

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 1503 (HOME OCCUPATION PERMIT STANDARDS AND CRITERIA) OF PART 15 (HOME OCCUPATIONS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, RELATING TO THE PRODUCTION AND SALES OF PLANTS, FRUITS, VEGETABLES AND COTTAGE FOODS

WHEREAS, the State of Colorado adopted the Colorado Cottage Food Act, as amended by Senate Bill 16-058, approved by Governor John W. Hickenlooper on May 4, 2016, codified in Colorado Revised Statutes § 25-4-1614, to facilitate the production and sales of cottage foods with the state; and

WHEREAS, pursuant to Ordinance No. 15-22, the City Council of Colorado Springs, Colorado (the "City Council"), established the Food Policy Advisory Board; and

WHEREAS, the purpose of the Food Policy Advisory Board is to advise City Council "on matters, policies, programs, operations, and land use regulations affecting local food issues" and to "work in an advisory capacity for the improvement of the local food system and to transform it into an equitable and sustainable system"; and

WHEREAS, the Food Policy Advisory Board, by letter from its Chairperson, dated May 9, 2016, has recommended changes to the City Code related to home occupation policies and standards to facilitate the production of cottage foods and sales through temporary stands; and

WHEREAS, the home occupation use, as permitted under this ordinance, does not supersede private covenants or restrictions that may otherwise limit such use, pursuant to City Code § 7.2.103; and

WHEREAS, pursuant to City Code § 7.5.605(B), on August 18, 2016, the City Planning Commission made a favorable recommendation to the amendments of the Zoning Code as set forth in this ordinance; and

WHEREAS, the adoption of this ordinance will facilitate and encourage the production and sale of plants, fruits, vegetables, and cottage foods within Colorado Springs, which supports a safe local food system and its sustainability.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. This ordinance shall not affect the operation of City Code § 7.2.103, which provides that private covenants and restrictions may otherwise limit the home occupation uses authorized herein.

Section 2. Section 1503 (Home Occupation Permit Standards and Criteria) of Part 15 (Home Occupations) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, shall be shall be amended, as follows:

7.5.1503: HOME OCCUPATION PERMIT STANDARDS AND CRITERIA:

* * *

C. Signs: No sign may be used other than a sign identifying the home occupation, of which sign shall not be over two (2) square feet in area and must be attached to the dwelling. There shall be no illumination of the sign. **Provided, however, that an unilluminated placard, sign, or card, not over two (2) square feet in area, in compliance with C.R.S. 25-4-1614(3)(c), may be displayed at the point of sale for any cottage foods as permitted in subsection M of this section.**

D. Conduct Location Limitations: The home occupation shall be conducted only within an enclosed accessory structure, attached or detached garage, or dwelling, excluding porches, except that plants may be grown anywhere on the premises, **and also excepting that the production and sale of raw, uncut, fresh produce and cottage foods may occur as permitted in subsection M of this section.** The location of the conduct of the home occupation shall be limited to such location designated on the home occupation application.

E. Area Limitations: The total area used for a home occupation shall not exceed an area equivalent to one-half (1/2) the total first floor area of the user's dwelling, excluding porches. **For cottage food production and sales under subsection M of this section, both the production and sales areas together cannot exceed this section.**

* * *

G. Outside Storage: No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation or tangible personal property manufactured, or plants grown as a result of the home occupation and removed from the soil shall be allowed on porches or outside of the enclosed location designated on the home occupation application, **except as permitted in subsection M of this section.**

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M. Raw, Uncut Produce and Cottage Food Sales: A home occupation permit may be issued for the production and sale of raw, uncut produce and cottage foods under the following criteria:

1. Raw, uncut, fresh produce, for purposes of this subsection, shall only include produce grown on the premises, and sales shall occur only in the location designated on the home application occupation permit from a temporary stand under this subsection.
2. Cottage foods, for purposes of this subsection, are foods provided for sale directly to “informed end user” consumers as set forth in C.R.S. § 25-4-1614(2)(b). Production and sales of cottage foods on the premises shall occur only in the location designated on the home application occupation permit or from a temporary stand under this subsection.
3. Display and sales of raw, uncut fresh produce and cottage foods from a temporary stand are permitted from April through November with an approved home occupation permit.
4. Such display and sales from a temporary stand may occur only from 8 a.m. to dusk.
5. A temporary stand may not be larger than 120 square feet, and any stand structure and inventory must be removed and stored indoors during non-sale months and hours.
6. Permit details must include the location and placement of any temporary stand to insure that it does not pose a traffic sight visibility risk; moreover, temporary stands may not be located within any public right of way.
7. Only residents of the dwelling may engage in sales activity.

~~A.N.~~ * * *

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Section 3. This ordinance shall be in full force and effect after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____ 2016.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk