

**SUSTAINABLE CODE PROJECT:
COMPARISON OF THE PROPOSED URBAN
AGRICULTURE AMENDMENTS**

April 2014

DRAFT



**City of Tucson
Planning & Development Services Department**

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BACKGROUND

On November 5, 2013, voters ratified Plan Tucson, the City's General and Sustainability Plan. Included in Plan Tucson are Urban Agriculture policies, one of which is to “adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.” The proposed amendment to the City’s zoning code, the Unified Development Code, provided in this document is an implementation of this policy.

Using grants awarded to the City of Tucson by the Department of Energy for implementing and promoting energy efficiency and conservation, the City of Tucson initiated numerous projects and programs, including the Sustainable Code Project.

The purpose of the Sustainable Code Project is to revise the City’s zoning regulations to facilitate identified sustainability goals and policies related to urban agriculture, solar development standards, and other miscellaneous “green” standards. The Plan Tucson policies are the foundation for all of the proposed revisions.

This document provides the proposed revisions to the Unified Development Code (i.e. the City’s zoning regulations) and the Tucson Code pertaining to the following urban agriculture-related uses and activities:

- Community gardens;
- Farmers’ markets;
- Urban farms;
- Composting;
- Gardens;
- Greenhouses;
- Keeping of small farm animals; and,
- On-site sale of agricultural products grown on-site.

Many of the uses and activities being “proposed” have been taking place in the City for years with little, to no, incident. However, the City’s current zoning standards are either silent on many of the urban agriculture-related uses and activities, or, when specific standards are provided, they are frequently overly restrictive.

The proposed regulations are designed to have different scales and intensity to be compatible with surrounding land uses.

The election by a property owner to establish or conduct any of the proposed uses and activities is optional. However, once electing to do so, that use or activity would have to comply with the standards provided herein.

The proposed urban agriculture standards are the culmination of: 1) complying with Plan Tucson policies; 2) using best practices from around the country; and, then, 3) through discussions with two advisory committees – the Sustainable Code Committee and the Urban Agriculture Task Force – tailoring the standards to address issues raised (primarily in regards to compatibility with residential areas) by the public.

LAND USES: COMPARISON OF CURRENT AND PROPOSED REGULATIONS

1. **Community Garden**
A – When a principal use
B – When an accessory use
C – Permitted accessory uses, activities, and structures
2. **Farmers' Market**
A – When a principal use
B – When an accessory use
3. **Urban Farm**
A – When a principal use
B – When a home occupation
C – Permitted accessory uses, activities, and structures

NOTES:

- 1) *The proposed regulations provided in the following tables are DRAFT and are subject to change.*
- 2) *Since the current UDC does not include the proposed uses, staff used the most closely related use currently acknowledged in the code when making the comparisons.*

1. COMMUNITY GARDEN: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

#1A – When the Proposed Community Garden is a Principal Use

	Current Regulations (Crop Production)*	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Rural and suburban zones (RH, SR, SH, RX-1, RX-1); Urban zones (R-1, R-2, R-3, MH-1, MH-2); and, IR	Permitted in all residential, office, commercial, mixed use, industrial, and special use zones	More permissive
Procedure to establish the use	PDSD Director Approval Procedure.	PDSD Director Approval Procedure	Neutral
Is a permit required?	Yes	Yes	Neutral

* “Community garden” is currently not defined in the Unified Development Code (UDC). “Crop Production” is the most closely related use to a community garden in the UDC, and, is used here for comparative purposes.

#1B – When the Proposed Community Garden is an Accessory Use

	Current Regulations (Crop Production)*	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Not specified. Requires a determination by the City’s Zoning Administrator.	Permitted as an accessory use to any permitted use in any zone	Positive. Adds clarity where the code is currently silent.
Procedure	A determination by the City’s Zoning Administrator is required to determine whether the use is permitted. The plans are reviewed per the PDSD Director Approval Procedure.	PDSD Director Approval Procedure	Positive. Adds clarity where the code is currently silent.
Is a permit required?	No	No	Neutral

* “Community garden” is currently not defined in the Unified Development Code (UDC). “Crop Production” is the most closely related use to a community garden in the UDC, and, is used here for comparative purposes.

#1C – Permitted Accessory Uses, Activities, and Structures

Use, Activity, or Structure	Current Regulations	Proposed Regulations	For more information and net effect, see page...
Composting	Permitted	Permitted	11
Gardens and growing and harvesting of agricultural products	Permitted	Permitted	11
Greenhouses	Not clear	Permitted	12
Keeping of small farm animals	Permitted	Permitted	13
On-site sale of agricultural products grown on-site	Not clear	Permitted	15

2. FARMERS' MARKETS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

#2A – When the Proposed Farmers' Market is a Principal Use

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
Zones permitted	Permitted in C-2, C-3, and I-2. Special Exception in OCR-1, OCR-2, P-1, and I-1.	Permitted in C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2	More permissive
Procedure	PDSD Director Approval Procedure	PDSD Director Approval Procedure	Neutral
Is a permit required?	Yes	Yes	Neutral
Hours of operation	When located within 400 feet of a residential use or zone, no later than 11 pm	When located within 400 feet of a residential use or zone, no later than 11 pm	Neutral
Type of sales	Not specified	Predominantly sale of food products. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space.	More restrictive. Better ensures that the use is indeed a farmers' market.
Nuisance mitigation			
Outdoor lighting	Shall comply with the Outdoor Lighting Code	Shall comply with the Outdoor Lighting Code	Neutral
Noise	1. Compliance with Sec. 16-31, Excessive Noise, of the Tucson Code is required; and, 2. When located within <u>400 feet</u> of a residential use or zone, any high-noise activity, such as amplified auctioneering, entertainment, or woodworking, shall occur within an enclosed building.	1. Compliance with Sec. 16-31, Excessive Noise, of the Tucson Code is required; and, 2. When located within <u>300 feet</u> of a residential use or zone, loudspeakers and amplified music are prohibited outdoors. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.	1. Neutral 2. Neutral. Proposal reduces distance by 100' to be consistent with standards used by other procedures in the code.
Air Quality	The retail area shall be dust proofed	The retail area shall be dust proofed	Neutral

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
Signs	Signs associated with the sale shall comply with Chapter 3 (Sign Code) of the Tucson Code.	Signs associated with the sale shall comply with Chapter 3 (Sign Code) of the Tucson Code.	Neutral
Outdoor Activity	Outdoor activity is prohibited in the C-2 zone.	Outdoor activity associated with a farmers' market is permitted.	More permissive. Proposal conditionally permits farmers' markets to be an indoor or outdoor activity.
Parking	1 space for every 100 sq. ft. of swap meet area, excluding vehicle use area.	1 space for every 300 sq. ft. of display and sales area only, excluding vehicle use area.	Less restrictive. The 1/300 formula is consistent with that used for other retail uses.

* "Farmers' Market" is a subtype of the Swap Meets and Auctions use in the Unified Development Code (UDC); therefore, the regulations applicable to Swap Meets and Auctions are used here for comparative purposes.

#2B – When the Proposed Farmers’ Market is an Accessory Use

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
Zones permitted	<p>Permitted in a residential zone when it is an accessory use to a nonresidential use (e.g. church, school, park).</p> <p>Permitted as an accessory use in the nonresidential zones.</p>	<p>Special Exception as an accessory use to a permitted Agricultural, Civic (e.g. church), or Recreational (e.g. park) use <u>only</u> in a residential zone (RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2).</p> <p>Permitted as an accessory use <u>only</u> in an office zone (O-1, O-2, or O-3).</p> <p>Permitted as an accessory use or principal use in the commercial (C-1, C-2, and C-3), mixed use (OCR-1, OCR-2), and industrial zones (P-1, I-1, and I-2).</p>	<p>More restrictive to better ensure neighborhood compatibility.</p> <p>Neutral</p> <p>More permissive. Other types of retail uses similar in nature to farmers’ markets are permitted in these zones.</p>
Procedure	<p>Zoning compliance review in residential and nonresidential zones.</p>	<p><u>In residential zones:</u></p> <ol style="list-style-type: none"> 1. When access is taken from an arterial or collector street identified in the Major Streets and Routes Plan, the Planning and Development Services Department Director Special Exception Procedure (see page 23 for details) is required; and, 2. When access is taken from a local street, the Zoning Examiner Special Exception Procedure (see page 24 for details) is required. 	<ol style="list-style-type: none"> 1. More restrictive. In an effort minimize potential nuisances to residents, the process ensures that nearby residents are notified of the project and can appeal the decision. 2. More restrictive. See above for explanation. Plus, a more restrictive process than #1 is required, because the projects addressed in #2 are in the

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
		<u>In nonresidential zones</u> , PDSD Zoning compliance review.	interior of neighborhoods and, therefore, more sensitive. Neutral
Is a permit required?	No, in residential zones. Yes, in nonresidential zones a seasonal permit (typically used for pumpkin and Christmas tree sales) or a temporary diversion of parking permit would be required.	Yes, in residential zones. No, in nonresidential zones.	More restrictive More permissive
Hours of operation	Not specified.	In residential zones, no more than 6 hours between 7 am and 5 pm. In nonresidential zones, not specified.	More restrictive Neutral
Number of days	In residential zones, not specified. In nonresidential zones, the seasonal permit and temporary diversion of parking permit limits the number of days.	In residential zones, no more than 2 days per week. Could be limited further by the PDSD Director or Zoning Examiner, whichever is applicable. In nonresidential zones, not specified, but may be limited by the PDSD Director.	More permissive Neutral
Type of sales	Not specified.	Predominantly sale of food products only. Craft- and non-agricultural related product sales are limited to no more than 20% of the farmers' market space. Applies in all zones.	More restrictive. Standard intended to ensure that a farmers' market is truly being conducted and not a craft fair or swap meet-like event.
Nuisance mitigation			
Outdoor lighting	Outdoor lighting shall comply with Sec. 6-101, Outdoor Lighting Code.	Outdoor lighting shall comply with Sec. 6-101, Outdoor Lighting Code.	Neutral

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
Noise	Compliance with Sec. 16-31, Excessive Noise, of the Tucson Code is required.	<ol style="list-style-type: none"> 1. Compliance with Section 16-31, Excessive Noise, of the Tucson Code is required; and, 2. When within 300 feet of a residential use or zone, loudspeakers and amplified music are prohibited outdoors. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone. 	<ol style="list-style-type: none"> 1. Neutral 2. More restrictive. Better ensures compatibility with nearby residences.
Air Quality	The retail area shall be dust proofed.	The retail area shall be dust proofed.	Neutral
Signs	Must comply with Chapter 3 (Sign Code) of the Tucson Code.	Must comply with Chapter 3 (Sign Code) of the Tucson Code.	Neutral
Clean Up	Not specified in the UDC. Perhaps enforced through the Neighborhood Preservation Ordinance in the Tucson Code.	All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of each market event.	Positive. Adds clarity where specifics are not currently provided.
Outdoor Activity	Outdoor activity is prohibited in the following zones, unless specifically noted otherwise: O-1, O-2, O-3, NC, RVC, C-1, and C-2	Outdoor activity associated with the farmers' markets is permitted.	More permissive. Removes an obstacle to locating farmers' markets.
Mitigation Plan for markets in nonresidential zones	This is not specifically required by the zoning code currently; however, the City's Neighborhood Preservation Zone would require compliance with noise and light regulations and the UDC requires compliance with temporary diversion of parking standards.	<p>For markets in nonresidential zones and within 300 feet of a residential use or zone, the applicant must address how the proposal will mitigate any potential nuisances on the nearby residential neighborhood. The applicant shall provide the following information:</p> <ol style="list-style-type: none"> 1. Frequency that the Farmers' Market will occur and the hours of operation; 	More restrictive. Better ensures compatibility with nearby neighborhoods.

	Current Regulations (Swap Meets and Auctions)*	Proposed Regulations	Net Effect of the Proposal
		<ol style="list-style-type: none"> 2. Methods to avoid potential increases in noise and light intrusion; 3. Methods to deter vehicular access into adjacent residential neighborhoods using signage or other means; 4. Methods to prevent drive-through traffic or habitual parking within adjacent residential neighborhoods or commercial development; 5. When the applicant proposes to use a principal use's required parking, either partially or completely, identify where alternative parking for customers and vendors will be located. 	

* "Farmers' Market" is a subtype of the Swap Meets and Auctions use in the Unified Development Code (UDC); therefore, the regulations applicable to Swap Meets and Auctions are used here for comparative purposes.

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3. URBAN FARM: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

#3A – When the Proposed Urban Farm is a Principal Use

	Current Regulations (Crop Production and General Farming)*	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Crop Production is permitted in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, and IR zones. General Farming is permitted in RH, SR, SH, and RX-1.	Permitted in the RH, SR, SH, RX-1, RX-2, O-1, O-2, O-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, IR, P, RV, and MU. Special exception in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, and RVC.	More permissive
Procedure	PDSD Director Approval Procedure	PDSD Director Approval Procedure	Neutral
Is a permit required?	Yes	Yes	Neutral

* “Urban Farm” is currently not defined in the Unified Development Code (UDC). “Crop Production” and “General Farming” are the uses in the UDC most closely related to a community garden, and, are used here for comparative purposes.

#3B – When the Proposed Urban Farm is a Home Occupation

	Current Regulations (Home Occupation: General Farming)*	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Home Occupation: General Farming only permitted in the C-2 and C-3 zones.	Home Occupation: Urban Farm is permitted where ever a family dwelling or mobile home dwelling is permitted, regardless of zone.	More permissive
Procedure	PDSD Director Approval Procedure	PDSD Director Approval Procedure	Neutral
Is a permit required?	Yes	Yes	Neutral

* “Home Occupation: General Farming” is the use in the UDC most closely related to “Home Occupation: Urban Farm”, and, therefore, used here for comparative purposes.

#3C – Permitted Accessory Uses, Activities, and Structures

Use, Activity, or Structure	Current Regulations	Proposed Regulations	For more information and net effect, see page...
Composting	Permitted	Permitted	11
Gardens and growing and harvesting of agricultural products	Permitted	Permitted	11
Greenhouses	Not clear	Permitted	12
Keeping of small farm animals	Permitted	Permitted	13
On-site sale of agricultural products grown on-site	Not clear	Permitted	15

ACCESSORY ACTIVITIES AND STRUCTURE: COMPARISON OF CURRENT AND PROPOSED REGULATIONS

1. Composting
2. Gardens and Growing and Harvesting of Agricultural Products
3. Greenhouses
4. Keeping of Small Farm Animals
5. On-site sale of agricultural products grown on-site

NOTES:

- 1) *The proposed regulations provided in the following tables are DRAFT and are subject to change.*
- 2) *Since the current UDC does not include the proposed uses, staff used the most closely related use currently acknowledged in the code when making the comparisons.*

1. COMPOSTING: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations*	Proposed Regulations	Net Effect of the Proposal
Permitted as...	Not specified; however, would be permitted as an accessory use to permitted use in all zones	An accessory use to a permitted use in all zones	Positive. Clarifies that composting is permitted.
Procedure to Establish	Zoning compliance	Zoning compliance	Neutral
Is a permit required?	No	No	Neutral
Standards	Permitted. While Sec. 16-34, Public Nuisance, does not specifically mention composting, it requires that the activity cannot be "...offensive to the senses." No more specifics are provided. It is not clear if and when setbacks would be required.	Composting is permitted as an accessory use provided it is actively managed to control any potential nuisance to neighbors. The proposal includes conditions designed to mitigate against odor, rats and other vectors, ponding surface water, among other requirements.	Positive. Establishes much clearer standards.

* The current UDC is silent on composting. The information provided in the "Current Regulations" column is based on staff's interpretation of the general accessory use and structure standards.

2. GARDENS AND GROWING AND HARVESTING OF AGRICULTURAL PRODUCTS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations*	Proposed Regulations	Net Effect of the Proposal
Permitted zones	All	All	Neutral
Procedure to Establish	None	None	Neutral
Is a permit required?	No	No	Neutral
Standards	None provided	<ol style="list-style-type: none"> 1. Clarifies that gardens may be grown in the front yard 2. Allows vertical gardens on fences and walls provided they do not affect the integrity of the wall or pose a safety hazard to the adjacent resident 3. Acknowledges aquaponics and hydroponics 	Positive. Provides clarity where none currently exist in the UDC.

* The current UDC is silent on gardens. The information provided in the "Current Regulations" column is based on staff's interpretation of the general accessory use standards.

3. GREENHOUSES: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Residential and non-residential zones	Residential and non-residential zones	Neutral
Procedure to Establish	Greenhouses under 200 square feet = Zoning compliance review Greenhouses 200 square feet or more = PDSB Director Approval Procedure	Greenhouses under 200 square feet = Zoning compliance review Greenhouses 200 square feet or more = PDSB Director Approval Procedure	Neutral
Is a permit required?	Greenhouses under 200 square feet = No Greenhouses 200 square feet or more = Yes	Greenhouses under 200 square feet = No Greenhouses 200 square feet or more = Yes	Neutral
Standards	Generally treated like any other accessory structure. However, there is uncertainty for the following reason. The use-specific standard for the Crop Production use requires a 200' setback from all property lines for greenhouses, which staff may use as a guideline when considering requests for greenhouses in the future. Also there are existing accessory use prohibitions against "substantially altering the exterior appearance of the principal use or building" and locating in the front yard, which is problematic when the greenhouses are part of a community garden or urban farm.	Distinguishes passive from mechanically cooled or heated greenhouses. The setback for the latter must be greater to attenuate the noise.	Positive. Provides clarity and specific standards where they do not exist now.

4. KEEPING OF SMALL FARM ANIMALS: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations	Proposed Regulations	Net Effect of the Proposal
Permitted zones	Not specified	Permitted as accessory use to: 1) permitted residential uses in residential and nonresidential zones; 2) community gardens; and 3) urban farms.	Positive. Provides more specifics and greater certainty that current code.
Procedure to Establish	Zoning compliance review (for shelter)	Zoning compliance review (for shelter)	Neutral
Is a permit required?	No	No	Neutral
Procedure to request modifications	Design Development Option (to shelter setback) Number of animals cannot be modified.	Design Development Option (to number of animals and shelter setback)	More permissive.
Type of Animals:			
Permitted	Fowl, small potbelly pigs, other animals not specified	Small farm animals (miniature goats, rabbits, rodents, fowl, and other similar animals)	Positive. Provides more specific animals that would be permitted.
Prohibited	Male fowl or guinea fowl	Same, plus uncastrated miniature goats over 5 months	Positive. Provides a specific standard for miniature goats.
Number of animals permitted	24 fowl. The permitted number of other animals is not specified.	1. In residential zones and community gardens and urban farms in residential and nonresidential zones, the maximum number of small farm animals permitted is three (3). On lots 20,000 square feet or more, one (1) additional small farm animal is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet. 2. In nonresidential zones, the maximum number of small farm animals permitted is	1. More restrictive. The proposal permits a fewer number of fowl. 2. More restrictive. The proposal

	Current Regulations	Proposed Regulations	Net Effect of the Proposal
		<p>three (3) with the exception of community gardens and urban farms in accordance with Section 6.6.5.F.5.a above.</p> <p>3. In residential and nonresidential zones, eight (8) domestic fowl are permitted in addition to the number of small farm animals permitted. Community gardens or urban farms on lots of 10,000 square feet or more are permitted to have one additional domestic fowl for each 1,000 square feet of lot area over 10,000 square feet.</p> <p>Property owners may request a Design Development Option to increase the permitted number of small farm animals.</p>	<p>permits a fewer number of fowl.</p> <p>3. More restrictive. The proposal permits a fewer number of fowl.</p> <p>More permissive. The number of animals permitted is currently regulated by the Tucson Code, which does not have a modification or variance process.</p>
Max. shelter height	12'	12'	Neutral
Perimeter Yard:			
<p>From property line, except when...</p> <p>Exception: No perimeter yard from prop. line required when shelter is...</p>	<p>Varies, depends on zone. Ex: 6' in R-1</p> <p>5' or less in height, 10 sf or less in area</p>	<p>Varies, depends on zone. Ex: 6' in R-1</p> <p>6' or less in height, 16 sf or less in area and screened</p>	<p>Neutral</p> <p>More permissive. Accommodates a typical-size chicken coop. Height matches the height of typical screen/fence.</p>

	Current Regulations	Proposed Regulations	Net Effect of the Proposal
Set back from adjacent residence	50'	20'	More permissive. Current requirement prevents most people from legally keeping chickens since the lots are too narrow to accommodate a 50' setback. The proposed 20' is consistent with other cities evaluated for best practices.
Other shelter location requirements	Permitted in the side and rear yards Prohibited in the front yard	Permitted in the side and rear yards Prohibited in the front yard	Neutral Neutral

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5. ON-SITE SALE OF AGRICULTURAL PRODUCTS GROWN ON-SITE: COMPARISON OF THE CURRENT AND PROPOSED REGULATIONS

	Current Regulations	Proposed Regulations	Net Effect of the Proposal
Zones permitted	Permitted in residential zones per the yard sale regulations.	Permitted in all zones as an accessory use.	More permissive
Procedure to Establish	In residential zones, none. In nonresidential zones, a seasonal permit (typically used for pumpkin and Christmas tree sales) or a temporary diversion of parking permit may be required.	None, in any residential or nonresidential zone	More permissive
Is a permit required?	Yes, in nonresidential zones	No	More permissive.
Type of products permitted	No restriction	Restricted to agricultural products grown on-site.	More restrictive. If the sale of non-agricultural products become predominant then the “yard sale” regulations apply.
Max. number of events/days permitted	In residential zones = 4 events per calendar year. An event cannot be longer than 3 consecutive days.	No more than four advertised events per year. An event shall not occur more than three consecutive days. For the purposes here, an “advertised event” is one in which the homeowner or organizer advertises the home garden sales online, in the newspaper, or signs posted off-site in the neighborhood.	Positive. By specifying “advertised events”, the informal sale of produce to neighbors on an occasional basis is not restricted.
Hours of operation	Not specified	7 am and 5 pm	Positive. Adds an objective criterion that will make enforcement easier if a complaint is filed.

APPENDICES

1. Definitions

- A – Land uses defined
- B – Other terms defined

2. Summary of applicable review and approval procedures

- A – PDSO Director Approval Procedure
- B – Special Exception Land Uses
- C – PDSO Special Exception Procedure
- D – Zoning Examiner Special Exception Procedure
- E – Zoning Compliance Review
- F – Building Permit/Inspection

NOTE: The proposed regulations provided in the following tables are DRAFT and are subject to change.

1. DEFINITIONS

Except as noted, the following definitions are excerpted from the current Unified Development Code.

#1A – LAND USES DEFINED

Animal Production

The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms.

Community Garden (proposed)

An area of land operated for not for profit to grow and harvest food crops primarily for the use of its members who typically cultivate individual garden plots within the community garden.

Crop Production

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes, or any combination of these uses. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

General Farming

Any combination of Animal and Crop Production limited to personal use.

Farmers' Markets (proposed)

A place where farmers and growers display, sell, or barter their products directly to consumers and may include produce, pastured meat and eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs. Craft-related product sales are permitted, but are accessory to the sale of food-related products. A farmers' market may be held in an open area or enclosed structure.

Urban Farm (proposed)

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

#1B – OTHER TERMS DEFINED

Accessory use

A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building. An accessory use or structure must be established or built together with or after the establishment or construction of the principal use or building (UDC Sec. 11.4.2: Definitions – A).

Animal Shelter (proposed)

An enclosed structure that covers or protects an animal(s), such as doghouses and chicken coops. Structures with a permeable roof or covering, such as may be the case with dog runs or exercise pens, are not considered an animal shelter for the purposes of determining perimeter yard or location requirements.

Animal, Small Farm (proposed)

Animals that include miniature goats, rabbits, rodents, fowl, and other similar animals. Dogs, cats, and fish are not considered small farm animals.

Aquaponics (proposed)

A system of aquaculture in which the waste produced by farmed fish or other aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water. Aquaponics is conducted in a constructed, automatic re-circulating system.

Composting (proposed)

The biological process of breaking up organic waste such as food waste, manure, leaves, grass trimmings, paper, and coffee grounds, etc., into a humus-like substance by worms and various micro-organisms, including bacteria, fungi, and actinomycetes.

Greenhouse, Passive (proposed)

An enclosed structure (as by glass or plastic) used for the cultivation or protection of plants and does not use motorized heating or cooling systems. For the purposes of the determining perimeter yard requirements, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses.

Greenhouse, Mechanically Heated or Cooled (proposed)

An enclosed structure (as by glass or plastic) used for the cultivation or protection of plants and uses mechanical systems to heat or cool the structure. For the purposes of the determining perimeter yard requirements, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses.

Fowl

A bird that is used to produce meat or eggs, including, but not limited to chickens, ducks, and turkeys (geese not included).

Goat, Miniature (proposed)

Miniature goats shall mean Nigerian Dwarf, African Pygmy or other breeds that do not exceed 70 pounds at full size.

Home Occupation (not defined in UDC, obtained from online resource)

A routine accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that is clearly incidental and secondary to the principal residential use.

Hydroponics (proposed)

Cultivation of plants in nutrient solution rather than in soil.

Perimeter yard

A setback area to separate buildings from adjacent property or streets.

PDSD

Planning and Development Services Department

Principal use

The primary use to which the premises is devoted and the primary purpose for which the premises exist.

Special Exception

Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. Special Exception Land Uses are uses that are not allowed by right within a zone but are permitted if approved through a particular review process. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this section and the zones under which they are permitted.

Unified Development Code (UDC)

The City of Tucson’s zoning and subdivision standards.

Zone or zoning

A specifically designated area within which uniform regulations govern the use, placement, spacing, and size of land and buildings. Examples include R-1 residential zone and overlay zones such as the Historic Preservation Zone. It is also referred to as a zoning district.

Zoning Administrator

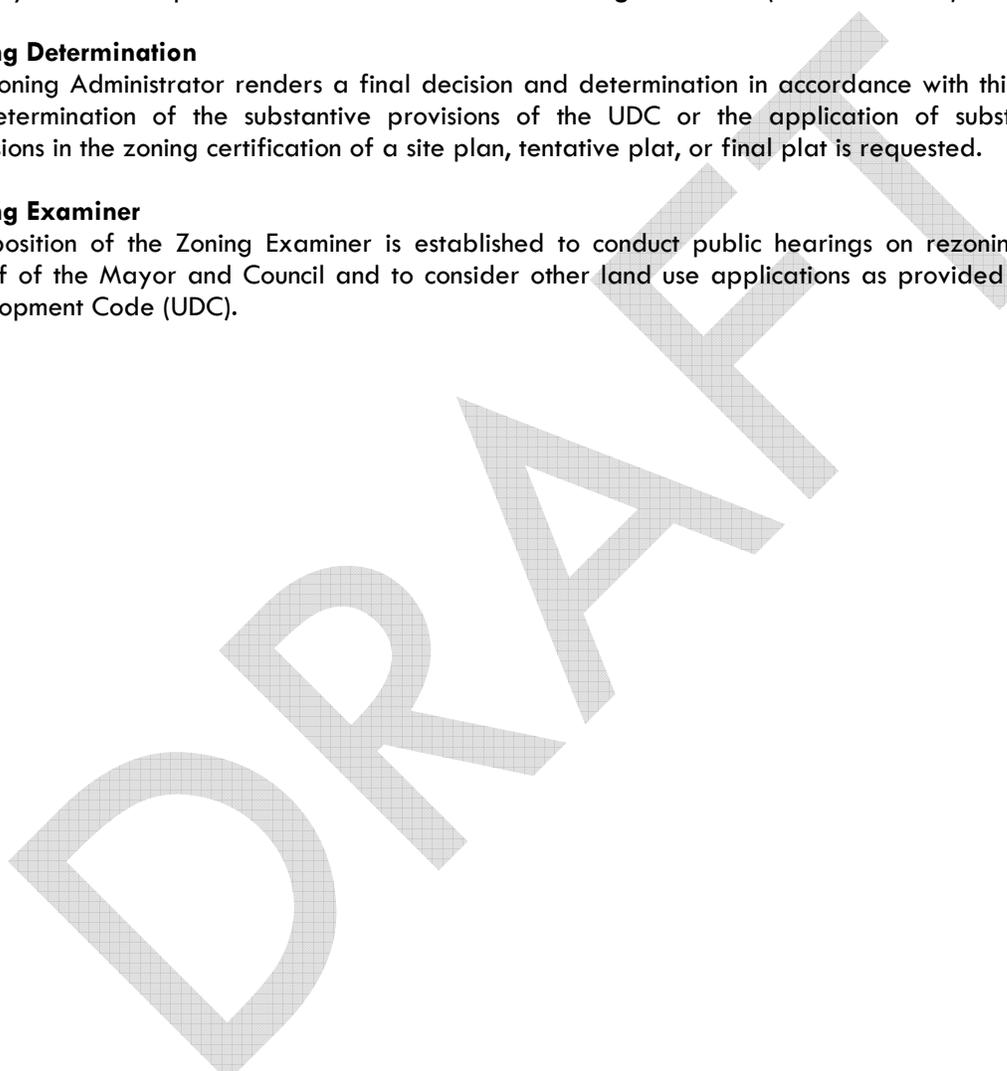
The City’s official responsible for enforcement of the **zoning** ordinance. (ARS 9-462.A.4)

Zoning Determination

The Zoning Administrator renders a final decision and determination in accordance with this section when an determination of the substantive provisions of the UDC or the application of substantive zoning provisions in the zoning certification of a site plan, tentative plat, or final plat is requested.

Zoning Examiner

The position of the Zoning Examiner is established to conduct public hearings on rezoning requests on behalf of the Mayor and Council and to consider other land use applications as provided in the Unified Development Code (UDC).



2. REVIEW AND APPROVAL PROCEDURES

The proposed urban agricultural uses are reviewed for compliance with all applicable standards in accordance with one of the following procedures:

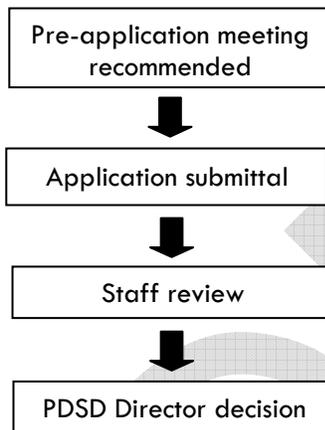
- A. PDSB Director Approval Procedure
- B. PDSB Director Special Exception Procedure
- C. Special Exception Land Uses – Background Information
- D. Zoning Examiner Special Exception Procedure
- E. Zoning Compliance Review
- F. Building Permit/Inspection

#2A – PDSB Director Approval Procedure (see UDC Sec. 3.3.3 for more details)

Applicability (proposed additional application types):

- Community gardens (when a principal use only regardless of zone)
- Farmers' markets (when a principal use in permitted nonresidential zones)
- Urban Farm [when a principal use in rural and suburban zones (i.e. RH, SR, SH, RX-1, RX-2) and all nonresidential zones; or, home occupation]

Procedure:



#2C – Special Exception Land Uses (see UDC Sec. 3.4.1 for more details)

Background: Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. Special Exception Land Uses are uses that are not allowed by right within a zone but are permitted if approved through a particular review process. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this section and the zones under which they are permitted.

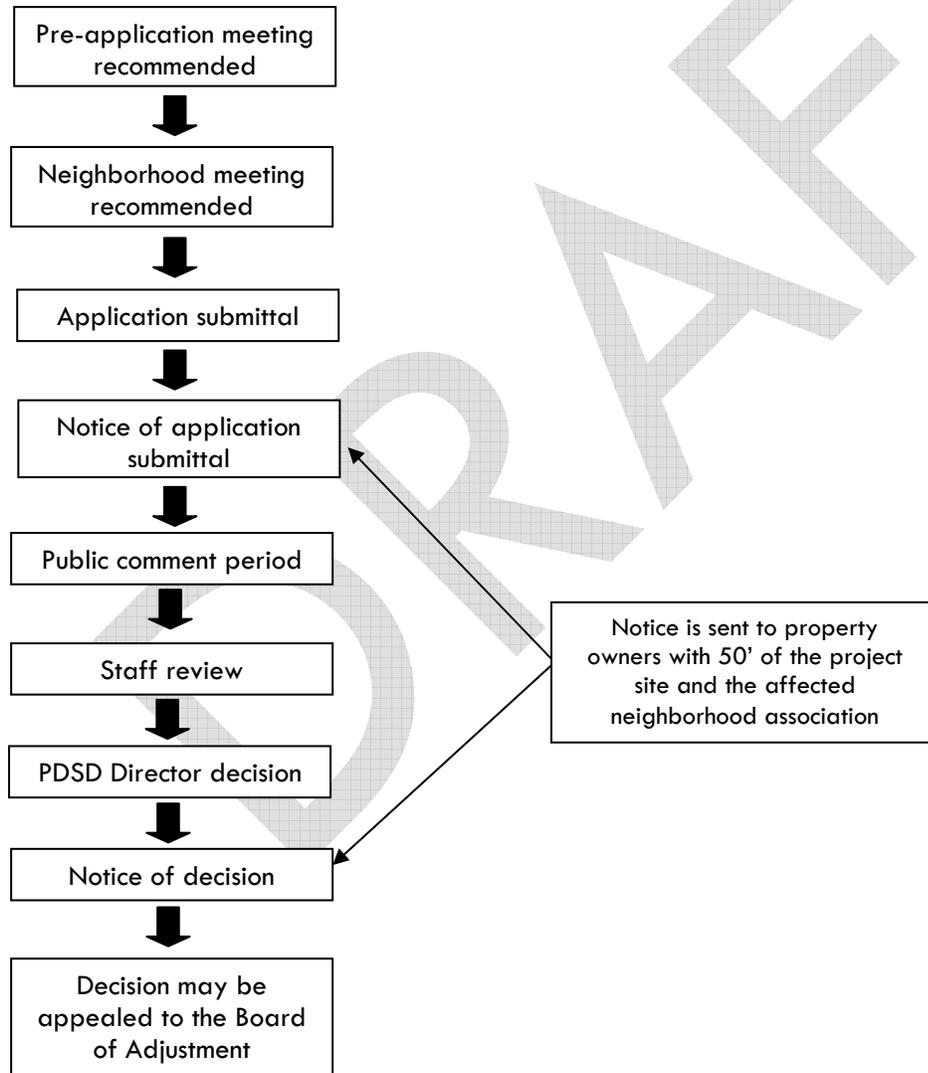
Depending on the proposed use, a Special Exception Land Use application is processed in accordance with the PDSB Director, Zoning Examiner, or the Mayor and Council Special Exception Procedure. (UDC Sec. 3.4.1)

#2C – PDSB Director Special Exception Approval Procedure (see UDC Sec. 3.4.2 for more details)

Applicability (proposed additional application types):

1. Farmers' Markets that meet all of the following criteria:
 - A. Located in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones (i.e. residential zone);
 - B. Is an accessory to a permitted principal use in the Agricultural, Civic, or Recreation Land Use Groups only; and,
 - C. When access is from a collector or arterial street as identified in the Major Street and Routes Plan, the application.
2. Urban Farms in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zones when locating on a site that is 2 acres or more.

Procedure:

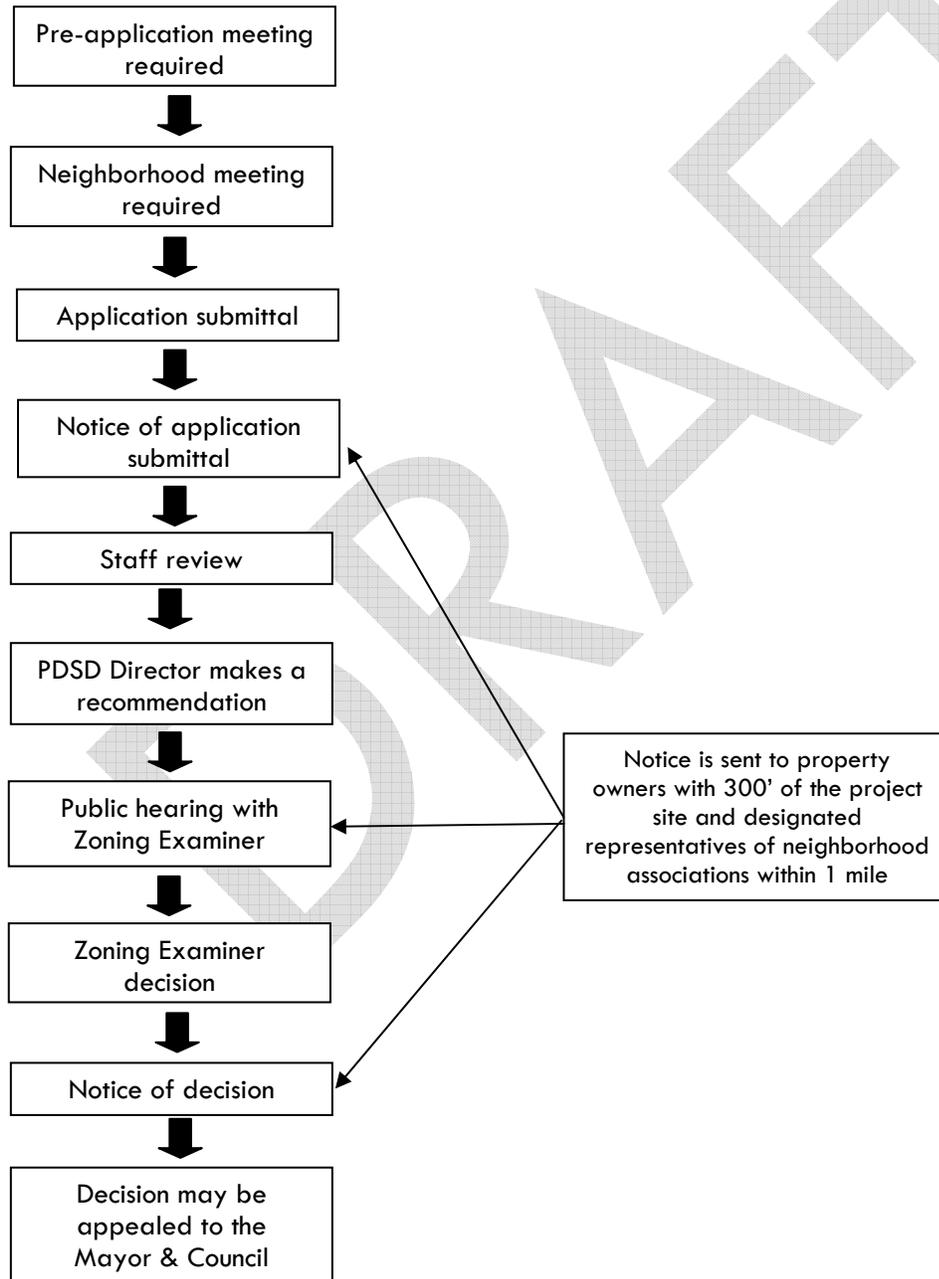


#2D – Zoning Examiner Special Exception Procedure (see UDC Sec. 3.4.3 for more details)

1. Farmers' Markets that meet all of the following criteria:
 - A. Located in the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones (i.e. residential zone);
 - B. Is an accessory to a permitted principal use in the Agricultural, Civic, or Recreation Land Use Groups only; and,
 - C. When access is from a local street.

2. Urban Farms in the R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zones when locating on a site that is less than 2 acres.

Procedure:



#2E – Zoning Compliance Review

Applicability: Structures under 200 square feet without plumbing or electrical should be reviewed to ensure that, at a minimum, they comply with the perimeter yard (i.e. setbacks) and building height standards.

Procedure: The review is conducted “over the counter” at the PDSD office. An application is not required. Notice of the review is not sent to surrounding property owners or neighborhood association.

#2F – Building Permit/Inspection

Applicability: 1) Structures 200 square feet or more; and, 2) Structures of any size that includes plumbing or electrical.

Procedure: The review and consideration of approval is conducted administratively. Notice of the review is not sent to surrounding property owners or neighborhood association.

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