

CITY PLANNING COMMISSION AGENDA

STAFF: MORGAN HESTER
BEN BOLINGER

FILE NO:
CODE-23-0001 – LEGISLATIVE

PROJECT: URBAN AGRICULTURE (GOATS)

An ordinance amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats)

APPLICANT: CITY OF COLORADO SPRINGS - PLANNING AND DEVELOPMENT

PROJECT SUMMARY:

Code Change Description: The proposed ordinance amends the Unified Development Code (UDC) of the City of Colorado Springs to define regulations for structures related to urban agriculture for the housing of animals, including goats (see **ATTACHMENT 1**). Amendments to Chapter 6 Neighborhood Vitality/Community Health are also being proposed to provide clarity in quantity limitations and public health restrictions. Proposed language can be found in **ATTACHMENT 2**, but the Planning Commission will not include a recommendation vote as Chapter 6 is not within their purview.

A more detailed summary of the language is found in the following sections of this report. The full language of the proposed ordinance amendments is attached.

BACKGROUND

At the October 25, 2022, and November 22, 2022, meetings, the City Council discussed a moratorium on the enforcement of goats, specific to the keeping of more than two (2) per household. The moratorium was a result of a Code Enforcement (Neighborhood Services) case regarding a resident who was housing more than the permitted number of goats on their property. The complainant was someone from outside of the local area and the Council was not aware of any complaints from neighbors.

The original ordinance in Chapter 6 has been in place since 2014 and the intent of the moratorium was to allow adequate time for clarification purposes in amending existing regulations. This moratorium would not impact the number of permitted pets which is codified in Chapter 6 as being no more than four (4).

In addition, regulations specific to the housing of goats (hereby known to be specific to dwarf or pygmy goats) in the Unified Development Code. Language addressing the location and size of structures has been drafted and will amend 'urban agriculture' permissions.

October 25, 2022, City Council Meeting Discussion

The six (6) month (revised to five (5) month) moratorium was presented to the Council and discussion amongst Council focused primarily on concerns about health and safety, specifically regarding the inclusion of requiring adjacent landowners' objection if a neighbor was seeking to house dwarf or pygmy goats. The City Attorney advised against including language requiring neighbor approval for the following reasons –

- It is essentially adopting motivations of adjacent landowners; and
- The root of this concern focuses on health and safety which is already codified in Subsection 6.7.106 ‘Animals Kept on Premises; Sanitary Requirements’. As such, similar language has not been drafted in the proposed amendment (**ATTACHMENT 1**).

With a 9-0 vote, the five (5) month moratorium was passed by the City Council. The established expiration date is March 25, 2023.

November 22, 2022, City Council Meeting Discussion

Discussion at the November 22 meeting was focused on the Mayor’s veto of the moratorium because of the following –

- Goat hygiene and concerns with public nuisances; and
- The discussion comes from residents who are in direct violation of the law (City code Subsection 6.7.106(G)).

The veto statement can be found in **ATTACHMENT 3**.

Four residents spoke in support of overriding the Mayor’s veto. Reasoning included support for providing time to draft language that will provide better clarity on limitations in Code.

Council ultimately voted 7-1 to disapprove the veto and establish the five (5) month moratorium on the enforcement of certain public health code violations related to keeping more than two (2) hoofed pets per household.

Colorado Jurisdiction Regulations

From a zoning perspective, regulations pertaining to the housing structure including size and distance separations will be captured in the UDC. Planning Staff researched regulations in Colorado jurisdictions to learn what was “best practice”. Based on that research, the following information was gathered from the 21 jurisdictions that provided responses –

CO Jurisdiction	Goats Allowed	Permit Required	Housing Structure Separations*
Arvada	Yes	Yes	35’ (DU), 15’ (PL)
Boulder	Large lot only	No	
Broomfield	Large lot only	No	
Castle Rock	Yes		15’ (PL), rear 50%
Centennial	Ag only	No	
Denver	Yes	Yes – Planning	Rear 50%, 130 sf permeable
Durango	No	N/A	N/A
Fort Collins	Yes	Yes – Animal Services/Humane Society	15’ (PL), rear 50%
Fountain	Ag only	No	
Golden	Yes	Yes – Planning	10’ (PL), 1,000 sf min
Grand Junction	Large lot only	No	100’ (DU), 20’ (PL)
Lakewood	Yes	Yes – Planning	10 sf/goat, max 90 sf
Lone Tree	No	N/A	N/A

Longmont	Ag only	Yes – Planning (full plan, not permit)	
Loveland	Yes	Yes – Animal Services/Humane Society	15' (PL), rear 50%, 300 sf min
Manitou Springs	Work only	Work goats	
Monument	Ag only	Yes – Planning	
Parker	Large lot only	No	<10% of lot, 100' (PL)
Pueblo	No	N/A	N/A
Thornton	Yes	Yes – Planning (pilot program)	50 sf min/120 sf max, 300 sf permeable available
Wheat Ridge	Yes	Yes – Animal Services/Humane Society	130 sf permeable

*PL = Property Line, DU = Dwelling Unit

As these regulations are specific to urban agriculture, a newly permitted use through the RetoolCOS project, proposed language has been drafted as an amendment to what was included as it was specific to horticulture and did not include anything related to animals. The proposed language would amend the UDC Subsection 73.303A.3 'Urban Agriculture' –

2) Animals

- a. Dwarf or Pygmy Goats. Up to four (4) dwarf or pygmy goats may be kept on a property. If three (3) or more dwarf or pygmy goats are kept on the same property, a housing structure that meets the following standards shall be required:
 - i. The housing structure shall be located within the rear fifty percent (50%) of the lot.
 - ii. The housing structure shall be at least twenty (20) feet from any abutting property line and any primary residential structure.
 - iii. Each goat shall have access to at least one-hundred and thirty (130) square feet of permeable area in the rear fifty (50) percent of the lot).
- b. Fowl.
 - i. Standards for coops and other accessory structures shall comply with Subsection 7.3.304A.

A new definition for 'Dwarf or Pygmy Goat' and a revision to 'Urban Agriculture' has also been included, which will amend UDC Article 7.6.301 Definitions. Proposed language is as follows –

Dwarf or Pygmy Goat

Any goat weighing less than one hundred (100) pounds at maturity.

Urban Agriculture

The use of a parcel of land not exceeding five (5) acres in size for the cultivation of food and horticultural crops, composting, aquaponics, aquaculture, hydroponics, and animals limited to Fowl, Ducks, and Dwarf or Pygmy Goats. This use may include the production or

sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations but does not include cultivation of marijuana.

Full redlines for proposed changes can be found in **ATTACHMENT 2**.

Stakeholder Process

Council Staff has been in communication with the interested parties.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

Established policies and strategies in PlanCOS support the inclusion of additional standards in the 'urban agriculture' use category including –

- **Policy RC-4.C:** Support options for healthy and locally produced food.
 - **Strategy RC-4.C-1:** Support zoning that increases access to local food and supports urban agriculture.

Summary of Ordinance

The proposed ordinance is attached as **ATTACHMENT 1**. The amendment specific to housing structures as it pertains to urban agriculture, will be incorporated into the Unified Development Code of the City of Colorado Springs Subsection 7.3.303A.2 'Urban Agriculture' and Section 7.6.301 'Definitions'.

STAFF RECOMMENDATION:

CODE-23-0001 - CODE AMENDMENT

Recommend to the City Council adoption of an ordinance amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats)