

EXISTING TEMPORARY USE, LIVESTOCK & BEEKEEPING ORDINANCES

***Note:** The amendment includes only a minor change to the Temporary Use Ordinance. It has been highlighted below. Staff is proposing to repeal and replace both the Livestock and Beekeeping Ordinances. While only minimal changes are proposed to the actual allowances, the ordinance language has been simplified and reorganized a great deal.*

Section 11-05-01.4 Temporary Uses

A zoning certificate is required for certain temporary uses, including but not limited to buildings, display and sale of merchandise, model homes, trailers, uses incidental to construction and seasonal uses such as fireworks stands, Christmas tree lots, and fruit and vegetable produce stands. ~~marketing produce~~ Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare, including cleaning the property upon termination of the use.

1. With the exception of produce stands, which may be approved annually, the term of the permit shall not exceed 180 days.
2. Setbacks and clear vision triangles shall be observed and the temporary use shall not interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property.
3. The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.
4. Seasonal uses require: approval from the City Clerk's office.

Section 11-09-09 KEEPING OF LIVESTOCK

Section 11-09-09.01 Purpose

The purpose of these regulations is to provide a definition of livestock; to set forth reasonable standards for the keeping and care of livestock; to protect the property rights of citizens annexed into Boise City with livestock or rights to keep livestock; to help maintain neighborhood compatibility; and to protect the health, safety, and welfare of the general public.

Section 11-09-09.02 Livestock Defined

Livestock are those class of animals that are kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to horses, cattle (beef and dairy), llamas, mules, swine, sheep, goats, rabbits, poultry, and domestic birds. Livestock includes any other grazing or foraging animal except those specifically included as a pet.

Section 11-09-09.03 Pet Defined

Pets generally include those animals that are housed indoors. Pets also include certain animals that may be housed outdoors. Those certain animals are: dogs, cats, up to three (3) chickens, excluding roosters, two (2) ducks, two (2) rabbits or such equivalent small animals or poultry as determined by the Planning Director. Animals deemed to be pets shall comply with the performance standards as set forth in Section 11-09-09.09G.

Section 11-09-09.04 Commercial Livestock Uses

The raising of livestock for the specific purpose of selling the livestock or livestock products (such as milk) represents commercial livestock use. Such use requires compliance with the base standards in this ordinance and approval of a conditional use permit. The raising of an animal for youth development activities involving 4H or Future Farmers of America (FFA) and the sale of such animal shall not be considered a commercial use.

Section 11-09-09.05 Animal Unit Defined

Animal unit is defined to provide a reasonable standard for determining allowed livestock densities. Each horse, mule, cow, llama, or similar size animal shall represent one animal unit. The number of smaller animals representing one animal unit is established based upon the size and characteristics of the animal. The number of smaller animals included within an animal unit includes four (4) sheep, four (4) goats, four (4) swine, twelve (12) chickens, twelve (12) ducks, six (6) geese, ten (10) rabbits, or equivalent combination of such animals. The Planning Director shall determine the equivalent number of animals allowed within an animal unit for animals not listed herein including miniature forms of large animals. The Planning Director determination should take into consideration the purpose of Section 11-09-09.01 and the impacts to adjacent properties as described in Section 11-09-09.09.

Section 11-09-09.06 Allowed Use of Livestock

The keeping of livestock as an accessory use to residential use shall be allowed in the A Open, R-1A, R-1B and R-1C zoning districts of Boise City subject to the standards set forth herein.

Section 11-09-09.07 Grandfather Rights/Legal Nonconforming Use Status

Any property annexed into Boise City with livestock that were placed on the property in accordance with the regulations of Ada County in effect at the time, shall be grandfathered into Boise City. If the livestock and related enclosures comply with all standards of this ordinance the use shall be classified as a legal conforming use. If the livestock and enclosures were in compliance with Ada County requirements but do not comply with these regulations, the use shall be classified as a legal nonconforming use but shall be allowed to continue to exist as it existed upon annexation. Grandfather rights for livestock shall run with the land and are not lost upon sale or conveyance of the property. A person with grandfather rights may retain those rights even if they exchange animal units as long as the number of animal units is in conformance with this ordinance. For example, a grandfathered property with cattle may switch the species of livestock to sheep and would not lose its grandfather rights. However, the number of sheep allowed (i.e., animal unit) would be pursuant to this ordinance.

Section 11-09-09.08 Abandonment/Discontinuance/Removal of Grandfathered Livestock

The legal nonconforming/grandfathered status shall be forfeited if the livestock are removed from the property for a continuous period of two (2) years. After the livestock use has been discontinued for a period of two (2) years, such use may be resumed in compliance with the standards of this ordinance in force at the time.

Section 11-09-09.09 Standards for the Keeping of Livestock

- A. A minimum lot size of one (1) acre is required to qualify for the keeping of livestock within Boise City.
- B. A minimum area of at least one half ($\frac{1}{2}$) acre of the qualifying property, which shall be dedicated to the keeping of livestock, is required for the keeping/raising of livestock. This area shall be configured in a contiguous and usable manner to accommodate the grazing area, feed storage and manure piles. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.
- C. Livestock shall be kept within enclosures which may include fences, corrals, barns, pens, etc..
- D. Horses, which are commonly ridden and exercised on trails and other places outside people's properties, shall be allowed to exceed the standard animal unit density allowed per this ordinance. One horse per residential lot shall be allowed on every 14,500 sq. ft. of lot area that is configured in a contiguous and usable manner.
- E. Livestock enclosures must meet the setback requirements of the zoning district within which they are located.
- F. The maximum animal density shall be two (2) animal units per acre based upon the area that is designated for the keeping of livestock. That portion of the lot utilized for the dwelling, lawn, parking, etc. shall not be included in the density calculation. For example, if one half ($\frac{1}{2}$) of a one (1) acre lot is set aside for the keeping of livestock, only one (1) animal unit is allowed such as one (1) cow, four (4) sheep, twelve (12) chickens, etc. Horses may be kept in accordance with the density exception set forth in paragraph D above. Maximum animal density does not include offspring until said offspring are nine (9) months of age.
- G. Property owners keeping livestock in accordance with the above standards must maintain such animals in a manner that does not cause adverse impact to neighboring properties. Potential negative impacts on adjacent properties include odors, noise, drainage, erosion and flies. Each person who keeps livestock is responsible for the regular removal and disposal of animal waste, and control of insects, erosion and odor. Non-domesticated animals such as wolves, bob cats, raccoons, etc. must be kept in fully enclosed structures and be in compliance with all State and Federal licensing requirements in addition to the provisions of this ordinance. Failure to maintain the property in accordance with these requirements shall be considered a violation of the ordinance.

H. Exceptions to Minimum Lot Size

Certain situations shall be considered as exceptions to the minimum lots size standard for the keeping of livestock.

1. Properties that are less than one (1) acre in size shall be allowed to keep livestock if the subdivision covenants or overlay district as adopted by the Boise City Council specify that livestock animals are allowed. The animal density allowed in such situations shall be specified in covenants or overlay district. If animal density is not addressed, the density requirements of this ordinance shall apply, provided that the provisions governing animals in the covenants are not voided.
2. Animals may be kept on less than one (1) acre for educational purposes, such as 4H or FFA as long as the performance standards of Section 11-09-09.09 are complied with. The maximum animal density allowed on one (1) acre shall not be exceeded for such educational uses.
3. Properties that have been reduced to below one (1) acre in size as a result of public right-of-way acquisition shall be allowed to keep livestock subject to the animal density restrictions set forth above.

Section 11-09-09.10 Permit Requirements

- A. A variance application and hearing shall be required to vary from or exceed the above standards.
- B. A conditional use permit is required for commercial livestock use as defined above. A conditional use permit shall not be required for the keeping of livestock as an accessory to residential use in accordance with the above standards.

Section 11-09-11 Apiaries; Bees

11-09-11.01 PURPOSE

The purpose of these regulations is to establish requirements for sound beekeeping practices, which are intended to avoid nuisances and other problems that might otherwise be associated with the keeping of bees in an urban setting.

11-09-11.02 DEFINITIONS

Apiary:	A place where bee colonies are kept.
Bee:	Any stage of the life cycle of the common domestic honey bee, <i>apis mellifera</i> , species.

Closed Fence/Closed Hedge:	A dense hedge or a fence with no visible gaps between the fencing materials when viewed at a right angle to the fence. The closed fence and hedge shall provide an effective flyway barrier.
Colony:	A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.
Hive:	A structure intended for the housing of a bee colony. A hive typically consists of a cover, supers, brood chambers, and a bottom board.

11-09-11.03 ALLOWED BEEKEEPING

The keeping of bees as an accessory use to residential use shall be allowed in the Open Land A-1 and A-2, R-1A, R-1B and R-1C zoning districts of Boise City subject to the standards set forth herein, and subject to review and approval of a zoning certificate by the Planning Director. This ordinance shall not be interpreted to allow for keeping of wasps, hornets or other noxious insects.

11-09-11.04 BEEKEEPING STANDARDS

- A. Density of Hives & Colonies: The keeping of bees shall not exceed a density of 3 colonies per 1/4 acre. Any single parcel of land is limited to 12 colonies, regardless of parcel size. Higher colony densities may be permitted by conditional use permit.
- B. Hives: All bee colonies shall be kept in hives with removable frames. Hives shall be kept in usable condition.
- C. Enclosures & Barriers: A minimum 6 foot high closed fence, closed hedge, building, or other solid flyway barrier shall be located between hives and the property line for all hives located within 30 feet of the property line. Any supply of water required for bees shall be located within enclosures and flyway barriers.
- D. Setbacks Required: All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 5 feet from all other property lines. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, and permanently affixed play equipment on any adjoining lots or parcels, unless the owner of the adjoining property has provided written permission for closer hive placement. The property owner maintaining the hive(s) shall make reasonable accommodation for anticipated areas of human activity on adjoining parcels.

- E. Water Source: A supply of fresh water shall be maintained throughout the day to prevent bees from congregating at neighboring swimming pools and other water sources where they may cause human or domestic contact. Said water supply shall be large enough and located to be readily accessible to colonies on the site, and shall be designed to allow bees to access water by landing on a hard surface. A water supply is not required on the site during winter and other inactive months.
- F. Protection of Residents On-Site: Setbacks, barriers and other measures shall be applied as necessary to protect the residents of dwellings on the site.
- G. Maintenance: Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this Section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such dispositions to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.
- H. Queens: In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- I. Compliance with State Statutes: The keeping of bees shall be done in compliance with the Idaho State Bee Inspection statute and other applicable state laws.

11-09-11.05 PRESUMPTION OF RESPONSIBILITY

It shall be presumed for the purpose of Section 11-09-11 that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the parcel upon which a hive or hives are situated.

11-09-11.06 VIOLATION AND PENALTY

The keeping of bees and other insects in violation of this ordinance is prohibited. Any violation of this section shall be subject to a criminal misdemeanor pursuant to Boise City Code, Section 11-01-02.



Planning & Development Services

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MEMORANDUM

TO: Mayor and Boise City Council

FROM: Hal Simmons, Planning Director
Boise City Planning and Development Services

DATE: April 17, 2012

RE: ZOA11-00006 / Urban Agriculture Ordinance

Planning and Development Services is proposing to modify existing standards for temporary produce stands and the keeping of livestock, pets and bees. Also proposed is a new use category (Urban Farm) with a definition and operating standards. Sections of the ordinance to be amended include:

11-01-03 (Definitions)
11-04 (Use Standards)
11-05-01.04 (Temporary Uses)
11-09-09 (Keeping of Livestock)
11-09-11 (Apiaries; Bees)
11-09-12 (Urban Farms)

The Planning and Zoning Commission unanimously recommended approval of this application on February 6, 2012. While staff had received a few written letters with concerns, all testimony at the February 6th hearing was in support of the proposal. The following record is provided for your review:

Page 2 Summary and Recommendation
Page 4 Proposed Ordinance
Page 11 Minutes from February 6, 2012 P & Z Hearing
Page 33 Exhibits & Written Testimony from February 6, 2012 P & Z Hearing
Page 49 P & Z Staff Report (Includes Agency and Public Comments)
Page 170 Comments Received after P & Z Hearing

SUMMARY

Planning and Development Services is requesting approval of an ordinance amendment to introduce new allowances for urban agriculture and clarify regulations already in place. This proposal is geared specifically toward implementation of a specific element of *Blueprint Boise*. Goal ES13.2a reads:

Encourage food production in the city through targeted zoning amendments that address uses, their location, and use conditions to ensure compatibility with surrounding neighborhoods.

B.C.C. 11-08-04.01 indicates the zoning ordinance may be amended whenever Council finds it necessary for public convenience or necessity, or for the general welfare of the citizens. The Planning and Zoning Commission found the amendment to be consistent with these standards and unanimously supported the request. They determined it will provide a benefit to residents by removing some of the current regulatory barriers to local food production while still providing an adequate level of protection to neighborhoods.

The proposed ordinance is the result of months of work with the Urban Agriculture Committee and public interaction. The group first reviewed the standards of other municipalities and drafted a set of preliminary recommendations. These recommendations were presented to City Council (June 14, 2011) and the Planning and Zoning Commission (July 11, 2011) prior to seeking public input. They were essentially a bullet-point list, intended to provoke thought and feedback on the City's approach to urban agriculture. A significant amount of feedback was received on the preliminary recommendations. While a few concerns were raised, the comments demonstrated overwhelming support for urban agriculture. It was also a common sentiment that the recommendations were far too restrictive. A copy of the preliminary [recommendations and corresponding feedback](#) are attached to this report.

Staff worked extensively with members of the public who provided comment. Their input was instrumental in drafting the [proposed ordinance](#), a complete copy of which can be found at the back of this report. For Livestock and Beekeeping, staff is proposing substantial changes to [existing ordinances](#), primarily to simplify things for users. This renders a redlined/strike-out version of the existing code almost indiscernible. Staff is proposing to repeal and replace these sections. The Urban Farm section is entirely new ordinance language. A detailed analysis of the changes to each ordinance section can be found in the [Planning and Zoning Commission staff report](#). Highlights include:

Livestock Ordinance (Repeal and Replace Existing Language)

- No changes to current allowances for the keeping of larger animals
- Increase the number of chickens allowed as pets from three to six.
- Increase the number of ducks allowed as pets from two to four.
- Increase the number of rabbits allowed as pets from two to six.
- Reduce min. parcel size for keeping poultry and rabbits as livestock from one to one-half acre.
- Simplify/clarify existing ordinance language.

Beekeeping Ordinance (Repeal and Replace Existing Language)

- Removed the 12 colony maximum allowance for individual parcels.
- Defined and created an allowance for nucleus colonies.
- Clarified allowance for beekeeping on vacant parcels in open land and residential zones.
- Created allowance for beekeeping at urban farms.
- Added a requirement that contact information be posted at apiaries on vacant properties.
- Simplified existing standards and ordinance language.
- Removed application requirement

Produce Stands (A temporary commercial use not associated with an urban farm)

- Increased the term of approval from six-months to one year.

Urban Farms (New Ordinance)

- Establishes a definition of urban farms.
- Allows urban farms in all zoning districts.
- Creates a basic set of standards to ensure compatibility and prevent adverse impacts.
- Allows retail sales with administrative approval.
- Establishes additional standards for residential and open space zones
- Allows standards to be exceeded with a conditional use permit.

The February 6, 2012 Planning and Zoning Commission hearing was well attended. As evident in the attached minutes, while staff received a few letters with concerns, all verbal testimony was in support of the amendment. These uses all serve an important function in or near residential neighborhoods. The Commission found the amendment consistent with the standards of *B.C.C. 11-08-04.1* and unanimously recommended approval. The changes will provide a benefit to the general welfare of the citizens by allowing small-scale food production and the purchase of fresh goods in close proximity to where people reside. Those elements of Blueprint Boise related to urban agriculture cannot be accomplished without first removing the current zoning barriers. This is one of the fundamental purposes of this amendment.

RECOMMENDATION

Staff recommends **approval** of ZOA11-00006.

NOTE TO COUNCIL

Staff views this amendment as a first step of what should be a larger, on-going effort. Future changes could include providing actual incentives for urban agriculture. Staff suggests this ordinance be re-visited after use for a full growing season. There may be a need for the addition or removal of standards, but also opportunities to incorporate additional allowances. An annual review could be an opportunity to present Council with an update on the use of the new ordinance and begin discussions regarding future ordinance changes.

Proposed Ordinance

Section 11-01-03 DEFINITIONS

URBAN FARM:

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

Section 11-04-03 RESIDENTIAL DISTRICTS: (R-1A, R-1B, R-1C, R-1M, R-2 & R-3)

Section 11-04-03.05 Use Standards

Table 1 sets forth the requirements for specific uses in each residential district. The "A" designation indicates the use is allowed in that district subject to any overlay district(s) such as the "D" (Design Review) district. The "AA" designation is for that class of uses that are allowed subject to administrative review of approval criteria and the "CC" designation is for those uses that require a commission level conditional use application. A "P" designation means the use is prohibited in that district. The requirements for any use not listed on Table 1 shall be determined by the Planning Director in accordance with Section 11-02-02.1.

TABLE 1 RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C, R-1M, R-2 & R-3) Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)						
<u>USE</u>	R-1A	R-1B	R-1C	R-1M	R-2	R-3
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A	A

11-04-05.04 Use Standards

TABLE 2.1 NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O) AND RESIDENTIAL- OFFICE (R-O) DISTRICTS Allowed (A), Conditional (CC), Admin. Approval (AA) and Prohibited (P) Uses			
<u>USE</u>	<u>N-O</u>	<u>L-O</u>	<u>R-O</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A

11-04-06.09 Use Standards

TABLE 3 COMMERCIAL (C-1, C-2, C-3, C-4 & C-5) DISTRICTS Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)					
<u>USE</u>	C-1	C-2	C-3	C-4	C-5
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-07.02 Use Standards

TABLE 5 HEALTH SERVICE DISTRICT (H-S) Allowed, Conditional and Prohibited Uses	
<u>USE</u>	<u>DISTRICT</u>
Urban Farm (Subject to Section 11-09-12)	A

Section 11-04-08.06 Industrial Districts Use Standards

TABLE 7 INDUSTRIAL DISTRICTS (M-1, M-2, M-4, T-1 & T-2) Allowed, Conditional and Prohibited Uses					
<u>USE</u>	<u>M-1</u>	<u>M-2</u>	<u>M-4</u>	<u>T-1</u>	<u>T-2</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-09 REGULATIONS FOR OPEN LAND; A-1 AND A-2 DISTRICTS

TABLE 9 OPEN LAND A-1 and A-2 DISTRICTS Allowed, Conditional and Prohibited Uses		
<u>USE</u>	A-1 District	A-2 District
Urban Farm (Subject to Section 11-09-12)	A	A

Section 11-04-11 UNIVERSITY: "U" DISTRICT

All other uses shall be allowed as follows:	
Urban Farm (Subject to Section 11-09-12)	A

Section 11-05-01.4 Temporary Uses

A zoning certificate is required for certain temporary uses, including but not limited to buildings, display and sale of merchandise, model homes, trailers, uses incidental to construction and seasonal uses such as fireworks stands, Christmas tree lots, and produce stands. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare, including cleaning the property upon termination of the use.

1. With the exception of produce stands, which may be approved annually, the term of the permit shall not exceed 180 days.
2. Setbacks and clear vision triangles shall be observed and the temporary use shall not interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property.
3. The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.
4. Seasonal uses require approval from the City Clerk's office.

Section 11-09-09 KEEPING OF LIVESTOCK ACCESSORY TO RESIDENTIAL USE

Section 11-09-09.01 Purpose

To define livestock and pets and establish standards for their keeping and care; that will maintain neighborhood compatibility and protect the health, safety, and welfare of the general public.

Section 11-09-09.02 Livestock

Livestock are animals kept outside the home in enclosures such as pens, barns or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.

Section 11-09-09.03 Pet

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of pets must comply with the performance standards in Section 11-09-09.07F.

Section 11-09-09.04 Commercial Livestock Uses

The keeping of livestock for sale or the sale of livestock products (such as milk) requires compliance with the standards in this ordinance and a conditional use permit.

Section 11-09-09.05 Animal Unit

An animal unit is:

One – horse, mule, cow, llama;

Four – sheep, goats, or swine;

Six – geese;

Ten – rabbits;

Twelve – chickens or ducks

The Planning Director may determine a unit number for animals not listed.

Section 11-09-09.06 Livestock as Legal Nonconforming Uses

Nonconforming status shall be in accordance with 11-09-03, except that nonconforming status shall be lost if the livestock are removed from the property for a continuous period of two years.

Section 11-09-09.07 Standards for the Keeping of Livestock

- A. A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.
- B. With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.
- C. Livestock shall be kept within fences, corrals, barns, pens, etc.
- D. Livestock enclosures must comply with setback requirements.
- E. The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. (See exceptions listed in 'H' below.) Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.
- F. Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.
- G. It shall be unlawful to keep any animal listed in 6-07-06 under the auspices of this section.
- H. Exceptions to Minimum Area

The following are exceptions to the minimum area standards.

1. Livestock may be kept on less than one acre when allowed by duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this ordinance shall apply.
2. Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.
3. Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

Section 11-09-11 Apiaries; Bees

11-09-11.01 PURPOSE

To ensure sound beekeeping practices and thereby avoid problems that might be associated with the keeping of bees in an urban setting.

11-09-11.02 DEFINITIONS

Apiary:

A place where bee colonies are kept.

Bee:

Any stage of the life cycle of the common domestic honey bee.

Colony:

Bees in any hive including queens, workers and drones.

Hive:

A structure intended for the housing of a bee colony.

Nucleus Colony:

A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

11-09-11.03 ALLOWED BEEKEEPING

Beekeeping is allowed in the A-1, A-2, R-1A, R-1B and R-1C zones including at urban farms. The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and other noxious insects is prohibited.

11-09-11.04 BEEKEEPING STANDARDS

- A. Density of Hives & Colonies: There is no minimum parcel size for beekeeping. However, the maximum density is 3 colonies per 1/4 acre. Higher densities may be permitted by conditional use permit.
- B. Nucleus Colonies: For every two colonies authorized above, one additional nucleus colony is allowed.
- C. Hives: Colonies shall be kept in hives with removable frames.
- D. Flyway Barriers: For colonies located within 25 feet of a property boundary, a flyway barrier at least six feet in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet beyond the apiary in each direction is required.

- E. Setbacks and Placement: Hives shall be located at least 20 feet from front property lines and 3 feet from other property lines. The back of the hive shall be oriented to adjoining properties.
- F. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.
- G. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.
- H. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.
- I. Compliance with State Statutes: Beekeeping shall comply with all applicable state laws.
- J. Contact Information: Contact information for a responsible party shall be posted at apiaries on vacant property.

Section 11-09-12 URBAN FARMS

- A. There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.
- B. Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.
- C. The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours.
- D. Plantings shall not obstruct any clear vision triangle as defined by Boise City or the Ada County Highway District (ACHD). Plantings in the public right-of-way require a license agreement from ACHD.
- E. Drip irrigation and other methods to conserve water are encouraged.
- F. Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.

- G. On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6' in height or 32 square feet in background area.
- H. No overhead lighting is allowed.
- I. Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.
- J. The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.
- K. Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:
 - 1. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25% of total product on display.
 - 2. Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.
 - 3. Installation of new overhead lighting is prohibited.
 - 4. Applications shall include signatures of residents of adjacent properties, including those across streets and alleys, indicating they have been notified of the intent to conduct retail sales. The list shall include the address of any residents unwilling to sign.
 - 5. In Residential and Open Space zones:
 - a) The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
 - b) Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
 - c) Installation of new on-site parking to support retail sales is prohibited.
 - 6. A decision to approve or deny will be made within 15 days of receipt of a complete application. If approved, notice will be sent informing owners and residents within three-hundred feet of the decision and their right to appeal.
 - 7. Conditions may be imposed to protect adjacent properties from adverse impacts.
 - 8. These standards may be exceeded with approval of a Conditional Use Permit.