FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-

AN ORDINANCE AMENDING TITLE 18 REGARDING AGRICULTURE AND LIVESTOCK IN THE RURAL ESTATES, RURAL RESIDENTIAL, SINGLE FAMILY RESIDENTIAL, TWO-FAMILY RESIDENTIAL, MULTIPLE-FAMILY RESIDENTIAL, MULTIPLE-FAMILY RESIDENTIAL/PROFESSIONAL OFFICE, LIGHT COMMERCIAL, GENERAL COMMERCIAL, LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS INCLUDING TO ADD URBAN LIVESTOCK AND MARKET GARDENS AS ALLOWABLE USES AND ADDING AND AMENDING DEFINITIONS AND STANDARDS

WHEREAS, Current FNSB code does not allow “agriculture”, “domestic livestock”, “commercial livestock”, or “commercial agriculture” in any scale, in most zoning districts; and

WHEREAS, Land Use Goal 4, Strategy 10, Action B of the FNSB Regional Comprehensive Plan is to encourage agricultural development that is compatible with surrounding land uses and densities; and

WHEREAS, Economic Development Goal 1, Strategy 4, Action B is to promote and enhance agricultural administration, processing, and distribution within the Borough, to support the building of storage facilities for agricultural products when we are assured that there is a need for them, and to support the expansion of Tanana Valley Farmers Market and other local agricultural markets; and

WHEREAS, The FNSB Regional Comprehensive Plan’s Community and Human Resources Goal 1 is to have services and facilities that enrich the quality of life for all residents, and Action E in part is to encourage local food production by supporting the Tanana Valley Farmers Market and other local agricultural markets; and

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Text to be added is underlined
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WHEREAS, Growing food locally contributes to local economies by generating jobs and sales of food at farmers markets and grocery stores; and

WHEREAS, The Department of Health and Social Services estimates that Alaskans spend nearly 2.5 billion dollars each year on food; and

WHEREAS, According to the Alaska Food Policy Council, 95 percent of Alaska’s food is imported, making Alaska vulnerable in times of disasters, and the Department of Homeland Security recommends storing at least a three-day supply of food in case of emergency; and

WHEREAS, The 2014 report “Building Food Security in Alaska” recommends measures to build personal capacities in agriculture, expand agriculture and gardening, build infrastructure that supports local food production, and adopt state policy that supports local food production; and

WHEREAS, The addition of limited commercial type agriculture (i.e. “market gardens”) and limited animal husbandry (i.e. “urban livestock”) to appropriate zoning districts will enable the creation of centralized food production areas that better serve the community; and

WHEREAS, Community sentiment as conveyed through contact with community planning staff in person and over the phone generally is in favor of increased agriculture and limited animal husbandry in more areas of the Borough; and

WHEREAS, Two online surveys with over 900 participants combined overwhelmingly supported allowing small-scale livestock and limited commercial agriculture in most zones; and
WHEREAS, Small-scale livestock and limited agriculture can be compatible with residential development, with appropriate standards; and

WHEREAS, A subcommittee of the FNSB Planning Commission held five public meetings to develop specific standards and draft regulations to recommend to the FNSB Administration for ensuring small-scale commercial agriculture and urban livestock will be compatible uses in select zoning districts; and

WHEREAS, Roosters were one of the least preferred animals in the urban agriculture surveys and are not considered compatible in urban residential neighborhoods because of noise concerns; and

WHEREAS, Male goats are not considered compatible in urban residential neighborhoods because of odors, but castrated male goats do not produce a strong odor and can be compatible; and

WHEREAS, “Urban livestock” and “market garden” uses should only be permitted when accessory to a residential use in order to maintain the urban character and promote appropriate care and minimal disruption to neighbors; and

WHEREAS, The definition of domestic livestock can be broadened to include incidental sales of animal products without negatively impacting the neighborhood; and

WHEREAS, The permitted use in Rural Residential described as “animals, where there are less than 25 nonhooved animals each weighing less than 50 pounds” has had limited applicability and is potentially contradictory to new and existing definitions related to livestock; and

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WHEREAS, Small-scale commercial agriculture (i.e. market gardens) can be compatible with other urban residential uses when it is maintained at a similar scale to home occupations and it does not produce excessive noise; and

WHEREAS, The American Planning Association (APA) states that “urban agriculture falls somewhat outside the range of traditional land-use decisions” and “urban agriculture can become a valuable tool in promoting community food security, particularly in low-income, urban neighborhoods”; and

WHEREAS, In relation to urban livestock, the American Planning Association (APA) states that “typical ordinance provisions include limits on the number of chickens or goats per lot, minimum lot sizes (especially for miniature goats), prohibitions on keeping roosters or slaughtering chickens on-site, setbacks from property lines and neighboring structures, coop or enclosure design and construction standards, and waste disposal and feed storage requirements”; and

WHEREAS, the current definition of neighborhood community garden is potentially in conflict with the proposed market garden definition; and

WHEREAS, community gardens are generally understood and intended to be a shared undertaking, with more than one individual participating in cultivation activities onsite.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.
Section 2. FNSBC 18.04.010, **Definitions**, is hereby amended as follows: [the clerk shall add or amend the definitions in alphabetical order as necessary]

“Beehive” means a movable frame structure used for the housing of honey bees.

“Community garden, neighborhood” means the cultivation of the soil, or the growing of crops or plants on a lot or zoning lot for personal use, trade, or sale off site with the area under cultivation not exceeding 10,000 square feet. A community garden may be divided into separate plots for cultivation by individuals or families, [OR FARMED BY AN INDIVIDUAL,] or the area may be farmed collectively by members of a group. This definition does not include the cultivation of marijuana.

“Domestic Livestock” means any quantity of farm animals raised and/or kept for personal use, [OR FOR] occasional competitive use ([I.E.] e.g., 4H, FFA, etc.), or incidental sales of animal products.

“Market Garden” means a small-scale production of food-producing or ornamental plants, not including marijuana, grown incidentally for commercial purposes using a variety of growing techniques including in-soil, container, or nutrient solution, in conjunction with and clearly subordinate to a residential use on the same site.

“Miniature Goat” means those goats commonly known as Pygmy or Dwarf.

“Urban Livestock” means the small-scale keeping of rabbits, chickens, roosters, ducks, geese, turkeys, miniature goats, goats, sheep, llamas, alpacas, and honey bees, where permitted, outdoors or in an accessory structure, for personal use, occasional competitive use, or incidental sales of animal products.

Section 3. FNSBC 18.36.020(A) pertaining to the Rural Estates district is hereby amended to add the following:

- Market garden;

Section 4. FNSBC 18.40.020(A) pertaining to the Rural Residential district is hereby amended to add and delete the following:

- Urban livestock;

- Market garden;
[ANIMALS, WHERE THERE ARE LESS THAN 25 NONHOOVED ANIMALS EACH WEIGHING LESS THAN 50 POUNDS];

Section 5. FNSBC 18.44.020(A) pertaining to the Single-Family Residential districts is hereby amended to add the following:

Urban livestock;

Market garden;

Section 6. FNSBC 18.60.030(D) pertaining to the Light Commercial district is hereby amended as follows:

D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter 18.96 FNSBC.

Section 7. FNSBC 18.64.030(D) pertaining to the General Commercial district is hereby amended as follows:

D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter 18.96 FNSBC.

Section 8. FNSBC 18.68.030(D) pertaining to the Central Business district is hereby amended as follows:

D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter 18.96 FNSBC.

Section 9. FNSBC 18.72.030(D) pertaining to the Light Industrial district is hereby amended as follows:

D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter 18.96 FNSBC.

Section 10. FNSBC 18.96.040(C), Exception to required yards and lot area, is hereby amended as follows:
C. The following are exempt from the yard requirements of this title; provided, that the sight distance requirements set forth in FNSBC 18.96.100 are met:

1. Fences meeting the provisions in FNSBC 18.96.090;
2. Flagpoles;
3. Retaining walls;
4. Signs meeting the provisions in FNSBC 18.96.070;
5. Transit amenities;
6. Street furniture;
7. Transportation-related infrastructure, including but not limited to street lamps, traffic lights, traffic signs, traffic barriers, and bollards;
8. Public bicycle racks and shelters.
9. Beehives meeting the provisions in FNSBC 18.96.250;

Section 11. Chapter 18.96 FNSBC, Supplementary Regulations, is hereby amended to add a new Section 18.96.085, Standards for Market Gardens, as follows:

18.96.085 Market Gardens

A market garden is subject to the following standards:

A. The market garden shall be incidental, in conjunction with, and clearly subordinate to a residential use.

B. Benches, work surfaces, planting beds, potted plants, compost or waste bins, rain barrels, irrigation systems and similar items may be located outdoors;

C. External visual or audible evidence of the use is limited as follows:

1. Heavy commercial vehicle delivery directly related to the market garden and not customarily associated with a residential use is not permitted.
2. Fertilizers, chemicals, large tools and equipment and similar items shall be stored indoors or out of view from neighboring lots and public view by a sight-obscuring screen.
3. Mechanical equipment is limited to that which is designed for household use.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
4. On-site sales of food or plants shall not be permitted.

Section 12. Chapter 18.96 FNSBC, Supplementary Regulations, is hereby amended to add a new Section 18.96.250, Standards for Urban Livestock, as follows:

18.96.250 Standards for Urban Livestock

Urban livestock are subject to the standards and restrictions in this section.

A. General

1. Livestock shall be limited to rabbits, chickens, roosters, ducks, geese, turkeys, miniature goats, goats, sheep, llamas, alpacas, and honey bees in accordance with the standards below.

2. Urban livestock, other than the keeping of honey bees, shall be in conjunction with and clearly incidental to a residential use on the same site.

3. Urban livestock may only be allowed with the written consent of the owner of the property.

4. On-site sales of animals or animal products shall not be permitted.

5. Enclosures, structures or beehives designed for the keeping of urban livestock animals shall meet the required setbacks of each zoning district, or 20 feet, whichever is greater, unless otherwise permitted in this section.

6. The total number of urban livestock in single-family residential (SF-20, SF-10, SF-5), two-family residential (TF), multiple-family residential (MF) and multiple-family residential/professional office (MFO) light commercial (LC), general commercial (GC), and light industrial (LI) zoning districts, other than honey bees, shall not exceed 18 in number.

7. The total number of urban livestock in Rural Residential, other than honey bees, shall not exceed 20 in number.

8. Urban livestock waste shall be managed so that odor is not perceptible at the subject lot line.

9. On-site slaughter of urban livestock shall not occur in public view.
B. Standards for the Keeping of Ducks and Chickens

1. In the single-family residential (SF-20, SF-10, SF-5), two-family residential (TF), multiple-family residential (MF), multiple-family residential/professional office (MFO), light commercial (LC), general commercial (GC), and light industrial (LI) zoning districts:
   a. No mature roosters shall be permitted
   b. The keeping of ducks and/or chickens shall be permitted on lots or zoning lots 2,000 square feet in size or larger.
   c. On lots or zoning lots between 2,000 square feet and 9,999 square feet in size, the total number of ducks and chickens shall not exceed eight in number.
   d. On lots or zoning lots 10,000 square feet or larger, one additional duck or chicken shall be permitted for every additional 1,000 square feet of lot size.
   e. The total number of ducks and/or chickens shall not exceed 18 in number regardless of lot size.

2. In the Rural Residential zone:
   a. A maximum of one rooster shall be permitted;
   b. The total number of ducks and/or chickens shall not exceed 20 in number.

C. Standards for the Keeping of Geese and Turkeys.

1. In the SF, TF, MF, MFO, LC, GC, and LI zones:
   a. The keeping of geese and/or turkeys shall be permitted on lots or zoning lots 20,000 square feet in size or larger.
   b. The total number of geese and/or turkeys shall not exceed three in number.

2. In the Rural Residential zone:
   a. The total number of geese and/or turkeys shall not exceed five in number.

D. Standards for the Keeping of Miniature Goats, Standard-Sized Goats, Sheep, Llamas, and Alpacas
1. Miniature goats, standard-sized goats, sheep, llamas, and alpacas shall be maintained in a structure or fenced area that shall prevent escape.

2. The total number of miniature goats, standard-sized goats, sheep, llamas, and alpacas, where permitted, shall not exceed two in number, over the age of eight weeks.

3. In the SF, TF, MF, MFO, LC, GC, and LI zones:
   a. The keeping of miniature goats shall be permitted on lots or zoning lots 10,000 square feet in size or larger.
   b. Male miniature goats are only allowed if castrated.
   c. The keeping of standard-sized goats, sheep, llamas, and alpacas shall not be permitted.

4. In the Rural Residential zone:
   a. The keeping of miniature goats, standard-sized goats, sheep, llamas, and alpacas shall be permitted.

E. Standards for Keeping of Honey Bees.

1. The required setback of a beehive may be reduced to ten feet if:
   a. There is a minimum six foot tall solid barrier such as a solid fence, wall, or dense line of hedges positioned between the entrance of the beehive and the lot line and shall extend at least two feet on either side of the beehive to promote a higher flyway; or
   b. The bottom of the beehive is elevated six feet or more above the grade immediately adjacent to the lot line of the setback being reduced.

2. In the single-family residential (SF-20, SF-10, SF-5), two-family residential (TF), multiple-family residential (MF), multiple-family residential/professional office (MFO), light commercial (LC), general commercial (GC), and light industrial (LI) zoning districts:
   a. The keeping of honey bees in beehives shall be permitted on lots or zoning lots 2,000 square feet in size or larger.
   b. On lots or zoning lots between 2,000 square feet and 9,999 square feet in size, the total number of beehives shall not exceed two in number.
c. On lots or zoning lots 10,000 square feet or larger, one additional beehive shall be permitted for every additional 5,000 square feet of lot size.
d. The total number of beehives shall not exceed four in number.

3. In the Rural Residential zone:
a. The keeping of honey bees in beehives shall be permitted on lots or zoning lots.
b. The total number of beehives shall not exceed four in number.
The livestock limits per zone shall be as follows:

### Proposed Urban Livestock Limitations

**In SF, TF, MF, MFO, GC, LI Zoning Districts**

<table>
<thead>
<tr>
<th>Lot Size Sq. Ft</th>
<th>Ducks/Chickens</th>
<th>Turkeys/Geese</th>
<th>Beehives*</th>
<th>Miniature Goats**</th>
<th>Maximum total Livestock Permitted</th>
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<tr>
<td>0 – 1,999</td>
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<td>2</td>
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<td>3</td>
<td>2</td>
<td>17</td>
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<tr>
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<td>18</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>18</td>
</tr>
</tbody>
</table>

* Beehives do not count toward total livestock
** Female or castrated animals only

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Proposed Urban Livestock Limitations in Rural Residential Zone

<table>
<thead>
<tr>
<th>Lot Size Sq. Ft</th>
<th>Ducks/Chickens**</th>
<th>Turkeys/Geese</th>
<th>Beehives*</th>
<th>Miniature Goats, Goats, Sheep, Llamas, Alpacas</th>
<th>Maximum Total Livestock Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 80,000</td>
<td>20</td>
<td>5</td>
<td>4</td>
<td>2</td>
<td>20</td>
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<tr>
<td>≥80,000</td>
<td></td>
<td></td>
<td></td>
<td>Domestic livestock permitted</td>
<td>(no specific number limits)</td>
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</tbody>
</table>

* Beehives do not count toward total livestock
** One Rooster is permitted

Section 13. Effective Date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2018.

_____________________________
Kathryn Dodge
Presiding Officer

ATTEST:

_____________________________
Nanci Ashford-Bingham, MMC
Borough Clerk

_____________________________
Jill S. Dolan
Borough Attorney

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