



Legislation Text

File #: CODE-23-0001, **Version:** 2

Ordinance No. 23-09 amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats)

Presenter:

Morgan Hester, Planning Supervisor
Ben Bolinger, City Attorney

Summary:

Presentation for discussion and vote on the proposed amendment to the Unified Development Code (UDC) to define regulations for structures related to urban agriculture for the housing of animals, including goats.

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.

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". Findings from the 21 jurisdictions that provided responses is available in ATTACHMENT 2.

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. The housing structure shall provide adequate shelter for the Hoofed Pets.
- iv. 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.

In collaboration with the Humane Society, “adequate shelter” for the Hoofed Pets was considered to be acceptable as that space is defined by the State; therefore, in the event of a concern or violation, they would be able to ensure safety of the animal(s).

A new definition for ‘Hoofed Pet’ and a revision to ‘Urban Agriculture’ has also been included, which will amend UDC Article 7.6.301 Definitions. It should be noted that the definition of ‘Hoofed Pet’ is being carried forward from Chapter 6 to prevent confusion. The definition will capture dwarf or pygmy goats. Both are outlined below and can be found in the full -

‘Hoofed Pets

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 3 (UDC Amendment) and ATTACHMENT 4 (Chapter 6 Amendment).

Previous Council Action:

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.

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

Dialogue 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 1.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

The Planning Commission voted unanimously to recommend approval (9-0) at the February 8, 2023 hearing.

Stakeholder Process:

City Council Staff has been in communication with interested parties, including the individual who was cited.

The Humane Society has coordinated with City Staff who have drafted this language (City Attorney's Office and Planning Staff) to ensure no harm will unintentionally be done to the animals.

Alternatives:

The Council may make changes to the proposed draft ordinances as deemed necessary.

Refer the changes to the City Planning Commission for additional vetting and recommendation.

Approve the proposed draft ordinance as presented.

Proposed Motion:

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

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'.