



**TO:** Denver City Council – Land Use, Transportation & Infrastructure Committee  
**FROM:** Sarah Showalter, Senior City Planner  
**DATE:** May 8, 2014  
**RE:** Denver Zoning Code – Text amendment to allow for the Sales of Fresh Produce and Cottage Foods as a Home Occupation.

**Staff Report and Recommendation**

Councilwoman Robin Kniech, with co-sponsors Councilwoman Susan Shepherd and Councilman Albus Brooks, is sponsoring a text amendment to the Denver Zoning Code to allow for the sales of fresh produce and cottage foods as a home occupation in residential zone districts.

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), CPD staff recommends approval of the amendment to the City Council.

**I. Summary and Purpose**

The Denver Zoning Code currently permits a range of home occupations accessory to primary residential uses in residential zone districts. The proposed amendment would add the sales of fresh produce and cottage foods to the current list of home occupations permitted with limitations, thereby bringing Denver’s regulations into conformance with the State of Colorado Cottage Foods Act.

A summary of the proposed text amendments is provided in the following table.

<b>Summary of Denver Zoning Code Text Amendments</b>	
<b>Code Location</b>	<b>Proposed Change to Text</b>
<b>Article 3 – Suburban Neighborhood Context</b> Division 4.3 – Uses and Required Parking	Expressly list Fresh Produce and Cottage Foods Sales as a home occupation permitted with limitations in all zone districts, except S-SU-Fx and S-SU-Ix, where the home occupation is not permitted.
<b>Article 11 – Use Limitations and Definitions</b> Division 11.8 – Uses Accessory to Primary Residential Uses	Amend limitations for the Garden use to clarify that sales from a Garden accessory to a primary residential use are allowed, only with approval of Fresh Produce and Cottage Foods Sales Home Occupation permit.
<b>Article 11 – Use Limitations and Definitions</b> Division 11.9 – Home Occupations Accessory to Primary Residential Uses – All Zone Districts	Reorganize limitations applicable to all home occupations by topic.  Clarify that, for the Fresh Produce and Cottage Foods Sales Home Occupation, retail sales may operate unenclosed and utilize temporary, portable furniture such as tables and umbrellas during permitted operating hours only.  Clarify that the exiting size restriction for home occupations of 20% of the dwelling unit area, not to exceed 300 SF, does not apply to portions of home occupations operating unenclosed.

Summary of Denver Zoning Code Text Amendments	
Code Location	Proposed Change to Text
<b>Article 11 – Use Limitations and Definitions</b> Division 11.9 – Home Occupations Accessory to Primary Residential Uses – All Zone Districts	Amend limitations on Food Preparation Home Occupation to clarify that on-premises retail sales are not allowed and to reference the Fresh Produce and Cottage Foods Sales Home Occupation.  Add limitations for the Fresh Produce and Cottage Foods Sales Home Occupation: <ul style="list-style-type: none"> <li>• Items for sale are limited to fresh produce and/or cottage foods, as defined in Subsection 11.12.8.2.6;</li> <li>• Sales are only allowed from 7am until dusk daily; and</li> <li>• The home occupation permittee must have grown, cultivated, and/or prepared all items for sale.</li> </ul>
<b>Article 11 – Use Limitations and Definitions</b> Division 11.12 – Use Definitions	Add definition of Fresh Produce and Cottage Foods Sales Home Occupation.  Amend definition of Food Preparation Home Occupation to differentiate it from Fresh Produce and Cottage Foods Sales.

## II. Criteria for Review and CPD Analysis

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed 2013 Text Amendment Package satisfies each of the criteria.

### Text Amendment is Consistent with the City’s Adopted Plans and Policies

The Text Amendment is consistent with the city’s following adopted plans, strategies, and policies:

#### Denver Comprehensive Plan 2000:

##### Land Use:

- Strategy 2-A: (*paraphrased*) [P]roposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs, such as home-based business and accessory flats.

##### Economic Activity:

- Strategy 5-A: Support small-scale economic development in neighborhoods

##### Neighborhoods:

- Strategy 1-E: Modify land-use recommendations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, *home-based businesses*, transportation and open space networks [emphasis added]

The proposed text amendment also advances the Mayor’s 2020 Sustainability Goals, specifically the goal to grow and process at least 20% of the food purchased in Denver entirely within Colorado.

#### **A. Text Amendment Furthers the Public Health, Safety, and General Welfare**

This Text Amendment furthers the general public health, safety, and welfare of Denver residents by increasing access to fresh, locally grown and produced food, and by overall continuing to implement the city's adopted comprehensive, land use and sustainability plans through regulatory changes.

#### **B. The Text Amendment Results in Regulations that are Uniform within Each Zone District**

This text amendment will result in uniform regulations within each zone district.

#### **III. Public Outreach and Comments**

Below is a summary of the public outreach for this amendment. The public outreach has been coordinated by the bill sponsor, Councilwoman Robin Kniech, and the bill's community sponsors: the Mayor's Food Policy Council and LiveWell Denver.

*January – May 2014:* Bill sponsor and community sponsors attend 15 RNO meetings throughout the city.  
*February 22, 2014:* CPD, bill sponsor, and community sponsors attend Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing  
*March 5, 2014:* Planning Board Informational Item  
*March 17, 2014:* Redline draft of text amendments posted to website for public review  
*March 25, 2014:* Informational item at LUTI Committee meeting  
*April 22, 2014:* Email notice to all Registered Neighborhood Organizations (RNOs) of scheduled Planning Board public hearing, with link to updated draft of redline and updated summary  
*May 1, 2014:* Email notice to all RNOs of scheduled LUTI meeting on May 13, 2014

As of the date of this staff report, CPD and the bill sponsor have received the following public comments on this Text Amendment:

7 written letters/emails of support from citizens and organizations  
5 positions of support from Registered Neighborhood Organizations (RNOs)  
2 positions in opposition from RNOs

All comments received are attached to this staff report.

#### **IV. Planning Board**

---

The Planning Board reviewed this amendment and held a public hearing on May 7, 2014. The Planning Board unanimously recommended approval of this text amendment to the City Council, with the condition that City Council consider applying it citywide. This would entail allowing the fresh produce and cottage food sales home occupation in the S-SU-Fx and S-SU-lx zone districts.

#### **V. CPD Staff Recommendation**

---

Based on the criteria for review as described above, CPD Staff recommends **approval** of this Text Amendment to the Denver Zoning Code.



## Text Amendment to Allow Fresh Produce and Cottage Foods Sales as a Home Occupation

### Planning Board Adoption Draft April 22, 2014

This document presents a **summary** of proposed the Text Amendment. Please see the redline draft for the complete amendment.

Guide for reading the redlined draft:

Text that is **red underlined** is proposed new language.

Text that is **red strikethrough** is proposed deleted language.

Text that is **blue** is text that has been relocated.

#### Purpose of the Proposed Text Amendment:

1. Add the sale of fresh produce and cottage foods sales as a permitted home occupation in residential zone districts. This will help to bring Denver's regulations in conformance with the State of Colorado Cottage Foods Act.

#### Summary of Amendments:

#### **ARTICLE 3 – SUBURBAN NEIGHBORHOOD CONTEXT**

##### **DIVISION 4.3 – USES AND REQUIRED MINIMUM PARKING**

- Amend the list of permitted Home Occupations to include Fresh Produce and Cottage Foods Sales as Permitted Use with Limitations (“L”), with Zoning Permit (“ZP”) required. For the U-SU-Fx and U-SU-Ix zone districts, the home occupation is Not Permitted (“NP”). NOTE: this change to the Use Table is not required for zone districts outside of the Suburban Neighborhood Context since all other Neighborhood Contexts have one category for home occupations that this home occupation would fall under.

#### **ARTICLE 11 – USE LIMITATIONS AND DEFINITIONS**

##### **DIVISION 11.8 - USES ACCESSORY TO PRIMARY RESIDENTIAL USES – LIMITATIONS:**

- Amend Garden limitations to clarify that sales from a Garden accessory to a primary residential use are allowed, only with approval of a Fresh Produce and Cottage Foods Sales Home Occupation permit.

##### **DIVISION 11.9 - HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES – ALL ZONE DISTRICTS**

- Amend the limitations applicable to all home occupations to:
  - Clearly organize by topic (e.g. “Residential Use,” “Location,” etc.)
  - Clarify that Fresh Produce and Cottage Foods Sales Home Occupation may operate unenclosed.
  - Clarify that the size restriction does not apply to portions of home occupations operating unenclosed.

- Amend limitations on Food Preparation Home Occupation to clarify that on-premises retail sales are not allowed and to reference the Fresh Produce and Cottage Foods Sales Home Occupation.
- Add limitations for the Fresh Produce and Cottage Foods Sales Home Occupation.

**DIVISION 11.12 - USE DEFINITIONS**

- Add definition of Fresh Produce and Cottage Foods Sales Home Occupation, which includes a definition of Cottage Foods based on the State of Colorado Cottage Foods Act.
- Amend definition of Food Preparation Home Occupation to differentiate it from Fresh Produce and Cottage Foods Sales.

KEY: \* = Need Not be Enclosed P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use  
ZP = Zoning Permit Review ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review  
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)											APPLICABLE USE LIMITATIONS	
		S-SU-Fx S-SU-Ix	S-SU-A S-SU-D S-SU-F S-SU-F1 S-SU-I	S-TH-2.5	S-MU-3 S-MU-5 S-MU-8 S-MU-12 S-MU-20	S-CC-3x S-CC-5x	S-CC-3 S-CC-5	S-MX-2x S-MX-2	S-MX-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5			
<b>HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION</b>													
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Adult Care Home	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.1
	Animal Care Services	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.2
	Artist Studio	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.3
	Beauty Shop or Salon	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.4
	Child Care Home, Small	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.5
	Child Care Home, Large	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.9; \$11.9.3
	Clock and Watch Repair	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.6
	Craft Work	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.7
	Custom Dress-making, Millinery, Tailoring, Sewing	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.8
	<u>Food Preparation</u>	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.9
	Foster Family Care	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.10
	<u>Fresh Produce and Cottage Foods Sales*</u>	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.11
	Laundering and Pressing	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.11-12
	Office, Non-Medical, Non-Dental	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.12-13
	Professional Studio	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.13-14
Rooming and/or Boarding	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.14-15	
Tutoring Services	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; \$11.9.4.15-16	
Unlisted Home Occupations	NP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.9; \$11.9.5	

- D. Growing shall be for personal use only by persons residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of marijuana and any off-site distribution of such plants or derived products are prohibited.

#### 11.8.4.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, retail or wholesale sales of goods or products derived from a Garden accessory to a primary residential use are prohibited unless permitted as a Fresh Produce and Cottage Foods Sales Home Occupation, in a Residential Zone District.

### SECTION 11.8.5 KEEPING OF HOUSEHOLD ANIMALS

#### 11.8.5.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

##### A. Animals Allowed Without a Zoning Permit

The keeping of domestic or household animals is allowed as accessory to a primary dwelling unit use, subject to compliance with the following standards regarding number and kinds of animals:

KIND OF ANIMAL ALLOWED	PERMITTED NUMBER OF ANIMALS ALLOWED / STANDARDS
Dogs	3 maximum
Cats	5 maximum
Combination of dogs and cats	No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total.
Rabbits	2 maximum
Pigeons or doves	25 maximum
Horses	No more than 1 horse for each 1/2 acre of zone lot area
Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Fish	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Small reptiles and amphibians. The types of these animals is regulated by chapter 8 of the Revised Municipal Code	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Domestic Honey Bees	<ul style="list-style-type: none"> <li>• 2 hives per zone lot;</li> <li>• Hives must be in rear 1/3 of zone lot with a 5 foot setback from side and rear zone lot lines;</li> <li>• Hives must be screened so that the bees must surmount a 6 foot barrier, which may be vegetative, before leaving the property;</li> <li>• No outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive.</li> </ul>
Chickens and Ducks	<ul style="list-style-type: none"> <li>• No more than 8 chickens and ducks combined per zone lot.</li> <li>• No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.</li> <li>• On any residential zone lot, the animals shall be maintained in the rear 50% of the Zone Lot Depth.</li> <li>• Slaughtering of the animals as part of keeping such animals is prohibited.</li> </ul>
Dwarf Goats	<ul style="list-style-type: none"> <li>• No more than 2 Dwarf Goats, except any number of their offspring younger than 6 months , may be kept per zone lot.</li> <li>• No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.</li> <li>• On any residential Zone Lot, the goats shall be maintained in the rear 50% of the Zone Lot Depth.</li> <li>• Slaughtering of the animals as part of keeping such animals is prohibited.</li> </ul>

## DIVISION 11.9 HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES - ALL ZONE DISTRICTS

### SECTION 11.9.1 INTENT

- 11.9.1.1 Home Occupations are a type of accessory use that accommodates limited business activities conducted incidental to a primary residential use. This Division's allowance for Home Occupations is intended to achieve multiple city goals and objectives, including reducing the number of home-to-work vehicle trips with related improvements in air quality; facilitating small business ventures that contribute to the city's overall economic health; and accommodating demand for certain business services convenient to where prospective clients or customers live. The standards and review procedures applicable to Home Occupations are generally intended to minimize the impact such uses may have on the character and enjoyment of the surrounding residential neighborhood, while furthering the goals and objectives stated herein.
- 11.9.1.2 The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to allowed primary, accessory, or temporary uses. This Division contains limitations applicable to Home Occupation uses accessory to primary residential uses across multiple Zone Districts and neighborhood contexts.

### SECTION 11.9.2 LIMITATIONS APPLICABLE TO ALL HOME OCCUPATIONS - ALL ZONE DISTRICTS

In addition to any use-specific limitations in this Division 11.9, all Home Occupations in all Zone Districts shall comply with the following general limitations. In case of any conflict between the general limitations in this Section and a more specific use limitation, the more specific use limitation shall apply to the Home Occupation.

#### 11.9.2.1 Residential Use

A Home Occupation legally operated in a dwelling unit according to this Section shall be considered, in combination with the primary dwelling unit use, a residential use for all purposes of this Code.

#### 11.9.2.2 Location

- A. All Home Occupations shall operate in a completely enclosed structure, except that:
1. A child care home (small or large) may include outdoor play and/or seating areas.
  2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed.
- B. Home Occupations may operate in the primary dwelling unit structure, or in a detached accessory structure, allowed under this Code.

#### 11.9.2.3 Personal to Applicant

- A. Only the person or persons maintaining the dwelling unit as their primary place of residence shall operate the Home Occupation. For purposes of this provision only, "person" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.
- B. A zoning permit for an approved Home Occupation shall automatically expire at such time as the applicant no longer resides at the subject property.

#### 11.9.2.4 External Evidence and Signage

- A. If operated inside the primary dwelling unit structure, the Home Occupation shall not have a separate external entrance serving the Home Occupation.



- B. The Home Occupation shall not display or create outside the building any external evidence of the operation of the Home Occupation, except for the following:
1. A child care home (small or large) may include outdoor play and/or seating areas. ~~and~~
  2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed and utilize temporary, portable furniture such as tables, chairs, and umbrellas during permitted operating hours only.
  3. One non-animated, non-illuminated flat wall or window sign having an area of not more than 100 square inches is allowed for each street frontage of the subject zone lot.

#### 11.9.2.5 **Size**

One or more ~~The~~ Home Occupation(s), whether located within a primary dwelling unit or a detached accessory structure, shall not in the aggregate utilize more than 20 percent of the gross floor area of the dwelling unit primary use, but in no case shall exceed 300 square feet. However, this limitation shall not apply to Foster Family Care, ~~a~~Adult ~~e~~Care ~~h~~Home, ~~small or Large~~ Child Care Home, ~~Small or Large,~~ ~~e~~Craft ~~w~~Work, or ~~a~~Artist ~~s~~Studio, or to portions of a Home Occupation allowed to operate unenclosed.

#### 11.9.2.6 **Other Limitations**

- A. The Home Occupation shall not have any employees or regular assistants not residing in the primary or accessory dwelling unit located on the subject zone lot, unless specifically allowed or required by the terms of a state or city license necessary to operate the permitted Home Occupation.
- B. The use of hand tools is allowed without limitation.
- C. The use of mechanical equipment is limited to the use of electric motors for power, with a total limitation of not greater than 3 horsepower.
- D. ~~A zoning permit for an approved Home Occupation shall automatically expire at such time as the applicant no longer resides at the subject property.~~

### SECTION 11.9.3 CHILD CARE HOME – LARGE

Large Child Care Home, where allowed with limitations, is allowed as a Home Occupation subject to compliance with the following limitations:

- 11.9.3.1 The applicant shall be the owner or the applicant has written permission of the owner of the subject property.
- 11.9.3.2 The proposed Large Child Care Home is the applicant's primary place of residence.
- 11.9.3.3 The applicant has obtained or will obtain upon granting of the zoning permit all licenses and certifications required by the state and the city.
- 11.9.3.4 The proposed Large Child Care Home complies with the building and fire codes and all regulations established by the City.
- 11.9.3.5 No other Large Child Care Home is located within 400 feet of the proposed Large Child Care Home.
- 11.9.3.6 The proposed Large Child Care Home complies with all the requirements of the Zone District in which it is located, excepting for any legally nonconforming structure.
- 11.9.3.7 The applicant shall implement and maintain an ongoing traffic management program that ensures that the operation of the proposed Home Occupation will not create traffic or parking problems in the neighborhood as a result of either the additional traffic introduced or the drop-off and pick-up of children, and that off-street parking shall be provided for each member of the staff on duty unless

it is clearly proven that such off-street parking provisions should be modified by the Zoning Administrator.

- 11.9.3.8 The Zoning Administrator may fix such reasonable terms and conditions to the granting of a zoning permit found necessary to mitigate adverse impacts on adjacent properties. In addition, each zoning permit approved for a Large Child Care Home shall include the following conditions and requirements:
- A. The proposed home shall provide full-time supervision of the children in the home during hours of operation; and
  - B. The proposed home shall comply with the limitations on external effects as established for primary uses in the district in which it is located.

## **SECTION 11.9.4 ALL OTHER TYPES**

In all Zone Districts, where permitted with limitations, the following types of Home Occupations are allowed subject to compliance with the use-specific limitations listed below.

### **11.9.4.1 Adult Care Home**

In Zone Districts where Home Occupations of Foster Family Care, rooming and/or boarding and adult care home are permitted, only one such Home Occupation will be permitted in any single-unit dwelling or dwelling unit.

### **11.9.4.2 Animal Care Services**

Animal Care Services, including grooming, care, or boarding of domestic or household animals (but not including retail sales), are allowed as a Home Occupation provided the total number of animals in the dwelling unit is no greater than the maximum number of animals permitted as accessory uses in Section 11.8.6, Keeping of Household Animals, above.

### **11.9.4.3 Artist Studio**

- A. An Artist Studio is allowed as a Home Occupation only to create individual works of art, except that Art Galleries, Retail Sales, and other commercial retail or wholesale sales activities are not allowed as part of the permitted Artist Studio Home Occupation.
- B. In all MU Zone Districts, the restoration of individual works of art is permitted as part of the Artist Studio Home Occupation, provided the use of hazardous or toxic materials within the dwelling unit shall be subject to review and approval by the Fire Department for compliance with the Denver Fire Code.

### **11.9.4.4 Beauty Shop or Salon**

Retail sales of related beauty and grooming supplies and products are prohibited as part of the Home Occupation.

### **11.9.4.5 Child Care Home, Small**

### **11.9.4.6 Clock and Watch Repair**

Retail sales are prohibited as part of the Home Occupation.

### **11.9.4.7 Craft Work**

Retail sales of such craft work are prohibited as part of the Home Occupation.

#### **11.9.4.8 Custom Dressmaking, Millinery, Tailoring, Sewing**

Custom dressmaking, millinery, tailoring, or sewing of fabric for custom apparel and custom home furnishings is permitted as a Home Occupation.

#### **11.9.4.9 Food Preparation**

On-premises retail sales direct to consumers are not permitted. Retail sales are prohibited as part of ~~the~~ this Home Occupation. (For retail sales see Fresh Produce and Cottage Foods Sales Home Occupation).

#### **11.9.4.10 Foster Family Care**

Foster Family Care is allowed as a Home Occupation subject to compliance with the following standards:

- A. The dwelling unit in which the Foster Family Care is proposed is located in a Residential Zone District or Mixed Use Commercial Zone District.
- B. In Zone Districts where Home Occupations of Foster Family Care, rooming and/or boarding, and adult care home are permitted, only one such Home Occupation will be permitted in any one dwelling unit.
- C. The permit is necessary and desirable to provide a service or a facility that would contribute to the general wellbeing of the community.

#### **11.9.4.11 Fresh Produce and Cottage Foods Sales**

Fresh Produce and Cottage Foods Sales is allowed as a Home Occupation subject to compliance with the following standards:

- A. Items for sale are limited to the products defined in Subsection 11.12.8.2.9 Fresh Produce and Cottage Food Sales;
- B. Sales are allowed only from 7:00 a.m. until dusk daily; and
- C. The home occupation permittee must have grown, cultivated, and/or prepared all items for sale.

#### **11.9.4.12 Laundering and Pressing**

#### **11.9.4.13 Office, Non-Medical, Non-Dental**

Office, not including Dental/Medical Office and/or Clinic, is allowed as a Home Occupation subject to compliance with the following standards:

- A. No goods, wares or merchandise shall be commercially created, displayed, exchanged, stored or sold as part of a permitted office Home Occupation.
- B. Professional and personal services provided shall be by appointment only. Walk-in appointments are prohibited.

#### **11.9.4.14 Professional Studio**

- A. Retail sales are prohibited as part of a Professional Studio Home Occupation use.
- B. Instructional or other services provided shall be by appointment only. Walk-in appointments are prohibited.

#### **11.9.4.15 Rooming and/or Boarding**

Rooming and/or Boarding is allowed as a Home Occupation subject to compliance with the following standards:

- A. The dwelling unit shall contain not more than one kitchen.

- 6. Craft Work**  
A Home Occupation where individual pieces are crafted but not mass produced, and which shall consist of one (1) or more of the following: ceramics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work.
- 7. Food Preparation**  
A Home Occupation where prepared food items that are not Cottage Foods, as defined in Fresh Produce and Cottage Food Sales, are made and assembled for off-premises consumption by others and/or for off-premises sale.
- 8. Foster Family Care**  
A Home Occupation that provides full-time care of not more than 4 children or 2 adults unrelated to the residents by blood or adoption subject to the licensing requirements of the state. A qualified foster care adult is a person who is placed in the home by an agency of the state or one of its political subdivisions.
- 9. Fresh Produce and Cottage Foods Sales**  
A Home Occupation where:
  - a. Raw, uncut fresh fruits, vegetables, and herbs , excluding marijuana, that were grown in a permitted accessory Garden or primary Urban Garden are sold; and/or
  - b. Cottage Foods are prepared and/or sold.

Cottage Foods are defined in the State of Colorado Cottage Foods Act (House Bill 13-1158) unless otherwise prohibited by the Department of Environmental Health. Cottage Foods shall not include any food products made with marijuana.

- 10. Office, Non-Medical, Non-Dental**  
See Section 11.12.4.6.A, Definition of Office Use Category, but not including Dental / Medical Office or Clinic.
- 11. Professional Studio**  
See definition of "Professional Studio" in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions.
- 12. Rooming and/or Boarding**  
A Home Occupation that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

## **SECTION 11.12.9 DEFINITIONS OF USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES**

### **11.12.9.1 Amusement Devices**

An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes but is not limited to pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children's rides, or pool and/or billiard tables.

### **11.12.9.2 Automobile Rental Services**

The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, and (2) no mechanical or maintenance work on automobiles shall be done on the premises, and (3) the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.

## Showalter, Sarah K - CPD Planning Services

---

**From:** Terry Pasqua [tpasqua@gmail.com]  
**Sent:** Thursday, April 17, 2014 7:49 AM  
**To:** pompomdana@gmail.com; Showalter, Sarah K - CPD Planning Services  
**Subject:** Our Support for Proposed Zoning Change for the Denver Sustainable Food Policy  
**Attachments:** friday summary final.doc

Hello Sarah,

When Dana Miller came to our Neighborhood meeting a few months ago, we were very excited to hear about the plans for changing the zoning code to allow home owners to grow in their backyard and sell from their home. It is good to see that this proposal is moving forward. On behalf of the Overland Park Neighborhood Association (OPNA), we are in support of this proposal and look forward to it becoming finalized in the near future.

Thank you,

Catherine Sandy, President OPNA  
Ronnie Crawford, Vice President OPNA  
Terry Pasqua, Secretary OPNA  
Tracey Hardeman, Treasurer OPNA

## Showalter, Sarah K - CPD Planning Services

---

**From:** Dana Miller [pompomdana@gmail.com]  
**Sent:** Wednesday, April 16, 2014 3:53 PM  
**To:** Showalter, Sarah K - CPD Planning Services  
**Subject:** Fwd: Support for residential retail produce sales

----- Forwarded message -----

**From:** Frank Locantore <[franksiloc@gmail.com](mailto:franksiloc@gmail.com)>  
**Date:** Thu, Apr 3, 2014 at 9:33 AM  
**Subject:** Support for residential retail produce sales  
**To:** [pompomdana@gmail.com](mailto:pompomdana@gmail.com)  
**Cc:** Arlin Raedeke <[arlin@pobox.com](mailto:arlin@pobox.com)>

Hi Dana,

Uptown on the Hill RNO voted on March 3, 2014 to support this initiative. Contact person is Arlin Raedeke ([arlin@pobox.com](mailto:arlin@pobox.com)).

Thank you for all your work on this and please let us know if we can provide further assistance.

-Frank Locantore  
Uptown on the Hill pres.

4/21/2014

**Councilwoman Susan Shepherd**  
**Councilwoman Robin Kniech**  
**Councilman Albus Brooks**

**Dear Respected Denver City Council members;**

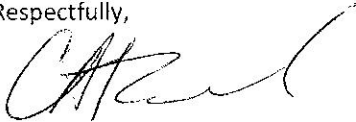
West Colfax Association of Neighbors, WeCAN, represents approximately 700 registered members that live, work and own property within the West Colfax neighborhood. At the April 8 general membership meeting of our organization, a proposal was presented to support the Amendment to Allow for Sales of Fresh Produce and Cottage Foods as a Home Occupation. The proposal passed with a unanimous vote of the fifty (50) members present.

As a Registered Neighborhood Organization (RNO) that set out to support sustainability at our inception over four years ago, WeCAN is proud to have been chosen to participate in the City's new pilot Neighborhood Sustainability Certification program. WeCAN already had programs in place that were supporting sustainability: community gardens, tree planting, neighborhood clean up days, a metal recycling program and an annual garage sale to raise funds for energy saving home improvement projects for low income senior citizens.

West Colfax is home to three fully utilized community gardens and a large number of home gardens. Healthy eating and building community are just two of the numerous benefits of community gardening. Being able to sell excess produce from a community garden plot or a home garden, would benefit many residents. The Amendment to Allow for Sales of Fresh Produce and Cottage Foods as a Home Occupation would bring easily accessible local produce to West Colfax and supplemental income to some of our lower income families and seniors.

WeCAN encourages all City Council members to support this amendment.

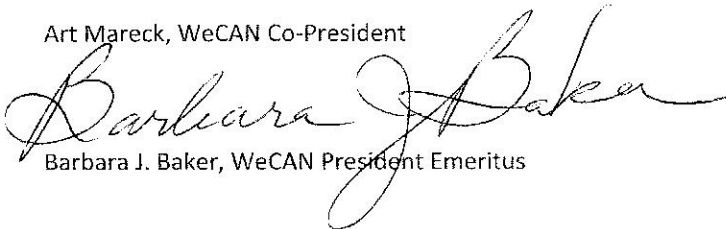
Respectfully,



Chad Reischl, WeCAN Co-President



Art Mareck, WeCAN Co-President



Barbara J. Baker, WeCAN President Emeritus

**West Colfax Association of Neighbors**



WEST COLFAX ASSOCIATION OF NEIGHBORS

April 13, 2014

Ms. Robin Kniech  
Councilwomen  
Denver, Co

RE: Legislation for Cottage Food sales in residential areas of Denver, Co

Dear Ms. Kniech,

This past month the Bear Valley Improvement Association had our monthly neighborhood meeting with the residents of Bear Valley. Bear Valley has approximately 1550 homes located in Southwest Denver. Councilwomen Jeanne Faatz discussed the proposed legislation for Cottage Food sales in Denver residential neighborhoods and asked for a vote on this matter. 100% of the home owners who were in attendance voted not to approve this new legislation.

Here were their concerns. Excessive traffic and trash in the neighborhood. Who will monitor the food quality? Who will be responsible if someone gets sick and decides to sue someone for food poisoning? Will the home owners leave the food stands up permanently? What will be sold? This could lead to other sales of material not closely regulated.

In conclusion we admire the "Green" approach and the idea of Urban Farming but there are too many unknowns that could create a lot of issues and we do not feel this is a good idea. So on behalf of the Bear Valley residents in Southwest Denver we do not support the proposed legislation for Cottage Food sales in residential areas in Denver.

Sincerely,

Ben Blanchard  
President  
BVIA



**CITY COUNCIL**  
**City and County of Denver**

Councilwoman Robin Kniech  
City Council At-Large  
80202  
[kniechatlarge@denvergov.org](mailto:kniechatlarge@denvergov.org)  
[www.denvergov.org/robinkniech](http://www.denvergov.org/robinkniech)



1437 Bannock St. #488  
Denver, CO  
  
(720) 337-7712

April 23, 2014

Dear members of the Bear Valley Improvement Association,

Thank you for your letter regarding the proposed Fresh Produce and Cottage Food Sales Ordinance as a home occupation. I have been attempting to contact as many neighborhood organizations as possible in order to communicate both the intention and the logistics of the ordinance. We especially reached out to the designated contact for Bear Valley on several occasions in March in an attempt to attend the April meeting and were not successful. So we regret that we were not given the opportunity to present to your members before you discussed this ordinance in April.

Below I have addressed the questions and concerns listed in your letter and I would ask that this response be shared with all the members of your organization via any email listserv and/or newsletter you may use, or photocopied and distributed at your next meeting. I would also welcome the chance to visit an upcoming meeting in person.

The proposed ordinance is based on the Colorado Cottage Foods Act, passed by the Colorado Legislature in 2012, which allowed the sale of carefully researched, low-risk fresh produce and cottage foods by individuals in Colorado. The proposed ordinance is intended to implement the state law locally in Denver. With regard to your concerns, please find my responses below.

1. Questions about additional traffic due to the ordinance:
  - a. Many Denver residents already grow vegetables in their backyards or in community garden plots. The proposed ordinance would allow those residential producers willing to pay for a zoning permit to sell *their* own products directly to consumers, under a one producer, one consumer model. There will be no deliveries or traffic from suppliers, as these producers are only allowed to sell what they grow or prepare themselves. Employees are strictly prohibited, so there will be no traffic or parking required by employees. In addition, because producers, like all home occupations, will be strictly prohibited from displaying any signage on lawns, street corners or anywhere other than one, 100 square inch sign in their window or door, there is no mechanism by which these producers will be driving traffic from other streets to their homes.

Lastly, because producers can only sell what they grow or prepare, and the growing season in Colorado is short, the supply of food that residents have to sell is naturally limited (in addition to

Councilwoman Kniech

Page 2

April 23, 2014

limits in the state law for each product), further limiting the potential for traffic due to limited supply. Many cities in Colorado, including suburban communities like Wheat Ridge that are very similar to SW Denver have similar ordinances in effect and have seen no problems from traffic or parking. Most purchasers are neighbors who walk from nearby because they like the idea of buying from neighbors.

2. Questions about food quality, safety and investigation:

- a. It is important to note that whole, uncut produce is scientifically documented to be a very low risk food. All fruits and vegetables require washing as the number one method of preventing health concerns, and this rule applies the same for grocery stores, farmers markets and home grown vegetables. Due to the low risk of fresh uncut produce, there are no specific inspection requirements for fresh fruits and vegetables sellers – the government does not inspect farmers markets or community supported/delivered produce or this new home occupation.
- b. For cottage foods, the ordinance requires sellers to take food safety education classes and follow labeling rules to ensure food can be traced in case of concerns. The state law was intentionally designed to prohibit foods that are associated with risk (cheeses, canned vegetables, etc.). Foods that are allowed are scientifically proven to be low risk, such as jams that are low risk due to high degrees of acidity from the fruit.
- c. If anyone has concerns about the safety of food they bought from a home producer, they would call 311 and report it to the Dept. of Environmental Health the same way they would report concerns about a restaurant or grocery store. Public Health Inspectors have a protocol that they go through to investigate all reported food poisoning cases. Should it be determined that the item purchased from a residential sale is the cause of the food poisoning, DEH has the power to take action to protect public safety and the seller could face legal risks in the same way that any producer who fails to follow proper food handling guidelines might be at risk.

4. Questions about permanent stands:

- a. There will be NO permanent stands. The zoning code generally and this ordinance specifically both prohibit permanent structures. It also prohibits leaving any temporary outdoor furniture used during the day from being left up at night, stating that these items can only be used “during permitted hours.”

5. Concerns about what will be sold and will this lead to other retail sales:

- a. The proposed ordinance would allow the sale of fresh produce and cottage foods **only**. Food is a unique item, unlike any other product, in that it is essential for human life and it is a factor in major city goals such as lowering obesity and risk of disease by increasing access to healthy food. There are no similar city goals related to the need for other specific retail products. Please see the attached handout for a specific list of permitted cottage foods. Any food including marijuana is strictly prohibited.
- b. I respect that the residents who attended your meeting did not feel that they needed an ordinance like this, but we have heard from hundreds of residents in dozens of neighborhoods, including families living in Southwest Denver, who do support having this choice. I hope that the answers to these questions helps to dispel some myths that may have arisen about what the ordinance does and does not allow, and helps to alleviate some concerns, even if it does not change your position.

I do appreciate your participation in the dialogue and thank you for considering and distributing this response.

Sincerely,

Councilwoman Robin Kniech

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	Fresh Produce and Cottage Foods
Location	RiNo Art District - Denver
Registered Neighborhood Organization Name	RiNo Art District
Registered Contact Name	Tracy Weil & Justin Croft
Contact Address	3611 Chestnut Place
Contact E-Mail Address	tracy@weilworks.com
Date Submitted	5/5/2014

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization was held on 4/25/2014, with 55 members in attendance.

With a total of 55 members voting,

52 voted to support (or to not oppose) the application;

3 voted to oppose the application; and

0 voted to abstain on the issue.

It is therefore resolved, with a total of 52 members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

approve Application # fresh produce/cottage foods

Comments: This was sent to an online vote for our members 4/25/14-5/1/14 - we have a total of 101 members. We are in support of Fresh Produce and Cottage Foods Application

----- Forwarded message -----

From: **L BOGUE** <[reddogarts@msn.com](mailto:reddogarts@msn.com)>

Date: Wed, May 7, 2014 at 8:16 AM

Subject: Zoning Text Amendment re Cottage Foods as a Home Occupation

To: "[rezoning@denvergov.org](mailto:rezoning@denvergov.org)" <[rezoning@denvergov.org](mailto:rezoning@denvergov.org)>

Cc: "[pompomdana@gmail.com](mailto:pompomdana@gmail.com)" <[pompomdana@gmail.com](mailto:pompomdana@gmail.com)>, "[denc@denvergov.org](mailto:denc@denvergov.org)" <[denc@denvergov.org](mailto:denc@denvergov.org)>

The Board of Trustees of the Bellevue-Hale Neighborhood Association, in its regular monthly meeting on Wednesday evening, March 26th, 2014, reviewed the proposed Denver Zoning Code Text Amendment which would allow for the Sales of Fresh Produce and Cottage Foods as a Home Occupation. **After considerable discussion, our Board voted unanimously (by a vote of 10-0) to withhold our support of the proposed Zoning Text Amendment.** In reaching our decision, we discussed, among other things, the following:

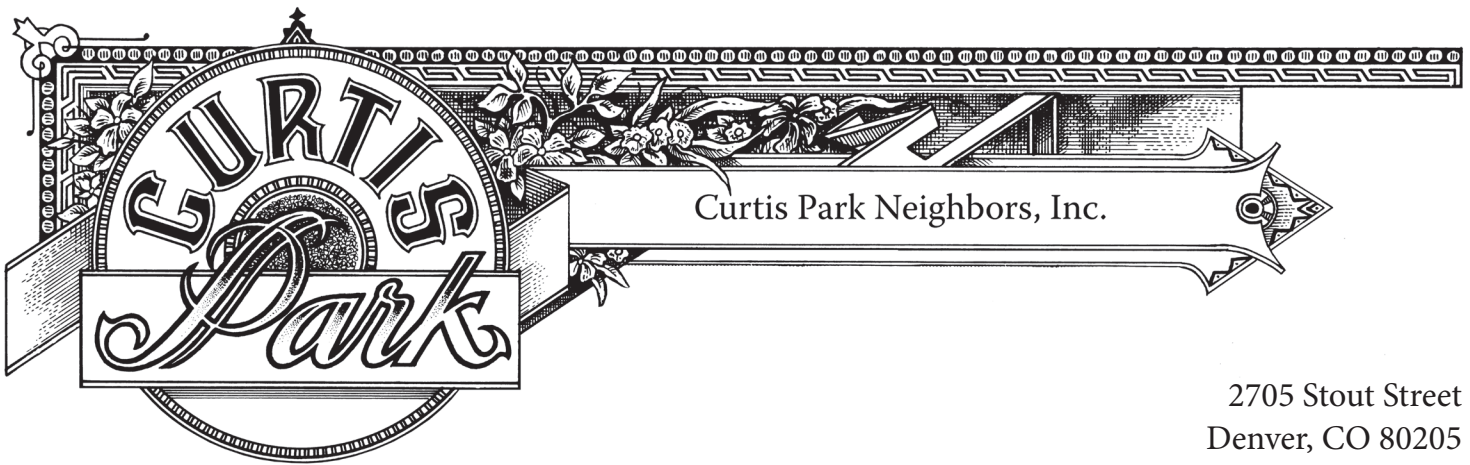
- 1) Denver's current permitted Home Occupations do NOT allow the creation, display, exchange, storage, or sales of chattels or goods, and require no external evidence of the Home Occupation - in contrast to what would be allowed if this Zoning Text Amendment is approved.
- 2) How will sales of marijuana and related edibles in fact be restricted and controlled. Are there regulations and enforcement mechanisms in place to police and prevent such sales, and does the City have the financial wherewithal to control such sales?
- 3) At this point, there are insufficient standards to address all of the potential issues arising from retail sales allowed by this Amendment -- how sales will be regulated, the potential health impacts, and personal safety issues. A system that is already stretched thin with monitoring existing restaurants and food vendors would be hard-pressed to effectively monitor and ensure compliance with the high volume number of Cottage Foods permits that could be granted if this Amendment is approved.
- 4) Our goal of maintaining the integrity of our residential neighborhood is not consistent with retail sales of produce and food products.
- 5) Allowing retail sales, depending on the success of the enterprise, may result in properties developing the characteristic of retail stores.
- 6) Retail sales of any type are contrary to the residential character of our neighborhood and violate the purpose and intent of residential zoning.
- 7) Retail businesses, as opposed to customary home occupations, will increase both pedestrian and vehicular traffic and are likely to result in a more intensive use of the enterprise which may result in properties developing the characteristics of retail stores.

We concluded that the proposed Amendment has the strong potential to compromise the basic purposes of Denver's Zoning Code and presents the very real possibility of creating problems in our neighborhood that would far outweigh any benefits that might be achieved by passage of the

Amendment. We are deeply committed to preserving the residential character of our neighborhood. **Because of these very real concerns our Board voted unanimously (by a vote of 10-0) to withhold our support of the proposed Zoning Text Amendment.** We encourage you to consider our concerns as outlined above in rendering your decision on this issue.

Sincerely,

Laurie Bogue  
President, Bellevue Hale Neighborhood Association



2705 Stout Street  
Denver, CO 80205

May 7, 2014

Denver Planning Board  
201 West Colfax  
Denver, CO 80202

**CPN Supports DZC text amendment for Home Occupation sales of Fresh Produce & Cottage Foods**

Curtis Park Neighbors (CPN) supports the proposed text amendment to allow sales of fresh produce and “cottage foods” as a home occupation.

We particularly appreciate the outreach of representatives from the Denver Sustainable Food Policy Council, who attended our Board meeting earlier in the year with ample time to examine the proposed policy as it was refined, and CPD staff who attended the Inter-Neighborhood Cooperation Zoning & Planning committee to talk further about the proposal in the context of existing state legislation on the matter.

This position was adopted by unanimous vote of the Curtis Park Neighbors Board of Directors at our regularly scheduled Board meeting on April 21, 2014, advertised throughout the neighborhood in the *Curtis Park Times* newsletter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joel Noble", is written over a faint, light blue circular stamp or watermark.

Joel Noble  
President, Curtis Park Neighbors



May 6, 2014

Brad Buchanan, Executive Director  
Community Planning and Development  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Dear Mr. Buchanan,

On behalf of the Denver Sustainable Food Policy Council (SFPC), we would like to formally endorse the proposed change to the Denver Zoning Code that would create a home occupation allowing the sale of produce and limited cottage foods. This is a policy priority of the Denver Sustainable Food Policy Council.

This zoning code amendment would greatly benefit Denver residents in several ways:

- Create neighbor-to-neighbor direct sales that would help to build community
- Increase availability of fresh, affordable, locally grown produce
- Provide a new source of income for local residents
- Encourage gardening

The mission of the SFPC is to influence policy that fosters food security for all community members, and promotes a healthy, equitable, and sustainable local food system, with consideration for economic vitality and environmental impact. We believe many of these considerations will be achieved with the passage and implementation of this amendment. The SFPC is committed to working with community partners to educate the public, and promote and implement this amendment to the Denver Zoning Code.

Sincerely,

Shannon Spurlock  
Co-Chair

Dana Miller  
Co-Chair

cc: Sara Showalter  
cc: Denver Planning Board



## Showalter, Sarah K - CPD Planning Services

---

**From:** Ozzy [ozzy\_osborn43@yahoo.com]  
**Sent:** Wednesday, April 23, 2014 8:54 AM  
**To:** Showalter, Sarah K - CPD Planning Services  
**Subject:** support for zoning change to allow home sales of produce

Hello:

As a Denver resident, living in the City Park West neighborhood, I want to register my full throated support for the zoning change proposed by the Sustainable Food Policy Council that lifts the restrictions on selling produce from local gardens. I very much would encourage you to throw your full support behind this almost absurdly beneficial measure!

Allowing people to earn extra income by selling produce from their gardens is just common sensical. A society that would seek to prevent this is not consistent with this ideals of this freedom upon which this nation was founded.

This move not only makes fresh and healthful food available at the neighborhood level, but in so doing reduces the 'carbon miles' of food being purchased, thus helping to reduce the pollution and other societal ills associated with long distance food distribution. It also seems clear that the impact on public health would be positive. This is especially true for residents of Denver's numerous 'food deserts' who have limited access to fresh produce. It will reduce not only the terrible human burden of food related afflictions like diabetes and obesity, but also the costs, public and private, associated with these diseases.

What could be more sensible?

Finally, as I am sure you are aware, this change will provide much needed incentive for neighbors to meet each other and an opportunity to build community in a society increasingly atomized, where people all too often feel isolated from each other, frequently not even knowing their neighbor's names - a situation with far reaching and dire implications. This change represents a move against atomization, and toward community. So let's prove ourselves worthy of the name 'sapiens' - let's get this zoning change onto the books ASAP.

Cordially,

Oz Osborn  
2109 E 16th Ave  
Denver, CO 80206

## Showalter, Sarah K - CPD Planning Services

---

**From:** Armon, Joan R [jarmon@regis.edu]  
**Sent:** Wednesday, April 23, 2014 7:56 AM  
**To:** Showalter, Sarah K - CPD Planning Services  
**Subject:** Support of Neighborhood Produce Sales

Dear Sarah,

I wholeheartedly support Denver citizens' opportunities to sell fresh products they produce in yards and gardens. This initiative puts Denver on the cutting edge of sustainability and food security efforts in this country. The initiative is essential because it:

Provides access to fresh, healthy foods, particularly for the elderly, those who have mobility difficulties, and those who live in a food desert

*-Fosters food security for all community members, with consideration for economic viability and environmental sustainability*

*Anchors neighborhood resiliency and community connections by providing opportunities for neighbors to get out and meet each other and to survive natural or other disasters*

*Best, Joan Armon, 4505 W. 31st Ave., Denver, CO 80212*

## Showalter, Sarah K - CPD Planning Services

---

**From:** Andre Roux [andre@25inchange.org]  
**Sent:** Wednesday, April 23, 2014 11:55 AM  
**To:** Showalter, Sarah K - CPD Planning Services  
**Subject:** Denver Sustainable Food Council's proposed Zoning Amendment

Hello Ms. Showalter,

My name is Andre Roux and I'm the Executive Director of 25 in Change. I have the great opportunity of overseeing this Denver-based 501(c)3 non-profit organization which seeks to empower individuals to live healthier and more sustainable lives in order to repair our global broken food system. Last year, we coordinated over 3,000 citizens in Denver to begin healthier eating habits while at the same time having them financially partner with us to provide over 300,000 school meals to hungry children around the world. We also launched a for-profit company called 25 Farms which grows all of its fruits and vegetables in the Denver area and delivers them the same day to people's homes around town. We're currently in the process of building a greenhouse with Mile High Ministries at 6th and Kalamath in order to provide jobs to formerly homeless people as well as more local, fresh, and sustainable produce to people living in that neighborhood.

I'm emailing you in support of the zoning amendment proposed by the Denver Sustainable Food Council. Allowing for people to grow and sell food from their homes can positively influence neighborhoods by fostering better local community connections while also improving the health of individuals through the physical activity of gardening and through eating the nutrient-dense foods such activity produces.

I cannot stress enough how important it is that a cultural food-change occurs in the Denver area. While we are one of the healthiest cities in the nation, we have one of the biggest gaps in the country between those who are healthy and those who suffer from a form of malnutrition. This gap is due primarily to differences in income. This zoning amendment would allow homes in underserved neighborhoods to better utilize their properties to sell healthy food to one another. We would see SNAP recipients gaining both income and dignity from producing and selling their food to their neighbors. This amendment can have positive changes throughout all neighborhoods in the Denver area. It is vital to health of our communities that the Denver City Council pass this zoning amendment.

Thank you for your time.

All the Best,

Andre Roux  
Executive Director  
25 in Change

## Showalter, Sarah K - CPD Planning Services

---

**From:** Mya Bea [mya.b.living@gmail.com]  
**Sent:** Monday, April 28, 2014 2:38 PM  
**To:** Showalter, Sarah K - CPD Planning Services  
**Subject:** I support home-sales of garden produce & cottage foods!

A warm hello! ~ i'm writing in support of the ordinance change to allow fresh produce and cottage foods sales in the city of Denver.

There are so many reasons why i believe that residential-based market stands are a brilliant idea, but i'll just share my experience of building street/sidewalk level gardens for/with our neighbors in the Clayton neighborhood (80205): in a ramping-up-to-be gentrified part of NNE Denver, where a confluence of diverse residents come together in sometimes uncomfortable or alienating ways, growing and sharing food at the street/sidewalk level makes the streets safer, more pleasant, lays the groundwork for hyper-local micro-economies and community resiliency, and is a natural invitation to engage with those who live around you.

Since the gardens, the drug deals outside on the corner have stopped. Some of the weedy parkways (the space between the sidewalk and the road) have been reclaimed with the growing of fresh food -- and we plan to expand and see even more people bring the food out front in this way. As a result of interfacing with our neighbors (via car/bike/walk/stumble), we've witnessed the almost magical power that our semi-public gardens have had on people's otherwise guarded -- even hostile -- demeanors: folks of such clearly different life-experiences meet in conversation, while picking tomatoes, and that's precisely what our communities need at this Point in Time.

Community resiliency is ESSENTIAL if we are to weather the turbulent Times around and in front of us. It's important that more people are growing their own food, as well as a surplus to sell/barter/etc. for their neighbors who don't. It's important for people to learn how to navigate these older forms of economy (like barter, setting their own market value), to develop a craft (e.g. growing squash or making jam) that has immediate and tangible value to the people around them. i support an entire culture-shift in the way Denver residents are *able* and *choose* to get more fresh food in their daily lives. i support residential/neighborhood/block-based markets because it allows each micro-climate of a community to experiment with what it is to be *more open*, *more generous*, and to live a "slower" life, where walking across the street to get tomatoes and some lettuce for the evening's salad is their \*regular\* choice.

There is no way to project or completely measure the qualitative benefits where residents choose to engage this civic sphere -- but i thank you all for looking at legitimizing this incredible opportunity, so we can discover what's possible! While this sort of ordinance has passed in other cities around the nation, none (that i have found) are taking the practice of home-based market stands into the cultural mainstream, the way i believe we could, here; with all the incredible urban-agriculture knowledge, leadership, and talent in Denver, i'm confident that we can be a national leader in building more resilient, vibrant communities through supporting and promoting residential-based, fresh produce/cottage foods sales.

In Peace & Respect ~ Mya Bea, Liberation Sequence Gardens

---

★ *Mya Bea* ★ MPA

**humane food advocate**

**discover: food justice, sovereignty & integrity**

Denver-Boulder

email: [mya.b.living@gmail.com](mailto:mya.b.living@gmail.com)

mobile: 720.808.1164

[about my work](#)



2 May 2014

Love Uprising is a strong supporter of the initiative before the City Council of Denver to allow retail sales of produce/food grown at residential homes.

The mission of Love Uprising is to promote organic community development. Love Uprising develops urban farms; reinvests in community assets; promotes cultural educational events to expand the neighborhood economy for goods & services that increase gross national happiness & sustain a secure & walk-able community.

Love Uprising supports the Denver Sustainable Food Policy Council's SFPC) proposed change to allow retail sales of fruits and vegetables and limited food products (e.g. teas, herbs & spices) that are grown or produced on residentially zoned property, with sales occurring at the grower's property with all sales direct to consumers.

The SFPC initiative strongly aligns with the mission of Love Uprising to expand neighborhood economies. Love Uprising supports mutual visions for community development.

Respectfully,

*Gerald W Hamel*

Gerald Hamel

Executive Director

Love Uprising

3540 E. 31<sup>st</sup> Avenue

Denver, Colorado 80205

720.276.1386

[Ghamel@LoveUprising.org](mailto:Ghamel@LoveUprising.org)

[www.LoveUprising.org](http://www.LoveUprising.org)



2 May 2014

Impact Empowerment Group is a supporter of the initiative before the City Council of Denver to allow retail sales of produce/food grown at residential homes.

Impact Empowerment Group continues the mission of the Prodigal Son Initiative strengthening and building our communities by providing youth and families the positive tools and knowledge they need to succeed.

Our vision is to see thousands of children will grow up in safe, beautiful communities where they can become highly successful leaders of peace by helping build their community through Servant Leader principles: self esteem, listening, empathy, healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment and building community.

Impact Empowerment Group supports the Denver Sustainable Food Policy Council's SFPC) proposed change to allow retail sales of fruits and vegetables and limited food products (e.g. teas, herbs & spices) that are grown or produced on residentially zoned property, with sales occurring at the grower's property with all sales direct to consumers.

The SFPC initiative strongly aligns with the mission of Impact Empowerment Group to strengthen youth and families by creating economic opportunity for youth and access to healthy & convenient food for families.. Impact Empowerment Group supports shared mutual visions for community building.

Respectfully,

*Bryan Butler*

Bryan Butler  
Executive Director  
Impact Empowerment Group  
Nancy P. Anschutz Center  
3399 Holly Street  
Denver, Colorado 80207  
720.612.2199  
[BButler@ImpactEmpowerment.org](mailto:BButler@ImpactEmpowerment.org)  
[www.ImpactEmpowerment.org](http://www.ImpactEmpowerment.org)