

**PROPOSED URBAN AGRICULTURE AMENDMENTS:
COMPILATION OF ISSUES, COMMENTS, AND QUESTIONS**

October 3, 2013

The following is a compilation of all the issues, comments, and questions on the proposed urban agriculture standards (as provided in the August and September drafts) received from various stakeholders via email, phone, and meetings. Note: the staff responses provided below are subject to change based on future revisions to the proposed standards.

The issues, comments, and questions are organized into major topic areas as follows:

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COMMUNITY GARDENS

#1

Question: “How will these regulations affect City Parks & Recreation regulations for community gardens within park properties? Private Properties such as the Benedictine Monastery on County Club?” (Armando Vargas)

Staff Response: There will be no effect because under the proposal community gardens are permitted as a principal and accessory use in every zone.

#2

Question: “Why would any produce or eggs be sold on site of a community garden? I thought the idea of a community garden was for a group of individuals or a "family", pooling resources together, could grow and raise foodstuffs for immediate personal consumption not for sell at the site or from one's home. (Any surplus ought to be sold in a farmers' market.)” (Armando Vargas)

Staff Response: Produce or eggs would be sold if there is an excess supply of products produced.

#3

Issue/Comment: Need to reconcile farmers markets restrictions between August minutes and August proposed amendments – What are the limit of number and schedule of days of operation? Do parking minimums (50 spaces) apply to smaller farmers markets? (Pima County Food Alliance)

Staff Response: The conflict has been reconciled in the September 13, 2013 draft.

#4

Issue/Comment: The keeping of small farm animals should not be a permitted accessory use to community gardens. (Neighborhood Infill Coalition)

Staff Response: This will be discussed at the upcoming task force meetings.

#5

Issue/Comment: Don't know who or how to contact someone responsible when problems arise at a community garden. (Neighborhood Infill Coalition)

Possible Revisions: Require a sign identifying who and how to contact to report any problems. The sign must be posted conspicuously on the perimeter fence or gate.

COMPOSTING

#1

Issue/Comment: 1) Need to specify the required setback. 2) “Composting setback restrictions – comment AU9 mentions the concern that many people use perimeter walls for one side of their compost heap – will proposed setback amendments restrict this practice? (August meeting minutes suggest changing this so setbacks don’t apply, but nuisance restrictions do)” (Pima County Food Alliance)

Staff Response: Yes, per the September 13, 2013 draft, a composting area would be required to set back from the property line. The setback varies depending on the underlying and adjacent zones* and to identify every possible scenario in the composting section would be impractical. Staff recommends cross-referencing where the applicable setback requirement is located.

This issue will be discussed at the upcoming task force meetings, including whether there should be exceptions to the setback requirement when the compost is in a fully enclosed bin.

** For example, in the urban residential zones (i.e. R-1, R-2, R-3, MH-1, and MH-2), the required setback will be 6’ when adjacent to another residential zone. However, in the SH, RX-1, RX-2 zones, the required setback will be 20’ when adjacent to another residential zone.*

#2

Issue/Comment: Example provided where an oversaturated compost pile damaged a shared wall with a neighbor. Specify that a compost area cannot impact a neighbor’s wall. (Neighborhood Infill Coalition)

Staff Response: Noted. Per the September 13, 2013 draft, a setback is required so the possibility of this happening again is reduced, or at least, something that can be enforced.

#3

Proposed Revisions: Re: the moisture level standard – “What is this regulation attempting to prevent or minimize? Is maintaining a 40% to 60% moisture the problem or is it a solution to prevent or minimize a potential problem? If truly attempting to prevent or minimize a problem this regulation should read, “...within a range to 40% to 60% moisture to prevent or minimize...(stating the problem).” (Armando Vargas)

Staff Response: The proposed moisture level standard serves as a guideline to maintaining a properly functioning compost area.

Proposed Revision: “Moisture level. The moisture level of the composting material shall be maintained within a range of 40% to 60% to better ensure the effective and efficient biological process of breaking up the organic waste.”

FARMERS' MARKETS

#1

Issues/Comment: Through which process are farmers' markets permitted? Temporary use? Site plan? Other?

Staff Response: Currently, when a farmers' market is an accessory use (i.e. locating on a site with an already established use) PDSO does not have a review or approval procedure specifically for intermittent farmers' markets. These would be classified in the Retail Trade Use Group as a Swap Meet and would be allowed only in the zones that allow swap meets. PDSO only requires that the site be dust controlled.

The only time a form/process might come into play would be when the sales activity occurs in a parking lot, then a Temporary Diversion of Parking application would be required.

When a principal use, a site plan must be submitted and reviewed for compliance with all applicable zoning regulations, including parking, setbacks, etc.

#2

Issues/Comment: How does the City propose to offset the tax lost from the sales that occur at these markets?...tax dollars that could go toward funding zoning enforcement.

Stakeholder Response: It was noted by one of the Sustainable Code Committee members at the neighborhood representative meeting that food is not taxed in the State whether it's purchased at the supermarket or farmers' market. Additionally, people will still have to go to the supermarket to purchase other taxed products that are not sold at a farmers' markets, such as toilet paper and cleaning supplies.

Staff Response: As noted above, food is not taxed regardless of whether it is sold at a farmers' market or grocery store, so in effect, this is tax revenue that was never there for the City to "lose" from the beginning.

#3

Issue/Comment: How and who will enforce the 20% cap on craft- and non-agricultural vendors? This is a problem since farmers' markets usually take place on the weekend when zoning enforcement officers are typically not working.

Staff Response: The City's Zoning Enforcement division will be responsible for enforcing the proposed standard. While the proposal cannot address issues with staff resourcing, it can attempt to create standards that are implementable and enforceable. The 20% standard attempts to do just this by being an objective, measurable standard.

#4

Issue/Comment: Need to evaluate more closely where and to what extent farmers' markets are permitted in residential areas.

Staff Response: Revisions to the proposed standards to address this concern can be discussed at the upcoming task force meetings.

#5

Proposed Revision:

Require Large Farmers' Markets to be processed via the Zoning Examiner Special Exception Procedure since it requires notification to surrounding property owners and neighborhood associations and a public hearing with the Zoning Examiner.

Staff Response: This will be discussed at the upcoming task force meeting.

#6

Question: Clarification on p. 10 number 6 – is this a typo? Should it read that 80% of sales should be food-related: “Craft-related product sales must be clearly accessory to the sale of food products. Specifically, at least 20 percent of the farmers' market space does not occupy the same allotted area on an uninterrupted, continuous, daily basis for the purpose of display and sale, exchange, or barter of merchandise.” (Pima County Food Alliance)

Staff Response: Revise as follows:

“Craft-related product sales must be clearly accessory to the sale of food products. Specifically, A farmers' market cannot include more than one vendor of craft-related products for every five vendors of agricultural related products (i.e. maximum of 20%). ~~-at least 20 percent of the farmers' market space does not occupy the same allotted area on an uninterrupted, continuous, daily basis for the purpose of display and sale, exchange, or barter of merchandise.~~” (Source: City of San Jose farmers' market regulations)

GARDENS

#1

Proposed Revision: Gardens in the front yard should require fencing or other measures to deter javelina, rabbits, and other predators. (Diana Lett)

Staff Response: This can be discussed at the upcoming task force meetings. The suggested revision could have the unintended consequence of requiring fencing around prickly pear and other types of cacti routinely seen in front yards because they are eaten by javelina. One possible revision the draft would be to advise (not require) people to grow javelina resistant plants in their front yards, such as those provided on the following link:

http://www.azgfd.gov/pdfs/w_c/urban/JavelinaResistantPlants.pdf

DRAFT

KEEPING OF SMALL FARM ANIMALS

Note: The keeping of small farm animals will be discussed in detail at the upcoming task force meetings. Revisions to the proposed standards are likely. Since exactly how or to what extent the proposed keeping of small farm animal standards will be revised, staff is unable to properly respond to those issues, comments, and questions consolidated into #11 below.

#1

Issue/Comment: Is the purpose of keeping small farm animals for human consumption or is the proposal simply to allow another type of pet?

Staff Response: The purpose in removing some of the regulatory barriers preventing the keeping of small farm animal is to allow residents the ability to seek a more self-sufficient means of obtaining food.

#2

Issue/Comment: How are the animals processed once they outlive their laying/breeding age? What happens to the animals if they are not processed? [Note: one person commented that there are a lot of small farm-like animals at the Humane Society] (Neighborhood Infill Coalition)

Staff Response: Some people may choose to process the animals themselves at their homes. Others may want to find a commercial butchery. If the animals are not processed they may remain on the residence provided the maximum number of animals permitted is not exceeded.

#3

Issue/Comment: The numbers are too high at the lower end of lot sizes. Current chart allows 1 AU = 2 goats per 5,000 sf lot (by the wording “0.2 AU/1,000 sf”) (Diana Lett)

Possible Revisions:

1. Consider only the non-built portion of the lot (Diana Lett)
2. Add another line or two to the chart (5,000 sf, 10,000 sf) (This is easier) (Diana Lett)
3. Perhaps instead of counting “breeding age”, count those goats that are over 3 months or over. This would allow for breeding, and give time for those animals in excess of the permitted Aus to be weaned and sold/re-homed. (Merrill Eisenberg)
4. As far as chickens and rabbits, perhaps just keep it a total count regardless of age. (Merrill Eisenberg)
5. Revise the draft to exclude the following animals from calculation: rabbits under 12 weeks, not used for breeding; chickens (and other small birds?) under 6 months, or of non-laying age, whichever comes first; goats under 8 weeks. This puts pressure on people to process, or get rid of, their animals in a timely fashion and prevents those animals from procreating while alive. (Danielle Fidel)

#4

Issue/Comment: Small farm animals will attract predators (e.g. coyotes, bobcats, javelina) to residential neighborhoods. (Neighborhood Infill Coalition)

Staff Response: Yes, predators will be attracted to a small farm animal in the same way it would be attracted to a dog, cat, or other small pets...if they are not properly secured and protected. Staff recommends revising the standards to incorporate the Arizona Game and Fish guidelines pertaining to animal shelters.

#5

Issue/Comment: Consult and get feedback from the Arizona Game and Fish about the proposal and its potential impact on residential areas. (Neighborhood Infill Coalition)

Staff Response: Staff has attempted without success to reach someone at Game and Fish to do this, but will try again prior to the task force meeting.

#6

Proposed Revision: Small farm animals should only be permitted where people live and there is constant supervision. Consequently, small farm animals should not be permitted as an accessory use to community gardens and urban farms where the animals would not be under constant supervision. (Neighborhood Infill Coalition)

Response: Revise the draft to require the animals to be tended to at least two times each day. (Sustainable Code Committee member)

#7

Proposed Revision: Do not permit the setback requirements to be modified via written consent by the adjacent property owner. This is of particular concern in neighborhoods where there is a high rental rate and landlords may be more willing to sign-off on reduced setbacks. (Neighborhood Infill Coalition)

Staff Response: While this is something currently permitted by other accessory uses, it is possible to specify that written consent cannot be used to reduce setbacks for animal shelters. This will be discussed at the upcoming task force meetings.

#8

Proposed Revision: I see no care requirements (food, water, shade, presence of an attendant, compliance with ethical care standards) (Diana Lett)

Staff Response: The draft requires compliance with Chapter 4 of the Tucson Code. Section 4-3 prohibits against cruelty and neglect of animals, including specific requirements about feeding, access to water, sheltering, and care and medical treatment of animals.

#9

Question: 1) Are animal shelters included in the lot coverage calculation? 2) How does the 200 sf exemption in Sec. 6.6.3.D interact with lot coverage limits? 3) Are structures less than 200 sf exempt from the building code? (Ruth Beeker)

Staff Response: 1) Yes, any structure meeting the application standards of Sec. 6.4.3.B.3 are included in the lot coverage calculation. 2) They are independent of one another. A structure less than 200 sf is not included in the Sec. 6.6.3.D calculation, but is included in the lot coverage calculation. 3) Structures less than 200 sf do not have to be reviewed for building code compliance provided they do not have electrical or plumbing.

#10

Comment: The formula is skewed to allow a greater density of animals on smaller lots. (Ruth Beeker)

Staff Response: The formula will be discussed at the upcoming task force meetings.

#11

Issues/Comments that staff is unable to properly respond to at this time, but will following the conclusion of discussions with the Urban Agriculture Task Force meetings:

The number of animals permitted needs to be re-evaluated. The formula used to calculate the number of animals permitted is overly complicated and difficult to enforce. (Neighborhood Infill Coalition)

Only including animals of laying or breeding age will be difficult to administer and enforce. (Neighborhood Infill Coalition)

The miniature goat standards are problematic and confusing considering dairy goats only give milk after giving birth, but the proposal prohibits bucks (males) of breeding age. (Ruth Beeker)

In residential zones, all animals must be counted (Diana Lett).

Prohibit small farm animals in the front yard. (Neighborhood Infill Coalition)

Simplify the number of animals permitted to include all animals on-site, regardless of whether they are of laying or breeding age. (Neighborhood Infill Coalition)

“My immediate concern is how does this proposal differentiate from small farm animals being kept as family pets versus as a food source? How will it affect Boy and Girl Scouts of any age, 4-H Club members and other similar youth groups/clubs when raising small farm animals as pets, as a food source or a classroom assignment/experiment? Growing up in the Flowing Wells area, some of us did raise chickens for eggs and, or, rabbits as pets or food source. My family raised both -- rabbits first, and later, chickens. There were still a few horses in some parts of the FW area. Over the years, I have seen geese in my current neighborhood and other neighborhoods. A late friend, who lived in the Armory Park area, raised rabbits as food source. (Usually, those who have rabbits only as pets have one or two rabbits. If one of each gender, in separate enclosures.) I have yet to see other types of small farm animals in people's yards. Personally, provided the resident is maintaining the animal in good health and practices regularly good health standards and sanitation in keeping the animal in the confines of the yard and, or, an appropriate enclosure a reasonable number of animals should be sufficient as a family pet or for

immediate personal consumption. (Sorry, I have not calculated if the ratios given within the proposal are reasonable or not. How were these ratios determined?) Yet, my second concern, if raising more than enough to sell surplus food as a commodity and generates a regular revenue stream, changes the scope of this endeavor into a business. This type of for-profit venture shifts the operational paradigm from residential to agri-business. Some of the FW area examples -- egg ranches and the dairy -- I gave earlier in the Urban Farm section were along major roadways. Such Keeping of Small Farm Animals business activities ought to be along major roadways, and maybe secondary arterials and for sure not any collector roadways, to minimize any intrusion into any neighborhood and, or, sell the food surplus in the established Farmers Markets.”
(Armando Vargas)

“Determining an appropriate number of small farm animals for FOOD PRODUCTION on a given residential site must be based on facts about the animals’ life cycles. If this is an urban agriculture ordinance, then it should address the keeping of animals as a farmer would. These animals are not pets; they are being raised to produce something for humans to consume, to be eaten themselves or both! To tie the acceptable maximum number to “laying and breeding” stock is extraordinarily misleading and totally unenforceable.” (Ruth Beeker)

“Is ‘gross site area’ the best measure to determine how many animals can be accommodated on a residential lot? How does that account for the portion of the lot which already is covered with existing buildings, pavement, etc. versus that space available for animal production?
(Neighborhood Infill Coalition and Pima County Food Alliance)

“I assume the purpose of raising rabbits or guinea pigs (I went on line to see who and how others ate guinea pigs--worked for me to lose my appetite last evening) is to breed them, then to raise them to be large enough to slaughter. Exactly how/where in Tucson does this get done? Is this "produce" part of what is to be sold on the street corner? I assume there are rules and regs from Pima County that come into play here?” (Ruth Beeker)

“But how does that turnover of generations of animals ever get accounted for in a static formula? And, how does not counting old hens whose productive days are over, who are in God's waiting room until they die of old age, make them anything other than a living creature in a given lot???? Who, incidentally still need to be fed and watered and whose poop needs to be cleaned up-- because someone who owns them does not have a farmer mentality which says you do not do that. I grew up on a self-sustaining farm--none of that keeping chickens until they die--at the end of their first prime laying season, off to the butcher shop to be sold as meat and you start all over again with a brooder-ful of chicks in March.” (Ruth Beeker)

SALES OF PRODUCTS GROWN ON-SITE

#1

Question: Would it be acceptable to allow a permanent sales booth or canopy for the sale of products to be located at the front of any of these sites in a residential zone? (Neighborhood Infill Coalition and Pima County Food Alliance)

Staff Response: No, there are standards in the proposal limiting the number of days sales may occur.

#2

Comment: “My concern is not about the Home Garden subsection, rather, the Home Gardens Sales. This concern is similar to the one stated immediately above in the Keeping of Small Farm Animals. If raising food for immediate personal consumption, I have no concerns. If raising more than enough to sell surplus food as a commodity and generates a regular revenue stream, changes the scope of this endeavor and shifts the paradigm into an agri-business mode albeit on a smaller scale than the large corporate agri-businesses. The FW area examples I gave earlier in the Urban Farm section were about home gardens, the food was grown for immediate personal consumption not to sell. Surplus food from the Home Gardens ought to be sold in the established Farmers Markets not on site unless along a major roadway to minimize any intrusion into neighborhoods.” (Armando Vargas)

Staff Response: Staff disagrees. Residents and homeowner’s are currently permitted to sell household and other goods via a yard sale. Staff does not see the sale of tomatoes, cucumbers, and other produce as proposed as being problematic or substantively different from yard sales.

URBAN FARM

#1

Issue/Comment: Clarify what an “urban farm” is given the size, scale, and types of activities (including use of machinery) permitted by the proposal. (Neighborhood Infill Coalition)

Staff Response: Staff will clarify either the definition of “urban farm” or the urban farm standards to address this issue and present it to the task force for review.

#2

Issue/Comments:

- The pictures provided in the presentation do not accurately demonstrate what an urban farm could look like under the proposed standards. (Neighborhood Infill Coalition)
- One of the Sustainable Code Committee members noted that farms of more substantive size will plant their crops in ground and not above ground as shown in the photos shown in the presentation.

Staff Response: Future presentations will include pictures that better exemplify what an urban farm looks like.

#3

Issue/Comment: For perspective purposes, Mission Gardens was given as another example of a site around 4 acres in size.

Staff Response: Future presentations will include Mission Gardens as an example.

#4

Issue/Comment: Require every Urban Farm to be processed via the Zoning Examiner Special Exception Procedure since it requires notification to surrounding property owners and neighborhood associations and a public hearing with the Zoning Examiner. (Neighborhood Infill Coalition)

Proposed Revision: This will be discussed at the upcoming task force meetings.

#5

Issue/Comment: “Personally, an urban farm to me means someone is growing or raising foodstuffs within her/his own property -- meaning the backyard as not to disrupt the curb appeal of one's own property and nearby properties – for one's self and own immediate family for personal consumption not to sell. One my childhood neighbors in the Flowing Wells did this for many years. The family grew all kinds of vegetables. Canned many of them, and on occasion gave a few as gifts to other family members and a few next door neighbors. These neighbors would use a modest sized tiller not any heavy equipment.

While growing up in the FW area there were numerous egg ranches. Some were still active and some ceased to be active when I was a child. Where the TPD West Operations is now (formerly a K-Mart) was the site of an active egg ranch. The Olsen Dairy outlet, where the former Century 16 Theater is now, sold eggs and milk. I think Olsen Dairy use to have 50 plus years ago an egg ranch and dairy cows on the property. There was an inactive egg ranch immediately west of the former Iola Frans Elementary School on Prince RD. There was an egg outlet and maybe an active egg ranch on Prince Rd. more or less where the Thorpe Florist is now. Many of the neighbors, including myself, would grow vegetables in our backyards for immediate personal consumption. There were active farm fields in the FW School District area, a cotton field south of Homer Davis E.S., a farm field where the Food City is now at Roger and FW Road (formerly Bashas and previously a A.J. Bayless). Someone use to keep sheep, chickens and turkeys in a field in the 1400 block of West Prince Road (south side) where the O'Reilly's Auto Parts is now (formerly Checker's Auto and many years ago a Shell Station). The farm house still exists along Prince RD. My immediate neighbors and Iola Frans E.S. had fruiting mulberry trees (all gone due to age and now outlawed). My family had peach trees, and other neighbors had apricot trees and pecan trees. We neighbor kids would climb over fences to harvest this fruit. Some of the citrus fruit trees orchards to the north of FW (now Casa Adobes and Tortillita) still existed. The USDA/UA Ag College fields were between Prince RD and Miracle Mile along I-10, and the UA lab farm was operating west of the Miracle Mile and Casa Grande Highway (now I-10) interchange. To paraphrase John Denver, "...I'm a country boy." Yep, somehow, I grew up as a country boy from living in the Flowing Wells area within the midst of the urban setting of Tucson AZ." (Armando Vargas)

Staff Response: Noted.

#6

Question: Urban Farm minimum size limit (2 acres)? What is the rationale for this minimum? (Pima County Food Alliance)

Staff Response: The 2-acre standard applies in residential areas and was the result of discussions with the Sustainable Code Committee. A previous draft required a minimum size of 4 acres, which is approximately the same size as the smallest school closed by TUSD. The closed schools were used as a gauge based on interest to convert a school(s) to an urban farm. However, the number was reduced by the committee when it was pointed out that a successful and productive urban farm can be done on much less than 4 acres. The 2-acre standard was recommended because it would potentially make more lots available to urban farms while still preventing a typical midtown residential lot from being converted to an urban farm.

OTHER ISSUES/COMMENTS/QUESTIONS

#1

Issue/Comment: Make the intent of Urban Agriculture very clear. (Neighborhood Infill Coalition)

Staff Response: Agreed. Staff will prepare a purpose statement for Urban Agriculture for review by the task force.

#2

Issue/Comment/Question: Each aspect of the proposal needs to be thoroughly evaluated for any unintended consequences, because: 1) don't want to inadvertently permit something that can be incompatible in a residential areas; 2) once a regulation giving permission to do something is put in place, it is difficult to remove. We do not want another mini-dorm-like situation where it is difficult, time consuming, and expensive to revise or get rid of; and, 3) introducing nonresidential uses into established residential areas, such as retail (which a farmers' markets is) or intensive agriculture, can be create a nuisances to residents. (Neighborhood Infill Coalition)

This concept introduces a level of complexity which must be carefully balanced in an urban setting. How do we achieve the goal of greater local sustainability of food supply in such a manner that there are no negative consequences for City residents? (Neighborhood Infill Coalition)

Staff Response: Finding this balance is key. The September 13, 2013 draft attempts to find this balance through use-specific and accessory use standards, including nuisance mitigation standards. Where the draft does not properly find this balance will be discussed at the upcoming task force meetings.

#3

Issue/Comment: This is about FOOD PRODUCTION: FOOD as in plants and animals; PRODUCTION, which implies that there will be excess supply beyond that required for personal consumption which can then be sold to a consumer. The proposed additions to the UDC would permit these activities in all residential zones. (Neighborhood Infill Coalition)

Staff Response: Noted.

#4

Issue/Comment: How will the proposed standards be enforced effectively since many of the activities will occur on private property (many times on parts of the site not visible from the street) and zoning enforcement officers are not permitted to inspect without permission from the property owner. As it is now, residents are required to document when and how zoning violations occur and report that to the City. (Neighborhood Infill Coalition and Pima County Food Alliance)

Staff Response: From Teresa Williams (City’s Zoning Enforcement) Zoning enforcement will first try to see the alleged violation from the right-of-way (street or sidewalk) or from the alley. If no luck, then the inspector may try to contact the owner - knock on the door, explain why we are there and ask to view the yard. If the request is refused, then if the neighbor is the complainant, the inspector may ask them to allow us access to their yard to verify the issue. If no one allows us to view, then we'll have to close the case as a no verify. Another option for chickens is if we can hear the chickens from the street or alley (verify they are there) and we check to see the width of the lot, if the lot is less than 100 ft, then we know they are in violation.

For structures in the back yard, most structures can be seen from the street or alley since most primary structures are only one story. We also use aerial photos, google street view and pictometry to see what's going on. If they are using the structure illegally and we can't verify from the ROW, we'll again knock on the door or ask the neighbor (if they are the complainant) to view from their property.

#5

Issue/Comment: How will the neighborhood be informed if there is not a registered neighborhood association? (Note: there have been difficulties in the past for neighborhoods to get registered with the City) (Neighborhood Infill Coalition)

Staff Response: If the neighborhood association is not registered, the City will not know who from the association to send notices to. With that said, when notice is required, the “neighborhood” will receive notice in that property owners surrounding the project site (within 50’ or 300’ depending on the process required) will be notified.

#6

Issue/Comment: The proposal does not address the possibility of someone leasing homeowners’ yards for farming purposes and the effects this could have on a neighborhood if numerous adjacent properties participate in this. This is of particular concern in neighborhoods where there are a lot of rental properties. Landlords may be willing to lease out their yards to generate additional income, particularly if they are not able to rent their dwellings. (Neighborhood Infill Coalition)

Staff Response: While this scenario is not specifically addressed in the draft, there are standards (i.e. home occupation standards) to mitigate potential nuisances that may arise from such a scenario.

#7

Issue/Comment: Can an accessory use be accessory to an accessory use? (Neighborhood Infill Coalition)

Staff Response: This scenario is not possible. All accessory uses must be permitted by the principal use.

#8

Issue/Comment: Need to ensure that any compatibility distance requirements are measured to the property line and not the residence itself triggering the setback requirement. (Neighborhood Infill Coalition)

Staff Response: The draft will be revised to clarify this. The only exception will be to the animal shelter setback requirement which is measure to the nearest point of the abutting principal residence.

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