



Planning & Development Services

November 9, 2011

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Re: Request for Comment-Urban Agriculture Ordinance Amendment

Dear Neighborhood Associations, Commenting Agencies, and other Interested Parties:

You are receiving this correspondence due to your role as a representative of a neighborhood association, position with a public agency, or interest/expertise in urban agriculture.

As you may be aware, the City of Boise has been working on a new ordinance to implement those elements of Blueprint Boise that encourage urban agriculture and local food production. The attached draft ordinance is the culmination of work completed by the Urban Agriculture Committee. It was drafted only after receiving substantial feedback on a set of preliminary recommendations presented to various parties earlier this year. The amendment includes an update to existing standards for the keeping of livestock and bees as well as new allowances for urban farms. Highlights of the ordinance include:

Livestock Ordinance

- No changes to current allowances for the keeping of larger animals.
- An increase in the number of poultry and rabbits allowed as pets.
- Reduced minimum parcel size for keeping poultry and rabbits as livestock.
- Simplified existing ordinance language.

Beekeeping Ordinance

- Removed the 12 colony maximum.
- Defined and created an allowance for nucleus colonies.
- Created an allowance for beekeeping on vacant properties.
- Simplified existing ordinance language.

Produce Stands

- Stands to be permitted annually, rather than current practice of six-months.

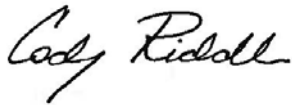
Urban Farms

- Establishes a definition and allowance for farms in all zoning districts.
- Creates a basic set of standards for all farms.
- Allows for the pick-up of produce during daylight hours.
- Requires a Certificate of Appropriateness in Historic Districts.
- Allows retail sales with administrative approval.
- Establishes additional standards for residential and open space zones.
- Allows standards to be exceeded with a conditional use permit.

The complete draft ordinance is attached for your review. If you would take the time to review the document and share any comments or concerns you might have, it would be greatly appreciated. Your input is extremely important, and will be used to finalize a draft for the public hearing process. The public hearing is tentatively planned for January of 2012. You will receive separate notice of the hearing once a specific date is established.

Comments and questions should be directed to Cody Riddle at (208) 384-3830 or criddle@cityofboise.org Comments on the draft ordinance should be submitted no later than 5:00 p.m. on December 9, 2011.

Sincerely,



Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services

URBAN AGRICULTURE ORDINANCE AMENDMENT

Section 11-01-03 DEFINITIONS

URBAN FARM:

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

Section 11-04-03 RESIDENTIAL DISTRICTS: (R-1A, R-1B, R-1C, R-1M, R-2 & R-3)

Section 11-04-03.05 Use Standards

Table 1 sets forth the requirements for specific uses in each residential district. The "A" designation indicates the use is allowed in that district subject to any overlay district(s) such as the "D" (Design Review) district. The "AA" designation is for that class of uses that are allowed subject to administrative review of approval criteria and the "CC" designation is for those uses that require a commission level conditional use application. A "P" designation means the use is prohibited in that district. The requirements for any use not listed on Table 1 shall be determined by the Planning Director in accordance with Section 11-02-02.1.

TABLE 1 RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C, R-1M, R-2 & R-3) Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)						
<u>USE</u>	R-1A	R-1B	R-1C	R-1M	R-2	R-3
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A	A

11-04-05.04 Use Standards

TABLE 2.1 NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O) AND RESIDENTIAL-OFFICE (R-O) DISTRICTS Allowed (A), Conditional (CC), Admin. Approval (AA) and Prohibited (P) Uses			
<u>USE</u>	<u>N-O</u>	<u>L-O</u>	<u>R-O</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A

11-04-06.09 Use Standards

TABLE 3 COMMERCIAL (C-1, C-2, C-3, C-4 & C-5) DISTRICTS Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)					
<u>USE</u>	C-1	C-2	C-3	C-4	C-5
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-07.02 Use Standards

TABLE 5 HEALTH SERVICE DISTRICT (H-S) Allowed, Conditional and Prohibited Uses	
<u>USE</u>	<u>DISTRICT</u>
Urban Farm (Subject to Section 11-09-12)	A

Section 11-04-08.06 Industrial Districts Use Standards

TABLE 7 INDUSTRIAL DISTRICTS (M-1, M-2, M-4, T-1 & T-2) Allowed, Conditional and Prohibited Uses					
<u>USE</u>	<u>M-1</u>	<u>M-2</u>	<u>M-4</u>	<u>T-1</u>	<u>T-2</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-09 REGULATIONS FOR OPEN LAND; A-1 AND A-2 DISTRICTS

TABLE 9 OPEN LAND A-1 and A-2 DISTRICTS Allowed, Conditional and Prohibited Uses		
<u>USE</u>	A-1 District	A-2 District
Urban Farm (Subject to Section 11-09-12)	A	A

Section 11-04-11 UNIVERSITY: "U" DISTRICT

All other uses shall be allowed as follows:	
Urban Farm (Subject to Section 11-09-12)	A

Section 11-05-01.4 Temporary Uses

A zoning certificate is required for certain temporary uses, including but not limited to buildings, display and sale of merchandise, model homes, trailers, uses incidental to construction and seasonal uses such as fireworks stands, Christmas tree lots, and produce stands. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare, including cleaning the property upon termination of the use.

1. With the exception of produce stands, which may be approved annually, the term of the permit shall not exceed 180 days.
2. Setbacks and clear vision triangles shall be observed and the temporary use shall not interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property.
3. The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.
4. Seasonal uses require approval from the City Clerk's office.

Section 11-09-09 KEEPING OF LIVESTOCK ACCESSORY TO RESIDENTIAL USE

Section 11-09-09.01 Purpose

To define livestock and pets and establish standards for their keeping and care; that will maintain neighborhood compatibility and protect the health, safety, and welfare of the general public.

Section 11-09-09.02 Livestock

Livestock are animals kept outside the home in enclosures such as pens, barns or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.

Section 11-09-09.03 Pet

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of pets must comply with the performance standards in Section 11-09-09.07F.

Section 11-09-09.04 Commercial Livestock Uses

The keeping of livestock for sale or the sale of livestock products (such as milk) requires compliance with the standards in this ordinance and a conditional use permit.

Section 11-09-09.05 Animal Unit

An animal unit is:

One – horse, mule, cow, llama;

Four – sheep, goats, or swine;

Six – geese;

Ten – rabbits; or,

Twelve – chickens, ducks.

The Planning Director may determine a unit number for animals not listed.

Section 11-09-09.06 Livestock as Legal Nonconforming Uses

Nonconforming status shall be in accordance with 11-09-03. Nonconforming status shall be lost if the livestock are absent from the property for a continuous period of two years.

Section 11-09-09.07 Standards for the Keeping of Livestock

- A. A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.
- B. With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.
- C. Livestock shall be kept within fences, corrals, barns, pens, etc.
- D. Livestock enclosures must comply with setback requirements.
- E. The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. (See exceptions listed in 'H' below.) Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.
- F. Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.
- G. It shall be unlawful to keep any animal listed in 6-07-06 under the auspices of this section.
- H. Exceptions to Minimum Area

The following are exceptions to the minimum area standards.

1. Livestock may be kept on less than one acre when allowed by subdivision covenants or duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this ordinance shall apply.
2. Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.
3. Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

Section 11-09-11 Apiaries; Bees

11-09-11.01 PURPOSE

To ensure sound beekeeping practices and thereby avoid problems that might be associated with the keeping of bees in an urban setting.

11-09-11.02 DEFINITIONS

Apiary:

A place where bee colonies are kept.

Bee:

Any stage of the life cycle of the common domestic honey bee.

Colony:

Bees in any hive including queens, workers and drones.

Hive:

A structure intended for the housing of a bee colony.

Nucleus Colony:

A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

11-09-11.03 ALLOWED BEEKEEPING

Beekeeping is allowed in the A-1, A-2, R-1A, R-1B and R-1C zones including at urban farms. The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and other noxious insects is prohibited.

11-09-11.04 BEEKEEPING STANDARDS

- A. Density of Hives & Colonies: There is no minimum parcel size for beekeeping. However, the maximum density is 3 colonies per 1/4 acre. Higher densities may be permitted by conditional use permit.
- B. Nucleus Colonies: For every two colonies authorized above, one additional nucleus colony is allowed.
- C. Hives: Colonies shall be kept in hives with removable frames.
- D. Flyway Barriers: For colonies located within 25 feet of a property boundary, a flyway barrier at least six feet in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet beyond the apiary in each direction is required.

- E. Setbacks and Placement: Hives shall be located at least 20 feet from front property lines and 3 feet from other property lines. The back of the hive shall be oriented to adjoining properties.
- F. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.
- G. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.
- H. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.
- I. Compliance with State Statutes: Beekeeping shall comply with all applicable state laws.
- J. Contact Information: Contact information for a responsible party shall be posted at apiaries on vacant property.

Section 11-09-12 URBAN FARMS

- A. There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.
- B. Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.
- C. The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours.
- D. Plantings shall not obstruct any clear vision triangle as defined by Boise City or the Ada County Highway District.
- E. Drip irrigation and other methods to conserve water are encouraged.
- F. Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.

- G. On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6' in height or 32 square feet in background area.
- H. No overhead lighting is allowed.
- I. Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.
- J. The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.
- K. Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:
 - 1. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25% of total product on display.
 - 2. Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.
 - 3. Installation of new overhead lighting is prohibited.
 - 4. Applications shall include signatures of residents of adjacent properties, including those across streets and alleys, indicating they have been notified of the intent to conduct retail sales. The list shall include the address of any residents unwilling to sign.
 - 5. In Residential and Open Space zones:
 - a) The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
 - b) Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
 - c) Installation of new on-site parking to support retail sales is prohibited.
 - 6. A decision to approve or deny will be made within 15 days of receipt of a complete application. If approved, notice will be sent informing owners and residents within three-hundred feet of the decision and their right to appeal.
 - 7. Conditions may be imposed to protect adjacent properties from adverse impacts.
 - 8. These standards may be exceeded with approval of a Conditional Use Permit.