animals allowed based on lot size, but these issues may need to be addressed in a phase two of proposed changes. But, we do know that these issues are concerns, and we will highlight them during the upcoming hearings.</p>
<p><b>Would the terminology of registration (instead of licensing) be more palatable?</b></p> <p><i>Staff response:</i> The use of licensing for urban agriculture in the City would be consistent with the existing Land Use Code. In addition, as staff is proposing specific standards associated with urban agriculture land uses, the term licensing indicates that the applicants (gardeners and farmers) agree to adhere to those standards, just as with a driver's license where you agree to obey the speed limit, etc.</p>
<p><b>Is \$100 too much for the license?</b></p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City. This will also give staff the opportunity to evaluate how much time it takes to process an urban agriculture license, e.g., if the time it takes is 4 hours, then the cost will be approximately \$100 (or \$25/hour), but if the time is less, then so will the cost.</p>
<p><b>Increase the minimum chicken limit to 8 and increase the number threshold based on size of lot</b></p> <p><i>Staff response:</i> Based on the feedback from the open house, staff is now proposing that lots less than ½ acre be allowed up to 8 chickens. For lots between ½ and 1 acre, up to 12 chickens would be allowed. Over 1 acre, an additional 6 chickens would be allowed per ½ acre, but residents wishing for more than 12 chickens will also be required to contact their abutting property owners prior to receiving a license, to ensure that neighbor concerns are addressed.</p>
<p><b>What takes precedence if there is a conflict with HOA rules?</b></p> <p><i>Staff response:</i> When Council adopted the Chicken ordinance in 2008 (Ordinance No. 72, 2008), Council did not vote to override Homeowners Associations if the HOAs chose to exclude chickens from the lands</p>

<sup>1</sup> *Staff Note:* This comments were captured both verbally, during the presentation, and from the feedback cards from the open house. If we've incorrectly captured any of your feedback or missed any feedback, please contact Lindsay Ex at [lex@fcgov.com](mailto:lex@fcgov.com) or 970.224.6143 to fix these errors or emissions.

## Open House Feedback<sup>1</sup>

governed by that HOA.

In this vein, staff is currently proposing that any ordinances adopted would not override existing HOA rules. This means that HOAs can enforce their covenants regarding urban agriculture and choose not to allow front yard gardens, chickens or other animals, etc. However, it should be noted that the City adopted a Resource Conservation Ordinance in 2003 that does not allow HOAs to restrict conservation efforts such as clotheslines (located in back yards), odor-controlled compost bins, xeriscape landscaping, solar/photo-voltaic collectors (mounted flush upon the roof), or require that a portion of a lot be planted in turf grass.

### Urban agriculture should be specified in zoning

*Staff response:* These proposed changes would allow urban agriculture in all zone districts, subject to the licensing requirements.

### Please examine water resources and their needs for larger food system issues

*Staff response:* This is a larger issue than can be addressed by these code changes, but staff also understands that there is a larger effort underway to address these concerns.

### Water resources efforts/prioritization should be used to support food production rather than lawn watering

*Staff response:* See response above.

### What requires a building permit? Do farming structures or greenhouses require a building permit? Examine the wind load, snow loading, etc. for greenhouses

*Staff response:* A building permit is required when a building exceeds 120 square feet or 8 feet in height. Yes, farming structures and greenhouses require a building permit. Staff has initiated discussions with the Building Department regarding these concerns and will continue to research if these requested changes are feasible. Please contact the Building Department at 970.221.6760 with specific questions.

### Please examine mosquito spraying: concerns over the health of produce and who is contracted to spray and their requirements

*Staff response:* This is a larger issue than can be addressed by these code changes. Staff would suggest contacting Parks staff with these questions (phone number is 970.221.6660).

### What are the different standards between a community garden and market garden versus a farm? What distinguishes one from another?

*Staff response:* All community gardens, market gardens and farms acting as a principal use on the land will be regulated under the urban agriculture licenses. The key issue is whether or not the garden or farm is the main use on the property; if it is, a license will be required under the current proposal. For example, one church member asked if their community garden required an urban agriculture license. Because the community garden is clearly subordinate to the church, an urban agriculture license is not required. Staff is also working on a graphic to depict these differences for increased clarity.

<b>Open House Feedback<sup>1</sup></b>
<b>Topic Area: Gardens and Farms</b>
<p><b>Water allocation and priority over other city needs - sod farming, construction - is a huge concern now. Without consideration there will be no local food to offer to the community.</b></p> <p><i>Staff response:</i> See similar responses above.</p>
<p><b>Water concern: In cases of drought and City curtailment of lawn watering, could market gardens/farms apply for an exemption?</b></p> <p><i>Staff response:</i> Staff has contacted our Water Conservation Coordinators regarding this question, and the restrictions on no watering between 10 am and 6 pm only apply to turf. Thus, urban gardens and farms will not be restricted in the same way residents are. Please note that we are putting into our standards for urban agriculture licenses that farmers should minimize their water usage during 10 am and 6 pm, from a conservation perspective, but we also understand sometimes this is the best time to water your crops, e.g., in establishing new plants or reviving ones that are not thriving.</p>
<p><b>I would make this (the neighborhood meeting) optional, in other words, make the meeting contingent upon neighbors' requests for a meeting.</b></p> <p><i>Staff response:</i> A neighborhood meeting is proposed to be at the discretion of the Director and would be required if compatibility issues with surrounding neighbors were of concern. For example, one farmer indicated they are on a 4-acre lot and the surrounding lots are either vacant or also farmed; it is unlikely a neighborhood meeting will be required. However, if a new urban agriculture land use were proposed in the middle of existing neighborhood, a neighborhood meeting could be required.</p>
<p><b>Do not create licensing hassle, as it will discourage gardeners/farmers from both starting gardens and complying with City standards</b></p> <p><i>Staff response:</i> The licensing system is meant to be a middle ground between no regulations, which would not address the concerns raised in the public outreach process, and the full development review process, which would trigger infrastructure improvements. The standards proposed include best practices that many existing farms are already following and are not meant to be a hassle but instead a way to ensure compatibility with the land uses surrounding the urban agriculture land use.</p>
<p><b>To promote urban ag, do NOT spray over community with pesticides (mosquito spraying)</b></p> <p><i>Staff response:</i> See similar response above.</p>
<p><b>Allow structures for year round growing</b></p> <p><i>Staff response:</i> See similar response above.</p>
<p><b>Instead of a license why not land stewardship classes?</b></p> <p><i>Staff response:</i> See similar response above.</p>
<p><b>Associated cost is a barrier to low-income families/neighborhoods</b></p> <p><i>Staff response:</i> Staff will work with the Economic Health Department to see if these barriers can be overcome; this is most likely to be addressed after the proposed regulations go to City Council for first and second reading.</p>

<b>Open House Feedback<sup>1</sup></b>
<p><b>This is fine. Most market farmers already do this and we need to be part of a city (license). The hoophouse limitations are extremely prohibitive. Why not require a notice of warning with any type structure, like we have with horses?</b></p> <p><i>Staff response:</i> Thank you for your feedback. Please see the response above related to hoop houses and green houses.</p>
<p><b>Attempting to provide local sustainable food for the community will potentially be negatively affected by restrictions and limitations. A licensing fee, plus permits, supplies, labor, time, water, etc. only makes this less of a possibility for many families and individuals who see "farming" as their only option to providing food for themselves and others in their community.</b></p> <p><i>Staff response:</i> See similar responses above.</p>
<p><b>Grandfather in all existing farms as an urban agriculture space</b></p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p><b>Promotes support &amp; buy-in from neighbors</b></p> <p><i>Staff response:</i> Thank you for your feedback.</p>
<p><b>Urban Gardens in existence before 2007? Should be grandfathered (exempt from licensing)</b></p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p><b>Mandate/encourage bicycle parking with urban agriculture - take holistic environmental approach</b></p> <p><i>Staff response:</i> Thank you for this feedback. Staff can work on adding this concern to the proposed code changes.</p>
<p><b>No licensing or review for growing food</b></p> <p><i>Staff response:</i> See similar response above.</p>
<p><b>Greatly approve of reducing the licensing process and expenses of new urban ag projects, if this is the intent of licensing versus development review. Existing projects would benefit from grandfathering or grace period spoken of</b></p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p><b>On a smaller scale farm/garden especially in a urban area, food safety should be a concern. Outside chemicals impact food safety. What is the current safety regulations around this already?</b></p> <p><i>Staff response:</i> Staff would encourage residents to contact the Larimer County Health Department regarding food safety concerns, as their department manages food safety at the local level. They can be reached at 970.498.6775.</p>
<p><b>Encourage gardeners to bike &amp; walk by not providing parking</b></p> <p><i>Staff response:</i> Thank you for this feedback. Staff can work on adding this concern to the proposed code changes</p>

## Open House Feedback<sup>1</sup>

**I am for making neighbors reasonably comfortable and urban ag for everyone. I am against increasing fees and legislative burden on producers. Neighborhood meetings seem like a positive way to create dialogue and improve neighborly buy-in.**

*Staff response:* Thank you for this feedback.

**The needs of low-income families and the working poor need to be better represented. I realize the City needs to recoup costs, but we also have a moral obligation to the poor. Can't we find the funds in licensing from someplace else?**

*Staff response:* Staff will work with the Economic Health Department to see if these barriers can be overcome; this is most likely to be addressed after the proposed regulations go to City Council for first and second reading.

**What is your point? --Playing? --Really developing sustainable food strategies? --Allowing people to support themselves?**

*Staff response:* The intent of the code changes is to ensure that the Land Use Code is in alignment with City Plan (that has policy and principle statements regarding the support of local food production) both when and where appropriate.

**Only certain or no chemicals should be allowed**

*Staff response:* Staff is proposing that if a garden or farm uses synthetic pesticides or chemicals, that the type of chemical and frequency of application shall be placed on the garden sign, so that residents may be aware of any spraying that may occur.

**Why is "urban farm" not a category here? Not all persons growing for sale in the City are taking food to market. CSAs are not markets.**

*Staff response:* Thank you for your feedback. Staff has amended the categories to include community gardens, market gardens, CSAs, etc. under the one category of urban agriculture.

**CSA doesn't turn a profit, keeps day job -- where does that fall in?**

*Staff response:* If the CSA is a principal use on the land, then a license would be required. Whether or not the owner has a day job is not considered.

**If other HOA overrides (clothes line, xeriscaping, etc.) are largely centered around the freedom to practice sustainability, this should not be subject to HOA rules. As stated in the comprehensive plan, it is the City's responsibility to actively encourage sustainable practices**

*Staff response:* See similar responses above.

<b>Open House Feedback<sup>1</sup></b>
<b>Topic Area: Animals</b>
<p><b>There are many properties within the city limits that are greater than 1/4 acre that should have the ability to be more like a farm than just a backyard garden. What if a family wants to feed themselves with eggs but would also like to raise broilers and have more than enough space? Also, more animals should be able to be on the land like pigs, sheep, alpacas, etc.</b></p>
<p><i>Staff response:</i> Based on the feedback from the open house, staff is now proposing that lots less than ½ acre be allowed up to 8 chickens. For lots between ½ and 1 acre, up to 12 chickens would be allowed. Over 1 acre, an additional 6 chickens would be allowed per ½ acre, but residents wishing for more than 12 chickens will also be required to contact their abutting property owners prior to receiving a license, to ensure that neighbor concerns are addressed. Staff is still researching whether additional animals being allowed in the City.</p>
<p><b>A pig is an extremely helpful animal for urban agriculture for "cleaning up" food waste and making it productive. Please consider including hogs.</b></p>
<p><i>Staff response:</i> Please see response above.</p>
<p><b>Land/acres or more should be addressed. We have 3 acres and can support much more than 12 chickens and 2 goats. We would like option to have other animals i.e. cow, sheep, pig, alpaca, llama, donkey. Why only chickens and goats?</b></p>
<p><i>Staff response:</i> Please see response above.</p>
<p><b>If this becomes subject to HOA rules, there will be few animals in residential HOA controlled areas. City rules must overrule HOA</b></p>
<p><i>Staff response:</i> Please see similar responses above.</p>
<p><b>I am pro regulating humane conditions for urban animals because they have no ability to speak for themselves. I like the idea of urban animal licensing to again protect animals. I would like to see more animals allowed for greater spaces. Also for dairy animals some checklist of basic safety guidelines initialed and signed. Also eventually some nuisances (animal noises) will lead to a greater acoustic environment</b></p>
<p><i>Staff response:</i> Thank you for this feedback, and please see similar response above.</p>
<p><b>Excellent idea to register or license animals -- to decrease epidemics (ex: avian flu) important to know where birds are located</b></p>
<p><i>Staff response:</i> Thank you for this feedback.</p>
<p><b>Let's scale farm animals per sq ft/acre all the way up past 1/2 acre as there are many pieces of "farmland" in the city that have not been grandfathered in as a farm. Let's include pigs, sheep cows. Two miniature goats on an acre of weeds/pasture are not enough. This is an incredible time to really make a great change. Let's take an adult step, not a baby step.</b></p>
<p><i>Staff response:</i> Thank you for this feedback, and please see similar response above.</p>

<b>Open House Feedback<sup>1</sup></b>
<p><b>There needs to be required workshops on poultry/goat care &amp; nutrition</b></p> <p><i>Staff response:</i> Thank you for this feedback. The Larimer County Humane Society has literature/educational materials regarding raising chickens; similar materials will be developed for the other animals. In addition, staff has contacted the Sustainable Living Association to discuss the potential for these workshops. Staff will continue to work with the community to ensure these resources are provided.</p>
<p><b>Rather than talk about lot size (which has a house/garage/driveway on it too...) could recommend coop and yard space be included in the concept?</b></p> <p><i>Staff response:</i> Coop size and yard space are also included. Basing the scaling on lot size is designed to ensure compatibility with surrounding neighbors.</p>
<p><b>Will the license fee need annual renewal?</b></p> <p><i>Staff response:</i> An annual renewal is not proposed.</p>
<p><b>Take into consideration if they have other animals already - horses for example</b></p> <p><i>Staff response:</i> Thank you for this feedback, right now, the Municipal Code does not analyze animals from a more holistic perspective such as this, as no problems have arisen that staff is aware of. If problems or concerns arise, then additional standards can be proposed.</p>
<p><b>Chickens only require 4 square feet per bird. I would think more than 6 hens per 1/4 acre would be reasonable</b></p> <p><i>Staff response:</i> Thank you for this feedback, see similar responses above for how the proposed code changes have changed since the open house.</p>
<p><b>I have 14 extremely happy laying hens on 1/4 acre</b></p> <p><i>Staff response:</i> Please contact the Larimer County Humane Society to get back into compliance with the City's regulations.</p>
<p><b>Requiring licensing fees for goats will make them less accessible to low-income families, thereby working against the intended benefits of urban agriculture.</b></p> <p><i>Staff response:</i> The licensing fees go directly to the Larimer County Humane Society, which handles the enforcement of these regulations. As noted above, staff will continue to work with other City Departments and organization to see how local food production for low-income families can be made more accessible.</p>
<p><b>You need to allow more of land that is for farming and is not within a residential area; 6 in residential area is okay.</b></p> <p><i>Staff response:</i> Thank you for this feedback, allowing more land for farming in the City is outside of the scope of these code changes, but is being addressed in other efforts.</p>
<p><b>Should be a limit of 8 (not six) poultry on up to 1/4 acre. Six is not enough. Denver allows 8. More than 1/2 acre limit should be much higher.</b></p> <p><i>Staff response:</i> Thank you for this feedback, and please see similar response above that addresses this feedback.</p>

**Open House Feedback<sup>1</sup>**

**What about more than 1/2 acre? You should consider the USDA requirement for animals that equate 1 cattle with so many pigs, etc. 12 Chickens do not equate to 1 horse (also allowed on 1/2 acres in some areas)**

*Staff response:* Thank you for this feedback, and please see similar response above that addresses this feedback.

**A milking cow can thrive very well on an acre of land**

*Staff response:* Thank you for this feedback, and please see similar response above that addresses this feedback.

**From:** [Barbara Wilson](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Fort Collins Land Use  
**Date:** Wednesday, February 13, 2013 2:17:57 PM

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Dear Lindsey Ex:

I am writing to you regarding Fort Collins Land Use and the changes currently under discussion/consideration in Fort Collins.

First, as you will see by my return address, I am not a resident of Fort Collins and in fact am not a resident of Colorado. I have, over the past several years, spent a fair amount of time in Fort Collins as my daughter enrolled at CSU, graduated and changed residency from PA to CO. I do have to admit, that although her father and I are unhappy that she has not chosen to return "home" to PA, we too find much to love about Ft Collins and the wonderful community to be found there.

While my daughter was living off campus and providing her own meals I became aware of CSA's through my employment at Haverford College here in PA. Our students had arranged with CSA's in Lancaster County, PA (Amish farm country) for students and staff at my place of employment opportunity to purchase shares. Good, chemical free, locally sourced food for the shareholder and support for local small farms . . . win/win. Which made me wonder if such a thing was nationwide and perhaps in CO where I could connect my daughter locally with wholesome food and allow her to meet people and form friendships so needed by a young woman far from home. We found just such a place in Fort Collins, signed my daughter up for a working share and she spent the last growing season working and forming friendships at the Happy Heart Farm and obtaining wonderful produce which greatly enhanced the quality of her diet. I was able to spend a morning harvesting and meeting the folks Caitlin talked about during calls home and felt that she had in fact found a community to which she felt connected. She has graduated from CSU, found full time employment in town, has purchased park passes, is doing volunteer work locally, attends a local church, and is really becoming an active member of the Fort Collins community. She has renewed her membership at HHF for the coming growing season and looks forward to both the produce and continued friendships there.

I understand that people that live in community with one another must compromise, adapt to changing needs, incorporate new technologies as community evolves. The area I live in has little open space and we are to the point that even parking lots are unavailable for local farmers markets due to lack of parking for local businesses. Here in suburban Philadelphia an entire neighborhood was condemned for a new highway but not until after decades of lawyers and courts. (The Blue Route in PA was initially proposed in the 1920's and not opened until the 1990's although construction began in the 60's.) What I would offer is that one should never sacrifice wonderful elements of the community with a broad brush stroke. There are definitely organizations/family farms/historic buildings worth preserving in their original state. Grandfathering zoning and other provisions aimed at preserving parks, farms, open spaces should be done thoughtfully, but should be done in any and all cases possible.

I don't have a stake in the Fort Collins area Land Use decisions, but it will impact my

daughter and her ability to enhance and maintain her newly formed connections to her chosen new home. I would urge Fort Collins to look to other, more developed communities and learn from their accomplishments and failures. While other areas may not have the same challenges (you have a lack of water while we are now required to incorporate water retention features and limit impervious surfaces on residential properties due to storm water flooding) there is much in common and I would counsel maintaining farms contained within the more urban areas of your community with as little restriction to their operations as possible for the betterment of the members who are enriched by their presence. Once lost, these treasures are impossible to resurrect. They are part, along with your Old Town, parks and trails and wonderful parking lot farmers markets what makes Fort Collins the place that drew my daughter away from home.

In addition, having lived in a condominium community, I would add that I've experienced folks joining a community and as opposed to valuing the elements of the community structure, history and perhaps "idiosyncrasies" which make it unique, immediately set out to change, limit, restrict that community which they chose to join. If you are experiencing broken down tractors left to decay in fields, neglected animals and use of toxic pesticides those are certainly reasons to legislate and regulate behavior. If you have new members who have differing expectations but clearly were aware of existing conditions when they joined a community, there should be value and weight given to the needs of those who have been contributing members of the community prior to their arrival. (We opted to leave our condo community when the color of our draperies was regulated and we received a fine for air drying pool towels on our own balcony.)

I would add that although my daughter is currently renting I would not be at all surprised should she be in the market for a property in the not too distant future where she would be able to keep a couple horses, have a chicken coop and perhaps a goat and definitely a small garden. I do believe the fact that that would be possible in Colorado where it would not be in the area in which she grew up was a significant factor in her decision to live in your sunny state. By all means ensure the safety of both residents and animals and insist upon reasonable maintenance standards of community and personal gardens! Please also do all that you can to support those who are operating in a responsible manner so that they are allowed to continue using their properties for gardening and farming according to their current practices.

Thank you for letting me add my voice.

With best regards,  
Barbara Wilson  
606 Upper Gulph Road  
Strafford, PA 19087

**From:** [Laurie Rochardt](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Letter Regarding Proposed Urban Ag Land Use Code Changes  
**Date:** Tuesday, February 19, 2013 10:34:05 PM

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Dear Ms. Lindsey Ex:

I am writing today regarding the proposed Urban Agriculture changes in Fort Collins.

Firstly, thank you for being the contact person on these proposed changes, listening to our viewpoints, being prompt on responses and in general being open to feedback on these changes! I am hoping that you can forward and/or share this letter to the appropriate parties including the other planning members and city council members for the meeting this Thursday February 21, 2013, and again this is greatly appreciated.

As I review the proposed agriculture changes, I am grateful that this conversation has begun and changes being proposed/made, as urban agriculture is an important part of our community in Fort Collins as a whole. There are many urban farms in and on the outskirts of the city that make up a large part of the culture of Fort Collins, and I think personally it's one of the major factors that makes our city so unique! The community, networking, and the comradery among the farmers here, not to mention the passion, sweat, and justice represented, is remarkable and something to be commended!

A year ago I went to Happy Heart Farm, a local CSA, to look for an apprenticeship so that I could learn how to farm. It's part of my larger vision that I start an urban CSA, and I had only heard good things about Happy Heart so that's why I chose to go there to learn. Little would I come to find out that Happy Heart Farm is so much more than a farm per se, but a place for sharing and promoting stories, art, music, joy, gratitude, love, food, passion for health and education, personal growth, a supportive and growing community, and gaining a sense of "belonging" or as Dennis Stenson calls it a "welcoming home". I am truly grateful that I found Happy Heart and all people involved including the farmers, apprentices, members, neighbors, and countless others. After apprenticing and volunteering for the farm, being involved with fundraisers that directly support feeding families who are in need of food, and building community and countless friendships through the farm, it has been an invaluable experience, much more than "learning how to farm". This is what I envision for our future, humanity's future. This is how we truly take care of one another! This is how we live from our heart space, in service, gratitude, kindness, compassion, and love! In fact, being a part of this community of people has completely changed my experience in Fort Collins for the positive!

After attending the meeting on January 31<sup>st</sup> and reviewing the proposed changes it was only natural to be excited and concerned with these changes.

While I appreciate the proposed changes, I think that there are some major issues unaddressed for these farms. The first unaddressed issue is the lack of protecting the current farms that are already in business and serving the community. One of the proposed changes relates to existing farms go through a licensing process so that they can be grandfathered in without fees, however they would have to go through a licensing process in order to achieve that status. While the proposed "licensing process" is pretty vague, and unsure of how it differs with the traditional development review process, this process seems to not have the

farmers in mind first. Having to do extra paperwork and for farmers not grandfathered in, having to pay extra fees, may be a burden on the farmers involved, especially for not-for-profit run farms.

In addition, I believe there are larger and more important issues that should be addressed more rapidly such as water usage, availability, and conservation (imperative for farming and growing food); allowing for growing structures such as greenhouses and hoop houses for season extension and greater growing efficiency (especially since growing season for these structures is currently underway and supports a large part of the main growing season by providing a place to start transplants and a place for growing food to share with members earlier than the traditional growing season); and animal interfaces for farms that have already been established and wish to grow their farm to include farm animals with the support of surrounding community members (providing more food options to the community than a traditional vegetable share such as milk, meat, and eggs). I think these pressing issues need to be addressed as soon as possible to allow for the peace of mind that farms/farmers are supported, and for the progress of urban agriculture in Fort Collins altogether.

Again I just wanted to express my gratitude for bringing the issues of urban agriculture to the “table” so that effective change can happen in our city! I am optimistic that we can make the necessary changes to allow for farming to grow and progress in Fort Collins so that everyone may benefit from the healthy food being grown locally!

Thank you for your time and reviewing my letter!

Sincerely,  
Laurie Rochardt  
Citizen of Fort Collins, Colorado :)

**From:** [vanette starr](#)  
**To:** [Lindsay Ex](#)  
**Subject:** please read liz...for urban organic farming and other issues to protect colorado and fort collins!!!  
**Date:** Thursday, February 14, 2013 10:38:04 AM

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Vanette L Starr  
3200 Stanford #B107  
Fort Collins, CO 80525  
970-309=4534

City and County of Fort Collins CO

Attention LIZ

RE: Zoning for Urban Agricultural Land Use Code and Organic Farming with Happy Heart Farms.

I thank you for the opportunity to speak up about my experience with the “Feeding the Families Program” and assisting in the growth and support to the Happy Hearts Farm Family! Because Dennis and Baylee Stenson had truly taken me in, when I was beaten and down, and almost instantly, warmly welcomed me into the HHF family; I am now on the road to physically healing as well as feeling like I am part of something much bigger than I have ever been, before...and that’s the truth. I spent many years gaining education to enjoy a career in Interior Design, and had hoped that I would have a family there...but it ended up being just like everything else in our society, a way to make a living and working for a big corporation, who rarely recognized me for more than the number my social security #, and the work I provided for them.

Here at the Farm, I’ve been so fortunate to find the kind of experience that is only imaginable and ONLY available, because of the vision of some very hard working and compassionate individuals, starting over 25 years ago! This family of wonder and light, I’ve found in this magic healing place, has been in the making for many years, which we now call Happy Hearts Farm.

Not only do we, as participants and co-growers, get to learn how to assist the plants as they are hand seeded, cultivated, replanted in the earth, nurtured and the crops hand weeded and finally, gently, harvested. All the while bio-dynamically fed, these crops are kept healthy and hardy without the use of harsh chemicals, found in more traditional agro American farming, which were killing me, because I no longer had the healthy metabolic system to be able to break down those horrific “growth” chemicals that are found in commercially grown foods, any longer.

It’s almost as if, we as consumers, have been saying to the commercial non organic growers, that it was okay to poison us with the “new” 20<sup>th</sup> century farming, thereby receiving an “agent orange affect” right here in our own lands and without any reasoning due to any war, what so ever, just by consuming the poisoned vegetation, which came from our fully developed 1st world country? We can no longer continue to raise our food and consume it, in such a barbaric manor and hope to survive...we have been allowing our current food industry to poison us...slowly for most, but much quicker, for those who were compromised from birth with metabolic disorders or digestive dysfunction, in the first place.

Dennis and Baylee, of Happy Hearts Farm, along with their 12 other community co-operative farmers, who work together to make each season's growth cycle, collectively, something far more than just the food the farm delivers, but has the added benefit of healing our bodies, minds and spirits, through food that is grown RIGHTLY, in the first place, as well as creating a sense of community, pride and togetherness! We have also cultivated a sense of innate compassion for one another, and empathy for those, who also need nurturing, support and healing, by welcoming others in with open arms! As we continue to grow in size and in our community presence, we too also need to get out every year and make a drive for those who are still not eating well, and who have family members that are sick from the poisons that are found in the regular stores food choices, and to offer education of the difference between the food that's offered in the grocery stores versus the food that's grown and infused with love and grace.

Through our education program, Dennis and Baylee have shown so many grade schoolers, graduate students or CSU agro-graduate scholars, city volunteers, and those who are part of the Feeding the Families Program, like myself, to become a part of something that is so much bigger than the sum of its parts! Out whole, which is greater than its sum of the parts is a shining example for many other communities around the world, as we are treating our planet with respect and love, as well as believing in ourselves in knowing we deserve so much more than what we were putting in our bodies, prior to being educated at HHF's!

This farm has become and proven there is a new way to live, grow and commune with the earth, together, collectively, a new way to truly enjoy and celebrate life together, by partnering with one another towards a stronger force than we ever thought possible! To our amazement, I/We are remembering how to nurture the Earth, the end users and the community, itself, by gleaned a whole new "old school" way. We are re-remembering how to treat our food, our land and ourselves with a whole new respect, so that what we put in our food, becomes the love and respect, we put into the bodies!

So, we truly have learned, we are what we eat, after all!!!! Since we are treating our Earth, our plants, our community with respect, we are able to give others the same gift, thereby paying it forward. I've always loved that concept and have used it in many ways, in my life, but never more than here, at the Farm. With great gratitude, we also get to help nurture and assist the owners and their family, our community neighbors and the added benefit is that we have, now, come to know complete strangers we might never have met, as our close friends, our family at Happy Heart, through this beautiful program and it's wonderful example of a way to live!

As for my personal story, I had become a "disabled person" living off the social welfare and social security system, five years ago, as a "special reward" (\*just add sarcasm\*) for eating and living the filthy American Agrarian way to feed; the food was and is littered with synthetic and dangerous pesticides, herbicides, DDT's, and worst of all petroleum products, which predictable destroy all of our endocrine systems; and all the other chemicals, which we now know to destroy our nervous systems, the delicate balance of our endocrine systems and our digestive systems, yet, is so critical to keeping our bodies alive, healthy and well.

Yes, while that "NEW INDUSTRIALIZED SYTEM of Agriculture" (\*more sarcasm necessary, here\*), made our farmers wealthier, and initially, gained our country **notoriety**. For a while, with ideas which started out as "animal husbandry" and soon became

mainstream agricultural practice of late, which systematically destroying soil, then moving onto another patch to deplete and destroy the next patch of land...year after year...decade after decade, we believed that the almighty dollar was not only driving the economy but “helping feed the hungry”.

In the end, and perhaps to our own detriment, at this time, we have now learned that doing it the easy and quick way, has only raised the rates of disease, higher, and caused damage to our Mother Earth, which may be healed over time, but it will take a whole lot of villages, like that of Fort Collins and the protection it provides for our organic community gardening, to stand up and say, “lets to do the right things, in raising our food and care for our land and our people, despite the fact that initially it may cost us more time, resources, etc..!”

We are the stewards of this land and its seeds, and we have allowed the Monsanto's and other organizations out to gorge themselves on all the money they can get their hands on, to pervert what food should have been, to the detriment of all of us once healthy individuals, in order to butcher anything that might have looked like a healthy living. However, over the last ten years, I began to get sicker and sicker, first with what is now one of the most common diagnosis, Fibromyalgia, but also secondary diabetes as well as metabolic disorders.

All of these illnesses are quickly on the rise, one has to ask, is this coming from the contaminated water supplies and the agricultural lands, which we were entrusted to take care of? My illness started out with headaches and what appeared to show up as allergic reactions to unknown sources of something, though with every test, nothing specific could be found. That was because they were testing for naturally occurring resources, rather than contaminated foods, chemicals in the food sources and water, and the air that was being sprayed every single season with horrible chemicals we would never just spray directly on our food, yet, farmers were told to do so, and that it was safe, for decades!

Since I have been a recipient of the Feeding the Family Program, for the last three summers, I can truly say, I've not only felt I've been a part of a real dream, something that resembles true passion for healing, and felt the desire of making these dreams come true; even better, I have been able to heal my own body from decades of abuse with the hidden chemicals in the foods and water, we were told were safe, and it wouldn't have been possible without HHF, and their vision and desire to educate and change how things are done, at the local level.

Because I was so very ill, in fact almost paralyzed, and my ability to think was vastly limited, and I just so happened to run into Happy Heart's organization program grant writer, Claudia Demarco, back in 2009, I was educated about how the program was going to work once it was up and running, how the dynamic growing of the vegetation is produced without chemicals, herbicides and pesticides, and so on...I was so thrilled to find a true farm home without chemicals on their food, that I knew was killing me, I began to tell everyone I knew! I was amazed that I could pick up such high quality, truly naturally grown and veggies that were painstakingly grown the right way from seedling to harvest and that my body had begun to realize an own amazing healing!

I was so ill when I began eating these perfectly nurtured and hand grown food products, that I couldn't even keep my food down, little lone, have the ability to cook a small meal for myself; I was somewhat paralyzed and or too weak to do so. So, I truly started with putting all the veggies and fruits into a blender and adding other healthy foods, so that I could get the natural enzymes as well as the vitamin and minerals, that my body desperately needed. That

was the only way I could keep the food down. This inability to keep my food down was due to all the years of devastating chemicals found on the foods, so called “whole foods”, at the regular grocery stores.

After just three, five months per year of each growing season, I have gone from being partially paralyzed, having a hard time staying awake, problems with neuro functions, issues with my endocrine system, problems with thinking clearly, and so on... I was unable to function for more than a day or two in a row, without having to go back to bed for several days, at a time! I am now able to say, with great pride and gratitude that this wonderful quality organic food that Happy Hearts Farms puts out, I am now feeling healthier and more able to be part of this world again. I can trust in the fact that we aren't cutting corners at Happy Hearts Farms, since I've actually gotten on my hands and knees to become part of the soil and the seedlings, putting them in the ground, watching them grow and mature, and taking pride in the little that I was able to do for the Farm, myself!

Because there are so many other like minded growers in the Fort Collins area, Happy Hearts Farms have started a co-operative of Healthy Happy Organic Growers, who also offer their foods at such a wonderful price, well as for me and my family, we cant afford to not eat these carefully dynamically and organically grown herbs, veggies, fruits, and other amazing foods! Fort Collins and neighboring towns, have been so fortunate to be able to fill our digestive systems with the highest quality nutritional foods, as well as enjoy some of the best community shared events, together, that I believe we and other communities like Fort Collins should count themselves so fortunate, every day! We need the backing and protection of the city counsel and all of Fort Collin's constituents to provide legislation and zoning, so that the direction of what HHF and many other farms like them have started, can continue to grow.

I've also gotten to become part of other projects related to the farm, such as raising funds for the Feed the Family Project, and offer my own special gifts for those like myself or those who couldn't other wise afford the highest of quality SYNERGISTICALLY GROWN VEGETATION through the use of age old farming techniques with a new technological twist in order to see to it that many of the Less Privileged and/or Disabled individuals, like myself, might have the chance to be a part of a wonderful organic community farming family.

I feel as if I should pay my physically gained wealth of health forward, so that others may experience the healing and growth, as well as the education and support that is offered here at the Farm. When I was too sick and too ill to pick up my foods, I've inevitably found a wonderful soul, at the farms, who was able to pay it forward to me, when I was in need, and I try to do the same, as I get healthier and healthier! I'm not completely out of the woods with my health challenges, since it took so many years of poor eating and drinking habits to get me here, it will likely take years to get my body fully healthy again, but I am counting my blessing for now. Also, I've felt honored to be able to assist in the annual raising funds that goes on at HHF's, in order to keep this operation, of this magnitude, going year after year; I enjoy doing the marketing on behalf of the many of the events and projects that impassioned owners, Dennis and Baylee offer, year round. With these opportunities, I find my gratitude growing, as well.

I simply ask that the City of Fort Collins, continues to offer small farm organizations like this one at HHF, that are trying to keep their foods clean and pesticide free, as well as share their education of how to do this kind of farming with the rest of the community, without any encumbrances from big corps and big business to get in their way. We should always

consider what the course of our actions will have in the long run, including the actions of the City of Fort Collins on small organic farms and families who want to grow their own organic foods in their own small lots, without encumbrances of pollution and ground water contamination. Please consider this, as you have the opportunities to pass on the Fracking opportunities, that are all the sudden arising right around our own city...the poisons that come off those systems alone and into our ground waters, pose great health problems to our own state, counties, and cities!

Please Read: <http://www.endocrinedisruption.com/endocrine.introduction.overview.php>

Thank you in advance for listening and reading to my opinion and story!

Vanette Starr

**Vanette L Starr**

**970-308-4534**

**Email: [vanettelstarr@yahoo.com](mailto:vanettelstarr@yahoo.com)**

"Someday, after we have mastered the winds, the waves, the tides, and gravity, we shall harness for God the energies of love. Then, for the second time in the history of the world, we will have discovered fire."

[Teilhard de Chardin](#)

"Love alone can unite living beings so as to complete and fulfill them... for it alone joins them by what is deepest within themselves. All we need do is imagine our ability to love, developing it until it embraces the totality of men and the earth."

[Teilhard de Chardin](#)

We are one, after all, you and I. Together we suffer, together exist, and forever will recreate each other.

[Pierre Teilhard de Chardin](#)

**From:** [Andrew Sachs](#)  
**To:** [Lindsay Ex](#)  
**Cc:** [dennisstenson@aol.com](mailto:dennisstenson@aol.com)  
**Subject:** Re: Urban Ag Update - Hearings Postponed  
**Date:** Saturday, February 16, 2013 3:27:55 PM

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Dear Lindsay,

Thank you for your efforts to amplify our sacred agriculture and beloved farm community through municipal means. I see this as an incredible opportunity to put Fort Collins on the map of communities working towards resilience. The time is now for municipalities to step up and recognize their responsibility to protect the last bastions of hope for our world and our children. Without farms there is no food, and without food we cannot grow and thrive. Protecting small farmers from corporate agriculture is the most valuable action any city can take to ensure the prosperity of future generations.

I moved to Fort Collins almost two years ago after graduating from Prescott College in Prescott Arizona with degrees in both Environmental Studies and Cultural and Regional Studies (similar to cultural anthropology). My senior project work took place in East Africa in a small village in Uganda. My goal was to share my education and resources with rural villagers, and through consensus based decision-making, engage in open-systems processing. This required us to look at the bigger picture, to understand where we have been, where we are now, and where we'd like to go. In a few short months we were able to transform a five acre plot of largely mono-cropped bananas, into a 35-plant permaculture site with integrated swales for water retention, rainwater catchment for domestic use (a huge step for women, as they were usually the ones traveling miles to fetch water), composting areas, integrated goat, chicken, and cow management, solar-electric phone charging, and a general store set up to sell produce from the farm. After a year in Fort Collins I travelled to Uganda again to see the growth and prosperity of that initial capital investment (no more than \$2000) and community participation. I felt a sense of community there that I had yet to feel in the states. I was ready to leave the states for a long time. Then I found Happy Heart Farm.

For the first time I have a sense of belonging in the United States. Through my apprenticeship at Happy Heart, I have not only learned the incredible value of medicinal quality food, but feel part of a community that nurtures and supports my needs and desires. In short, I now feel at home here, and a new world of possibilities is now at my finger tips. I see a greater vision of happy heart and other farms in this community becoming cultural bridges for people in other farms all over the world to come and share resources and collaborate on a global scale. If I could bring people from Uganda to the states, Happy Heart is where I would bring them first. We truly have an opportunity here to show ourselves and the world that we value community and health, unlike the corporate agriculture giants like Monsanto that are actively trying to make small farms like Happy Heart disappear. This opportunity to protect our sacred agriculture is arguably one of the most important steps in the evolution of humankind. Thank you Lindsay for representing our community. Our thoughts and prayers are with you.

Best,

Andrew

P.S. Please push to grandfather-in the farm! :)

On Wed, Feb 13, 2013 at 11:29 AM, Lindsay Ex <lex@fcgov.com> wrote:

> Good morning everyone,

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> I wanted to let you all know that we are running into a timing issue  
> regarding completing all of the work in Council's adopted work plan that was  
> adopted two years ago (after the last election). As Council agreed to follow  
> this work plan, projects not identified 2 years ago are being postponed, and  
> the urban agriculture changes are one of those projects. It's so important  
> to note that this does not diminish the importance of the work we are all  
> doing on this effort, but instead to honor the Council's commitment to the  
> community in completing the work they agreed to complete.

>

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> So, what does this mean for our effort? It means that instead of a hearing  
> on February 21 with the Planning and Zoning Board, we are now planning to go  
> to the Planning and Zoning Board on March 21. We have not received an  
> official date for the Council hearings yet, but I am expecting that we will  
> be before Council in late April/early May. The good news is that this should  
> give the urban agriculture item more time with the Planning and Zoning Board  
> in March (there are 7 other items on their agenda in February!) and that  
> this additional time will also give us more time for discussion with the  
> community to start addressing other concerns that have been brought up,  
> e.g., we can start working in earnest on the discussions with the Building  
> Department on hoop houses.

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> Also, several folks have asked if the draft Ordinances including the  
> proposed changes can be sent out. As the Ordinances are still in legal  
> review, I've compiled a document that includes a summary of all of the  
> changes we are proposing to date (see attached). I cannot emphasize enough  
> that this is still a DRAFT summary of changes and this is subject to  
> additional feedback from all of you as well as from the Planning and Zoning  
> Board and City Council. Thus, if you have additional changes or comments,  
> please do send them my way! We're always open to your thoughts and feedback.

>

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> Thanks to all of you for your efforts to date on this project, and I look  
> forward to continuing to work with all of you as this project moves forward.

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> Cheers,  
> Lindsay

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> P.S. I'm also attaching the documents from the open house, including the  
> presentation, the boards we presented, and the meeting notes we captured.  
> I'm hoping to get all of this information up on the website ASAP as well.

>

**From:** [Tina Lamers](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Re: Urban Agriculture: Thank you, quick update, and a request  
**Date:** Monday, February 04, 2013 12:38:33 PM

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Lindsay,

I don't have my own farm, but have been a part of Happy Heart CSA for a number of years. My interest is primarily to make sure that the new rules going into effect won't hurt farms such as Happy Heart which have been around a long time and are a valuable part of the community. The issue of Hoop Houses is one that comes to mind in this regard. Dennis and Bailey, the owners of Happy Heart, do a lot of work to help provide vegetables to those in our community who cannot afford to buy their own. Please make sure they are able to continue this work and all the other good things they do to provide food for many of us in the area.

Best regards,  
Tina Lamers

On Mon, Feb 4, 2013 at 11:11 AM, Lindsay Ex <[lex@fcgov.com](mailto:lex@fcgov.com)> wrote:

Good morning everyone,

I want to thank everyone who was able to come to the open house last Thursday and those that have contacted me individually – we had 95 people at our open house, which is quite the turnout! We very much appreciate your feedback in this process.

**What is changing as a result of your feedback:**

As a result of the feedback you all provided last Thursday, staff is working on the following issues:

- Proposing to increase the number of chickens/ducks allowed based on lot size and at the following scales:
  - Less than ½ acre – up to eight chickens and/or ducks, combined (this would allow everyone in the City to have up to eight chickens and/or ducks, similar to the City of Denver)
  - Between ½ acre and 1 acre – up to twelve chickens and/or ducks
  - More than 1 acre – 6 chickens and/or ducks per each additional ½ acre above a one-acre lot size.
- Being clearer on the defining lines between private gardens, gardens that require a home occupation license, and those gardens that the City would classify as an urban garden (which includes CSAs, community gardens, and urban farms, etc.). Please note that if you do have a business in the City of Fort Collins, every

**From:** [Deanna O'Connell](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Urban Agriculture Land Use code changes  
**Date:** Tuesday, February 12, 2013 5:17:40 PM

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Hello Lindsay,

Just wanted to check in on the Urban Ag issue. I will admit that I am not as involved with local government as I would like to be- caught up in busy-ness, family etc.

This issue, however, is very important to me. I have been a CSA member at Happy Heart Farm for many years. It has been such an enriching part of my life in Fort Collins.

It has given my children a place to see where food comes from, and to meet the people who plant and harvest this food.

It is an amazing community of good people as well as a model of beautiful, healthy locally grown food. I meet so many children through my work who have no idea where various fruits and vegetables come from. They are used to everything coming in a can or from the freezer. This "processed" way of life is lending to poor health and obesity in our society. I LOVE taking these kids to the farm - it is so eye-opening and inspiring to see how they immediately gain confidence and a connection to the earth - and to their own bodies. Happy Heart Farm and any other farm that can provide any part of the above is an example of going in the right direction in our city and our society. (Happy Heart just happens to have all parts right!).

I believe so thoroughly that they are the model that our city...and country needs to go to as a solution to many problems facing us in health and community. They are a national example to all CSA's and we are so fortunate that they are here in Fort Collins.

I hope the city government supports this model with Land Use Codes to help all thrive who are willing to put their time and effort into this difficult path - for the good of many.

I personally decided to get out of my busy life and support what I believed in by helping support "Friends of Happy Heart Farm" - where we get fresh Happy Heart veges to low income families, invite them to be a partner in the generous community and educate them on how to use the veges in recipes etc. I believe firmly that this is where the health of our children can begin to improve and take a different direction than where it is currently headed. It is right here in our back yards - and the more yards, spaces and people who can be involved - the better for the health and well-being of all.

I appreciate you reading this and urge you to not let this very important issue slip through the cracks - when it has such profound long-term potential benefits for so many people in Fort Collins. Please call me with any questions - professionally or personally about this issue.

Warm regards,

Deanna O'Connell  
Registered Dietitian  
Health Coach  
970-214-7783  
[Linked In Profile](#)



215 West Magnolia #204  
Fort Collins, CO 80521

**together we're building**  
a sustainable economy

March 14, 2013

Planning & Zoning Board  
City of Fort Collins  
Fort Collins, CO

Dear Board Members:

I am writing concerning the proposed Urban Agriculture regulations, since I am unable to attend the hearing on March 21.

Speaking both for myself and for Be Local Northern Colorado, I strongly support the changes being proposed. I believe that these changes will allow progress in the urban agriculture arena, which has become a very important part of the local food "movement" in the last several years.

I believe the results will include better access to healthy food and positive economic impacts for the food producers and for our economy. In addition, these changes to the Land Use Code will be seen by most people as allowing and encouraging positive developments and trends in the community. More local food production equates with better quality of life.

I would also like to commend Lindsay Ex and all the members of the planning team who worked on this proposal. They did a great job of reaching out to lots of people in various constituencies and in working to balance a variety of concerns.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Hill Grimmett", written in a cursive style.

Hill Grimmett  
Executive Director

**From:** [Lindsay Ex](#)  
**To:** "[gcarnes@earthlink.net](mailto:gcarnes@earthlink.net)"  
**Subject:** RE: Urban Ag Update - P&Z Hearing and Council Work Session  
**Date:** Friday, March 15, 2013 11:04:24 AM

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Gary,

Thank you so much for clarifying your thinking – I really appreciate that. I now understand that you are concerned about how we protect urban agricultural land uses in a more permanent sense within the City limits. That's a much bigger discussion that these Land Use and Municipal Code changes can address, but it's an important discussion nonetheless.

Currently, there is some discussion about the formation of a local food cluster, which would be a group of folks committed to this issue beyond what regulations the City does or does not have. Would that be something you or the organization you reference would be interested in engaging with? If so, I can pass on that information to the folks that are organizing this discussion.

Let me know!

Lindsay

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**From:** [gcarnes@earthlink.net](mailto:gcarnes@earthlink.net) [mailto:[gcarnes@earthlink.net](mailto:gcarnes@earthlink.net)]  
**Sent:** Thursday, March 14, 2013 9:52 PM  
**To:** Lindsay Ex  
**Subject:** RE: Urban Ag Update - P&Z Hearing and Council Work Session

Lindsay,

Looking long-term there should be some protection by the community of open areas which are suitable for urban agriculture. Unless protected, these areas will likely be lost to development and the community would become less and less sustainable. Current land owners could voluntarily opt for urban agriculture zoning or in some cases the City might even pay for down-zoning.

I haven't researched the city's sustainability policies but this is very basic - healthful, environmentally and socially beneficial and minimizing energy necessary to transport food. There are many cities around the world where community gardens are in the midst of communities easily accessible from nearby homes.

I think is good to be able to garden in all zones, however, I think it is as or more important to protect prime urban agriculture lands as resources for future community gardening.

I am a member of an organization which would support or advocate such protection.

Thanks,

Gary Carnes

-----Original Message-----

From: Lindsay Ex  
Sent: Mar 13, 2013 8:35 AM  
To: "[gcarnes@earthlink.net](mailto:gcarnes@earthlink.net)"  
Subject: RE: Urban Ag Update - P&Z Hearing and Council Work Session

Hi Gary,

Instead of creating a separate zone for urban agriculture, the current proposal allows urban agriculture (subject to the licensing requirements, see page 2 of the attached document) in all zone districts. When we asked the community, through the online survey and the public open house, as well as in other forums, folks indicated support for having these types of uses in all zone districts, so that is what staff is proposing.

I hope that addresses your concern – can you let me know if I can be of further help?

Thanks,  
Lindsay  
224-6143

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**From:** [gcarnes@earthlink.net](mailto:gcarnes@earthlink.net) [<mailto:gcarnes@earthlink.net>]  
**Sent:** Tuesday, March 12, 2013 3:18 PM  
**To:** Lindsay Ex  
**Subject:** Re: Urban Ag Update - P&Z Hearing and Council Work Session

Lindsay,

Any thoughts on creating an Urban Agriculture zoning classification? With future community development, many CSA and other community gardens may be squeezed out and leave us in a less sustainable situation. I realize that such zoning might involve down-zoning in some cases and necessary compensation.

Thanks,

Gary Carnes

-----Original Message-----

From: Lindsay Ex  
Sent: Mar 11, 2013 3:41 PM  
To: Lindsay Ex  
Subject: Urban Ag Update - P&Z Hearing and Council Work Session

Good afternoon everyone,

I hope everyone is enjoying the sunshine later in the day that has come with Daylight Savings Time!

**Planning and Zoning Board Hearing – March 21 at 6:00 pm – Council Chambers**

I'm sending out a friendly reminder that the Planning and Zoning Board will consider the proposed Urban Agriculture regulations next Thursday, March 21<sup>st</sup>. The meeting begins at 6:00 pm and this item is the first discussion item on the agenda. For the full agenda documents, please see here: <http://www.fcgov.com/cityclerk/planning-zoning.php>. If you

**From:** [Margo Ervin](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Re: Urban Ag Update - P&Z Hearing and Council Work Session  
**Date:** Monday, March 11, 2013 9:17:25 PM

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Hi Lindsay,

I can't attend the hearing but I wanted to submit a written comment:

Hello,

My name is Margo Ervin and I recently moved to the WaterLeaf neighborhood near Water's Way Park. I would love to think that one day our park could become a true community center (not just for the kids), bringing together all the residents of the surrounding neighborhoods to meet each other, eat together, and support our local farmers and gardeners in a market of our very own. This would greatly improve the quality of Fort Collins residential life and provide employment opportunities for small businesses like food and beverage carts and subsequent tax revenue. It's easy to see the beneficial impact it would have on so many of us. I hope you agree.

Thanks, Lindsay!  
Margo Ervin

On Mon, Mar 11, 2013 at 3:41 PM, Lindsay Ex <[lex@fcgov.com](mailto:lex@fcgov.com)> wrote:

Good afternoon everyone,

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**Planning and Zoning Board Hearing – March 21 at 6:00 pm – Council Chambers**

I'm sending out a friendly reminder that the Planning and Zoning Board will consider the proposed Urban Agriculture regulations next Thursday, March 21<sup>st</sup>. The meeting begins at 6:00 pm and this item is the first discussion item on the agenda. For the full agenda documents, please see here: <http://www.fcgov.com/cityclerk/planning-zoning.php>. If you would just like the urban ag items, I've attached them to this email.

Please note that the Planning and Zoning Board will only make an official recommendation on the Land Use Code changes (creating the urban agriculture licensing system, allowing farmers markets in more zone districts, and allowing urban agriculture in all zone districts) and not the Municipal Code changes that relate to animals. However, staff will be presenting the full suite of changes

City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522-0580  
March 20, 2013

Attn:  
Ms. Lindsay Ex  
Senior Environmental Planner  
lex@fcgov.com  
970-224-6143

Dear Ms. Ex,

My name is Kelsey Mooney, and I am writing to you today as a neighbor and friend of Happy Heart Farm. I have learned that they are in need of neighborly support right now and I would like to share with you what they mean to my family and me.

A year ago in April, my husband and I moved into the Happy Heart neighborhood. We bought 2713 Jaerger Ct, a house that shares a property line with Happy Heart Farm. When we first saw the house last March, it was not love at first site. The house itself was not exactly right- the kitchen was too small, funky smell, etc etc. But then, as we walked out into the backyard, we saw the farm and the wonderful view. Moments later, we met Dennis who was out taking a stroll to show a new intern around the farm. I knew that was our first of many meetings with the Happy Heart crew and we put down an offer on the house immediately. At the time I was 4 months pregnant.

Since that day, Happy Heart Farm has fed us, celebrated with us, honored us as neighbors, helped us with backyard projects, and filled our hearts with so much love and happiness! It really lives up to its name. Upon closing on the house, we promptly purchased a CSA share and have loved every tasty leaf, root, and fruit that Happy Heart has generously sent our way. In fact, just yesterday I was savoring pesto made with basil grown in the magnificent structure that is the hoop house! It was delicious! And I LOVE the fact that all this food literally comes from our backyard. It is so important that people learn how to grow food locally for many reasons. It saves resources by lowering, or in our case eliminating travel costs. Second, we know exactly where our pesticide and chemical-free food comes from. Third, we know that the food is grown responsibly and sustainably, with proper soil care and water use. This is possibly the most worthy use of our water and land resources.

Aside from the obvious reason of producing delicious food, Happy Heart Farm also provides a wonderful base for the community and the neighborhood. I had my baby girl, Molly Quinlyn, on August 10, 2012 at home. A couple weeks before her birth, Bailey Stenson organized and led a Blessing Way Ceremony for me as I transitioned into my role as a mother. In the weeks after she was born, I wasn't able to move around or leave the house too much, but I delighted in wandering out to the Farm to visit friends and attempt to help out. I think we mostly just served to distract the volunteers who were giddy over the new baby, but good times were had by all. Tuesday became my favorite day of the week as it was pick-up day for our share. It is such a

wonderful way to meet neighbors and community members and hang out with like-minded, awesome people.

Fort Collins has several farms that offer CSA's with nutritious, delicious food. This is a special thing and not to be taken for granted. Fort Collins even has a Food Co-op, a rare find in these times of giant, chain supermarkets. I haven't been everywhere, but the only other food co-op I know of is 1,200 miles away in Olympia, Washington. Fort Collins has a really special, wonderful thing going on in terms of local farming and food. I am willing to support these farms in whatever ways I can and I think it is important that they are prioritized and protected by the city as well.

I really appreciate you taking the time to read this letter, and I hope that Happy Heart Farm and all the farms of Fort Collins can continue to grow and flourish providing an abundance of great, local, food for the community.

Sincerely,

A handwritten signature in blue ink that reads "Kelsey Mooney". The signature is written in a cursive style with a large, stylized "M".

Kelsey Mooney

**From:** [Justin Reynier](#)  
**To:** [Lindsay Ex](#)  
**Subject:** Re: Urban Ag Update - P&Z Hearing and Council Work Session  
**Date:** Monday, March 18, 2013 12:47:49 AM

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Lindsay Ex and the Planning and Zoning board,

I thank you all for taking time to address this very important issue. We all love Fort Collins and it is a truly special place because of the people in our community. We have an incredible opportunity to take a step in a positive direction which will help support many current and many future businesses. To have a healthy vibrant community there is nothing more crucial than healthy food. I am not talking about Whole Foods or Sprouts but food from our friends who are growing right here in this community. I work at Happy Heart Farm and it has been a true blessing every step of the way in being a part of the community of great friends and wonderful people who I have met through the farm. Food brings us all together whether its Super Bowl Sunday or if we are pulling weeds across from friends. I know there is a base foundation for supporting local farmers. The majority of our community does not support local farms or do they know where their food comes from. I love that the city is working with the community to increase the amount of food that we can grow here in town. Many of us are already leading by example and with positive progressive bold steps we can lead this community as well as show other towns across this country that we can sustain ourselves with our own efforts. We do not need to rely on food from halfway around the world, we can grow right here. We are using so much water and energy growing grass in our front yards while we live in a high windy desert. We need to focus and use our limited water in wise ways. Supporting local farms and supplying them with the water that is needed is far more important than green grass. Green grass is only seasonal in this part of the world.

There are many properties in this city that are larger than  $\frac{1}{4}$  acre. I propose that we create a separate zoning for properties wishing to be a farm. Lets do the logical thing and call a farm a farm. Lets not over regulate. Over regulation does not leave room for freedom, freedom for individuals to use their creative abilities to come up with new ideas and think outside of the box. Some of us want goats. Not two miniature goats but enough that we can mow pastures and milk them. Some of us want sheep, hogs, and cows. This can be done so that it is pleasant for everyone in the community. It is not the end of the world even if there is a wif of some dung, after all on the right day we can smell the feedlots of Greeley. Lets not stop us from growing food and raising animals because there are some that are scared and resistant to change. We need a change. The food our children and friends eat does not have the same nourishing qualities that it should. We can lead and show the next generations that there is sustainability in raising your own food. Lets take a large step together and really shift forward. Yes we are modeling ourselves after other communities in the U.S. but lets go above and beyond and let the people do what needs to be done so that we can have a healthy farm system. There will be times when more chickens will be necessary or that ducks will aid in controlling insects, or that sheep can be used to eat weeds, while providing meat for winter stews.

Grandfather in Happy Heart Farm and all the others who wish to be pioneers and lead this community forward in a healthy positive way. This is the right thing to do. There are beautiful properties in town that are not all pavement and cookie cutter homes. Lets keep some of the old culture in tact here in Fort Collins. I know that what the farmers are doing in town is good and we want nothing more than to have total support from everyone. We

want to provide the best quality food to everyone. Lets keep the dollars in Fort Collins by increasing the number of local business growing good. Together we can make a larger difference. I thank you once again for taking time to address this very important issue. After all it is the food we eat that becomes the bones and our bodies in which we live. Healthy food equals healthy people. Thank you for your time.

Please do reach out to myself and all who are interested in working to create a strong system so that all can thrive.

Justin Reynier

[justin.reynier@gmail.com](mailto:justin.reynier@gmail.com)

On Mon, Mar 11, 2013 at 3:41 PM, Lindsay Ex <[lex@fcgov.com](mailto:lex@fcgov.com)> wrote:

Good afternoon everyone,

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**Planning and Zoning Board Hearing – March 21 at 6:00 pm – Council Chambers**

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Also, if you cannot make it to the hearing, but would like to submit comments to the Board, you can submit written comments up until the afternoon of the hearing. However, if you know you are going to submit written comments, if you can provide them to me as soon as possible, it's always helpful to get them to the Board sooner rather than later.

**City Council Work Session – April 23 at 6:00 pm – Council Information**

**From:** [Schmidt, Brigitte](#)  
**To:** [Lindsay Ex](#)  
**Subject:** RE: Urban Ag Update - P&Z Hearing and Council Work Session  
**Date:** Wednesday, March 13, 2013 8:33:58 AM

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Hi Lindsay,

I read through all the Urban Ag stuff and it looks very good. I presume that is 8 total--chickens/ducks, not 8 chickens and 8 ducks.

The other thing is in the section on parking it says must accommodate 'all' parking. I think that is unfair since we don't require too many other things in the City to accommodate 'all' parking needs. So I would suggest taking that out and leaving it with just 'accommodate parking.' Maybe Paul won't like that and you can think of another way to put it.

My two cents.

Thanks, Brigitte

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**From:** Lindsay Ex [lex@fcgov.com]  
**Sent:** Monday, March 11, 2013 3:41 PM  
**To:** Lindsay Ex  
**Subject:** Urban Ag Update - P&Z Hearing and Council Work Session

Good afternoon everyone,

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**Planning and Zoning Board Hearing – March 21 at 6:00 pm – Council Chambers**

I'm sending out a friendly reminder that the Planning and Zoning Board will consider the proposed Urban Agriculture regulations next Thursday, March 21<sup>st</sup>. The meeting begins at 6:00 pm and this item is the first discussion item on the agenda. For the full agenda documents, please see here: <http://www.fcgov.com/cityclerk/planning-zoning.php>. If you would just like the urban ag items, I've attached them to this email.

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Also, if you cannot make it to the hearing, but would like to submit comments to the Board, you can submit written comments up until the afternoon of the hearing. However, if you know you are going to submit written comments, if you can provide them to me as soon as possible, it's always helpful to get them to the Board sooner rather than later.

**City Council Work Session – April 23 at 6:00 pm – Council Information Center (adjacent to Council Chambers)**

Also, I wanted to let you all know that this item has been scheduled for a Work Session with City Council on April 23<sup>rd</sup>. While there is no public testimony during Work Sessions, please feel free to attend this meeting. We expect that a formal hearing before Council will be scheduled shortly after the Work Session.

**Project: Urban Agriculture Code Changes**  
**Document: Frequently Asked Questions**  
**Updated April 15, 2013**

Question	Response
<p><b>1. What is urban agriculture?</b></p>	<p><i>Urban agriculture</i> entails the production of food for personal consumption, education, donation, or sale and includes associated physical and organizational infrastructure, policies, and programs within urban, suburban, and rural built environments (Source: American Planning Association).</p> <p>The types of land uses associated with urban agriculture include market and community gardens, urban farms, farmers markets, animals and bees.</p>
<p><b>2. Does the City support Urban Agriculture practices?</b></p>	<p>City Plan has identified encouraging and supporting local food production with the following principle and policy statements:</p> <p><u>Principle SW 3:</u> The City will encourage and support local food production to improve the availability and accessibility of healthy foods, and to provide other educational, economic, and social benefits.</p> <p><u>Policy SW 3.1:</u> Support cooperative efforts to establish community gardens and markets throughout the community and region. Such efforts include maintaining ongoing partnerships with the Gardens on Spring Creek, Poudre School District, Coalition for Activity and Nutrition to Defeat Obesity (CanDo), farmers markets, Community Supported Agriculture programs (CSAs), and others, as well as supporting the development of a potential year-round community marketplace.</p>
<p><b>3. What are the current regulations for these types of practices?</b></p>	<p><u>Land Use Code</u> – Currently, many urban agriculture activities are limited to accessory uses in the majority of zoning districts. In other words, if farming were proposed as the main use on a property, then additional processing and review would be required in 21 of the 25 zone districts in the City.</p> <p><u>Municipal Code</u> – City Code allows up to six chicken hens per lot and regulates animal issues such as noise and disturbances, animals at large or running loose, licensing or permitting, care or treatment, waste removal, quantity, and aggressive or vicious behavior.</p> <p>The keeping of bees is regulated in the City Code and is based on lot size (as lot size increases, so do the number of bees allowed). The City Code also requires that weeds be kept under 6 inches in height and that certain noxious weeds be removed. All yard waste must be disposed of or composted appropriately.</p> <p>The Land Use Code also allows farm animals to be raised in certain zone districts, such as the Urban Estate, Residential Foothills, and the River Conservation zone districts.</p>

Question	Response
<p><b>4. What are the proposed regulations?</b></p>	<p><u>Urban farms, market gardens, and community gardens (when a principal use):</u></p> <ul style="list-style-type: none"> <li>• Obtain an urban agriculture license from the Planning Services Department;</li> <li>• All existing farms and gardens can apply for a license at no cost for one year after the proposed regulations are adopted;</li> <li>• Commit to the best practices outlined in the proposed Section 3.8.31 of the Land Use Code, including providing adequate bike and vehicular parking, keeping compost piles and trash containers at least 10 feet from any property line, applying water conservation principles, complying with floodplain standards, etc.</li> </ul> <p><u>Animals:</u></p> <ul style="list-style-type: none"> <li>• Obtain an urban farm animal license for the keeping of chicken hens, ducks, or dwarf or pygmy goats.</li> <li>• Increase the number of chickens allowed based on lot size and allows ducks to be raised.</li> <li>• Allow two dwarf or pygmy goats (no more or less than two) per lot.</li> <li>• Updates the beekeeping regulations to reflect current best practices.</li> </ul>
<p><b>5. Does my backyard or private garden need an urban agriculture license?</b></p>	<p>In general, no. The City currently allows for private gardens throughout the City as an accessory use (see Section 3.8.1 of the Land Use Code).</p> <p>If any of these practices become a principal use on the property, then an urban agriculture license would be required. For example, if your property is four acres in size and you have a home on it, but there is also an urban agriculture land use that is three acres in size, then the garden has become a principal use.</p>
<p><b>6. What if I want to sell my own garden produce at my house?</b></p>	<p>Existing regulations allow for the cultivation, storage and sale of crops, vegetables, plants and flowers as an accessory use in all zone districts. Staff polled the community about this existing allowance, and the results of the online survey illustrated that 87% of the survey respondents supported allowing produce stands in residential areas. Concerns regarding allowing this land use in more zone districts include increased noise, traffic and parking issues and ensuring the visual quality of the neighborhood is preserved.</p> <p>In staff's benchmarking analysis, staff found that Denver and Wheat Ridge allow produce stands from products grown on-site but that they typically restrict hours of operation and overall site cleanliness, e.g., remove the produce stand when it is not in use. However, as 87% of the respondents supported continuing to allow this land use, and Neighborhood Services and Zoning staff have reported no complaints regarding these land uses, staff is not proposing any changes to this allowance at this time. Still, as Fort Collins is an urban community, staff will continue to monitor this standard to assess if having produce stands in residential neighborhoods becomes a nuisance, and if it does, present standards to mitigate those impacts.</p>

Question	Response
<p><b>7. Why should these types of land uses be required to be licensed at all?</b></p>	<p>While the online survey respondents were largely in support of allowing urban agriculture in more zone districts, concerns were raised regarding compatibility with existing land uses e.g. screening, noise, traffic, etc. Staff has also learned that many producers are unaware of City regulations, such as building permit requirements, floodplain use permit requirements, etc. The licensing allows staff to work with farmers to discuss the best management practices outlined in the proposed regulations. Early dialogue with producers regarding compatibility can ensure that impacts can be proactively minimized. Staff believes having a licensing system will also provide the opportunity to share information regarding City regulations and allows the ability to track these land uses over time.</p>
<p><b>8. How has the Chicken Ordinance been implemented? Have there been problems?</b></p>	<p>Since 2008, 153 chicken licenses have been issued. Out of the 56,649 calls that Animal Control has received, 76 calls were related to chickens and one citation has been issued.</p> <p><u>Type of calls</u></p> <ul style="list-style-type: none"> <li>• Chickens at large: 29</li> <li>• Roosters/Disturbance: 24</li> <li>• Fence too close to neighbors: 4</li> <li>• Number of chickens: 13</li> <li>• Other: 6</li> </ul> <p><u>Results</u></p> <ul style="list-style-type: none"> <li>• 21 calls resolved by educating the owner on the requirements, e.g., need to remove the roosters;</li> <li>• 1 warning issued for number of chickens;</li> <li>• 2 warnings issued for disturbance;</li> <li>• 1 case is still open for number of chickens and location and license required.</li> </ul>
<p><b>9. If my HOA doesn't allow chickens, gardens in the front yards, etc., can I do it anyway?</b></p>	<p>When Council adopted the Chicken ordinance in 2008 (Ordinance No. 72, 2008), Council did not vote to override Homeowners Associations if the HOAs chose to exclude chickens from the lands governed by that HOA.</p> <p>In this vein, staff is currently proposing that any ordinances adopted would not override existing HOA rules. This means that HOAs can enforce their covenants regarding urban agriculture and choose not to allow front yard gardens, chickens or other animals, etc. However, the City adopted a Resource Conservation Ordinance in 2003 that does not allow HOAs to restrict conservation efforts such as clotheslines (located in back yards), odor-controlled compost bins, xeriscape landscaping, solar/photo-voltaic collectors (mounted flush upon the roof), or require that a portion of a lot be planted in turf grass.</p>

Question	Response
<p><b>10. If Denver requires 16 square feet per chicken, why is staff only proposing 4 square feet per chicken or duck?</b></p>	<p>Current regulations require two square feet per chicken. Numerous resources have documented that ducks need 4 sq. ft. per animal to thrive. In addition, based on staff discussions from an enforcement perspective, it was determined that increasing the size of poultry coops required for chickens and ducks would be more easily managed if 4 sq. ft. per animal was provided instead of 2 sq. ft. per chicken and 4 sq. ft. per duck. In addition, as humane conditions were one of the concerns of the survey respondents, staff is recommending that the regulations regarding the keeping of chicken hens and ducks stipulate 4 sq. ft. of spacing per animal. Staff has not found any evidence that 16 square feet is required per chicken.</p> <p>Please note the spacing requirements for miniature goats are different than for chickens. Staff is proposing that a minimum of 150 sq. ft. per goat (or 300 sq ft. total) be provided. This space requirement is consistent with other communities in Colorado.</p>
<p><b>11. When you say you want to scale the number of chickens allowed based on lot size, what does that mean?</b></p>	<p>Staff initially proposed that the number of chickens allowed be scaled to the size of the lots and that ducks be allowed within that scaled number. During the open house, attendees requested that staff scale the number of chickens and ducks similar to what Denver has proposed. Based on further discussions with Animal Control, staff is now proposing the following scaling structure for chickens and ducks based on lot size:</p> <ul style="list-style-type: none"> <li>• <u>Less than ½ acre</u> – up to eight chickens and/or ducks, combined;</li> <li>• <u>Between ½ acre and 1 acre</u> – up to twelve chickens and/or ducks; and</li> <li>• <u>More than 1 acre</u> – 6 chickens and/or ducks per each additional ½ acre above a one-acre lot size, however, when more than twelve chickens and/or ducks are requested, then all abutting property owners must be notified prior to the issuance of a license to ensure compatibility with the neighbors.</li> </ul> <p>Staff has heard that some neighbors are concerned that any lot in the City could have up to eight chickens and/or ducks. Some have suggested there be an additional threshold, e.g., at ¼ acre or less, the City should keep the allowable number of chicken hens at six hens per lot.</p>
<p><b>12. Are miniature goats ornamental or are they truly for local food production? Aren't goats smelly?</b></p>	<p>According to the Nigerian Dwarf Goat Association, these goats can produce up to two quarts of milk per day or more. The National Pygmy Goat Association claims similar production levels. These production levels are similar to full-size goats. Staff's recommendation to allow pygmy goats instead of full-size breeds is related to the Humane Society's capacity to manage any goats that might require Animal Control.</p> <p>Bucks (male goats) are what you may remember when you think of goats being smelly. Does and wethers (neutered males) are the only types of goats proposed to be allowed and they do not smell.</p>

Question	Response
<b>13. Why are two dwarf or pygmy goats allowed? What if I only want one? More than two?</b>	Goats are herding animals and having just one goat can create additional nuisances. If additional goats are desired, citizens can go through the Addition of a Permitted Use process to request the farm animals land use on their lot.
<b>14. How will kids be addressed?</b>	The proposed regulations allow for kids to remain with the does or wethers until they are 12 weeks of age to allow time for nursing. After 12 weeks, the kids would not be allowed on the lot unless an Addition of a Permitted Use was granted, see above.
<b>15. I know chickens are not allowed to be slaughtered, what are the proposed rules for goats?</b>	As with the Chicken Ordinance, staff is proposing that goats cannot be slaughtered.
<b>16. Will this effort allow public lands to be used for urban agriculture?</b>	This effort is a Land Use Code change and does not determine how public lands can or cannot be used.
<b>17. Who else in the community is working on urban agriculture and local food production issues?</b>	<p>CanDo - <a href="http://www.candoonline.org/community">http://www.candoonline.org/community</a>            CSU Extension - <a href="http://www.ext.colostate.edu/">http://www.ext.colostate.edu/</a>            Gardens on Spring Creek - <a href="http://www.fcgov.com/gardens/">http://www.fcgov.com/gardens/</a>            Growing Project - <a href="http://www.thegrowingproject.org/">http://www.thegrowingproject.org/</a>            Food and Agriculture Coalition – <a href="http://www.thegrowingproject.org/food--agriculture-coalition.html">http://www.thegrowingproject.org/food--agriculture-coalition.html</a>            Food Bank of Larimer County - <a href="http://www.foodbanklarimer.org/Donate/GiveFood.aspx">http://www.foodbanklarimer.org/Donate/GiveFood.aspx</a>            HomeGrown - <a href="http://pvhs.org/homegrown">http://pvhs.org/homegrown</a>            Home Grown Foods - <a href="http://www.homegrownfoodcolorado.org/">http://www.homegrownfoodcolorado.org/</a>            Poudre School District – <a href="http://www.psdschools.org/school-resources/school-wellness/school-gardens">http://www.psdschools.org/school-resources/school-wellness/school-gardens</a>            Small Growers Alliance</p>



DATE: May 6, 2013

TO: Mayor and Members of City Council

THROUGH: Darin Atteberry, City Manager  
 Wendy Williams, Assistant City Manager *WWS*  
 Bruce Hendee, Chief Sustainability Officer *BH*  
 Marty Heffernan, Director of Community Services

FROM: Michelle Provaznik, Director, The Gardens on Spring Creek *MP*  
 Joe Frank, Director, Social Sustainability Department *JF*

RE: Community Gardens BFO Offer

In 2013, the City Council funded Offer 236.1 "Community Gardens Outreach Program", which provided funding in the amount of \$60,000 for the construction of up to four new community gardens in our park system. The Council was very interested that these new community gardens serve low-income families and neighborhoods. A team of City staff from The Gardens, Social Sustainability (SSD), Parks, Park Planning, and Neighborhood Services, has been working on the selection and design of these gardens. We wanted to update you on our progress as we begin construction.

SSD helped identify parks that would be suitable for the location of community gardens to serve low-income households. SSD asked the GIS Department to map and rank neighborhood parks based on the following criteria:

- Located in a Census Tract where the Median Family Income was less than 80% of the Area Median Income (AMI) thus qualifying the Tract as a low-income area.
- Within ½ mile of a designated affordable housing multi-family apartment/condo project (i.e., a concentration of low-income families whose incomes are most likely 50% of AMI or lower).
- Within ½ mile of a mobile home park (another concentration of low-income families, but the exact AMI levels can't be determined).
- Within ½ mile of a school where 50% or more of the students are eligible for free or reduced lunches.

The results of the analysis showed the neighborhood and community parks that met all or most of the criteria. Upon review by the Community Gardening Team, five parks rose to the top. Parks, Park Planning, and Gardens staff assessed where in the park would be the best location based upon visibility, access to parking, irrigation, existing landscaping, and other cost and design factors; as a result of this analysis, one park was dropped because a suitable location could not be found. We found that the budget could support four new community gardens (approximately 12 plots per garden).

On April 24, a community open house was held on the potential four highest ranking garden sites. The meeting was facilitated by Neighborhood Services and Gardens staff. Surrounding neighborhood residents were invited to attend. 15-20 residents attended and the neighborhoods around all four parks were represented.

The four parks selected for a garden include Buckingham Park, Edora Park, English Ranch Park and Rogers Park. Final design work is being done and construction will begin shortly. The intent is to open Rogers, Edora and Buckingham by the end of May; and build the English Ranch garden next fall to open in spring 2014 – in time for the school year as Linton Elementary is interested in plots at the garden.



# Urban Agriculture

City Council Work Session  
Laurie Kadrich, Community Development and  
Neighborhood Services Director  
Lindsay Ex, Senior Environmental Planner  
May 14, 2013

1



## Questions for Council

- What concerns or questions does Council have about implementing these urban agriculture code changes within City limits?
- Are these proposed code changes ready for formal Council consideration?
- Are there other urban agriculture policy issues Council would like to see addressed?

2



## What is Urban Agriculture?

Food production and distribution in the urban environment

Includes:

- Community Gardens
- Farms
- Farmers markets
- Animals



Above: Gardens on Spring Creek  
Right: Produce from Grant Family Farms

3

City of  
Fort Collins

## City Plan Principles and Policies

- Principle SW 3:
  - ...encourage and support local food production...
- Policy SW 3.1:
  - Encourage Community Gardens and Markets
- Principle LIV 42.2:
  - Encourage agricultural uses
- Principle ENV 4.5:
  - Support Community Horticulture

4

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## One of many implementation strategies

### Local needs:

- Funding
- Land and water access
- Food insecurity
- **Policy barriers**
- Affordability
- Economic viability
- Limited wholesale market
- Infrastructure needs
- Education
- Technical Assistance

5



## One of many implementation strategies

### Local needs:

- Funding
- Land and water access
- Food insecurity
- **Policy barriers**
- Affordability
- Economic viability
- Limited wholesale market
- Infrastructure needs
- Education
- Technical Assistance

- Residential food production
- Homeowners Associations
- Building permit regulations
- Permanent protection of agricultural lands
- **Land Use and City Code Regulations**

6

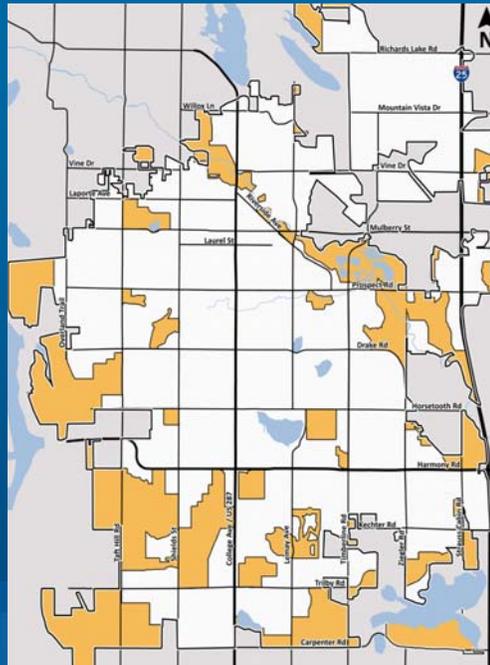


## Urban Agriculture in the City

### Zone Districts Allowing Urban Agriculture

- Public Open Lands
- River Conservation
- Urban Estate
- Residential Foothills

7

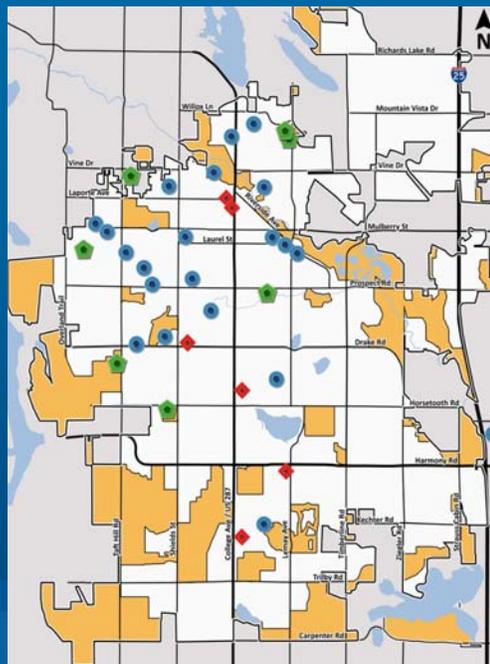


## Urban Agriculture in the City

### Existing Urban Agricultural Land Uses

-  Community Garden
-  Market Garden
-  Farmers' Market

8



## Project Goal

Ensure City regulations support the community's desires in relation to urban agriculture practices both when and where appropriate.



Fossil Creek Community Gardens  
(Photo: Courtney Levingston)

9



## Survey Results – Market and Community Gardens

- Support for allowing urban gardens in more zones while addressing compatibility?



- **Concerns:**
  - General nuisances: traffic, noise, odor, parking
  - Visual impacts
  - Overregulation
  - Use of fertilizers, herbicides, and pesticides

10



## Survey Results – Farmers Markets

- Allow farmers markets in more locations in the City?



- **Concerns:**

- Increased noise, traffic and parking issues
- Overregulation of vendors
- Lack of enforcement
- Diluting the market

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## Survey Results – Animals

- Allow ducks?
- Scale poultry based on lot size?
- Allow goats?



- **Concerns:**

- Increased nuisances (odor, noise, etc.)
- Lack of enforcement
- Animals at large
- Humane conditions for the animals

12



## What are the proposed changes?

13



## Create a licensing system

- Allows urban agriculture in all zone districts
- Opportunity for early dialogue
- Commitment to best practices
- Allows for tracking of licenses
- Grace period allows existing producers to be licensed at no additional cost

14



## Farmers Markets

- Currently allowed in seven zone districts
- Proposed to be included in:
  - **LMN** - Low Density Mixed Use Neighborhoods,
  - **MMN** - Medium Density Mixed Use Neighborhood,
  - **HMN** - High Density Mixed Use Neighborhood.



(Photo: Alison O'Connor)

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## Animals

**Allow ducks, scale poultry based on lot size:**

- <0.5 acre - up to 8 chickens or ducks, combined;
- 0.5 – 1 acre - up to 12 chickens or ducks;
- >1 acre – 6 additional chickens or ducks per each additional ½ acre; notification of abutting property owners required.



(Photo: Sustainable Living Association)

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## Animals

- **Allow two goats per household**, meet minimum space and humane condition requirements
- **Update beekeeping regulations**



Nigerian dwarf goats (Photo: dreamersfarm.com).



Movable Comb Beehive.

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## City Boards and Commissions

### Formal Endorsements for Land Use Code Changes:

- Planning and Zoning Board (March 21)
- Economic Advisory Commission (April 17)

### General Support (presentations in 2012):

- Natural Resources Advisory Board
- Parks and Recreation Advisory Board
- Landmark Preservation Commission
- Senior Advisory Board

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## Thank you!

- Chamber of Commerce Legislative Affairs Committee
- Citizens and individuals who have helped to shape this effort
- City Boards and Commissions
- City Council
- City of Fort Collins and CanDo Staff Team
- Coalition for Activity and Nutrition to Defeat Obesity (CanDo)
- Colorado State University
- Farmers and producers who have contributed their time
- Fort Collins Housing Authority
- Gardens on Spring Creek
- Larimer County Humane Society and Department of Health

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## Questions for Council

- What concerns or questions does Council have about implementing these urban agriculture code changes within City limits?
- Are these proposed code changes ready for formal Council consideration?
- Are there other urban agriculture policy issues Council would like to see addressed?

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# Urban Agriculture

City Council Work Session  
Laurie Kadrich, Community Development and  
Neighborhood Services Director  
Lindsay Ex, Senior Environmental Planner  
May 14, 2013

ORDINANCE NO. \_\_\_, 2013  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING CERTAIN AMENDMENTS TO CHAPTER 4, ARTICLE II & III,  
OF THE CODE OF THE CITY OF FORT COLLINS RELATED TO  
THE CARE AND KEEPING OF ANIMALS

WHEREAS, in 2011, the City Council adopted the City Plan “Safety and Wellness Vision,” which contains numerous policies supporting local food production, including Principle SW3, which directs staff to encourage and support local food production to improve the availability and accessibility of healthy foods, and to provide other educational, economic, and social benefits; and

WHEREAS, in 1989, the City Council adopted Ordinance No. 72, 1989, which allowed for the keeping of bees for the production of honey; and

WHEREAS, in 2008, the City Council adopted Ordinance No. 72, 2008, which allows for the raising of up to six chickens per lot for food production, while ensuring that chickens are raised in humane conditions in the City and do not present a nuisance to their neighbors; and

WHEREAS, City staff has conducted citizen outreach regarding potential urban agriculture land use changes, and throughout that process has been asked by numerous citizens to examine the current provisions of the City Code pertaining to the keeping of animals and bees in the City; and

WHEREAS, staff has worked with the Larimer County Humane Society to assess whether allowing chickens to be kept in the City has created a nuisance in the community, and has concluded that, although 143 permits have been issued for the keeping of chickens, all concerns regarding the issuance of such permits that have been brought to the attention of staff have been addressed without the issuance of a citation; and

WHEREAS, staff has researched other communities and found that they allow for a wider range of animals to be raised in urban environments, including ducks and miniature goats; and

WHEREAS, staff has conducted citizen outreach and has learned that many City residents favor allowing ducks and miniature goats in the City; and

WHEREAS, staff has also found through their research that other communities have updated their regulations related to beekeeping to reflect the current best practices in the industry; and

WHEREAS, in view of this outreach, staff is recommending several amendments to Chapter 4 of the City Code; and

pending/keeping of animals ORD  
April 2, 2013 (10:39am)

WHEREAS, the City Council believes that these recommended amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 4-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-117. Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.**

(a) Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than six (6) to a single purchaser.

(b) ~~Except~~ In those zone districts where the keeping of farm animals (as that term is defined in Section 5.1.2 of the Land Use Code) is ~~not otherwise~~ allowed, the keeping of chickens ~~roosters and/or ducks (poultry) is permitted, or more than six (6) chicken hens is prohibited.~~ However, up to six (6) chicken hens may be kept per parcel of property, subject to the following requirements and subject to all other applicable provisions of this Chapter.

(1) Any person keeping poultry pursuant to this provisions must first have been issued a permit by the Human Society and have received such information or training pertaining to the keeping of poultry as said agency deems appropriate;

(2) The keeping of roosters is prohibited; only chicken hens are permitted, and all references herein to chickens shall mean chicken hens only.

(3) Poultry may be kept in the following numbers:

a. On lots less than one-half (2) acre in size, up to eight (8) chickens and/or ducks may be kept; and

b. On lots one-half (1/2) acre to one (1) acre in size, up to a total of twelve (12) chickens and/or ducks may be kept; and

c. On lots more than one (1) acre in size, up to six (6) additional chickens and/or ducks may be kept for every additional one-half (1/2) acre; provided, however, that if more than twelve (12) chickens and/or ducks, combined, are to be kept, all property owners abutting

the parcel where the poultry will be housed must be notified in writing prior to obtaining a permit for said number of poultry.

(14) If a lot has more than one (1) dwelling unit, all adult residents and the owner(s) of the lot must consent in writing to allowing the ~~chicken hens~~ poultry on the property;

~~(2) Any person keeping chicken hens pursuant to this provision must first have been issued a permit by the Humane Society and have received such information or training pertaining to the keeping of chicken hens as said agency deems appropriate;~~

(35) The ~~chicken hens~~ poultry must be provided with a covered, predator-resistant ~~chicken~~ poultry house that is properly ventilated, designed to be easily accessed, cleaned and maintained, and must consist of at least ~~two (2)~~ square feet per chicken ~~four (4) square feet per chicken hen or duck;~~

(46) During daylight hours, the ~~chicken hens~~ poultry must have access to the ~~chicken~~ poultry house and also have access to an outdoor enclosure that is adequately fenced to protect them from predators;

(57) The ~~chicken hens~~ poultry must be further protected from predators by being closed in the ~~chicken~~ poultry house from dusk to dawn;

(68) Neither the ~~chicken~~ poultry house nor the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the ~~chicken hens~~ poultry obtains the written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located, in which event the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties;

(79) The ~~chicken hens~~ poultry must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement; and

(810) The ~~chicken hens~~ poultry may not be killed by or at the direction of the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

Section 2. That Chapter 4 of the Code of the City of Fort Collins is hereby amended by adding a new Section 4-121 which reads in its entirety as follows:

**Sec. 4-121. Keeping of goats.**

(a) In zone districts where the keeping of farm animals is not otherwise allowed, two (2) pygmy or dwarf goats, plus any number of their offspring younger than twelve (12) weeks, may be kept on any lot in the City. The keeping of just one (1) pygmy or dwarf goat is prohibited. Only female or altered male Nigerian Swarf or African Pygmy breeds of goats are permitted. No bucks or other breeds are allowed.

(b) Except as prohibited in subsection (a), goats may be kept subject to the following requirements:

(1) Any person keeping goats pursuant to this provision must first have been issued a permit by the Humane Society, and must also have received such information or training pertaining to the keeping of goats as said agency deems appropriate.

(2) If a lot has more than one (1) dwelling unit, all adult residents and the owner(s) of the parcel must consent in writing to allowing the goats on the property.

(3) On any residential zoned lot, the goats must be maintained in the rear fifty (50) percent of the lot. On any residential zoned corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.

(4) The goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained.

(5) During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced to protect them from predators, which shall be in total at least one hundred fifty (150) square feet per goat in size.

(6) The goats must be closed in the shelter from dusk to dawn.

(7) Neither the shelter nor the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the goats obtains the written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located, in which event the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties.

(8) The goats may not be killed by or at the direction of the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

Section 3. That Section 4-228 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-228. Hives.**

All bee colonies shall be kept in Langstroth-type hives with ~~removable frames~~ **movable combs**, which shall be kept in sound and usable condition.

Section 4. That Section 4-233(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-233. Colony densities.**

...

(b) For each two (2) colonies authorized under colony densities, Subsection (a) above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths (9 5/8) inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within ~~thirty (30)~~ **sixty (60)** days after the date it is acquired.

Introduced, considered favorably on first reading, and ordered published this \_\_\_ day of \_\_\_\_\_, A.D. 2013, and to be presented for final passage on the \_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT

ORDINANCE NO. \_\_\_\_, 2013  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AMENDING THE LAND USE CODE BY THE ADDITION OF  
 PROVISIONS PERTAINING TO URBAN AGRICULTURE

WHEREAS, on March 18, 1997, by its adoption of Ordinance No. 051, 1997, the City Council enacted the Fort Collins Land Use Code (the "Land Use Code"); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, the City Council adopted the City Plan Safety and Wellness Vision, which includes the aspirational goal of access to healthy, locally grown or produced food; and

WHEREAS, City Plan contains numerous policies supporting local food production, including Principle SW3 which directs staff to encourage and support local food production to improve the availability and accessibility of healthy foods, and to provide other educational, economic, and social benefits; and

WHEREAS, in furtherance of the Planning and Zoning Board's 2013 Work Program, which calls for City staff to update the Land Use Code to reflect urban agriculture land uses currently practiced and desired to be practiced in the City, City staff has proposed certain Land Use Code changes to allow for these practices while also ensuring that neighborhood compatibility is achieved; and

WHEREAS, City staff has vetted these proposed changes through focus groups with local farmers, interested citizens, and homeowners association representatives, and through a project website, an online survey and a public open house; and

WHEREAS, City staff and the Planning and Zoning Board have reviewed the proposed Land Use Code changes regarding urban agriculture and have recommended to the City Council that they be adopted; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

...

Section 1. That Division 3.8 of the Land Use Code is hereby amended by the addition of a new subsection 3.8.31 which reads in its entirety as follows:

### **3.8.31 Urban Agriculture**

- (A) **Applicability.** These standards apply to all urban agriculture land uses, except those urban agriculture land uses that are approved as a part of a site-specific development plan.
- (B) **Purpose.** The intent of these urban garden supplementary regulations is to allow for a range of urban agricultural activities at a level and intensity that is compatible with the City's neighborhoods.
- (C) **Standards.**
- (1) **License required.** Urban agriculture land uses shall be permitted only after the owner or applicant for which the garden is proposed has obtained an urban garden license from the City. The fee for such a license shall be the fee established in the Development Review Fee Schedule. If active operations have not been carried on for a period of twenty-four (24) consecutive months, the license shall be deemed to have been abandoned regardless of intent to resume active operations. The Director may revoke any urban agriculture license issued by the City if the holder of such license is in violation of any of the provisions contained in Subsection (2) below, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Chapter 2, Article VI of the City Code.
  - (2) **General Standards.** Urban agriculture shall be allowed as a permitted use, provided that all of the following conditions are met:
    - (a) **Mechanized Equipment.** All mechanized equipment used in the urban agriculture land use must be in compliance with Chapter 20, Article II of the City Code regarding noise levels.
    - (b) **Parking.** Urban agriculture land uses shall provide additional off-street vehicular and bicycle parking areas adequate to accommodate all parking demands created by the use.
    - (c) **Chemicals and Fertilizers.** Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations. All chemicals shall be stored in an enclosed, locked structure when the site is unattended. No synthetic pesticides or herbicides may be applied within a Natural Habitat Buffer Zone.

- (d) Trash/compost. Trash and compost receptacles shall be screened from adjacent properties by utilizing landscaping, fencing or storage within structures and all trash shall be removed from the site weekly. Compost piles and containers shall be set back at least ten (10) feet from any property line when urban agriculture abuts a residential land use.
- (e) Maintenance. An urban agriculture land use shall be maintained in an orderly manner, including necessary watering, pruning, pest control and removal of dead or diseased plant materials and shall be maintained in compliance with the provisions of Chapter 20 of the Municipal Code.
- (f) Water conservation and conveyance. To the extent reasonably feasible, the use of sprinkler irrigation between the hours of 10:00 a.m. and 6:00 p.m. shall be minimized. Drip irrigation or watering by hand may be done at any time. The site must be designed and maintained so that any water runoff is conveyed off-site into a city right-of-way or drainage system without adversely affecting downstream property.
- (g) Identification/contact information. A clearly visible sign shall be posted near the public right-of-way adjacent to an urban agriculture land use that includes the name, contact information of the garden manager or coordinator, and if synthetic pesticide or herbicide is used, the sign shall also include the name of the chemical and the frequency of application. The contact information for the garden manager or coordinator shall be kept on file with the City. All urban agriculture signs must comport with Section 3.8.7 of this Land Use Code.
- (h) If produce from an urban agriculture land use is proposed to be distributed throughout the City, the applicant must provide a list of proposed Food Membership Distribution Sites in the application.
- (i) Floodplains. If urban agriculture is proposed within a floodplain, then a Floodplain Use Permit is required in accordance with Chapter 14 of the Municipal Code.
- (j) Additional Impact Mitigation. Measures such as landscaping, fencing, or setbacks to mitigate potential visual, noise, or odor impacts on adjoining property may be required by the Director. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line of the parcel where the urban agriculture land use is conducted. Where an urban

agriculture land use abuts a residential use, there shall be a minimum setback of five (5) feet between the operation and the property line.

- (3) *Notice.* At the time of an initial application, mailed notice, posted notice, and a neighborhood meeting are required if an urban agriculture land use is proposed within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, R-C and P-O-L) or if the urban garden exceeds 0.5 acres in size. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Land Use Code. Additional notice and a neighborhood meeting may be required by the Director at the time of license reissuance.

Section 2. That Section 4.1(B)(1)(a) and 4.1(B)(1)(b) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.1 RURAL LANDS DISTRICT (R-U-L)**

...

**(a) Agricultural Uses:**

1. Agricultural activities.

**(ba) Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Farm animals.
4. Urban agriculture.

...

Section 3. That Section 4.2(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.2 URBAN ESTATE DISTRICT (U-E)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Farm animals.

4. Urban agriculture.

...

Section 4. That Section 4.3(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.3 RESIDENTIAL FOOTHILLS DISTRICT (R-F)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Urban agriculture.

...

Section 5. That Section 4.4(B)(1)(b) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.4 LOW DENSITY RESIDENTIAL DISTRICT (R-L)**

...

**(b) Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Urban agriculture.

...

Section 6. That Section 4.5(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.5 LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (L-M-N)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Urban agriculture

...

Section 7. That Section 4.5(B)(2)(c)3 of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.5 LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (L-M-N)**

...

- 3. Neighborhood centers consisting of at least two (2) of the following uses: mixed-use dwelling units; retail stores; convenience retail stores; personal and business service shops; small animal veterinary facilities; offices, financial services and clinics; community facilities; neighborhood support/ recreation facilities; schools; child care centers; open-air farmers markets; and places of worship or assembly.

...

Section 8. That Section 4.6(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.6 MEDIUM DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (M-M-N)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Urban agriculture.

...

Section 9. That Section 4.6(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subsection 7 which reads in its entirety as follows:

**DIVISION 4.6 MEDIUM DENSITY MIXED-USE NEIGHBORHOOD DISTRICT**  
**(M-M-N)**

...

7. Open-air farmers markets, if located within a park, central feature or gathering place.

...

Section 10. That Section 4.7(B)(1)(b) of the Land Use Code is hereby amended to read as follows:

**Division 4.7 NEIGHBORHOOD CONSERVATION, LOW DENSITY DISTRICT**  
**(N-C-L)**

...

**(b) Accessory/Miscellaneous Uses:**

1. Accessory buildings, provided that they contain no habitable space.
2. Accessory buildings containing habitable space.
3. Accessory uses.
4. Urban agriculture.

Section 11. That Section 4.8(B)(1)(d) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.8 NEIGHBORHOOD CONSERVATION, MEDIUM DENSITY DISTRICT**  
**(N-C-M)**

...

**(b) Accessory/Miscellaneous Uses:**

1. Accessory buildings, provided that they contain no habitable space.
2. Accessory buildings containing habitable space.
3. Accessory uses.

4. Urban agriculture.

...

Section 12. That Section 4.9(B)(1)(d) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.9 NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT (N-C-B)**

...

**(b) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings, provided that they contain no habitable space.
- 2. Accessory buildings containing habitable space.
- 3. Accessory uses.
- 4. Urban agriculture.

...

Section 13. That Section 4.10(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.10 HIGH DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (H-M-N)**

...

**(b) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings
- 2. Urban agriculture.

Section 14. That Section 4.10(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subsection 8 which reads in its entirety as follows:

**DIVISION 4.10 HIGH DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (H-M-N)**

...

8. Open-air farmers markets.

...

Section 15. That Section 4.13(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.13 PUBLIC OPEN LANDS DISTRICT (P-O-L)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Urban agriculture.

...

Section 16. That Section 4.14(B)(1)(a) and 4.14(B)(2)(d) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.14 RIVER CONSERVATION DISTRICT (R-C)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Urban agriculture.

...

(2) The following uses are permitted in the R-C District subject to administrative review:

...

**(d) Accessory/Miscellaneous Uses:**

- 1. Farm animals.
- 2. Agricultural activities.

...

Section 17. That Section 4.16(B)(1) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.16 DOWNTOWN (D)**

...

**(B) Permitted Uses.**

(1) The following uses are permitted in the D District subject to basic development review:

**(a) Accessory/Miscellaneous Uses:**

**1. Urban agriculture.**

(ab) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Land Use Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(bc) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.

...

Section 18. That Section 4.17(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.17 RIVER DOWNTOWN REDEVELOPMENT DISTRICT (R-D-R)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.

3. Outdoor vendor.

4. Urban agriculture.

...

Section 19. That Section 4.18(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.18 COMMUNITY COMMERCIAL DISTRICT (C-C)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Outdoor vendor.

4. Urban agriculture.

...

Section 20. That Section 4.19(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.19 COMMUNITY COMMERCIAL – NORTH COLLEGE DISTRICT (C-C-N)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Outdoor vendor.

4. Urban agriculture.

...

Section 21. That Section 4.20(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.20 COMMUNITY COMMERCIAL – POUDBRE RIVER DISTRICT (C-C-R)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Urban agriculture.

...

Section 22. That Section 4.21(B)(1) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.21 GENERAL COMMERCIAL (C-G)**

...

(1) The following uses are permitted in the C-G District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

**(a) Accessory/Miscellaneous Uses:**

1. Urban agriculture.

(ab) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(bc) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.

...

Section 23. That Section 4.22(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.22 SERVICE COMMERCIAL DISTRICT (C-S)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Outdoor vendor.
- 4. Urban agriculture.

...

Section 24. That Section 4.22(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.23 NEIGHBORHOOD DISTRICT (N-C)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Outdoor vendor.
- 4. Urban agriculture.

...

Section 25. That Section 4.24(B)(1) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.24 LIMITED COMMERCIAL DISTRICT (C-L)**

...

(1) The following uses are permitted in the C-L District, subject to basic development review:

**(a) Accessory/Miscellaneous Uses:****1. Urban agriculture.**

(ab) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(bc) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997, and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.

...

Section 26. That Section 4.26(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.26 HARMONY CORRIDOR DISTRICT (H-C)**

...

**(a) Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.

**4. Urban agriculture.**

...

Section 27. That Section 4.27(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.27 EMPLOYMENT DISTRICT (E)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Outdoor vendor.
- 4. Urban agriculture.

...

Section 28. That Section 4.28(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.28 INDUSTRIAL DISTRICT (I)**

...

**(a) Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Outdoor vendor.
- 4. Urban agriculture.

...

Section 29. That the definition “*Agricultural activity*” contained in Section 5.1.2 of the Land Use Code is hereby deleted in its entirety as follows:

~~*Agricultural activity* shall mean farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.~~

Section 30. That the definition “*Development*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

...

(2) *Development* shall not include:

...

(d) the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; for raising or feeding livestock (other than in feedlots); for other agricultural uses or purposes, or for the delivery of water by ditch or canal to agricultural uses or purposes, provided none of the above creates a nuisance, and except that an urban agriculture license is required in accordance with Section 3.8.31 of this Land Use Code.

...

Section 31. That the definition “*Farm animals*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Farm animals* shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules; provided, however, that chicken hens, numbering six (6) or fewer, and ducks based on the lot size thresholds outlined in Chapter Six, Section 4-117 of the Municipal Code, and two (2) pygmy or dwarf goats shall not be considered to be farm animals.

Section 32. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Food membership distribution site*” which reads in its entirety as follows:

*Food membership distribution site* shall mean a site where a producer of agricultural products delivers them for pick-up by customers who have pre-purchased an interest in the agricultural products.

Section 33. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Urban agriculture*” which reads in its entirety as follows:

*Urban agriculture* shall mean gardening or farming involving any kind of lawful plant, whether for personal consumption, sale, and/or donation, except that the term urban agriculture does not include the cultivation, storage, and sale of crops, vegetables, plants and flowers produced on the premises in accordance with Section 3.8.1 of this Land Use Code. Urban agriculture is a miscellaneous use that does not include “plant nursery and greenhouse” as a principal use and that is subject to licensing in accordance with Section 3.8.31 of this Land Use Code.

Introduced, considered favorably on first reading, and ordered published this \_\_ day of\_\_\_\_, A.D. 2013, and to be presented for final passage on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT