

Project: Urban Agriculture Code Changes
Document: Frequently Asked Questions
Updated April 3, 2013

Question	Response
<p>1. What is urban agriculture?</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>2. Does the City support Urban Agriculture practices?</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>3. What are the current regulations for these types of practices?</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>

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<p>4. What are the proposed regulations?</p>	<p><u>Urban farms, market gardens, and community gardens (when a principal use):</u></p> <ul style="list-style-type: none"> • Obtain an urban agriculture license from the Planning Services Department; • All existing farms and gardens can apply for a license at no cost for one year after the proposed regulations are adopted; • 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. <p><u>Animals:</u></p> <ul style="list-style-type: none"> • Obtain an urban farm animal license for the keeping of chicken hens, ducks, or dwarf or pygmy goats. • Increase the number of chickens allowed based on lot size and allows ducks to be raised. • Allow two dwarf or pygmy goats (no more or less than two) per lot. • Updates the beekeeping regulations to reflect current best practices.
<p>5. Does my backyard or private garden need an urban agriculture license?</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>6. What if I want to sell my own garden produce at my house?</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>

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<p>7. Why should these types of land uses be required to be licensed at all?</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>8. How has the Chicken Ordinance been implemented? Have there been problems?</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"> • Chickens at large: 29 • Roosters/Disturbance: 24 • Fence too close to neighbors: 4 • Number of chickens: 13 • Other: 6 <p><u>Results</u></p> <ul style="list-style-type: none"> • 21 calls resolved by educating the owner on the requirements, e.g., need to remove the roosters; • 1 warning issued for number of chickens; • 2 warnings issued for disturbance; • 1 case is still open for number of chickens and location and license required.
<p>9. If my HOA doesn't allow chickens, gardens in the front yards, etc., can I do it anyway?</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>

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<p>10. If Denver requires 16 square feet per chicken, why is staff only proposing 4 square feet per chicken or duck?</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>11. When you say you want to scale the number of chickens allowed based on lot size, what does that mean?</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"> • <u>Less than ½ acre</u> – up to eight chickens and/or ducks, combined; • <u>Between ½ acre and 1 acre</u> – up to twelve chickens and/or ducks; and • <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. <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>12. Are miniature goats ornamental or are they truly for local food production? Aren't goats smelly?</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>
<p>13. Why are two dwarf or pygmy goats allowed? What if I only want one? More than two?</p>	<p>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.</p>

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14. How will kids be addressed?	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.
15. I know chickens are not allowed to be slaughtered, what are the proposed rules for goats?	As with the Chicken Ordinance, staff is proposing that goats cannot be slaughtered.
15. Will this effort allow public lands to be used for urban agriculture?	This effort is a Land Use Code change and does not determine how public lands can or cannot be used.
16. Who else in the City are doing these types of things?	<p>CanDo - http://www.candoonline.org/community CSU Extension - http://www.ext.colostate.edu/ Gardens on Spring Creek - http://www.fcgov.com/gardens/ Growing Project - http://www.thegrowingproject.org/ Food and Agriculture Coalition – http://www.thegrowingproject.org/food--agriculture-coalition.html Food Bank of Larimer County - http://www.foodbanklarimer.org/Donate/GiveFood.aspx HomeGrown - http://pvhs.org/homegrown Home Grown Foods - http://www.homegrownfoodcolorado.org/ Poudre School District – http://www.psdschools.org/school-resources/school-wellness/school-gardens Small Growers Alliance</p>