

### City of Fayetteville Item Review Form

2014-0032

Legistar File Number

02/18/14

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Peter Nierengarten

Submitted By

Sustainability & Resilience

Department

#### Action Required:

Staff recommends approval of ADM 13-4331 to amend Unified Development Code Chapters 151, 162, 163 and 164 to create greater citizen access to Onsite Produce Sales and Urban Agriculture.

Does this item have a cost?  No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
<u>ADM 13-4331</u>	<u>\$0.00</u>	
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # 60-13

Original Contract Number: \_\_\_\_\_

Comments:

ENTERED  
1-27-14  
PK

*[Signature]* 1-27-14  
01-24-14 11:15 RCVD *[Signature]*

*Paul a. Babin*  
*Don Man*  
*[Signature]*

This ordinance was left on the 1<sup>st</sup> reading at the 2/18/14 City Council Meeting.

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Lioneld Jordan and City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Peter Nierengarten, Sustainability & Strategic Planning Director

**From:** Peter Nierengarten, Sustainability & Resilience Director *PN*

**Date:** January 17, 2014

**Subject:** ADM 13-4331 Urban Agriculture Code Amendments

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### RECOMMENDATION

Staff recommends approval of ADM 13-4331 to amend Unified Development Code Chapters 151, 162, 163 and 164 to create greater citizen access to Onsite Produce Sales and Urban Agriculture.

### BACKGROUND

Fayetteville has seen a growing interest in local food and food security issues over the last several years. The national organization concerned about access to healthful foods, Feeding America has determined that 15% of Washington County's residents are food insecure. According to the Arkansas Department of Human Services, Washington County also has the second highest SNAP (food stamp) enrollment rate in Arkansas. These statistics, combined with an interest in preserving and celebrating local food culture have given rise to the formation of a number of local food related non-profits, as well as the increased support and popularity of local food entities, such as the Fayetteville Farmers' Market.

In response to these pressing issues, Feed Fayetteville a local non-profit dedicated to community food security, solicited a community food survey in October 2012 which included questions asking how to improve Fayetteville's community food system, urban agriculture, and access to fresh food. In a second survey, the Fayetteville Forward Local Foods group ranked these priorities, with the top three being:

- 1) Review the Unified Development Code (UDC) and recommend changes that would ease/increase citizens' ability to produce food;
- 2) Explore the possibilities for expanded opportunities to sell food onsite where grown; and
- 3) Review of the Animals and Fowl ordinance for possible increases in the type and number of animals permitted.

In March 2013, the City Council requested that staff assemble a group of stakeholders to review these priorities and recommend amendments to the Unified Development Code that would allow residents to raise more farm animals and sell more crops and animal products on non-agriculturally zoned lands in order to provide greater food security for Fayetteville residents. Staff met with a group of urban farmers, agricultural law experts, farmer's market representatives, and food security professionals to review Fayetteville's Unified Development Code food related policies, as well as other cities' policies, and has proposed revisions to the UDC based on their research and discussions. These recommendations fall into two categories: on-site sales and animals.

#### ***Onsite Sales:***

Stakeholders and survey respondents expressed the desire to create more and easier ways to sell and purchase local produce and homemade food products onsite at a small and medium scale. Staff is addressing these needs by proposing changes to:

- Chapter 164.10: Garage Sales - Adding agricultural and produce sales as an allowed use;
- Chapter 162:01 Use Units - Including the sales of home produced agricultural products as an allowable home occupation. This use unit is a conditional use in all residential zoning districts; and
- Chapter 163.08: Home Occupation Use Conditions - Allow sales to take place in accessory structures and regulate signage in residential zoning districts.

***Animals:***

During discussions about increases in the type and number of animals permitted within the City, stakeholders felt strongly that larger properties that could sustain more animals should be allowed to have a larger number of animals. Therefore, recommendations for greater numbers of fowl, bees and goats are all based on increasing lot sizes, meaning that as lots get larger, more animals are allowed. Staff and stakeholders spent considerable time reviewing ordinances related to farm animals in many other cities and feel that the proposed ordinance changes provide reasonable allowances for numbers of animals while still providing protection for the peace and tranquility of Fayetteville neighborhoods. The proposed ordinance changes include property line and residence setbacks and require that all animals be kept in a neat and sanitary condition. The proposed ordinance changes also include registration requirements for bees and goats.

Many newer subdivisions in Fayetteville have covenants that prohibit animals other than dogs and cats. The proposed ordinance changes do not overrule or supersede any subdivision covenants.

Staff has attached the following background information for this project:

- A summary of the proposed code changes
- A clean revised copy of the proposed code language
- A copy of the existing code language with the proposed changes shown in highlight and strikeout
- Peer cities animals allowance comparison
- City Council Resolution and agenda packet from March 19, 2013

**DISCUSSION**

On December 9, 2013 the Planning Commission discussed changes to the above referenced UDC Chapters. After a 4 – 4 vote on the proposed changes, the Commission voted to table discussion to the January 13, 2014 Planning Commission Meeting. Based on comments received during the December 9<sup>th</sup> meeting and subsequent conversations with Commissioners, the following changes were included in the revised ordinance:

- Requirement for manure disposal in Section 164.B8 and 164.D9
- Clarification on the requirement for signage for beehives in Section 164.C6
- Restriction of goats to the back and side yard in Section 164.D8

At their January 13, 2014 meeting, the Planning Commission voted 7 – 0 in favor of forwarding the revised ordinance changes to the City Council.

Additionally, the proposed increase in allowed numbers of fowl and goats may require small changes to City Code Chapters 92.23 and 92.24 to all for the impoundment and redemption of livestock by the Animal Services Program.

**BUDGET IMPACT**

The proposed increase in allowed numbers of fowl and goats could potentially increase the animal transport and containment needs of the Fayetteville Animal Service Program in the future. A current estimate of \$22,000 would allow for the purchase of a livestock transport trailer and construction of a livestock containment area at the Fayetteville Animal Shelter. The livestock trailer and containment area would also help address pre-existing needs that Animal Service currently has in dealing with at-large livestock in Fayetteville. This capital improvement has not been identified as a high priority due to relatively low call numbers related to livestock transport, but may have to be revisited if there is impact to the program from the proposed ordinance such that the improvements are deemed necessary.

**SUMMARY**

Below is a summary of the Proposed Urban Agriculture Changes for Unified Development Code:

Chapter 164.10: Garage Sales (Exhibit A)

- Amended to Add Agricultural & Produce Sales
- Allows home sales of agricultural products 4 times per year (duration not to exceed 3 days) by right

Chapter 162: Use Units (Exhibit B)

- Amend Use Unit 24 – Home Occupations
- Includes Sales of Home Produced Ag Products as an allowable Home Occupation
- *Home Occupations are already a Conditional Uses in all Residential Zoning Districts*

Chapter 163.08: Home Occupation - Use Conditions (Exhibit C)

- Allow sales to take place in accessory structures (garage, barn, ADU, etc.)
- Allow signage in residential zoning districts

Chapter 164.04: Animals and Fowl (Exhibit D)

- Rename to *Urban Agriculture (Fowl, Bees & Goats)*

**FOWL**

- Defines allowed Fowl as Female Chicken and Ducks. **NO ROOSTERS!**
- Fowl allowed on single family residential (no change) and educational properties
- 4 fowl allowed on any lot (no change)
- For lots larger than 5000 sq ft, 1 additional fowl is permitted for each 1250 sq ft of lot area up to a maximum of 20 fowl
- Each fowl requires a minimum of 3 sq ft of coop space and access to outside
- Coops must be kept 25 feet from a neighboring residence (no change)
- Coops must be kept in side or back yard (no change)
- Coops must be kept in a sanitary condition (no change) and manure must be properly stored or disposed of

Fowl Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft <sup>2</sup> lot)	4	6
10,900 ft <sup>2</sup> lot (~1/4 acre)	4	8
14,500 ft <sup>2</sup> lot (~1/3 acre)	4	11
21,800 ft <sup>2</sup> lot (~1/2 acre)	4	17
25,000 ft <sup>2</sup> lot and larger	4	20

**BEES**

- Bees allowed on single family residential and educational properties
- 2 hives allowed on any lot
- For lots larger than 5000 sq ft, 1 additional hive is permitted for each 2500 sq ft of lot area up to a maximum of 4 hives
- Hives not closer than 20 ft to property line (if fenced)
- Hives not closer than 100 ft to property line (without a fence)
- Hives must be kept in side or back yard
- Beekeeper must provide fresh water
- Beekeeper must obey by all Arkansas Apiary Laws
- Hive ownership details must be displayed with hive
- No Africanized bees
- Bees that create a public hazard must be removed or re-queened

Bee Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft <sup>2</sup> lot)	0	3
10,900 ft <sup>2</sup> lot (~1/4 acre)	0	4
14,500 ft <sup>2</sup> lot (~1/3 acre)	0	4
21,800 ft <sup>2</sup> lot (~1/2 acre)	0	4

**GOATS**

- Only female dwarf or pygmy goats allowed (85lb and 22.5” tall max.) **NO BUCKS!**
- Goats have RFID microchips
- Goats allowed on single family residential and educational properties
- Goats only allowed on lots 10,000 sq ft and larger (2 goats allowed)
- Lots 15,000 sq ft and larger are allowed up to a maximum of 3 goats
- Each goat requires minimum of 200 sq ft of secure fenced yard
- Stable or shelter is not allowed closer than 50 ft to a neighboring residence
- Stable or shelter and fenced yard must be kept in side or back yard
- Yard must be kept in a sanitary condition and manure must be properly stored or disposed of

Goat Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft <sup>2</sup> lot)	0	0
10,900 ft <sup>2</sup> lot (~1/4 acre)	0	2
14,500 ft <sup>2</sup> lot (~1/3 acre)	0	2
21,800 ft <sup>2</sup> lot (~1/2 acre)	0	3

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND § 164.10 **GARAGE AND/OR AGRICULTURAL AND PRODUCE SALES**; § 161.10 (X) *UNIT 24. HOME OCCUPATION*; § 163.08 **HOME OCCUPATIONS** AND § 164.04 **URBAN AGRICULTURE (FOWL, BEES, AND GOATS)** OF THE UNIFIED DEVELOPMENT CODE

**WHEREAS**, the City Council wishes to permit owners of property in single family residential and educational zoned districts to keep and sell ducks, female chickens, bees and certain goats under certain conditions to promote urban agriculture and access to locally grown food.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.01 **Garage Sales** and enacts a new § 164.01 **Garage and/or Agricultural and Produce Sales** as shown on Exhibit "A" attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 162.01 (X) *Unit 24. Home occupation* and enacts a replacement § 162.01 (X) *Unit 24. Home occupation* as shown on Exhibit "B" attached hereto.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 163.08 **Home Occupations** by repealing it in its entirety and enacting a replacement § 163.08 **Home Occupations** as shown on Exhibit "C".

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.04 **Animals and Fowl** and enacts a replacement § 164.04 **Urban Agriculture (Fowl, Bees and Goats)** as shown on Exhibit "D".

**Ordinance No.**  
**Page 2**

**PASSED** and **APPROVED** this 4<sup>th</sup> day of February, 2014.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

## Exhibit "A"

### Amend Chapter 164:10

#### **164.10 Garage and/or Agricultural & Produce Sales**

Garage and/or agricultural & produce sales are permitted in any zoning district subject to the following conditions:

- (A) *Frequency.* Garage and/or agricultural & produce sales shall not locate in one (1) location more than four (4) times per year.
- (B) *Term.* Garage and/or agricultural & produce sales may be held for a duration not to exceed three (3) consecutive days.
- (C) *Signs.* One on-site and three off-site temporary signs are allowed to be posted, however, posting may not occur more than two (2) days before the sale begins. Signs are not to be located on public rights-of-way. Each sign shall not exceed 4.5 square feet in area. The off-site signs shall include address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.



Exhibit "B"

Amend Ch. 162

(X) Unit 24. Home occupation.

(1) *Description.* Unit 24 consists of businesses for which financial compensation is received, conducted on a residential property, and which generates motor vehicle traffic to the residential property. Only those residing on the property may be employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
Sales of - home produced agriculture products:	Produce Eggs Honey or beeswax products Jams or jellies Milk and milk products Other products that may be home grown or home made on this property

## Exhibit "C"

### Amend Ch. 163.08

#### **163.08 Home Occupations**

In any zoning district where home occupations are permitted by right or conditional use, said home occupations shall not occupy more than 30% of the gross floor area of one floor of the primary dwelling unit, nor more than 300 square feet of the gross floor area, whichever is greater. For Building Regulations purposes, any non-residential use that exceeds 30% of the gross floor area of one floor of the primary dwelling unit or more than 300 square feet of the gross floor area of the structure shall meet all applicable building and Unified Development Code regulations and shall not be considered a home occupation. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use only. Home occupations that require a conditional use permit shall be subject to the following regulations:

- (A) *Exterior alterations.* No exterior alterations of the structure may be made which are of a nonresidential nature.
- (B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area. No freestanding signs shall be permitted for home occupations in any zone.
- (C) *Employees.* No person may be employed other than a member of the immediate family residing on the premises.
- (D) *Mechanical equipment.* No mechanical equipment may be used which creates a disturbance such as noise, dust, odor, or electrical disturbance.
- (E) *Parking.* No parking spaces other than normal residential parking spaces shall be permitted.
- (F) *Additional regulations.* Home occupations in an RSF District shall be subject to the following additional regulations:
  - (1) *Term.* No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.
  - (2) *Hours.* No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.
  - (3) *Traffic.* No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.

Exhibit "D"

Amend Ch. 164.04 Animals and Fowl Supplementary District Regulations

**164.04 Urban Agriculture (Fowl, Bees & Goats)**

(A) General Provisions

- (1) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.
- (2) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows, bees and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.
- (3) *Separation of use.* Unless otherwise stated herein, the following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

<b>25 FEET</b>
Chicken Coop in Residential districts (from residential dwelling on adjacent lot)

<b>50 FEET</b>
Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

<b>100 FEET</b>
Animal hospital: serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits and poultry

<b>200 FEET</b>
Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

- (4) This section shall not supersede or invalidate any sections within Fayetteville City Code, Chapter 92 – Animals. Chapter 92 shall take precedence over any conflicting provisions of this section.
- (B) *Fowl.* It shall be lawful to keep fowl within the corporate limits of the city under the following terms and conditions:
  - (1) Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.
  - (2) The principal use of the property shall be educational or single family residential.
  - (3) A maximum of four (4) fowl shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional fowl shall be allowed for every additional one thousand two hundred and fifty (1,250) square feet, up to a maximum number of twenty (20) fowl.
  - (4) There shall be no outside slaughtering of fowl.
  - (5) Fowl shall be provided with sufficient good and wholesome food and water.
  - (6) All fowl shall have a coop/roost that is constructed with a minimum area of three (3) square feet per fowl and during daylight hours fowl shall have access to a secure enclosure/yard that is adequately fenced to protect them from predators. The coop/roost shall be kept in the side or rear yard, and is not permitted in the front yard area.
  - (7) The coop/roost structure shall not be located closer than twenty-five (25) feet

to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district.

- (8) The coop/roost structure shall be well ventilated and provide protection from the weather and predators. The coop/roost area must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.
  - (9) Illegal fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
  - (10) The City may further restrict or prohibit the keeping of fowl within residential districts, within a neighborhood or on a particular property if the City Council determines that fowl have created a public nuisance or public health issue.
  - (11) Nothing in this section shall be deemed or construed to prohibit the keeping of fowl within a school property or community garden for the purposes of study or education.
- (C) *Bees.* It shall be lawful to establish or maintain any hive where bee colonies are kept, or keep any bees in or upon any premises within the corporate limits of the city under the following terms and conditions:
- (1) The principal use of the property shall be educational or single family residential.
  - (2) A maximum of two (2) hives shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional hive shall be allowed for every additional two thousand five-hundred (2,500) square feet up to a maximum of four (4) hives.
- (3) All hives shall be located at least twenty (20) feet from a securely fenced property line. Hives shall be located a minimum of one hundred (100) feet from an unfenced property line. Hives shall be kept in the side or rear yard, and are not permitted in the front yard area.
  - (4) Fresh clean watering facilities for the bees shall be provided within twenty (20) feet of the hive(s) at all times.
  - (5) All hives shall be registered through the Arkansas State Plant Board and all hives and equipment kept in accordance with the Arkansas Apiary Law and Regulations.
  - (6) Each beehive shall be identified by displaying the name, telephone number, address and state registry number of the beekeeper on the structure of the hive or on a sign within ten (10) feet of the hive. Identification shall be placed in a manner to make it conspicuous to anyone approaching the hive(s). This information shall also be made available to any city official upon request.
  - (7) Nothing in this section shall be deemed or construed to prohibit the keeping of bees at a school property or community garden for the purposes of study or education.
  - (8) Africanized honey bees are prohibited.
  - (9) In instances where bees create a public hazard with unprovoked aggressive behavior, it shall be the responsibility of the beekeeper to re-queen or remove the colony. The Northwest Arkansas Beekeepers Association should be contacted to handle the removal or re-queening of beehives.
  - (10) The City may further restrict or prohibit the keeping of bees within residential districts, within a neighborhood or on a particular property if the City Council determines that bees have created a public nuisance or public health issue.
- (D) *Goats.* It shall be lawful to keep goats within the corporate limits of the city under the following terms and conditions:
- (1) Allowed goats shall be female dwarf or pygmy goats not weighing more than

eighty-five (85) lbs and no taller than twenty-two and a half (22.5) inches at the withers (ridge between the shoulder blades). Bucks are not allowed.

- (2) All goats shall have RFID microchips and be registered with the Fayetteville Animal Services Program.
- (3) The principal use of the property shall be educational or single family residential.
- (4) Goats shall not be permitted on lots smaller than ten thousand (10,000) square feet. The minimum number of goats kept on a lot that is ten thousand (10,000) square feet and larger shall be two (2). Lots fifteen thousand (15,000) square feet and larger shall be allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.
- (5) There shall be no onsite slaughter of goats.
- (6) Goats shall be provided with sufficient good and wholesome food and water.
- (7) All goats shall have a secure, fenced yard constructed with a minimum area of two hundred (200) square feet per goat and a shelter that is minimum five (5) square foot per goat. Shelters shall be well ventilated and provide protection from the weather including four sides with opening, roof and floor.
- (8) The shelter shall not be located closer than fifty (50) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. The shelter and fenced yard shall be in the side or rear yard, and are not permitted in the front yard area.
- (9) The yard must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage

and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.

- (10) Nothing in this section shall be deemed or construed to prohibit the keeping of goats within a school property or community garden for the purposes of study or education. Additionally, land owners are permitted to keep goats in one location for a maximum of two (2) weeks for the purpose of land clearing and the removal of vegetation.
  - (11) The City may further restrict or prohibit the keeping of goats within residential districts, within a neighborhood or on a particular property if the City Council determines that goat(s) have created a public nuisance or public health issue.
- (E) *Exemptions.* The above sections are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl, bees or goats kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

Exhibit "A"

Amend Chapter 164:10 Garage Sales Supplementary District Regulations by removing the language show in strikeout type and inserting the language shown in bold type.

**164.10 Garage and/or Agricultural & Produce Sales**

Garage **and/or agricultural & produce** sales are permitted in any zoning district subject to the following conditions:

- (A) *Frequency.* Garage **and/or agricultural & produce** sales shall not locate in one (1) location more than four (4) times per year.
- (B) *Term.* Garage **and/or agricultural & produce** sales may be held for a duration not to exceed three (3) consecutive days.
- (C) *Signs.* One on-site and three off-site temporary signs are allowed to be posted, however, posting may not occur more than two (2) days before the sale begins. Signs are not to be located on public rights-of-way. Each sign shall not exceed 4.5 square feet in area. The off-site signs shall include address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.

Exhibit "B"

Amend Ch. 162 Use Units by removing the language shown in strikeout type and inserting the language shown in bold type.

(X) Unit 24. Home occupation.

(1) *Description.* Unit 24 consists of businesses for which financial compensation is received, conducted in a ~~dwelling unit~~ **on a residential property**, and **which** generates motor vehicle traffic to the ~~dwelling unit~~ **residential property**. Only those residing ~~in the dwelling unit~~ **are on the property may be** employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
<b>Sales of home produced agriculture products:</b>	<b>Produce</b> <b>Eggs</b> <b>Honey or beeswax products</b> <b>Jams or jellies</b> <b>Milk and milk products</b> <b>Other products that may be home grown or home made on this property</b>

Exhibit "C"

Amend Ch. 163.08 Home Occupation Use Conditions by removing the language shown in ~~strikeout type~~ and inserting the language shown in **bold type**.

**163.08 Home Occupations**

~~In any dwelling unit~~ In any zoning district where home occupations are permitted by right or conditional use, said home occupations shall not occupy more than 30% of the gross floor area of one floor of ~~the primary~~ **said** dwelling unit, nor more than 300 square feet of the gross floor area, whichever is greater. For Building Regulations purposes, any non-residential use that exceeds 30% of the gross floor area of one floor of ~~said the primary~~ **said** dwelling unit or more than 300 square feet of the gross floor area of the structure shall meet all applicable building and Unified Development Code regulations and shall not be considered a home occupation. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use only. Home occupations that require a conditional use permit shall be subject to the following regulations:

- (A) *Exterior alterations.* No exterior alterations of the structure may be made which are of a nonresidential nature.
- (B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area. ~~Provided, no wall sign shall be permitted in an RSF District, except in the case of a home occupation, where it is required by the applicable licensing board, subject to proof of said requirement and the criteria above.~~ No freestanding signs shall be permitted for home occupations in any zone.
- (C) *Employees.* No person may be employed other than a member of the immediate family residing on the premises.
- (D) *Mechanical equipment.* No mechanical equipment may be used which creates a disturbance such as noise, dust, odor, or electrical disturbance.
- (E) *Parking.* No parking spaces other than normal residential parking spaces shall be permitted.
- (F) *Additional regulations.* Home occupations in an RSF District shall be subject to the following additional regulations:
  - (1) *Term.* No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.
  - (2) *Hours.* No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.
  - (3) *Traffic.* No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.



Exhibit "D"

Amend Ch. 164.04 Animals and Fowl Supplementary District Regulations by removing the language shown in strikeout type and inserting the language shown in bold type.

**164.04 Animals, And Fowl Urban Agriculture (Fowl, Bees & Goats)**

(A) **General Provisions**

(A)(1) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.

(B)(2) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows, **bees** and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.

(3) **Separation of use. Unless otherwise stated herein,** the following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

<b>25 FEET</b>
Chicken Coop in Residential districts (from residential dwelling on adjacent lot)

<b>50 FEET</b>
Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

<b>100 FEET</b>
Animal hospital: serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits

and poultry
-------------

<b>200 FEET</b>
Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

(4) **This section shall not supersede or invalidate any sections within Fayetteville City Code, Chapter 92 – Animals. Chapter 92 shall take precedence over any conflicting provisions of this section. All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.**

(CB) **Fowl.** It shall be lawful for any person to keep ~~permit or allow~~ any fowl within the corporate limits of the city in ~~all Residential zones zoning districts~~ under the following terms and conditions:

(31) **Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.**

(42) **The principal use of the property shall be educational or a single family residential dwelling. No fowl chickens or ducks shall be allowed in multi-family complexes, including two-family and three-family dwellings.**

(23) **No more than four (4) hens shall be allowed for each single family dwelling. A maximum of four (4) fowl shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional fowl shall be allowed for every additional one thousand two hundred and fifty (1,250) square feet, up to a maximum number of twenty (20) fowl.**

(4) There shall be no outside slaughtering of ~~hens~~ fowl.

- (5) Fowl shall be provided with sufficient good and wholesome food and water.
- (56) All hens fowl shall be kept in a coop/roost that is constructed with a minimum area of three (3) square feet per fowl and during daylight hours fowl shall have access to a secure, fenced enclosure/yard that is adequately fenced to protect them from predators constructed with a minimum area of 400 square feet. The coop/roost shall be kept in the side or rear yard, and may not be permitted in the front yard area.
- (67) A chicken The coop/roost area structure shall not be located closer than twenty-five (25) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. All hens
- (78) Enclosures The coop/roost structure shall be well ventilated and provide protection from the weather and predators. The coop/roost area must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.
- (89) Illegal Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
- (910) The City may further restrict or prohibit the use keeping of fowl within residential districts, within a neighborhood or on a particular property if the City Council determines that fowl have created an issue that causes a public nuisance or public health issue, as defined in City Codes.
- (10) All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.
- (11) Nothing in this section shall be deemed or construed to prohibit the keeping of fowl within a school property or community garden for the purposes of study or education.
- (EF) Separation of use. The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R-District, or to a dwelling on the same premises.
- (C) Bees. It shall be lawful to establish or maintain any hive where bee colonies are kept, or keep any bees in or upon any premises within the corporate limits of the city under the following terms and conditions:
- (1) The principal use of the property shall be educational or single family residential.
  - (2) A maximum of two (2) hives shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional hive shall be allowed for every additional two thousand five-hundred (2,500) square feet up to a maximum of four (4) hives.
  - (3) All hives shall be located at least twenty (20) feet from a securely fenced property line. Hives shall be located a minimum of one hundred (100) feet from an unfenced property line. Hives shall be kept in the side or rear yard, and may not be permitted in the front yard area.
  - (4) Fresh clean watering facilities for the bees shall be provided within twenty (20) feet of the hive(s) at all times.
  - (5) All hives shall be registered through the Arkansas State Plant Board and all hives and equipment kept in accordance with the Arkansas Apiary Law and Regulations.
  - (6) Each beehive shall be identified by displaying the name, telephone number, address and state registry number of the beekeeper on the

structure of the hive or on a sign within ten (10) feet of the hive. Identification shall be placed in a manner to make it conspicuous to anyone approaching the hive(s). ~~shall be displayed on the structure of each hive.~~ This information shall also be ~~and~~ made available to any city official upon request.

(7) Nothing in this section shall be deemed or construed to prohibit the keeping of bees at a school property or community garden for the purposes of study or education.

(8) Africanized honey bees are prohibited.

(9) In instances where bees create a public hazard with unprovoked aggressive behavior, it shall be the responsibility of the beekeeper to re-queen or remove the colony. The Northwest Arkansas Beekeepers Association should be contacted to handle the removal or re-queening of beehives.

(10) The City may further restrict or prohibit the keeping of bees within residential districts, within a neighborhood or on a particular property if the City Council determines that bees have created a public nuisance or public health issue.

(D) Goats. It shall be lawful to keep goats within the corporate limits of the city under the following terms and conditions:

(1) Allowed goats shall be female dwarf or pygmy goats not weighing more than eighty-five (85) lbs and no taller than twenty-two and a half (22.5) inches at the withers (ridge between the shoulder blades). Bucks shall not be allowed.

(2) All goats shall have RFID microchips and be registered with the Fayetteville Animal Services Program.

(3) The principal use of the property shall be educational or single family residential.

(4) Goats shall not be permitted on lots smaller than ten thousand (10,000)

square feet. The minimum number of goats kept on a lot that is ten thousand (10,000) square feet and larger shall be two (2). Lots fifteen thousand (15,000) square feet and larger ~~For every additional five thousand (5,000) square feet of lot area, one additional goat shall be~~ allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.

(5) There shall be no onsite slaughter of goats.

(6) Goats shall be provided with sufficient good and wholesome food and water.

(7) All goats shall have a secure, fenced yard constructed with a minimum area of two hundred (200) square feet per goat and a shelter that is minimum five (5) square foot per goat. Shelters shall be well ventilated and provide protection from the weather including four sides with opening, roof and floor.

(8) The shelter shall not be located closer than fifty (50) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. The shelter and fenced yard shall be ~~kept~~ in the side or rear yard, and ~~may~~ are not be permitted in the front yard area.

(9) The yard must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.

(10) Nothing in this section shall be deemed or construed to prohibit the keeping of goats within a school property or community garden for the purposes of study or education.

Additionally, land owners are permitted to keep goats in one location for a maximum of two (2) weeks for the purpose of land clearing and the removal of vegetation.

(11) The City may further restrict or prohibit the keeping of goats within residential districts, within a neighborhood or on a particular property if the City Council determines that goat(s) have created it causes a public nuisance or public health issue as defined in City Codes.

~~(D)~~(E)Exemptions. The above ~~S~~sections ~~C~~ is are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl, **bees or goats** kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

**Fowl - Below is a summary of where Fayetteville compares to other cities on allowed numbers of fowl:**

- Lawrence, KS - 1 fowl per 500 sq ft (20 max)
- Cleveland, OH - 1 fowl per 800 sq ft (no max)
- Des Moines, IA - 1 fowl per 900 sq ft (30 max)
- **Fayetteville (proposed): 1 fowl per 1250 sq ft (20 max)**
- Ft. Collins, CO - 1 fowl per 3000 sq ft (no max)
- Atlanta, GA - 25 max
- Chapel Hill, NC - 10 fowl max
- Denton, TX - 8 fowl max
- Denver, CO - 8 fowl max
- Columbia, MO - 6 fowl max
- Tulsa, OK - 6 fowl max
- Stillwater, OK - 5 fowl max
- Iowa City, IA - 4 fowl max
- **Fayetteville (current) - 4 fowl max**
- Bentonville, AR - 4 fowl max
- Rogers, AR - 4 fowl max
- Little Rock, AR - 4 fowl max
- Springdale, AR - 0 fowl

**Bees - Below is a summary of where Fayetteville compares to other cities on allowed numbers of beehives:**

- Cleveland, OH - 1 hive per 2500 sq ft (no max)
- Tulsa, OK - 1 hive per 2500 sq ft (no max)
- Broken Arrow, OK - 1 hive per 2500 sq ft (no max)
- **Fayetteville (proposed) - 1 hive per 2500 sq ft (4 hive max)**
- Little Rock, AR - 1 hive per 5000 sq ft (unclear if there is a max #)
- Ft. Collins, CO - 1 hive per 5000 sq ft (no max)
- Spokane, WA - 1 hive per 5000 sq ft (8 hive max)
- Bentonville, AR – 1 hive per 10,000 sq ft (no max)
- Stillwater, OK - 5 hive max

*Note that if a City was listed as allowing fowl but not listed here then it is assumed that they do not allow beekeeping.*

**Goats - Below is a summary of where Fayetteville compares to other cities on allowed number of goats:**

- Cleveland, OH - 1 goat per 2400 sq ft (no max)
- Seattle, WA - 1 goat per 5000 sq ft (no max)
- Ft. Worth, TX - 1 goat per 5000 sq ft (no max)
- Charlottesville, VA - 3 goat max on any lot
- **Fayetteville (proposed) - 1 goat per 5000 sq ft (3 goat max) - must have a minimum of 10,000 sq ft lot**
- Denver, CO - 2 goats max on any lot
- Ft. Collins, CO - 2 goats max on any lot

*Note that if a City was listed as allowing fowl but not listed here then it is assumed that they do not allow goats*

**RESOLUTION NO. 60-13**

A RESOLUTION TO REQUEST CITY STAFF REVIEW THE UNIFIED DEVELOPMENT CODE AND PREPARE AMENDMENTS TO ALLOW RESIDENTS TO RAISE FARM ANIMALS AND SELL CROPS, ANIMALS AND ANIMAL PRODUCTS IN NON-AGRICULTURALLY ZONED AREAS TO PROVIDE GREATER FOOD SECURITY FOR FAYETTEVILLE RESIDENTS

**WHEREAS**, 15% of Washington County's population is food insecure, which means lacking consistent access to enough food for active healthy living, and Arkansas ranks number nine in the nation in child food insecurity at 28%, while only 0.1% of Arkansas's food is sold in state directly to consumers; and

**WHEREAS**, expanding access to healthy food, reducing hunger, and encouraging healthier diets are of critical importance to our community's health and the reduction of our food insecurity rate; and

**WHEREAS**, a sustainable local food system requires community support for buying local and promoting sustainable agriculture, and working together through partnerships is important and necessary to reach the goal of a strong and sustainable local food system; and

**WHEREAS**, the many recent community programs and initiatives including Fayetteville Public Schools Farm to School program, the Fayetteville Community Garden Coalition, the creation of the Nation's first SNAP garden and the success of and demand for more Fayetteville Farmers' Market locations from citizens and farmers alike, all illustrate Fayetteville's support for local agriculture; and

**WHEREAS**, the Fayetteville Forward Local Food Group and Feed Fayetteville conducted community surveys gathering information on food priorities for Fayetteville; and

**WHEREAS**, the Unified Development Code should be studied to possibly authorize residents to practice animal husbandry and to sell crops, animals and animal products in non-agriculturally zoned areas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby recognizes that a robust local food system will provide accessible, affordable nutrition for our citizens and economic stability for our community, and hereby requests the Sustainability and Strategic Planning Division work with local stakeholders to study Fayetteville's Unified Development Code and recommend changes that will promote citizens' ability to raise farm animals and sell crops, animals and animal products in non-agriculturally zoned areas to provide greater food security for Fayetteville residents.

**Page 2**  
**Resolution No. 60-13**

**PASSED and APPROVED** this 19th day of March, 2013.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer





City of Fayetteville Staff Review Form

City Council Agenda Items  
 and  
 Contracts, Leases or Agreements

~~3/1/2013~~ 3-19-13

City Council Meeting Date  
 Agenda Items Only

Kristina Jones Sustainability & Strategic Planning  
 Submitted By Division Department

Action Required:

A resolution requesting staff to examine Fayetteville's Unified Development Code and recommend amendments that will promote residents' ability to grow and sell plant and animal based food products and provide greater food security.

<u>N/A</u> Cost of this request	<u>N/A</u> Category / Project Budget	<u>N/A</u> Program Category / Project Name
<u>N/A</u> Account Number	<u>N/A</u> Funds Used to Date	<u>N/A</u> Program / Project Category Name
<u>N/A</u> Project Number	<u>N/A</u> Remaining Balance	<u>N/A</u> Fund Name

Budgeted Item  Budget Adjustment Attached

[Signature] 3/1/12 Previous Ordinance or Resolution # \_\_\_\_\_  
 Department Director Date  
[Signature] 3/1/13 Original Contract Date: \_\_\_\_\_  
 City Attorney Date Original Contract Number: \_\_\_\_\_

Paul a. Bulmer 3-1-2013  
 Finance and Internal Services Director Date  
[Signature] 3-1-13  
 Chief of Staff Date  
[Signature] 3/4/13  
 Mayor Date

Received in City Clerk's Office  
[Signature]

Received in Mayor's Office  
 ENTERED  
 3/1/13  
[Signature]

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS  
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Lioneld Jordan and City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Peter Nierengarten, Sustainability & Strategic Planning Director *PW*

**From:** Kristina Jones, Sustainability & Strategic Planning Project Designer and Coordinator *KJ*

**Date:** March 1, 2013

**Subject:** ADM 13-4331 Local Foods Ordinance Review

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### PURPOSE

Mayor Lioneld Jordan is sponsoring a resolution requesting City Council support for his request to have city staff examine the Unified Development Code and recommend amendments for City Council consideration that will make it easier for residents to grow and sell plant and animal based food products. This item has Alderman Matthew Petty's endorsement.

### BACKGROUND

Along with timber resources and wild game, the grasslands of this region initially attracted settlers to Washington County who grew wheat, oats, corn, hay, strawberries, beans, tomatoes, tobacco, and eventually apples and other fruit crops, as well as chickens, pigs, oxen and dairy cattle. This began to change however, starting with Great Depression of the 1930s and the subsequent decline in rural population, coupled with the advent of modern-day conveniences and rising land costs. Today much of the agricultural tradition that sustained families in this area in the past has disappeared.

However, the last few decades have seen a rebirth of interest in locally produced foods and products. A local foods movement strives to build a locally based, sustainable food economy where production, processing and distribution are integrated with an emphasis on social health benefits and environmentally sustainable local food crops and products. Additionally, supporting a strong local foods system is essential to addressing the issues of hunger and nutrition. When an individual or family can easily grow food, more residents have access to affordable, high-quality nutrition. Nationally, one in six Americans is fighting hunger; in Fayetteville, the statistic is one in four, and Arkansas leads the nation with 19% of our population who are "food insecure," lacking consistent access to enough food for active healthy living. Feeding America has determined that 15% of Washington County's residents are food insecure, and according to the Arkansas Department of Human Services, Washington County also has the second highest SNAP (food stamp) enrollment rate in Arkansas. And these problems appear to be increasing. A 2009 study by the Arkansas Hunger Relief Alliance shows that the number of people in Northwest Arkansas served weekly by the Northwest Arkansas Food Bank rose from 6,200 in 2005 to 25,900 in 2009 - - a 318% increase in families receiving food assistance in only four years.

Recent activity and interest in the realm of local foods has been demonstrated by local organizations, programs, and initiatives including the following:

**THE CITY OF FAYETTEVILLE, ARKANSAS**

- Apple Seeds Inc., established in 2007, provides outreach and programs that help students and their families establish sustainable, lifelong, healthy eating habits.
- SNAP-Ed, a program administered through the Washington County Extension Service in partnership with Arkansas DHS and the U of A, is focused on educating food stamp recipients and low income families about healthy diet and exercise choices.
- The Fayetteville Community Garden Coalition was founded in 2009. Fayetteville currently boasts 20 community and school gardens and urban farms.
- Fayetteville Public Schools (FPS) educational gardens at ten schools demonstrate a local commitment to food and agriculture knowledge from the ground up. FPS is also currently introducing students to local foods and agriculture through their newly formed Farm to School program, with emphasis on local food procurement and healthy food education.
- Feed Fayetteville, formed in 2011, is an organization committed to alleviating hunger and cultivating a sustainable food network through strategic partnerships and making connections between organizations working on opposite ends of food issues to extend their reach and amplify their effectiveness.
- University of Arkansas Community Design Center was awarded \$15,000 in seed money in 2012 from the American Institute of Arkansas to begin developing “Fayetteville: 2030 Food City Scenario,” a plan for “healthy and safe food systems at a local scale...to build agrarian urbanism, where everything is designed around food production and how people live.” The plan is one response to Fayetteville’s increasing population, subsequent sprawl and the strain it places on the land, as well as a disconnect from food sources and a need for access to nutritious, sustainable food.

In the fall of 2009 Alderman Matthew Petty requested that the City begin looking at Fayetteville’s capacity for growing food in publicly owned open space. He met with the Sustainability Department in the spring of 2011, and staff began researching local foods movements in other cities and how city governments can have effective involvement. In October 2012, Feed Fayetteville solicited a community food survey including a question soliciting suggestions for Mayor Jordan about how to improve Fayetteville’s community food system, urban agriculture, and access to fresh food. The following are the most frequent comments that the Sustainability and Strategic Planning Department felt could be evaluated through City policy:

- use leftover space, such as in parks and excess rights-of-way, to plant food bearing vegetation;
- establish more community gardens and expand the animals and fowl ordinance;
- modify the zoning code to ease restrictions on farming and selling produce in town;
- provide and/or expand food composting services; and
- secure more partnerships with and support for local organizations and non-profits.

Through a second survey, the Fayetteville Forward Local Foods group ranked these priorities, the top three being: 1) Unified Development Code review and modification; 2) expanded ability to sell food onsite where grown; and 3) review of the Animals and Fowl ordinance for possible expansion.

Mayor Jordan has requested that staff assemble a group of stakeholders to review these priorities. Staff will meet with a small group consisting of farmers, agricultural law students, and food security professionals to study Fayetteville’s Unified Development Code and recommend amendments that will promote residents’ ability to grow and sell locally produced plant and animal based food products.

**BUDGET IMPACT**

None.

## Fayetteville Community Food Survey:

What suggestions do you have for Mayor Jordan about how to improve our community food system, urban agriculture, and access to fresh food?

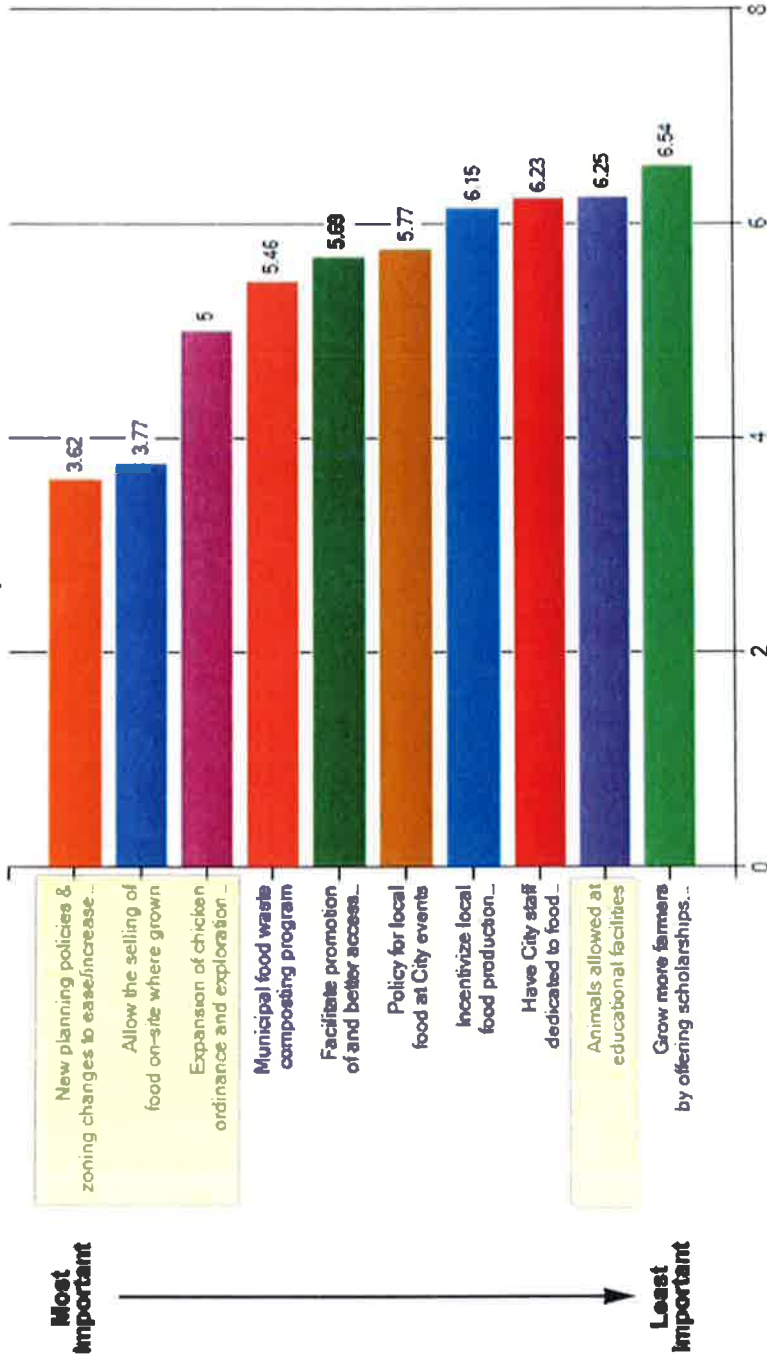
<b>Gardens/Public Space</b>	
Use leftover space (City Lands/ Parks/ROW/Schools/POA properties) to plant food bearing vegetation in, accessible to all.	14
More Community Gardens and promotion of	8
City encourage/require planting food bearing landscape plants & trees as part of landscape reqs/mitigation	3
City position dedicated to Community Gardens	2
Make community gardens easier to establish and access.	1
Offer SNAP in all community gardens	1
<b>City Ordinances/Policies/Programs</b>	
Amend chicken ordinance to allow for more and expand to goats and other animals.	8
Create/modify zoning for Urban Agriculture/Conservation- make it easier to farm in town	8
Tax incentives for donated garden land/ sustainable garden set ups	2
City Composting	1
Overtum POA rules stating that residents cannot grow vegetables in front flower beds	1
Research and implement a more wholistic local food shed scenario.	1
Carbon tax on non local foods	1
Encourage and make rooftop gardens the norm	1
<b>Farmers' Market</b>	
More, easily accessible (pedestrians and outskirts of town), and larger Farmers' Markets, at different times of day	8
Support Local: Local Farmers and local food in restaurants/grocery stores	7
Support/Promote Farmers' Market	3
More evening markets	2
More education on SNAP Benefits at Market and follow through on program	2
Market at U of A	1
Farmers' market vouchers for City employees	1
More value added products at Farmers' Market	1
Create opportunities for selling of food outside of Farmers' Market- difficult to get in	1
Support partnerships btwn Farmer's market and local stores	1
<b>Education</b>	
Campaign/educate promoting the benefits of local foods/gardening- make it popular	8
Local food & gardening education in school	4
Food Preservation Classes/Canning programs	3
Encourage healthy good food in schools	2
Seed saving /food growing classes	2
Gardening assistance/ garden planning education	1
<b>Organizations &amp; Partnerships</b>	
Partnerships- University, Fayetteville Schools, Surrounding area	5
Support local food non profits	1
Support/Promote Botanical Garden	1
<b>Online Resources</b>	
Website with local foods resources	1
Create a space to advertise available gardening land	1
Provide links to gardening resources and provide garden related donations	1
Community exchange program for goods- produce,compost etc.	1
<b>Food &amp; Local Food- General</b>	
More local/health foods stores- need lower prices	4
Encourage City facilities and businesses to source food locally	2
Push for accurate food labeling	1
Encourage local restaurants to donate leftover foods	1
Facilitate food donations and distribution	1
<b>Other</b>	
Community building - neighborhood community kitchens/block parties	2
Create a place that houses emergency food stores for those in need.	1
Hire a group to conduct a regional local food assessment	1
Open a food preservation center	1

 Short Term, City of Fayetteville Sustainability & Strategic Planning Department  
 LongTerm, Other City of Fayetteville Departments



**FAYETTEVILLE FORWARD LOCAL FOOD GROUP FOOD POLICY SURVEY**

Based upon Community Food Survey results and Local Foods Action Group replies, the following preferences have been chosen to represent citizens' input. Please rank these priorities with 1 being most important to you in the City's commitment to local foods and community food security and 10 being least important.



**CITY OF FAYETTEVILLE  
 SHORT TERM ACTION**



Handed out at the 3/19/13 City Council meeting.

March 19, 2013

Dear Fayetteville City Council,

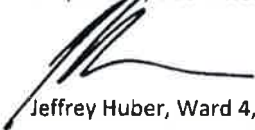
I would like to offer my support to the Local Foods Ordinance Review or *The Development of an Agrarian Urbanism Code and Framework*.

Consider this; fifty percent of Fayetteville's built environment projected to exist by 2030 has not yet been built. Fayetteville will essentially reproduce another Fayetteville—approximately 100 million square feet including 28,000 housing units (currently Fayetteville has an estimated 32,000 housing units)—within its boundaries over the next 20 years. What if we envisioned a Fayetteville Food City that is based on food security, linking local food production to urban development?

There was once a strong relationship between cities and their surrounding agricultural lands; many preindustrial cities even had developed agricultural landscapes within their urban cores (e.g., Mormon, New England, and Mediterranean cities). Local land once reserved for agriculture has been replaced with suburban development while food products produced by a global industrialized system now travel more than an average 1,500 miles to local markets and can lose up to 80% of their nutritional value. Michael Pollan notes that before 1920 one calorie of energy expended by agricultural production generated two calories of food energy. Today, chemical-dependent industrial agriculture uses more than 10 calories of fossil fuel energy to produce just one calorie of food. Industrial agriculture has diminished access to locally-available food and generated a host of unintended environmental problems, while erasing local agricultural heritages. We have forgotten from where food comes, how to grow it, when to harvest it, and how to preserve it. Compared to our parents and grandparents we are agriculturally illiterate. Most cities generally have a three-day supply of food sourced from a global supply chain, what they call the "nine meals from anarchy" dilemma. The replacement of locally based food chains by global and centralized systems dependent on intensive transportation and energy inputs creates vulnerability to supply disruptions.

If Fayetteville provides public services through potable water, police and fire protection, sewage treatment, waste management, and transportation infrastructure, how might a sustainable "food utility" become an ecological amenity scaled to the community rather than to an industrial economy? While pragmatic reasoning favors location of agriculture outside of the city, there are compelling economic, environmental, and social reasons to integrate agriculture within the city. First, the convenience provided by proximity to growing systems demystifies farming and positions it to be a tool for local economic development and jobs creation. Second, urban land costs promote development of high-quality, intensive farming economy with higher yields per acre (in both volume and nutritional content) that makes farming feasible at a small scale once again. Third, well-designed agricultural systems can be used to advance delivery of community-wide ecosystem services, including conservation of urban ecosystems like riparian corridors, legacy prairies or meadows, and urban tree canopies. Fourth, productive landscapes contribute to cities' open space systems requirements, enhancing livability and access to outdoor activities otherwise unavailable. Keep in mind, when the bike trails were originally proposed they were not popular, now it seems we cannot live without them. Code retooling approaches should consider more than shifting from "four hens to six" they should change the development game. I am hopeful that the city could reassert its design role of traditional urban services offered by street networks, urban fabrics, open space systems, neighborhoods, and buildings around the production of food. A city designed like that would be unlike any other and I am intrigued.

Respectfully Submitted,



Jeffrey Huber, Ward 4, 3691 Tower Circle