



**DENVER**  
THE MILE HIGH CITY

# Proposed Denver Zoning Code Text Amendment

Allow Sales Fresh Produce and & Cottage  
Foods as a Home Occupation

LUTI Committee  
May 13, 2014

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**



# Overview

- Purpose of Text Amendment
- Text Amendment Process
- Current Standards
- Proposed Standards
- Staff Recommendation



## Sponsor & Community Partners

- Ordinance is sponsored by Denver Councilwoman Robin Kniech (At-Large Member)
  - Councilwoman Susan Shepherd and Councilman Albus Brooks are co-sponsors
- Community partners include the Mayor's Sustainable Food Policy Council and LiveWell Denver

# Purpose of Text Amendment

- Bring Denver into compliance with State of Colorado Cottage Food Act
- Allow Denver residents to sell fresh produce they grow at home or in a community garden directly to consumers from their home
  - Also allow Denver residents to sell from home certain “cottage foods” made from fresh produce grown in their gardens (e.g. jams,



# Purpose of Text Amendment

- Fulfill Mayor's 2020 Sustainability Goals
- Expand access to healthy, affordable foods
- Build community through neighbor-to-neighbor interactions



# Text Amendment Process

- **Jan-May:** Ongoing outreach to RNOs – community sponsor and bill sponsor met with 15 RNOs
- **Feb 26:** Informational notice to Registered Neighborhood Organizations (RNOs) and City Council
- **March 5:** Planning Board informational presentation
- **March 17:** Public Review Draft posted to CPD website
- **March 25:** LUTI Informational presentation



# Text Amendment Process

- **May 7:** Planning Board Public Hearing
  - Notification to RNOs and City Council 15-days prior to public hearing
- **May 13:** City Council Land Use, Transportation and Infrastructure (LUTI) Committee meeting
- **May 19:** City Council First Reading
- **June 16:** City Council Public Hearing
  - Notification to RNOs 21-days prior to public hearing

- Various limited businesses are allowed today in the home (“home occupations” in the zoning code), such as:
  - Hair salons
  - Professional offices (lawyers, psychiatrists, accountants)
  - Small appliance/jewelry repair services
  - Artist studios
  - Child care
- These uses are “accessory” (incidental or secondary) to the main or “primary” use of the land for a residential dwelling
- Direct retail sales of food or food products from the home are prohibited

- Home gardens and community gardens are allowed everywhere in the city
- Currently, a Denver resident can sell fresh produce grown in a garden in the following ways:
  - Fresh produce grown in gardens at schools/churches in residential zone can be sold directly to consumers on-site
  - Fresh produce grown in home garden can be sold to a farmer's market or restaurant located in a commercial zone, or donated to a food bank or pantry
  - Fresh produce grown in a garden located in a nonresidential zone can be sold directly to consumers on-site

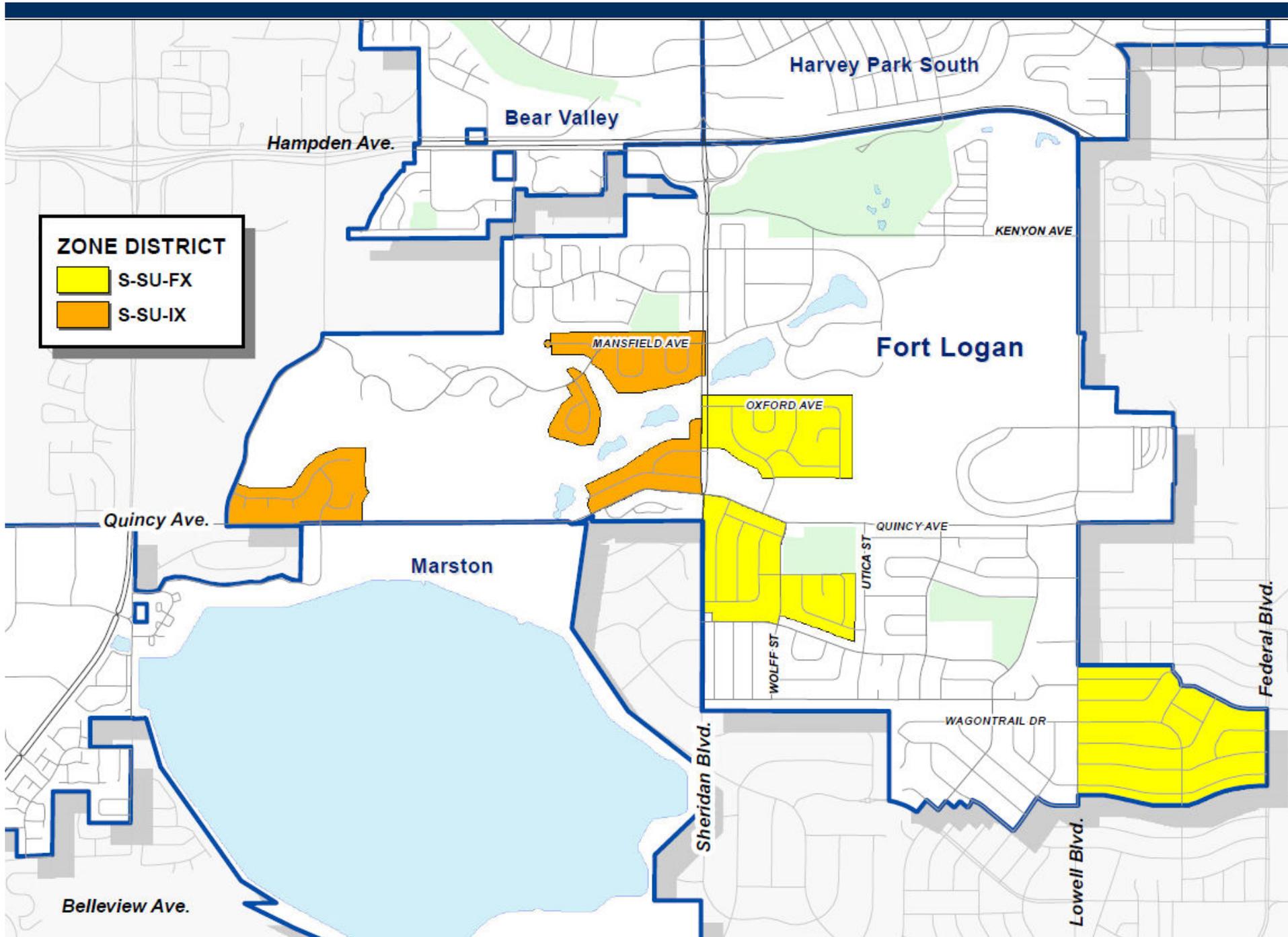
- 1. Add new home occupation** called “Fresh Produce and Cottage Foods Sales” and allow in all zones (except S-SU-Fx and S-SU-lx) as accessory to primary residential use
- 2. Add new definitions** of “Cottage Foods” and “Fresh Produce and Cottage Food Sales Home Occupation”
- 3. Add limitations** on the operation of the new “Fresh Produce and Cottage Food Sales Home Occupation”

- “Fresh Produce and Cottage Food Sales”
  - A new type of Home Occupation added to the list of allowed home occupations in DZC §11.9.4
  - Included in all use tables as part of “Home Occupations, All Others” specific use type
    - In Suburban Context (“S-”) zone districts, “Fresh Produce and Cottage Food Sales” will be listed separately in use tables and not permitted in S-SU-Fx and S-SU-lx districts
  - Allowed as “L-ZP” – subject to use limitations and requires a zoning permit
    - Zoning Permit for home occupation costs \$20 and only allows person named in permit to conduct the sales/home occupation



## Change #1: Add New Home Occupation

- S-SU-Fx and S-SU-lx zone districts
  - R-0 zoning under Former Chapter 59
  - Only located in Council District 2
  - During 2010 code update, Council office and community desired to keep very limited home occupation list (similar to R-0)
  - Home occupations currently allowed: only 4 out of 15
    - Professional office, child care, adult care, and foster family care



- “Fresh Produce and Cottage Food Sales”
  - A home occupation where:
    - 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
    - Cottage Foods are prepared and/or sold.

- “Cottage Foods”
  - Food products produced, processed, and/or packaged in the kitchen of a permitted dwelling unit that are non-potentially hazardous and do not require refrigeration
  - Defined in the State of Colorado Cottage Foods Act (examples include honey, tea, jams), unless otherwise prohibited by the Department of Environmental and Health.
  - Not including food products made with marijuana



## Change #3: Add Limitations on the Home Occupation

- Proposed Limitations
  - Sales allowed only from 7:00 am to dusk
  - Sales may occur indoors or outdoors
    - Outdoor sales may utilize temporary, movable furniture
    - All visible evidence of the business must be removed outside of permitted operating hours
- Other general home occupation limits apply
  - No non-resident employees

1. Consistent with City's Adopted Plans and Policies
  - Denver Comprehensive Plan 2000
    - Land Use – ordinance will be flexible and accommodate current and future land use needs, such as home-based businesses
    - Economic Activity – support small-scale economic development in neighborhoods
    - Neighborhoods – allow a diverse mix of housing types, essential services, recreation, businesses, home-based businesses
  - Mayor's 2020 Sustainability Goal: grow and process at least 20% of food purchased in Denver entirely within Colorado
2. Furthers the Public Health, Safety and General Welfare
3. Results in Regulations that are Uniform within

## CPD recommends approval based on finding that criteria have been met

1. Consistent with City's Adopted Plans and Policies
2. Furthers the Public Health, Safety and General Welfare
3. Results in Regulations that are Uniform within Each Zone District



# Planning Board Public Hearing May 7

- Voted unanimously to recommend approval to City Council, with the condition that the City Council consider applying the amendment citywide
  - This would mean permitting the home occupation in the S-SU-Fx and S-SU-Ix zone districts