

URBAN AGRICULTURE: ISSUES TO BE RESOLVED

The following is a distillation of the issues that have been raised about the proposed urban agriculture standards and will be used as a starting point for discussion at the upcoming Urban Agriculture Task Force meetings.

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COMMUNITY GARDEN

1. Should the sale of produce grown on-site be permitted from a community garden in a residential area?

Proposal: The proposal caps the sale of products grown on-site to a maximum of 4 advertised events per year, which is consistent with the proposed yard sale regulations. Yard sales are currently permitted. The sale of produce and eggs is not significantly different than yard sales from an activity perspective.

Issues:

1. Allows a nonresidential activity into a residential area.
2. Concern that it could become a frequent event that becomes a nuisance to the neighborhood.
3. Why should sales be necessary if the purpose is for members to grow produce for themselves?
4. Excess produce should be sold at a farmers' market.

2. Should the keeping of small farm animals be permitted from a community garden?

Proposal: The September draft allows the keeping of small farm animals as an accessory use in accordance with the proposed standards.

Issue: It is possible that any animals kept on a community garden will not be properly cared for since there is not constant supervision or someone readily available to respond should something happen.

Possible Solutions:

1. Do not allow animals at a community garden; or,
2. Require that animals be tended to at least two times per day; or,
3. Require a video monitoring system that can be accessed online; or,
4. Other?

COMPOSTING

1. Should a setback be required? If so, what should the setback be?

Proposal: The latest draft requires compost areas to be setback in compliance with the Unified Development Code's accessory use provisions (i.e. min. of 6' in residential zones)

Issues:

Pro: Allowing a zero foot setback could damage a shared wall or fence with a neighbor.

Con: Composting can occur in enclosed bins, thus negating any potential damage to shared walls and greatly minimizing any potential nuisance to adjacent neighbors.

Possible Solutions:

1. Keep the proposal as is (i.e. require a setback for all composting areas); or,
2. A) Require a setback for unenclosed compost areas; and, B) Allow a zero foot setback if the composting is in a fully enclosed container.

FARMERS’ MARKETS

1. Should Large Farmers’ Markets in residential areas be processed per the PDSD Director Special Exception Procedure or Zoning Examiner Special Exception Procedure?

Proposal: Current proposal requires processing via the PDSD Director Special Exception Procedure

Summary of Procedures:

	PDSD-SE Procedure	ZE-SE Procedure
Required?...		
Neighborhood Meeting	No	Yes
Notice	Yes. Property owners w/in 50’ and neighborhood association	Yes. Property owners w/in 300’ and neighborhood associations w/in 1 mile
Public Hearing	No	Yes
Decision Maker	PDSD Director	Zoning Examiner
Appeals	Board of Adjustment	Mayor and Council

Issue: Residents near the proposed farmers’ market should have more opportunity to express their issues and concerns when a large farmers’ market is proposed.

GARDENS

1. Should gardens in the front yard be required to provide fencing or other measures to deter javelina, rabbits, and other predators?

Proposal: Current code and the proposal do not require fencing or other measures.

Note: 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.

Issue: Steps should be taken to deter predators in residential areas.

Possible Solution:

1. Keep the proposal as is; or,
2. Add an advisory statement that javelina-resistant plants should be grown in front yard gardens (A list of javelina-resistant plants is provided here: http://www.azgfd.gov/pdfs/w_c/urban/JavelinaResistantPlants.pdf); or,
3. Require fencing or other measures.

2. Should the leasing of yards for farming purposes be prohibited?

Proposal: The proposal is silent on this issue. The Home Occupation standards would be triggered if this were to happen.

Issue: 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.

KEEPING OF SMALL FARM ANIMALS

1. Should the keeping of small farm animals be permitted on residential lots?

Proposal: The proposal conditionally allows the keeping of small farm animals, such as chickens, miniature goats, and rabbits, on residential lots.

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

2. What can be done to ensure that the number and frequency of predators in a residential area will not increase with keeping of small farm animals?

Possible Revisions: Revise the proposed shelter standards to incorporate the Arizona Game and Fish Department's guidelines on discouraging predators, including, but not limited to, requiring shelters to have sturdy roofs and keeping food and water inaccessible to any animal outside the shelter.

3. What is the appropriate number of animals that should be permitted?

Proposal: Currently, the Tucson Code allows 24 heads of poultry. The Tucson Code or Unified Development Code does not specify limits on the other animals included in the draft proposal.

The proposal is based on an animal unit (AU) system whereby each permitted animal is assigned a point value, which is based on the "impact" of each animal (i.e. size, waste generation, etc.). The maximum permitted number of animal units is 0.2 AU/1,000 square feet of lot size. Additional caps on the number permitted are in effect on larger lots. Any mix of permitted animals is allowed provided the maximum permitted number is not exceeded.

Issue: The following is a sample of the issues and concerns that have been raised. See the "Proposed Urban Agriculture Amendments: Compilation of Issues, Comments, and Questions" document for a more complete listing.

- The formula used to calculate the number of animals permitted is overly complicated and difficult to enforce.
- Only including animals of laying or breeding age will be difficult to administer and enforce.
- 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.
- But how does that turnover of generations of animals ever get accounted for in a static formula?

4. What are the appropriate setback requirements for small farm animal shelters? Should reductions in the setback requirement be permitted when written consent from a next door neighbor(s) is obtained?

Proposal: Shelters must be at 20 feet from the principal residence on the adjacent lot and setback from the property line in accordance with underlying zoning (e.g. a minimum of 6' is required in R-1, R-2, and R-3 zones), with the following exception. The setbacks can be reduced or waived if written consent from the adjacent property owner is obtained.

Exception: Shelters 6' or less in height and 16 square feet or less in area may have a zero side or rear setback from the property line, but must be at least 20' from the principal residence on the adjacent lot and be screened by a 6' opaque, nonvegetative screen.

Issue: The keeping of small farm animals, if not done responsibly, can create nuisances for surrounding property owners.

5. Should small farm animals be permitted in the front yard of residences?

Proposal: The proposal allows small farm animals to be kept in the front yard provided there is a nonvegetative, opaque screen.

Issue: Allowing small farm animals and their shelters in the front yard will detract from the character of the neighborhood.

SALES OF PRODUCTS GROWN ON-SITE

1. Should the sale of products grown on-site be permitted from a residence?

Proposal: The proposal caps the sale of products grown on-site to a maximum of 4 advertised events per year, which is consistent with the proposed yard sale regulations. Yard sales are currently permitted. The sale of produce and eggs is not significantly different than yard sales from an activity perspective.

The unadvertised sale of products, such as “over the fence”, neighbor-to neighbor type sales, may occur without restriction.

Issue: Yard sale-like events can become nuisances to a neighborhood.

Possible Solutions:

1. Keep the proposal as is;
2. Reduce the number of permitted yard sales;
3. Prohibit the sale of products grown on-site in residential areas;
4. Excess produce and eggs should be sold at a farmers’ market.

URBAN FARM

- 1. Clarify what an “urban farm” is considering the wide spectrum of areas (from residential to industrial), size, and scale of operations that can be permitted under the proposal?**
- 2. Should urban farms be permitted in residential areas? Can potential nuisances be mitigated through standards, minimum lot size, and/or review and approval procedure?**
- 3. Should the keeping of small farm animals be permitted on an urban farm?**

Proposal: The September draft allows the keeping of small farm animals as an accessory use to an urban farm.

Issue: It is possible that any animals kept on an urban farm will not be properly cared for since there is not constant supervision or someone readily available to respond should something happen.

Possible Solutions:

1. Do not allow animals at an urban farm; or,
2. Require that animals be tended to at least two times per day; or,
3. Require a video monitoring system that can be accessed online; or,
4. Other?