

## **Support the Zoning Change that Allows a New Type of Home Business: The Retail Sale of Fresh Produce and Cottage Foods**

This zoning code change is proposed by the Denver Sustainable Food Policy Council (SFPC) a Mayoral-appointed commission that builds the capacity of local food policy bodies to find common ground on policy priorities, generates public support for those policies, educates policymakers on issues in our food system, and advocates for food systems that reflect the needs of all its communities.



**Proposed Zoning Change:** Amend the Denver Zoning Code to allow for a new type of home business (or “home occupation”). This would allow the retail sale of fresh, uncut produce and cottage foods produced by the seller on residentially zoned property.

### **The SFPC recommends that the zoning code be amended to:**

- ❖ Allows residential producers to sell their *own products* directly to consumers – “direct producer to consumer sales”
- ❖ Require sellers to purchase a one-time home occupation zoning permit for \$20
- ❖ Restrict sales between 7am to dusk
- ❖ Conform to sign restrictions for all home occupations - one flat or window sign that is on-site, non-animated, non-illuminated, and does not exceed an area of more than 100 sq. inches. Any other signage is prohibited.
- ❖ Require producers to comply with all the requirements of the Colorado Cottage Foods Act, including:
  - Completion of a food safety course
  - Product labeling for source traceability
  - Limits on the total value of sales permitted
- ❖ Conform to other home occupations, which do not require additional parking
- ❖ Conform to city tax policy, which does not apply sales tax to food products

### **Benefits of allowing sales of fresh produce and cottage foods from residential property:**

- ❖ Increases opportunities to consume fresh fruits and vegetables by increasing access to healthy food choices
- ❖ Helps decrease hunger and obesity among Denver residents, especially those who lack access to fresh food in their neighborhoods
- ❖ Supports Mayor Hancock’s citywide Sustainability Goals which align with the mission of the SFPC to foster food security for all community members, with consideration for economic viability and environmental impact.
- ❖ Provides a simple way for families to earn a little extra income

### **Managing health risks:**

- ❖ All foods carry some health risk due to contamination by humans, animals or soil
- ❖ Whole, uncut produce is a very low risk food, because most of the risk is easily managed through washing and scrubbing before preparing and eating
- ❖ Due to the low risk, there are no specific inspection requirements for other similar sources of fresh produce, such as farmers markets or commercial community supported agriculture shares, so no new requirements are being proposed in this ordinance

- ❖ State law minimizes the health risk of cottage foods by prohibiting those cottage food products that require refrigeration, such as cheesecake
- ❖ Labeling requirements in the state law will ensure products can be traced if any concern arises
- ❖ Complaints received concerning food handling and/or operations would be investigated by the Department of Environmental Health (DEH)
- ❖ The zoning change also allows DEH to prohibit sales of any foods that raise health concerns
- ❖ The Colorado Cottage Foods Act does allow some limited sales of eggs from home producers, but with extra labeling requirements regarding safe handling

The proposed zoning change:	
Will allow the sale of:	Will NOT allow the sale of:
Whole, uncut fruits and vegetables	Prepped, washed, cut and/or bagged fruits and vegetables or juices made from these ingredients
Certain baked goods that don't require refrigeration	Baked goods such as cream, custard or meringue pies and cakes or pastries with cream cheese icing or filling
Teas	Fresh or dried meat or meat products including jerky
Herbs and spices	Canned fruit, vegetables, flavored oils, salsas
Nuts and seeds	Fish and shellfish products
Jams, jellies, and preserves	Canned pickled products (e.g., corn relish or pickles)
Honey	Raw seed sprouts
Dehydrated produce	Milk or dairy products including hard or soft cheeses or yogurt
Whole, fresh eggs	Ice or ice products
	Barbeque sauces, ketchups or mustards
	Focaccia-style breads with vegetables or cheeses
	Marijuana, or marijuana-infused food products

**For more information about the Colorado Cottage Foods Act and local food handler training courses go to:**

- ❖ Colorado Department of Public Health and Environment: <http://goo.gl/qPFay3>
- ❖ CSU Extension's Food Safety Works Program: <http://goo.gl/m4jvLG>
- ❖ Denver Department Environmental Health: <http://goo.gl/VSR1Iy>