

ORDINANCE NO. 096, 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, 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 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 agriculture 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 the proposed use has obtained an urban agriculture 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 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. All urban agriculture land uses 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 all urban agriculture land uses, which sign shall contain the name and contact information of the manager or coordinator of the agricultural land use. If a synthetic pesticide or herbicide is used in connection with such use, the sign shall also include the name of the chemical and the frequency of application. The contact information for the 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 for an urban agriculture land use 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 agriculture land use exceeds 0.5 acres in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Land Use Code.

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 – POUFRE 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 Section 4-117 of the City Code, and exactly two (2) pygmy or dwarf goats except as otherwise authorized in Section 4-121 of the City Code 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 2nd day of July, A.D. 2013, and to be presented for final passage on the 16th day of July, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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

Passed and adopted on final reading on the 16th day of July, A.D. 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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