

1 By: Karl Kassel, Mayor
2 Refer to the
3 Planning Commission: April 12, 2018
4
5

6 FAIRBANKS NORTH STAR BOROUGH

7
8 ORDINANCE NO. 2018 -
9

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

19 WHEREAS, Current FNSB code does not allow “agriculture”, “domestic
20 livestock”, “commercial livestock”, or “commercial agriculture” in any scale, in most
21 zoning districts; and
22

23 WHEREAS, Land Use Goal 4, Strategy 10, Action B of the FNSB
24 Regional Comprehensive Plan is to encourage agricultural development that is
25 compatible with surrounding land uses and densities; and
26

27 WHEREAS, Economic Development Goal 1, Strategy 4, Action B is to
28 promote and enhance agricultural administration, processing, and distribution within the
29 Borough, to support the building of storage facilities for agricultural products when we
30 are assured that there is a need for them, and to support the expansion of Tanana
31 Valley Farmers Market and other local agricultural markets; and
32

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

67 WHEREAS, Small-scale livestock and limited agriculture can be
68 compatible with residential development, with appropriate standards; and

69
70 WHEREAS, A subcommittee of the FNSB Planning Commission held five
71 public meetings to develop specific standards and draft regulations to recommend to the
72 FNSB Administration for ensuring small-scale commercial agriculture and urban
73 livestock will be compatible uses in select zoning districts; and

74
75 WHEREAS, Roosters were one of the least preferred animals in the urban
76 agriculture surveys and are not considered compatible in urban residential
77 neighborhoods because of noise concerns; and

78
79 WHEREAS, Male goats are not considered compatible in urban residential
80 neighborhoods because of odors, but castrated male goats do not produce a strong
81 odor and can be compatible; and

82
83 WHEREAS, “Urban livestock” and “market garden” uses should only be
84 permitted when accessory to a residential use in order to maintain the urban character
85 and promote appropriate care and minimal disruption to neighbors; and

86
87 WHEREAS, The definition of domestic livestock can be broadened to
88 include incidental sales of animal products without negatively impacting the
89 neighborhood; and

90
91 WHEREAS, The permitted use in Rural Residential described as “animals,
92 where there are less than 25 nonhooved animals each weighing less than 50 pounds”
93 has had limited applicability and is potentially contradictory to new and existing
94 definitions related to livestock; and

95

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

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

99
100 WHEREAS, The American Planning Association (APA) states that “urban
101 agriculture falls somewhat outside the range of traditional land-use decisions” and
102 “urban agriculture can become a valuable tool in promoting community food security,
103 particularly in low-income, urban neighborhoods”; and

104
105 WHEREAS, In relation to urban livestock, the American Planning
106 Association (APA) states that “typical ordinance provisions include limits on the number
107 of chickens or goats per lot, minimum lot sizes (especially for miniature goats),
108 prohibitions on keeping roosters or slaughtering chickens on-site, setbacks from
109 property lines and neighboring structures, coop or enclosure design and construction
110 standards, and waste disposal and feed storage requirements”; and

111
112 WHEREAS, the current definition of neighborhood community garden is
113 potentially in conflict with the proposed market garden definition; and

114
115 WHEREAS, community gardens are generally understood and intended to
116 be a shared undertaking, with more than one individual participating in cultivation
117 activities onsite.

118
119 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
120 North Star Borough:

121
122 Section 1. Classification. This ordinance is of a general and permanent
123 nature and shall be codified.

124

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

125 Section 2. FNSBC 18.04.010, **Definitions**, is hereby amended as
126 follows: [the clerk shall add or amend the definitions in alphabetical order as necessary]

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

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

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

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

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

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

146
147 Section 3. FNSBC 18.36.020(A) pertaining to the Rural Estates district
148 is hereby amended to add the following:

149 Market garden;

150
151 Section 4. FNSBC 18.40.020(A) pertaining to the Rural Residential
152 district is hereby amended to add and delete the following:

153 Urban livestock;

154 Market garden;

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

155 [ANIMALS, WHERE THERE ARE LESS THAN 25 NONHOOVED
156 ANIMALS EACH WEIGHING LESS THAN 50 POUNDS];

157

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

160 Urban livestock;

161 Market garden;

162

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

165 D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter
166 18.96 FNSBC.

167

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

170 D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter
171 18.96 FNSBC.

172

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

175 D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter
176 18.96 FNSBC.

177

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

180 D. Exceptions to Yard, Lot Area, and Building Height Requirements. See Chapter
181 18.96 FNSBC.

182

183 Section 10. FNSBC 18.96.040(C), Exception to required yards and lot
184 area, is hereby amended as follows:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

185 C. The following are exempt from the yard requirements of this title; provided, that
186 the sight distance requirements set forth in FNSBC 18.96.100 are met:

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

197
198 Section 11. Chapter 18.96 FNSBC, Supplementary Regulations, is
199 hereby amended to add a new Section 18.96.085, Standards for Market Gardens, as
200 follows:

201 **18.96.085 Market Gardens**

202 A market garden is subject to the following standards:

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

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

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

208 1. Heavy commercial vehicle delivery directly related to the market garden
209 and not customarily associated with a residential use is not permitted.

210 2. Fertilizers, chemicals, large tools and equipment and similar items shall be
211 stored indoors or out of view from neighboring lots and public view by a sight-obscuring
212 screen.

213 3. Mechanical equipment is limited to that which is designed for household
214 use.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]

215 4. On-site sales of food or plants shall not be permitted.

216

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

220 **18.96.250 Standards for Urban Livestock**

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

222 A. General

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

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

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

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

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

234 6. The total number of urban livestock in single-family residential (SF-20, SF-
235 10, SF-5), two-family residential (TF), multiple-family residential (MF) and multiple-
236 family residential/professional office (MFO) light commercial (LC), general commercial
237 (GC), and light industrial (LI) zoning districts, other than honey bees, shall not exceed
238 18 in number.

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

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

243 9. On-site slaughter of urban livestock shall not occur in public view.

244

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

- 245 B. Standards for the Keeping of Ducks and Chickens
- 246 1. In the single-family residential (SF-20, SF-10, SF-5), two-family residential
- 247 (TF), multiple-family residential (MF), multiple-family residential/professional office
- 248 (MFO), light commercial (LC), general commercial (GC), and light industrial (LI) zoning
- 249 districts:
- 250 a. No mature roosters shall be permitted
- 251 b. The keeping of ducks and/or chickens shall be permitted on lots or
- 252 zoning lots 2,000 square feet in size or larger.
- 253 c. On lots or zoning lots between 2,000 square feet and 9,999 square
- 254 feet in size, the total number of ducks and chickens shall not exceed eight in number.
- 255 d. On lots or zoning lots 10,000 square feet or larger, one additional
- 256 duck or chicken shall be permitted for every additional 1,000 square feet of lot size.
- 257 e. The total number of ducks and/or chickens shall not exceed 18 in
- 258 number regardless of lot size.
- 259 2. In the Rural Residential zone:
- 260 a. A maximum of one rooster shall be permitted;
- 261 b. The total number of ducks and/or chickens shall not exceed 20 in
- 262 number.
- 263 C. Standards for the Keeping of Geese and Turkeys.
- 264 1. In the SF, TF, MF, MFO, LC, GC, and LI zones:
- 265 a. The keeping of geese and/or turkeys shall be permitted on lots or
- 266 zoning lots 20,000 square feet in size or larger.
- 267 b. The total number of geese and/or turkeys shall not exceed three in
- 268 number.
- 269 2. In the Rural Residential zone:
- 270 a. The total number of geese and/or turkeys shall not exceed five in
- 271 number.
- 272 D. Standards for the Keeping of Miniature Goats, Standard-Sized Goats, Sheep,
- 273 Llamas, and Alpacas

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

274 1. Miniature goats, standard-sized goats, sheep, llamas, and alpacas shall
275 be maintained in a structure or fenced area that shall prevent escape.

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

279 3. In the SF, TF, MF, MFO, LC, GC, and LI zones:

280 a. The keeping of miniature goats shall be permitted on lots or zoning
281 lots 10,000 square feet in size or larger.

282 b. Male miniature goats are only allowed if castrated.

283 c. The keeping of standard-sized goats, sheep, llamas, and alpacas
284 shall not be permitted.

285 4. In the Rural Residential zone:

286 a. The keeping of miniature goats, standard-sized goats, sheep,
287 llamas, and alpacas shall be permitted.

288 E. Standards for Keeping of Honey Bees.

289 1. The required setback of a beehive may be reduced to ten feet if:

290 a. There is a minimum six foot tall solid barrier such as a solid fence,
291 wall, or dense line of hedges positioned between the entrance of the beehive and the lot
292 line and shall extend at least two feet on either side of the beehive to promote a higher
293 flyway; or

294 b. The bottom of the beehive is elevated six feet or more above the
295 grade immediately adjacent to the lot line of the setback being reduced.

296 2. In the single-family residential (SF-20, SF-10, SF-5), two-family residential
297 (TF), multiple-family residential (MF), multiple-family residential/professional office
298 (MFO), light commercial (LC), general commercial (GC), and light industrial (LI) zoning
299 districts:

300 a. The keeping of honey bees in beehives shall be permitted on lots or
301 zoning lots 2,000 square feet in size or larger.

302 b. On lots or zoning lots between 2,000 square feet and 9,999 square
303 feet in size, the total number of beehives shall not exceed two in number.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZE]

304 c. On lots or zoning lots 10,000 square feet or larger, one additional
305 beehive shall be permitted for every additional 5,000 square feet of lot size.

306 d. The total number of beehives shall not exceed four in number.

307 3. In the Rural Residential zone:

308 a. The keeping of honey bees in beehives shall be permitted on lots or
309 zoning lots.

310 b. The total number of beehives shall not exceed four in number.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

311 F. The livestock limits per zone shall be as follow:

**Proposed Urban Livestock Limitations
In SF, TF, MF, MFO, GC, LI Zoning Districts**

Lot Size Sq. Ft	Ducks/ Chickens	Turkeys/ Geese	Beehives*	Miniature Goats**	Maximum total Livestock Permitted
0 – 1,999	-	-	-	-	0
2,000 – 9,999	8	-	2	-	8
10,000 – 10,999	8	-	2	2	8
11,000 – 11,999	9	-	2	2	9
12,000 – 12,999	10	-	2	2	10
13,000 – 13,999	11	-	2	2	11
14,000 – 14,999	12	-	2	2	12
15,000 – 15,999	13	-	3	2	13
16,000 - 16,999	14	-	3	2	14
17,000 - 17,999	15	-	3	2	15
18,000 - 18,999	16	-	3	2	16
19,000 - 19,999	17	-	3	2	17
≥20,000	18	3	4	2	18
* Beehives do not count toward total livestock					
** Female or castrated animals only					

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]

Proposed Urban Livestock Limitations in Rural Residential Zone

Lot Size Sq. Ft	Ducks/ Chickens**	Turkeys/ Geese	Beehives*	Miniature Goats, Goats, Sheep, Llamas, Alpacas	Maximum Total Livestock Permitted
Under 80,000	20	5	4	2	20
≥80,000	Domestic livestock permitted (no specific number limits)				
* Beehives do not count toward total livestock					
** One Rooster is permitted					

313

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

316

PASSED AND APPROVED THIS _____ DAY OF _____, 2018.

317

318

319

320

321

322

323

324

ATTEST:

325

326

327

328

Nanci Ashford-Bingham, MMC
Borough Clerk

329

Kathryn Dodge
Presiding Officer

APPROVED:

Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZE]