

SUBJECT

Items Relating to Urban Agriculture.

- A. Second Reading of Ordinance No. 096, 2013 Amending the Land Use Code to by the Addition of Provisions Pertaining to Urban Agriculture.
- B. Second Reading of Ordinance No. 097, 2013 Amending Chapter 4, Article II & III of the City Code Related to the Care and Keeping of Animals.

EXECUTIVE SUMMARY

The purpose of this item is to better align the Land Use and City Code with City Plan by allowing urban agriculture land uses in all zone districts, expand the districts where farmers markets are allowed, and allow a broader range and number of animals to be raised in the City.

Ordinance No. 096, 2013, amending the Land Use Code, was unanimously adopted on First Reading on July 2, 2013. These 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.

Ordinance No. 097, 2013, amending City Code, was adopted by a 4-3 vote on First Reading on July 2, 2013 (Nays: Campana, Troxell, Weitkunat). The City Code changes include (1) scaling the number of chickens allowed based on lot size, (2) allowing duck hens to be raised, (3) updating the beekeeping Ordinance to reflect current best practices, and (4) allowing two dwarf or pygmy goats per household for milk production.

BACKGROUND / DISCUSSION

During First Reading on July 2, 2013, several questions were raised related to the proposed Code changes. These questions are addressed as follows:

Farm Animals in the Urban Estate and other Zone Districts

During the public testimony portion of the Hearing, several citizens commented about the lack of standards for keeping farm animals in the zone districts in which they are allowed, including the Urban Estate, River Conservation, and the Residential Foothills zone districts. Several Councilmembers directed staff to develop regulations for these zone districts that address the keeping of farm animals. Staff will develop these regulations over the coming months and bring them back to Council after they have been vetted through a public outreach process and a recommendation has been received by the Planning and Zoning Board.

Allowing Altered Males within City Limits

As discussed during First Reading, the proposed Code language for allowing goats allows either does (female goats) or wethers (altered males) to be raised. Councilmembers asked why wethers would be allowed if no slaughtering was to be permitted. Wethers do not create a nuisance in the same way that bucks (unaltered males) do, e.g., the smells and the noise. As goats are herd animals and a minimum of two animals are required to minimize impacts on surrounding neighbors and for the health of the goats, staff recommends that wethers be allowed to be raised as an additional option for families to meet the required two goats per household.

Minimizing Risks associated with Goats, particularly Q Fever

When considering the potential risks associated with raising goats, Q fever, a disease caused by the bacteria *Coxiella burnetii*, was discussed as the highest risk to the community. Health professionals at the hearing indicated that the greatest risk associated with Q fever exposure occurred during the birthing process. To address this risk, staff is working with CSU professionals to ensure that the training provided prior to issuing a license addresses ways to

minimize exposure to Q fever during the birthing process. Staff expects to have this training ready by September 2013, which would allow the first licenses to be issued shortly thereafter.

Councilmembers also questioned if on-site birthing should be prohibited because the greatest risks of exposure are during the birthing process. Staff spoke with the health experts after the hearing and indicated they would not recommend such a policy. This was due to the pregnant doe having to be placed into a separate facility where a resistance to that site's antibodies would not have been developed. This would put the pregnant doe at greater risk for contracting other diseases, which could threaten the health of the kid. Thus, staff recommends addressing Q fever exposure during the proposed educational training instead of restricting where birthing can occur.

The Health Department recommended creating a mechanism whereby citizens can easily identify if goats are being raised nearby. Staff will include the location of any issued license on FCMaps, available at <http://gisweb.fcgov.com/FCMaps/>, where all development related applications and licenses are also maintained.

The Health Department also recommended requiring annual renewal of the goat licenses so the City can maintain an active list of goat owners, should an outbreak occur. The Larimer County Humane Society has committed to annual renewals of the licenses.

Research Study on Q fever in Urban Agriculture

When staff assessed the problem, we determined the problem to be solved was to better understand the prevalence of Q fever in urban animals. One initial solution was to test every goat licensed in the City for the disease. Based on further research and discussion with CSU experts, a single test would indicate whether Q fever antibodies were present in an animal, but only a shedding test, with samples taken at the time of kidding, could provide the most accurate assessment of the active presence of Q fever. We also learned that a single test in isolation would not provide a complete picture of the risks associated with raising goats in an urban environment.

In further discussions with CSU, staff spoke with Drs. Kristy Pabilonia and Ragan Adams regarding the development of a study to assess Q fever in urban goats in a more systematic manner. Dr. Pabilonia conducted an initial literature review and found that published information related to Q fever was based on goat herds or goat farms, and that no studies had been conducted on raising goats in an urban environment. Dr. Pabilonia indicated that limited research funding was available to test licensed goats for Q fever to better develop a risk profile of Q fever occurrence in urban situations. The study would include the testing for antibodies and during kidding, so that a complete picture of the rates of Q fever in goats could be established.

Should Ordinance No. 097, 2013, be adopted on Second Reading to allow goats to be raised, this research study could be developed and implemented over the next two years and would provide Council with a more thorough and locally-based assessment of the risk of this disease within our community. Staff believes this is the best solution because it provides a systematic and scientifically-based assessment of the risk environment surrounding goats in an urban environment.

Council Follow-up

Ordinance No. 097, 2013, as adopted on First Reading, required a full review of the regulations two years after adoption. Councilmembers also suggested reporting back to Council at six month intervals to report on any neighborhood concerns or issues that had arisen during that timeframe. Staff is committed to providing written updates to Council every six months on the outcome of the regulations, with a full report planned for July 2015. Staff expects that initial findings from the CSU research study will be available by July 2015 and could guide the two-year follow up discussion.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 2, 2013 (w/o attachments)
2. Powerpoint presentation

DATE: July 2, 2013
STAFF: Laurie Kadrach
 Lindsay Ex

AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

26

SUBJECT

Items Relating to Urban Agriculture.

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EXECUTIVE SUMMARY

The purpose of this item is to better align the Land Use and City Code with City Plan by allowing urban agriculture land uses in all zone districts, expand the districts where farmers markets are allowed, and allow a broader range and number of animals to be raised in the City.

City Plan contains several principle and policy statements aimed at promoting local food production. 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 and number 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 duck hens to be raised, and (3) updating the beekeeping Ordinance to reflect current best practices.

BACKGROUND / DISCUSSION

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. 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. Throughout this year, representatives from the private sector, public sector, and academic sector are coming together to identify how we can implement 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 July 2 is the 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."

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

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

The first project objective is to 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.

Based on feedback from Council, a specific application requirement will be to provide more detailed information on the proposed manure management at the site (see **Attachment 3** for all submittal requirements).

Objective 2: Allows farmers markets to be permitted in additional zone districts

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 duck hens to be raised, and update the beekeeping standards

Staff proposes the following structure for scaling 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.

One discussion during the May 14 Council Work Session was whether male ducks (drakes) should be allowed to be raised within the City. While they do not pose the same level of noise concerns that roosters do, CSU experts and Larimer County Department of Health staff presented concerns related to handling ducklings and to the noise concerns that could still arise from allowing drakes. Though raising drakes with hens can be beneficial to the overall health of the animals, staff is recommending that drakes not be allowed within the City at this time.

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.

Note there are two separate licenses within this discussion:

1. Urban Agriculture License – this license will be managed by the Planning Department and will be for those land uses, e.g., community gardens, market gardens, etc. where the garden or farm is the principal use on the land. As discussed during the May 14, 2013 Work Session, the fee for the licenses will be waived for the first year to allow existing gardens and farms to comply with the proposed regulations.
2. Poultry License (currently the chicken license) – this license will be managed by the Larimer County Humane Society and will be for anyone wishing to obtain chicken hens and/or ducks hens in compliance with the proposed City Code regulations. The fee for this license is \$35.

Other Objectives and Next Steps:**Goats**

In discussions with the community, the public outreach process, and during the Council Work Session on May 14, significant support has been expressed for allowing miniature or pygmy goats to be raised within City limits. However, in May, staff met with representatives from the Larimer County Department of Health, CSU Extension, CanDo (the Coalition for Activity and Nutrition to Defeat Obesity), and Animal Control to obtain their feedback on the proposed code changes.

During this discussion, staff learned that there is a disease associated with goats (Q fever) that has the potential to affect residents beyond the individuals actually raising the goats. For example, Q fever is a wind-borne disease that has the potential to affect neighbors who did not choose to be impacted, and can be threatening to sensitive populations. Further, staff learned there is not a vaccine or reliable screening test for this disease.

In addition to Q fever, CSU experts also expressed concerns over the increasing number of cases of rabies in the Front Range. As such, they are concerned that increasing the types of animals allowed within the City could increase the number of rabies incidences, especially as there is not a vaccine labeled for goats in the United States. Staff should note that there is an "off label" vaccine that veterinarians can use in goats in general practice, but the lack of an approved vaccine for goats creates a situation where prevention of transmitting the disease between goats and humans cannot be guaranteed.

After the discussion, staff contacted other urban, municipal governments that allow goats, e.g., Denver (allowed since 2011) and Seattle (allowed since 2007). Staff spoke with health experts from those areas as well as representatives from the Center for Disease Control, CSU's Urban Agriculture Program, and numerous citizens. While all health representatives acknowledged the risks of Q fever, they acknowledged that no Q fever outbreaks have occurred in urban environments and the risk is low that an outbreak would occur in the City, should the City allow goats to be raised.

If the City were to move forward with allowing goats, CSU experts have recommended that potential goat owners be required to take a class in animal husbandry, care, and disease prevention and management. They also suggested an inspection of the goat facilities prior to issuing a license should be required.

Due to the low number of citizens who have requested an interest in raising goats, to staff's knowledge, the amount of resources required to coordinate these classes and conduct the inspections, and the potential health risks to the community, staff is not recommending that Council allow goats to be raised at this time.

Year-round Growing

During the public outreach process, 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. Staff is currently coordinating the required code changes to allow hoop houses and intends to bring these changes forward with the building code revisions this fall.

Water Quality

During the May 14 Council Work Session, staff was asked to assess if baseline sampling could be conducted to ensure that water quality does not degrade as a result of allowing urban agriculture within the City. Through discussions with Utilities, staff learned we would need to have a better understanding of the types of chemicals being used at the site before we could conduct this sampling. Staff has added questions related to the use, timing, and frequency of chemicals to the submittal checklist. If farmers or gardeners propose to use these chemicals, staff will have a better understanding of what chemicals will need to be tested. As these tests can prove expensive, staff can also provide these applicants with resources regarding alternative, organic treatments to minimize the use of these chemicals.

Implementation Report

As discussed during the Work Session, staff will provide an implementation report to Council in the summer of 2013 with at least the following information:

- Number of urban agriculture and poultry licenses issued;
- Average staff time to process a license;
- Whether a particular size of operation causes greater impacts than smaller operations;
- If any applicants proposed to use synthetic chemicals and if a change in water quality was able to be sampled for (and detected);
- If additional demand for goats has arisen and if the City should pursue allowing goats;
- If allowing drakes (male ducks) should be considered;
- Other key issues that have arisen during the licensing process; and
- Any suggested refinements to the urban agriculture regulations.

FINANCIAL / ECONOMIC IMPACTS

The economic impacts to the City of Fort Collins from producing more food locally have not been quantified. However, Boulder County conducted a study in 2012 and found that if 25% of foods were produced locally, the economic impacts of this 25% shift would provide 1,899 additional jobs, over 80 million dollars in wages, and almost 12 million dollars in additional business taxes would be generated in Boulder County alone (see <http://www.fcgov.com/developmentreview/pdf/ua-be-local.pdf> for the presentation by Hill Grimmett, former Executive Director of Be Local Northern Colorado).

In addition to the broader economic impacts, being able to produce your own food or obtain more food locally supports the City's goal of a more resilient local economy (Principle EH1).

ENVIRONMENTAL IMPACTS

Allowing urban agriculture to proliferate within City limits presents the opportunity to have numerous environmental impacts. These benefits include the potential for increased pollinator populations (biodiversity) and the psychological benefits of local food production and being more self-sufficient. In addition, the production of more food locally can reduce greenhouse gas (GHG) emissions by reducing the vehicle miles traveled by the food we consume. For these reasons, and many more, urban agriculture presents an opportunity for the City to provide for a local, resilient food economy.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board unanimously (5-0) recommended approval of the Land Use Code amendments related to urban agriculture during its March 21, 2013 meeting (**Attachment 4**).

The Economic Advisory Commission unanimously (9-0) recommended approval of the Land Use Code amendments during its April 17, 2013 meeting (**Attachment 5**).

The Natural Resources Advisory Board unanimously (7-0) recommended approval of the Land Use Code and City Code amendments related to urban agriculture during its May 15, 2013 meeting (**Attachments 6 and 7**).

Staff also met with the Landmark Preservation Commission (Aug 2012), the Fort Collins Housing Authority Development Committee (Aug 2012), the Parks and Recreation Advisory Board (Sept 2012), and the Senior Advisory Board (Sept 2012). All boards expressed general support for the changes.

PUBLIC OUTREACH

On July 2, 2012, the urban agriculture public engagement plan was submitted to Council. Extensive public outreach, including a project website, online survey (611 responses), public open house (95 attendees), 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). Staff also benchmarked existing City regulations with other similar communities, including Austin, Portland, Seattle, Steamboat Springs, Denver, and Wheat Ridge. The attachments related to these outreach efforts were provided to Council during its May 14, 2013 Work Session (available at the project website at <http://fcgov.com/urbanagriculture>).

ATTACHMENTS

1. Zone Districts where Urban Agriculture practices are currently allowed
2. Illustration of where Urban Agriculture practices are actually occurring
3. Submittal Requirements and Application Form for an Urban Agriculture License
4. Planning and Zoning Board – March 21, 2013 Meeting Minutes
5. Economic Advisory Commission – April 17, 2013 Meeting Minutes
6. Natural Resources Advisory Board – Memo from the Board Chair
7. Natural Resources Advisory Board – May 15, 2013 Meeting Minutes
8. City Council Work Session Summary, May 14, 2013
9. Powerpoint Presentation
10. Public Comment received since the May 14, 2013 Work Session (prior public comment provided to Council at the Work Session)



Urban Agriculture

City Council Hearing
Laurie Kadrich, Community Development and
Neighborhood Services Director
Lindsay Ex, Senior Environmental Planner
July 16, 2013

1



Council Consideration

- Second Reading of Ordinance No. 096, 2013 amending the City of Fort Collins Land Use Code to by the Addition of Provisions Pertaining to Urban Agriculture
- and-
- Second Reading of Ordinance No. 097, 2013 amending Chapter 4, Article II & III, of the Code of the City of Fort Collins related to the Care and Keeping of Animals

2



Project Goal

Ensure City regulations align with City Plan in relation to urban agriculture practices, both when and where appropriate.



Fossil Creek Community Gardens
(Photo: Courtney Livingston)

3



Updates Since First Reading

- Farm animals in the Urban Estate Zone District
 - Immediate concerns:
Staff will address by enforcing Chapter 20 of City Code
 - Long-term solutions:
Develop standards for farm animals in these zone districts



Roosters (Photo: onderer.com).

4



Updates Since First Reading

- Education and Training
 - Animal husbandry and disease prevention
 - Minimizing risks of Q fever exposure during kidding
- Addressing Q fever risks
 - Research Study with CSU
 - Goat license information available on FC Maps, annual renewal



Nigerian dwarf goats (Photo: dreamersfarm.com).

5



Updates Since First Reading

- Formalized reporting back to Council on the code changes:
 - Every six months, a memo will be provided
 - Formal evaluation two years after adoption



Volunteers at Lee Martinez Farm

6



Council Consideration

- Second Reading of Ordinance No. 096, 2013 amending the City of Fort Collins Land Use Code to by the Addition of Provisions Pertaining to Urban Agriculture

-and-

- Second Reading of Ordinance No. 097, 2013 amending Chapter 4, Article II & III, of the Code of the City of Fort Collins related to the Care and Keeping of Animals

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) 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.

...

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.

(b) 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.

(c) 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.

(b) 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.

(c) 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.

(b) 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.

(c) 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:

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 *farm animals shall not include* chicken hens, ducks or ~~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~~ *kept pursuant to* 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

ORDINANCE NO. 097, 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 also 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 found that, although there have been 153 permits issued for the keeping of chickens, there has only been the issuance of one 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 and an increased number of chickens 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

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 4-1 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition of “*Q fever*” which reads in its entirety as follows:

Q fever shall mean an acute, influenzalike disease caused by the rickettsia *Coxiella burnetii* that is transmissible to humans by contact with infected cattle, sheep, and goats.

~~Section 2.~~ 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) 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 and/or ducks (poultry) shall be permitted 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 Humane Society and have received such information or training pertaining to the keeping of poultry as said agency deems appropriate;

(2) The keeping of roosters or drakes (male ducks) is prohibited; only chicken or duck hens shall be permitted, and all references herein to poultry shall mean chicken or duck hens only.

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

a. On lots less than one-half (½) 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.

- (4) 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 poultry on the property;
- (5) Any person keeping poultry 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 poultry as said agency deems appropriate. Prior to the issuance of said permit, a site inspection shall be conducted by the Humane Society to verify compliance with the requirements of this subsection;
- (6) The poultry must be provided with a covered, predator-resistant poultry house that is properly ventilated, designed to be easily accessed, cleaned and maintained, and must consist of at least four (4) square feet per chicken hen or duck;
- (7) During daylight hours, the poultry must have access to the poultry house and also have access to an outdoor enclosure that is adequately fenced to protect them from predators;
- (8) The poultry must be further protected from predators by being closed in the poultry house from dusk to dawn;
- (9) Neither the 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 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;
- (10) The 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
- (11) The 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 23. 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 Dwarf or African Pygmy breeds of goats shall be permitted. No bucks or other breeds shall be 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, **including, but not limited to, training on animal husbandry, care, disease prevention and management, and methods to minimize the risks of exposure to Q fever during the goat birthing process.** Prior to the issuance of said permit, a site inspection shall be conducted by the Humane Society to verify compliance with the requirements of this subsection.

(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.

(9) Any person who owns or keeps goats over twelve (12) weeks of age shall have such goats vaccinated against rabies when the goats become twelve (12) weeks of age, and shall continue to have the goats vaccinated by a veterinarian at intervals recommended by the veterinarian.

Section 34. 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 hives with movable combs, which shall be kept in sound and usable condition.

Section 45. 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 sixty (60) days after the date it is acquired.

Section 6. After the passage of two years from the effective date of this Ordinance, the City Manager shall review the merits and impacts of this Ordinance and submit a written report regarding the same to the City Council.

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