

**SUSTAINABLE CODE PROJECT:
PROPOSED URBAN AGRICULTURE AMENDMENTS**

April 28, 2014

DRAFT



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

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*UDC – Unified Development Code (the City’s zoning regulations)

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.

LEGEND AND DEFINITIONS OF FREQUENTLY USED ZONING TERMS

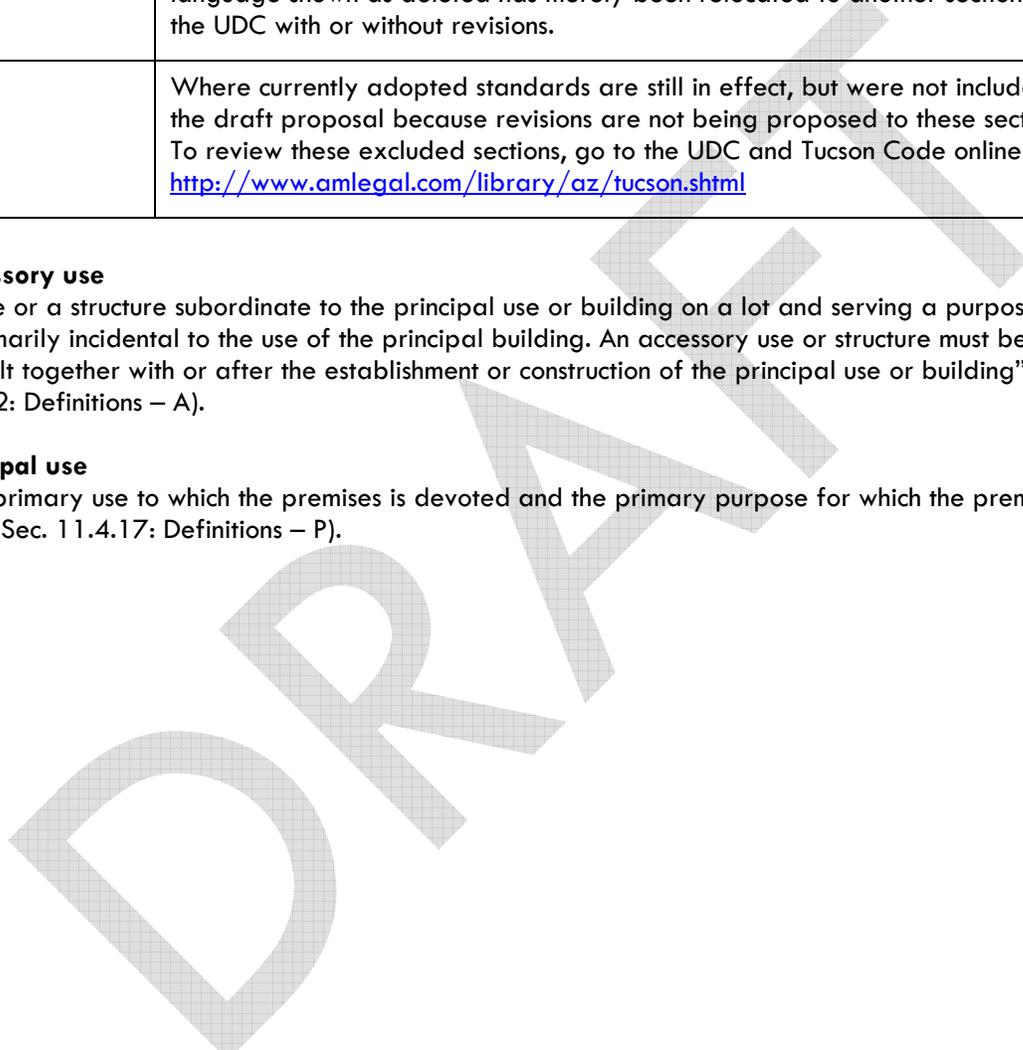
Type of text	Description
Black plain text	Currently adopted standard
<u>Red underlined text</u>	Proposed new or amended language
Red strikethrough text	Currently adopted standard proposed for deletion. In several instances, the language shown as deleted has merely been relocated to another section of the UDC with or without revisions.
***	Where currently adopted standards are still in effect, but were not included in the draft proposal because revisions are not being proposed to these sections. To review these excluded sections, go to the UDC and Tucson Code online here: http://www.amlegal.com/library/az/tucson.shtml

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).

Principal use

“The primary use to which the premises is devoted and the primary purpose for which the premises exist” (UDC Sec. 11.4.17: Definitions – P).



SECTION 1: PROPOSED REVISIONS TO THE SPECIAL EXCEPTION PROCEDURES

Summary: Provides the review and approval procedures for farmers' markets and urban farms when locating in a residential zone.

The Tucson Code, Chapter 23B, Unified Development Code, Article 3, is amended to read as follows:

ARTICLE 3, GENERAL PROCEDURES SECTION 4, SPECIAL EXCEPTION LAND USES

[Additional information about Special Exception Land Uses: "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" (Section UDC Section 3.4.1). Whether a use requires processing via a special exception procedure and the applicable special exception procedure are identified in the use tables in UDC Article 4.]

3.4.2. PDSB DIRECTOR SPECIAL EXCEPTION PROCEDURE

[Additional information about this procedure: The Planning and Development Services (PDSB) Director decides whether to approve or deny applications based on a finding whether the proposal adversely affects adjacent property owners. Notice of a proposed farmers' market on an agricultural, civic (e.g. church or school), or recreational (e.g. park) use accessed from a collector or arterial roadway would be sent to property owners within 50' of the site and the representatives of the affected neighborhood association two times: 1) once at the time of application submittal; and, 2) again with the PDSB Director's decision. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Board of Adjustment if they disagree with the PDSB Director's decision.]

A. Applicability

The PDSB Director Special Exception Procedure applies to:

1. Those uses identified in Section 4.8 (Use Tables) as requiring processing in accordance with the PDSB Director Special Exception Procedure;
2. Farmers' Markets as an accessory use to a Agricultural, Civic, or Recreational use in a residential zone that are accessed from a collector or arterial street identified in the Major Street and Routes Plan; and-
3. Urban Farms locating on sites of two or more acres in a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone.

3.4.3. ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE

[Additional information about this procedure: The Zoning Examiner decides whether to approve or deny based on a finding of whether the proposal adversely affects adjacent property owners. The Zoning Examiner conducts a public hearing at which the public may comment on the proposal. Applicants of the proposed farmers' market on an agricultural, civic (e.g. church or school), or recreational (e.g. park) use accessed from a local roadway would be required to conduct a neighborhood meeting prior to submitting an application. Notice of the neighborhood meeting would be sent to property owners within 300' of the site and the representatives of the neighborhood association within 1 mile of the site. The same affected parties are again notified when an application has been submitted and the date, time, and location of the public hearing. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Mayor and Council if they disagree with the Zoning Examiner's decision.]

A. Applicability

The following uses are processed in accordance with the Zoning Examiner Special Exception Procedure:

1. Those uses identified in Section 4.8 (Use Table) as requiring processing in accordance with the Zoning Examiner special exception procedure;
2. Expansions of nonconforming uses; ~~and;~~
3. Substitutions of nonconforming uses if the proposed use is not within the same land use class as the existing use;
4. Farmers' Markets as an accessory use to a Agricultural, Civic, or Recreational use in a residential zone that are accessed from a local street; and,
5. Urban Farms locating on sites less than two acres in a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone. An urban farm cannot locate on a site less than the zone's minimum lot size requirement.

SECTION 2: PROPOSED REVISIONS TO THE DESIGN DEVELOPMENT OPTION

Summary: Provides the modification procedure and standards for individual property owner requests to increase the number of small farm animals permitted and decrease the animal shelter setback requirements.

The Tucson Code, Chapter 23B, Unified Development Code, Article 3, is amended to read as follows:

ARTICLE 3, GENERAL PROCEDURES SECTION 11, ADMINISTRATIVE MODIFICATIONS

3.11.1 DESIGN DEVELOPMENT OPTION

[Additional information about this procedure: The Design Development Option (DDO) “is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone” (UDC Section 3.11.1.A). A DDO is intended to encourage several principles, including “[f]lexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical” (UDC Section 3.11.1.A.1).

The Planning and Development Services (PDSD) Director decides whether to approve or deny applications based on a finding whether the proposal adversely affects adjacent property owners. Notice of an applicant’s request to have more small farm animals and/or reduce the setback for animal shelters than typically required are sent to property owners within 50’ of the site and the representatives of the affected neighborhood association two times: 1) once at the time of application submittal; and, 2) again of the PDSD Director’s decision. Affected property owners and neighborhood association would have an opportunity to comment on the proposal and appeal the decision to the Board of Adjustment if they disagree with the PDSD Director’s decision.]

A. Purpose

This section is established to provide an administrative process by which specific development and dimensional standards of the UDC may be modified under certain criteria applicable to a land use within a zone. A Design Development Option (DDO) is intended to encourage the following:

1. Flexible design solutions that are within the intent of the regulation, encourage efficient use of land, do not create a nuisance on adjacent property, and address situations where strict application of a requirement may not be practical;
2. Energy conservation through site and building design;
3. Innovation in site planning and architectural design; and,
4. Enhancement of community aesthetics.

B. Applicability

The following dimensional, screening, and landscaping standards may be considered for modification under this Section:

1. Setbacks;

2. Height of accessory walls and fences when the wall and fence heights do not exceed two feet above the maximum height permitted;
3. Landscaping and screening standards when the modification does not decrease the required area in square footage of landscaping or height of a screening feature;
4. Structural setback and parking space length requirements for carports only in single-family and duplex development; and,
5. Number of permitted small farm animals and setback requirements for animal shelters.

D. Findings for Approval

1. General Findings for All Modification Requests

For all modification requests, the PDSO Director may approve a DDO request only if the request meets all of the following findings:

- a. Is not a request previously denied as a variance;
- b. Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;
- c. Is not to a condition of approval for a rezoning or Special Exception Land Use application;
- d. Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;
- e. Does not result in deletion or waiver of a UDC requirement;
- f. The modification applies to property that cannot be developed in conformity with the provisions of this chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location;
- g. Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;
- h. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;
- i. Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and,

- j. Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

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SECTION 3: PROPOSED REVISIONS TO THE PERMITTED USE TABLES

Summary: Identifies which zones community gardens, urban farms, and farmers' markets are permitted when operated as principal uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

ARTICLE 4, ZONES SECTION 8, USE TABLES

[Additional information about the use tables: The use tables identify which zone(s) specific uses are permitted when functioning as a principal use (i.e. not as an accessory use), the procedure by which the use is established, and the applicable use-specific standards. A principal use is "the primary use to which the premises is devoted and the primary purpose for which the premises exist."

In some instances, accessory uses are included in the use tables because use-specific standards apply. However, a principal use is not limited solely to those accessory uses provided. Other accessory uses are permitted in accordance with the applicable use-specific standards and the accessory uses standards provided in Section 6.6.]

4.8.3 PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> <i>[1] Mayor and Council Special Exception Procedure, Section 3.4.4</i> <i>[2] Zoning Examiner Special Exception Procedure, Section 3.4.3</i> <i>[3] PDSD Special Exception Procedure, Section 3.4.2</i>						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Animal Production:						
General		P	P	P		SR: 4.9.2.A.1.a, 2.b,3.a SH: 4.9.2.A.1.b, 2.b, 2.c, 3.b RX-1: 4.9.2.A.1.a, 2.a, 2.b, 3.a
Excluding Stockyard	P					RH: 4.9.2.A.1.a, 2.b,3.b and 4.9.13.l
Commercial Stables Only		P	P			SR: 4.9.2.A.1.b, 2.b & 4.c SH: 4.9.2.A.1.b, 2.c, & 4.c
Hog Ranch Only	S [1]					RH: 4.9.2.A.3.d and 4.9.13.l
Commercial Feedlot Only	S [1]					RH: 4.9.2.C.1 and 4.9.13.l
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, 4.b & 4.c and 4.9.13.l
Crop Production:	P	P	P	P	P	RH: 4.9.2.B.1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.B.1
With Food & Beverage Sales as an accessory use	P	P	P			RH: 4.9.9.A.2.a, 3-8 and 4.9.13.l SR, SH: 4.9.9.A.1, 2.c, 3, 4, 7

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
General Farming	P	P	P	P		4.9.2.B-1 and: RH: 4.9.2.A.1.a, 2.b, 3.b and 4.9.13.l SR: 4.9.2.A.1.a, 2.b, 3.a SH: 4.9.2.A.1.b, 2.b, 2.c, 3.b RX-1: 4.9.2.A.1.b, 2.a, 2.b, 3.a
<u>Urban Agriculture:</u>						
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	RH: 4.9.2.C.1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1
<u>Urban Farm</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	RH: 4.9.2.C.2 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1
<u>With Food & Beverage Sales as an accessory use to an Urban Farm (both P & S)</u>	<u>P</u>	<u>P</u>	<u>P</u>			RH: 4.9.9.A.2.a, 3-8 and 4.9.13.l SR, SH: 4.9.9.A.1, 2.c, 3, 4, 7

4.8.4 PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2						
LAND USE	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
<u>Crop Production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	All zones: 4.9.2.B
<u>Urban Agriculture:</u>						
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	All: 4.9.2.C.1
<u>Urban Farm</u>	<u>S [3]</u>	All: 4.9.2.C.2 (when the proposed site is 2 acres or more)				
<u>Urban Farm</u>	<u>S [2]</u>	All: 4.9.2.C.2 (when the proposed site is less than 2 acres. The site cannot be less than the zone's minimum lot size requirement.)				

4.8.5 PERMITTED USES: OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	O-1	O-2	O-3	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
<u>Urban Agriculture:</u>				
<u>Community Garden</u>	P	P	P	<u>All: 4.9.2.C.1</u>
<u>Urban Farm</u>	P	P	P	<u>All: 4.9.2.C.2</u>

4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2						
LAND USE	C-1	C-2	C-3	OCR-1	OCR-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
<u>Urban Agriculture:</u>						
<u>Community Garden</u>	P	P	P	P	P	<u>All: 4.9.2.C.1</u>
<u>Urban Farm</u>	P	P	P	P	P	<u>All: 4.9.2.C.2</u>

Retail Trade Use Group With Land Use Class/Type:						

Swap Meets and Auctions		P	P	S [3]	S [3]	C-2, C-3, OCR-1, OCR-2: 4.9.9.FG
<u>Farmer's Market only</u>	P	P	P	P	P	<u>All: 4.9.9.G</u>
Vehicle Rental and Sales		P	P	P	P	C-2, C-3, OCR-1, OCR-2: 4.9.9.HG.1 and 2

4.8.7 PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES* <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:			*	
<u>Urban Agriculture:</u>				
<u>Community Garden</u>	P	P	P	All: 4.9.2.C.1
<u>Urban Farm</u>	P	P	P	All: 4.9.2.C.2

Retail Trade Land Use Group With Land Use Class/Type:			*	

Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.FG and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.FG and 4.9.13.Q
<u>Farmer's Market only</u>	P	P	P	All: 4.9.9.G
Vehicle Rental and Sales	P	P	P	P-1, I-1, I-2: 4.9.9.HG

4.8.8 PERMITTED USES: SPECIAL USE ZONES (1) – OS, IR, P, & RV

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES <i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:					
Animal Production:					
Excluding a Stockyard		P			IR: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S [1]			IR: 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			IR: 4.9.2.A.2.b, & .4 and 4.9.13.H
Crop Production		P			IR: 4.9.2.B and 4.9.13.H
<u>With Food and Beverage Sales as an accessory use</u>		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H
General Farming		P			IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.B, and 4.9.13.H
Stockyard Operation:					
Commercial Feedlot		S [1]			IR: 4.9.2.C.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.C.2 and 4.9.13.H

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
<u>Urban Agriculture:</u>					
<u>Community Garden</u>	P	P	P	P	All: 4.9.2.C.1
<u>Urban Farm</u>	S [3]	P	P	P	OS: 4.9.2.C.2 (when locating on a site of 2 acres or more) IR, P, RV: 4.9.2.C.2
<u>Urban Farm</u>	S [2]				OS: 4.9.2.C.2 (when locating on a site less than 2 acres. The site cannot be less than the zone's minimum lot size requirement)
<u>With Food and Beverage Sales as an accessory use with an Urban Farm (P & S)</u>		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H

4.8.9 PERMITTED USES: SPECIAL USE ZONES (2) – NC, RVC, & MU

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
Animal Production:				
Excluding Commercial Stables			P	MU: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a
Commercial Stables Only			S [2]	MU: 4.9.2.A.1.b, .2.b, & .4.c and 4.9.5.C.6
<u>Urban Agriculture:</u>				
<u>Community Garden</u>	P	P	P	All: 4.9.2.C.1
<u>Urban Farm</u>	S [3]	S [3]	P	NC, RVC: 4.9.2.C.2 (when locating on a site of 2 acres or more) MU: 4.9.2.C.2
<u>Urban Farm</u>	S [2]	S [2]		NC, RVC: 4.9.2.C.2 (when locating on a site less than 2 acres. The site cannot be less than the zone's minimum lot size requirement)

Retail Trade Land Use Group With Land Use Class/Type:			*	

<u>Swap Meets and Auctions</u>				
Farmer's Market only			P	MU: 4.9.9.G
Vehicle Rental and Sales			S[2]	MU: 4.9.5.C.6 and 4.9.9.G.1, .2

SECTION 4: PROPOSED REVISIONS TO THE USE-SPECIFIC STANDARDS

Summary: Provides the standards community gardens, urban farms, and farmers' markets must comply with when operated as principal uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 4, is amended to read as follows:

ARTICLE 4, ZONES SECTION 9, USE SPECIFIC STANDARDS

[Additional information about use-specific standards: Principal uses must comply with the use-specific standards identified in the use table. When reviewing the use-specific standards, refer to the section references provided in the use table given the applicable standards many vary depending on the project's zone (e.g. residential or commercial). The use-specific standards are in addition to the other dimensional and development standards applicable for that project's zone. The use-specific standards take precedence if there is a conflict between the use-specific standard and the other standards for the zone.]

4.9.2 AGRICULTURAL USE GROUP

~~B. Crop Production~~

~~Any greenhouse heating plant or cooling fan shall be located a minimum of 200 feet distant from every lot line.~~

~~BC. Stockyard Operation~~

~~C. Urban Agriculture~~

~~1. Community Garden~~

~~a. Permitted Activities and Uses. The following activities and uses are permitted on a Community Garden use:~~

~~(1) Growing and harvesting of agricultural products;~~

~~(2) The keeping of small farm animals is permitted in accordance with Section 6.6.5.F, Keeping of Small Farm Animals, and the following:~~

~~(a) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;~~

~~(b) Permission from the property owner to keep small farm animals;~~

(c) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;

(d) Animals must be tended to at least two times per day; and,

(e) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;

(3) Greenhouses are permitted as an accessory or principal structure. When an accessory structure, greenhouse(s) are required to comply with Section 6.6.5.E. When a principal structure, greenhouse(s) are required to comply with all applicable dimensional and development standards required by the zone. Additionally, greenhouses with mechanical heating or cooling as defined in Section 11.4.8, *Definitions – G, Heating plants or cooling fans associated with greenhouses shall be located a minimum distance from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants must demonstrate compliance with this standard prior to issuance of a building permit. Passive greenhouses, including those that are cooled solely by an evaporative cooler, are not required to provide a wider perimeter yard than that required by the zone;*

(4) Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;

(5) On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;

(6) Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Section 6.6.1.C. In residential zones, accessory structures are also exempt from Section 6.6.3.B and may be located in the area between the principal community garden use and the front street lot line; and,

(7) Outdoor activity, including the outdoor display of products grown on-site, in permitted.

b. Community gardens are exempt from the requirements of Sections 7.4, *Motor Vehicle and Bicycle Parking*, 7.5, *Off-Street Loading*, and 7.6, *Landscaping and Screening*. However, if screening is provided, it shall be no greater than six feet in height and be no more than 40% opacity.

c. Review and Approval Procedure. Community gardens are processed in accordance with Section 3.3.3, *PDS Director Approval Procedure*. The Director may require conditions of approval as necessary to protect the

health, safety, or welfare of any property impacted by the community garden.

2. Urban Farm

a. Permitted Activities and Uses. The following activities and uses are permitted on an Urban Farm use:

(1) Growing and harvesting of agricultural products;

(2) The keeping of small farm animals is permitted in accordance with Section 6.6.5.F, Keeping of Small Farm Animals, and the following:

(a) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;

(b) Permission from the property owner to keep small farm animals;

(c) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;

(d) Animals must be tended to at least two times per day; and,

(e) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;

(3) Greenhouses are permitted as an accessory or principal structure. When an accessory structure, greenhouse(s) are required to comply with Section 6.6.5.E. When a principal structure, greenhouse(s) are required to comply with all applicable dimensional and development standards required by the zone. Additionally, greenhouses with mechanical heating or cooling as defined in Section 11.4.8, Definitions – G, Heating plants or cooling fans associated with greenhouses shall be located a minimum distance from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants must demonstrate compliance with this standard prior to issuance of a building permit. Passive greenhouses, including those that are cooled solely by an evaporative cooler, are not required to provide a wider perimeter yard than that required by the zone;

(4) Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;

(5) On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;

(6) Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Section 6.6.1.C. In residential zones, accessory structures are also exempt from Section 6.6.3.B and may be located in the area between the principal community garden use and the front street lot line; and,

(7) Outdoor activity, including the outdoor display of products grown on-site, is permitted.

b. Nuisance Mitigation. Urban Farms are required to comply with the following standards:

(1) Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission shall be permitted that can cause damage to health, animals, vegetation, or other forms of property or that can cause any excessive soiling of the air.

(2) Illumination: Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Tucson Code, Chapter 6, (Outdoor Lighting Code).

(3) Liquids and Solid Waste: No waste shall be discharged into the streets, drainage-ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.

(4) Noise. The sound level of any individual operation shall not exceed the levels permitted in Section 16-31, Excessive Noise, of the Tucson Code.

(5) Odor. Emission of odorous gases or other odorous matter shall not be permitted in such quantities as to be offensive to owners or occupant of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines.

(6) Vibration. No vibration shall be permitted that is discernible beyond the property lines to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of a duration of 30 seconds or more in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

(7) Heavy Machinery. The use of heavy machinery (e.g. tractors, plows, etc.) is permitted, is restricted to use between 7 a.m. and 7 p.m., and must be in compliance with the other nuisance mitigation requirements as applicable.

c. Review and Approval Procedure.

(1) In a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone, an Urban Farm locating on a site of less than two (2) acres is processed in accordance with Section 3.4.3, Zoning Examiner Special Exception Procedure. The site cannot be less than the minimum lot size required by the zone;

(2) In a R-1, R-2, R-3, MH-1, MH-2, OS, NC, or RVC zone, an Urban Farm locating on a site of two (2) acres or more is processed in accordance with Section 3.4.2, PDS Director Special Exception Procedure; or,

(3) All other Urban Farms are processed in accordance with Section 3.3.3, PDS Director Approval Procedure.

d. Additional Conditions Permitted. The Director or Zoning Examiner, whichever is applicable, may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the urban farm.

4.9.7 RESIDENTIAL USE GROUP

D. Home Occupations are permitted as Accessory Land Uses to Mobile Home Dwelling or Family Dwelling as follows:

1. Home occupations other than those specified below are required to comply with Section 4.9.7.E, *Home Occupation: General Standards*; or,
2. The following uses within the specified zones are required to comply as follows:

f. Home Occupation: General Farming is permitted in C-2 and C-3 subject to: 4.9.2.A.1.a & 3.a and 4.9.2.B.1.

g. Home Occupation: Urban Farm is permitted in IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, NC, C-1, C-2, C-3, MU, OCR-1, and OCR-2, subject to: 4.9.7.E.1 - .6, .9 - .11, .13, and .15.

E. Home Occupation: General Standards

1. Home occupations require review and consideration for approval in accordance with Section 3.3.3, PDS Director Approval Procedure.
2. The home occupation shall be clearly secondary to the residential use of the dwelling.
3. The home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.

4. Except for multifamily development, no more than 25 percent of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25 percent of the dwelling unit may be devoted to the home occupation. A detached accessory building of not more than 200 square feet in area may be used for such home occupation. For Home Occupation: Urban Farm uses, this subsection only applies to those gardens grown in greenhouses. Gardens not in an enclosed structure or building are exempt from this subsection.

5. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.

6. Goods related to the home occupation shall not be visible from the street. For Home Occupation: Urban Farm uses, gardens not in an enclosed structure or building are exempt from this subsection.

9. Except for permitted signage and gardens not in an enclosed structure or building, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.

10. No more than one sign shall be visible from the exterior of the property used as a home occupation. The sign shall not exceed one square foot in size. Signs shall also conform to Chapter 3 of the Tucson Code.

11. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.

13. Except as otherwise required, additional motor vehicle and bicycle parking is not required for a home occupation. The home occupation may involve the use of no more than one commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle cannot be more than 20 feet in overall length and not more than seven feet in overall height and shall be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.

15. For Home Occupation: Urban Farm uses, the on-site accessory sale of agricultural goods grown on-site is permitted in accordance with Section 6.6.5.G.

4.9.9 RETAIL TRADE USE GROUP

G. Swap Meets and Auctions – Farmers’ Market

1. Farmers’ Markets are permitted as a principal use in C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, and MU in compliance with the following standards:
 - a. Compliance with Section 4.9.9.F, Swap Meets and Auctions, is required. The standards of this Section 4.9.9.G shall control where there is a conflict with Section 4.9.9.F.
 - b. Craft-related product sales must be clearly accessory to the sale of food-related products. Specifically, at least 20% 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.
 - c. Outdoor activity, including the outdoor display of products for sale, is permitted.
 - d. Loudspeakers and amplified music are prohibited outdoors within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, within 300 feet of a residential use or zone shall occur within an enclosed building.
 - e. The retail area shall be dust proofed.
 - f. Parking Required. Motor vehicle parking is required at one (1) space per 300 square feet of market site area, excluding vehicular use areas. Short- and long-term bicycle parking is required at one (1) space per 5,000 square feet and one (1) space per 12,000 square feet, respectively, of market site area, excluding vehicular use areas.
 - g. Off-Street Loading and Landscaping and Screening Exempted. Farmers’ Markets are exempt from the requirements of Section 7.5, Off-Street Loading, and Section 7.6, Landscaping and Screening..
 - h. Additional Conditions Permitted. The Director may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the farmers’ market.

HG. Vehicle Rental and Sales

4.9.13 GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

J. O-1 and O-2 Office Zones – General Restrictions

The following restrictions apply to all uses and development in these zones:

1. Drive-through services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
 - a. Vehicular use areas;
 - b. When required by state law;
 - c. When specifically permitted by a use specific standard; or,
 - d. When associated with one of the following uses: Day Care; Educational Use; ~~Medical Service, Extended Healthcare;~~ ~~or,~~ Parks and Recreation; Swap Meet and Auction (Farmers' Markets only); or, any Urban Agriculture use, and,
3. All nonresidential land use activities shall:
 - a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., except as required by a use's use-specific standard;
 - b. Comply with the requirements of Section 6-101, Outdoor Lighting Code, of the Tucson Code. Outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning; and,
 - c. Comply with the requirements of Section 16-31, Excessive Noise, of the Tucson Code and be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

K. O-3 Office Zone – General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited; and,
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
 - a. Vehicular use areas;
 - b. When required by state law;
 - c. When specifically permitted by a use specific standard; or,
 - d. When associated with one of the following uses: Day Care; Educational Use; Medical Service, Extended Healthcare; ~~or,~~ Parks and Recreation;

Swap Meet and Auction (Farmers' Markets only); or, any Urban Agriculture Uses.

L. Recreational Vehicle Zone (RV) – General Restrictions

Storage buildings are not permitted in this zone as accessory to each individual unit space; however, they are permitted as part of the common use facility. Urban Agriculture uses and Farmer's Markets are exempt from this restriction.

M. Neighborhood Commercial Zone (NC) – General Restrictions and Exception

The following standards apply to all uses and development in this zone:

1. Drive-through or drive-in services are prohibited;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
 - a. Vehicular use areas;
 - b. When required by state law;
 - c. When specifically permitted by a use specific standard; or,
 - d. When associated with one of the following uses: Day Care; Educational Use, Elementary and Secondary; -Parks and Recreation; Swap Meet and Auction (Farmers' Markets only); or all uses in the Residential Use Group; or, any Urban Agriculture use.
3. All land use activities, except the Residential Use Group or required differently by a use's specific use-specific standard, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m.;
4. All nonresidential development and nonresidential exterior remodeling that require a building permit are reviewed and approved by the Design Review Board (DRB) for architectural and site design compatibility with the surrounding residential area. Swap Meet and Auction (Farmers' Markets only) and Urban Agriculture uses are exempt from this restriction; and,
5. All land uses are limited to 2,000 square feet of GFA, except Family Dwelling, Educational Uses, and the following exception. Mixed use or multi-tenant developments are limited to 10,000 square feet of GFA. A tenant within a mixed use development is limited to 2,000 square feet of GFA. Outdoor activity areas permitted in this zone shall be included in the GFA limitations. Exception: On authorization of rezoning of property to the NC zone, Mayor and Council may approve land uses that will be located in existing buildings or portions thereof that exceed the limitation of 2,000 square feet of gross floor area per use or the limitations restricting mixed use or multi-tenant development to 10,000 square feet of gross floor area. The gross floor area for any such exception shall neither be increased nor enlarged following initial authorization, and the right to exceed the gross floor area restrictions shall be terminated if discontinued or abandoned. Farmers' Markets and Urban Agriculture uses are exempt from this restriction.

N. Rural Village Center Zone (RVC) – General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through or drive-in services are prohibited unless specifically provided for the land use;
2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:
 - a. Vehicular use areas;
 - b. When required by state law;
 - c. When specifically permitted by a use specific standard; or,
 - d. When associated with one of the following uses: ~~a Day Care use; Swap Meet and Auction (Farmers' Market only); or, any Urban Agriculture use~~and;
3. The maximum permitted area of each RVC zone is 20 acres.

O. C-1 Commercial Zone – General Restrictions

The following restrictions apply to all uses and development in this zone:

1. Drive-through services are prohibited except as follows:
 - a. Commercial Services and Retail Trade Uses may provide one drive-through lane.
 - b. Financial Services Use may provide two drive-through lanes and one Automated Teller Machine (ATM) service lane.
2. All land use activities shall be conducted entirely within an enclosed building, except as follows:
 - a. Agricultural Use Group: Urban Agriculture;
 - b. Civic Use Group: Cemetery, Education Elementary & Secondary Schools;
 - c. Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;
 - d. Recreation Use Group: Golf Course, Parks and Recreation; ~~and;~~
 - e. Retail Trade Use Group: Swap Meet and Auctions (Farmers' Market only); and,
 - f. Vehicular use areas.

SECTION 5: PROPOSED REVISIONS TO THE ACCESSORY USE STANDARDS

Summary: Provides the standards community gardens, composting, farmers' markets, gardens, greenhouses, keeping of small farm animals, and sales of products grown on-site must comply with when operated as accessory uses.

The Tucson Code, Chapter 23B, Unified Development Code, Article 6, is amended to read as follows:

ARTICLE 6, DIMENSIONAL STANDARDS AND MEASUREMENTS SECTION 6, ACCESSORY USES, BUILDINGS, AND STRUCTURES

[Additional information about accessory uses: An accessory use is "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."

Every proposed accessory use must comply with Section 6.6.1 (Accessory Uses) and, if proposing an accessory building or structure, Section 6.6.2 (Accessory Buildings and Structures). Depending on whether the site is a residential or nonresidential zone, the accessory use will also have to comply with Section 6.6.3 (Specifically within Residential Zones) or 6.6.4 (Specifically within Nonresidential Zones). This proposal introduces another accessory use section – Section 6.6.5 Urban Agricultural Use and Activities and Farmers' Markets. Proposed accessory urban agricultural uses and farmers' markets will have to comply with the applicable standards in Section 6.6.5 in addition to those previously provided. Section 6.6.5 has been prepared to minimize redundancy and to prevent standards that conflict with the other accessory use sections.]

6.6.1 ACCESSORY USES

- C. The use shall not substantially alter the exterior appearance or character of the principal use or building to which it is incidental; and,
- D. Animals may be kept for personal use in all zones subject to Tucson Code, Chapter 4, and any applicable health regulations.

6.6.2 ACCESSORY BUILDINGS AND STRUCTURES

In all zones, the buildings used for accessory uses shall comply with the following:

A. Applicability.

- 1. The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses that are taller than six feet in height and greater than 16 square feet in area (Note: this is a proposed increase from the current standard of 5' in height and 10 sq. ft. in area), such as doghouses, shelters for small farm animals, and refuse container enclosures.**
- 2. Playground equipment is exempt from this Section 6.6.2.**

- BA. An accessory building shall be built only on a lot occupied by a principal building or use;
- CB. An accessory building shall be developed in accordance with the dimensional standards of the principal land use, except as provided by this section and, when applicable, Sections 6.6.3, Specifically within Residential Zones, and 6.6.5, Urban Agriculture Uses and Activities and Farmers' Markets;
- DC. An accessory structure that exceeds the allowable height of a wall within a perimeter yard and is detached from a principal structure shall comply with the perimeter yard width standards of the principal structure, except that the accessory structure may be built to a parcel line with the consent of the adjoining or, when separated by an alley, adjacent property owner(s) or as permitted by Section 6.6.5, Urban Agriculture Uses and Activities and Farmers' Markets;
- ED. Accessory structures, such as light poles, flagpoles, and other tall and narrow structures that are similar, shall be exempt from the setback requirement. Amateur radio towers are exempt from the setback requirement and are allowed to a maximum height of 100 feet;
- EE. An accessory building, except for a stable or enclosure for animals, may be attached to a principal building, provided that its construction complies with the development requirements of the principal building;
- GF. The use of solar energy collectors for the purpose of providing energy for heating or cooling shall be permitted in all zones, whether as part of a principal building or as an accessory building. Such solar collection devices shall not be included in computing lot coverage;
- ~~G. This section is not intended to apply to buildings of five feet or less in height and ten square feet or less in area, such as doghouses or refuse container enclosures, or to play equipment;~~
- H. Setbacks for Structures for Animals. Structures for animals that exceed six feet in height and 16 square feet in area, shall be set back in accordance with the following:

 - 1. Shelters or structures for the keeping of small farm animals shall be set back in accordance with Section 6.6.5.F.6; or,
 - 2. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow or goat (except miniature goats) shall be set back at least 20 feet from the dwelling unit of any person (Note: The UDC currently requires a 10' setback, while the Tucson Code requires a 20' setback. The proposed change will make the UDC consistent with the Tucson Code); or,
 - 3. All sStructures for for all other types of animals not addressed in Subsection H.1 or .2 above animals shall be set back at least 50 feet from all property lines, except corrals that shall be set back ten feet from all property lines;
- I. The maximum height of a wall or fence within a perimeter yard shall be six feet; however, the wall or fence may be higher than six feet, but no higher than ten feet, if: (See Figure 6.6.1-A, Height of Wall or Fence within a Side or Rear Perimeter Yard.)

- J. In nonresidential zones, walls or fences, as permitted in Section 6.6.2.l above, may exceed the height standards, provided the wall or fence complies with side and rear yard standards applicable to buildings on the site.

6.6.5 URBAN AGRICULTURE USES AND ACTIVITIES AND FARMERS' MARKETS

A. Community Garden

1. Community gardens are permitted as an accessory use in any zone in accordance with the standards provided below.
2. Permitted Activities and Uses. The following activities and uses are permitted on a Community Garden:
 - a. Growing and harvesting of agricultural products;
 - b. The keeping of small farm animals is permitted in accordance with Section 6.6.5.F, Keeping of Small Farm Animals, and the following:
 - (1) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;
 - (2) Permission from the property owner to keep small farm animals;
 - (3) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;
 - (4) Animals must be tended to at least two times per day; and,
 - (5) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;
 - c. Greenhouses are permitted in accordance with Section 6.6.5.E;
 - d. Composting is permitted as an accessory use only in accordance with Section 6.6.5.B;
 - e. On-site sale of agricultural products grown on-site is permitted as an accessory use only in accordance with Section 6.6.5.G;
 - f. Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies) and sheds, are exempt from Section 6.6.1.C and may be located in the buildable area extending the full width of the lot between the growing and harvesting of agricultural products the front street lot line.
 - g. Outdoor activity, including the outdoor display of products for sale grown on-site, is permitted.
3. The growing and harvesting of agricultural products are exempt from the perimeter yard requirements of the underlying zone.

4. Lighting at the community garden is required to comply with Section 6-101, Outdoor Lighting Code, of the Tucson Code. Outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning; and,
5. Any activities occurring at the community garden is required to comply with Section 16-31, Excessive Noise, of the Tucson Code.
6. Community gardens are exempt from the requirements of Sections 7.4, Motor Vehicle and Bicycle Parking, 7.5, Off-Street Loading, and 7.6, Landscaping and Screening. However, if screening is provided, it shall be no greater than six feet in height and be no more than 40% opacity.

B. Composting

Composting is permitted as an accessory use provided it is actively managed to control any potential nuisance to neighbors and is in compliance with the conditions provided below. The city may require termination of the composting activity if a condition(s) is violated.

1. Nuisance. In no event shall any composting activities be conducted in a manner which creates an odor, litter, dust or noise nuisance, or attracts vectors or pests.
2. Rat and other vector control. The presence of insects, rodents, birds and other vectors or pests must be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or netting, or conducting the composting operation in-vessel.
3. Surface water. The composting operation shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water.
4. Mixing. Composting material shall be mixed or turned at regular intervals as conditions mandate to re-mix ingredients, distribute moisture, rebuild porosity and aid in physical breakdown until composting is complete.
5. Sewage restriction. The composting material shall not contain sewage, sludge, septage or catch basin waste. For the purposes of this section, "sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutional and industrial establishments, together with such ground surface and stormwaters as may be present; "sludge" shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics or effects; "septage" shall mean the waste found in a septic tank; and "catch basin waste" shall mean the waste found in a catch basin.
6. Setback. The composting area must be setback in accordance with Section 6.6, Accessory Uses, Buildings, and Structures.

C. Farmers' Markets

1. Permitted Zones. Farmers' Markets are permitted as an accessory use as follows:

a. In the RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, and MH-2 zones, Farmers' Markets are permitted as follows:

(1) As an accessory to a permitted principal use in the Agricultural, Civic, Recreation Land Use Groups only; and,

(2) In accordance with Sections 6.6.5.C.2.a – i, .3, and .4; and,

(3) When access is from a collector or arterial street as identified in the Major Street and Routes Plan, the application shall be processed in accordance with Section 3.4.2, PDSO Director Special Exception Procedure; or,

(4) When access is taken from a local street, the application shall be processed in accordance with Section 3.4.3, the Zoning Examiner Special Exception Procedure;

(5) A permit to operate a farmers' market is valid for one year. Renewal of a permit is considered in accordance with Section 3.3.3, PDSO Director Approval Procedure. The PDSO Director may add or modify previously approved conditions or deny the renewal based on complaints filed by surrounding property owners or the neighborhood association.

c. In the IR, O-1, O-2, O-3, P, RV, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, and MU, Farmers' Markets are permitted in compliance with Section 6.6.5.C.2.c – j, .3, and .4; and,

d. Farmers' Markets are prohibited in the OS zone.

2. Standards. The following standards are required of Farmers' Markets as specified in Section 6.6.5.C.1:

a. A Farmers' Market cannot be operated more than two days each week.

b. A Farmers' Market in a residential zone shall not be operated more than six hours per day between the hours of 7 a.m. and 5 p.m.

c. Craft- and non-agricultural 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.

d. Outdoor lighting shall comply with Section 6-101, Outdoor Lighting Code.

e. 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.

- f. Outdoor activity, including the outdoor display of goods for sale, is permitted.
- g. Compliance with Section 16-31, Excessive Noise, of the Tucson Code is required. Additionally, loudspeakers and amplified music are prohibited outdoors when within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.
- h. The retail area shall be dust proofed.
- i. Signs associated with the sale shall comply with Chapter 3 (Sign Code) of the Tucson Code;
- j. Farmers' Markets in a IR, O-1, O-2, O-3, P, RV, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, or MU 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:
 - (1) Frequency that the Farmers' Market will occur and the hours of operation;
 - (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.
- 3. Farmers' Markets are not required to provided additional motor vehicle or bicycle parking, off-street loading, or landscaping and screening beyond what is required for the principal use.
- 4. Additional Conditions Permitted. The Director or Zoning Examiner, whichever is applicable, may require conditions of approval as necessary to protect the health, safety, or welfare of any property impacted by the farmers' market.

D. Gardens

- 1. Gardens are permitted as an accessory use to any residential or nonresidential use.
- 2. Gardens not in greenhouses are exempt from this Section 6.6, Accessory Uses, Buildings, and Structures. Further, gardens may be located in the buildable area extending the full width of the lot between the principal building and the front street lot line.

3. Gardens in greenhouses are subject to Section 6.6.5.E.
4. Vertical gardens mounted on a perimeter wall or fence are permitted provided they do not affect the integrity of the wall or fence and the fastening devices do not project or otherwise create a safety hazard to adjacent property owners.

E. Greenhouses

Greenhouses are permitted as an accessory use as follows:

1. Greenhouses must comply with Section 6.6.2, Accessory Buildings and Structures.
2. Except when accessory to a community garden or urban farm, greenhouses are prohibited in the buildable area extending the full width of the lot between the principal building and the front street lot line.
3. Passive Greenhouses. Passive greenhouses shall comply with the dimensional standards as required by this Section 6.6.2. Greenhouses cooled solely by an evaporative cooler are considered a passive greenhouse.
4. Greenhouses with Mechanical Heating or Cooling. Heating plants or cooling fans associated with greenhouses shall be located a minimum distance from every property line or mitigated by screening or other treatment in order to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this standard may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the principal land use as required by Section 6.6.2.D. Applicants must demonstrate compliance with this standard prior to issuance of a building permit. Exception: For the purposes of determining a required setback, greenhouses cooled solely by an evaporative cooler are considered passive greenhouses and are exempt from this subsection E.3.
5. The maximum permitted height of a greenhouse is 12 feet in a residential zone.

F. Keeping of Small Farm Animals.

1. For Animal Production uses, the standards of the Animal Production use supercede the standards of this Section 6.6.5.F when in conflict.
2. Permitted Zone/Use: The keeping of small farm animals is permitted as an accessory use to:
 - a. Permitted residential use in residential and nonresidential zones;
 - b. Community garden, when in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 6.6.5.A; or,
 - c. Urban Farm when in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 4.9.2.C.2.a(2).
3. The keeping of small farm animals shall be conducted in accordance with this Section 6.6.5.F and Chapter 4, Animals and Fowl, of the Tucson Code. In the case of a conflict, the standards of this Section shall control.
4. Types of Animals Permitted & Prohibited.

- a. Small farm animals as defined in Section 11.4.7 (Animals, Small Farm) are permitted.
- b. Large farm animals as defined in Section 11.4.7 (Animals, Large Farm) are prohibited.
- c. Fish of any size for commercial and noncommercial use are not regulated by this Section.
- d. Uncastrated male miniature goats older than 5 months are prohibited.
- e. Male fowl are prohibited.

5. Maximum Number of Small Farm Animals Permitted

- a. 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.
- b. In nonresidential zones, the maximum number of small farm animals permitted is three (3) with the exception of community gardens and urban farms in accordance with Section 6.6.5.F.5.a above.
- c. 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.

6. Location Requirements

- a. Animal shelters are prohibited in the buildable area extending the full width of the lot between the principal building and the front street lot line. Animal shelters are permitted in other perimeter yards.
- b. Animal shelters six feet or less in height and less than 16 square feet in area are not required to setback from any property line, but is required to be at least 20 feet from a dwelling unit, including attached covered patios, on an abutting property.
- c. Animal shelters more than six feet in height and greater than 16 square feet in area shall be at least 20 feet from any property line with the following exception. A setback is not required from property lines abutting alleys or other types of right-of-way or easements.

7. The maximum permitted height of an animal shelter is 12 feet.

8. Small farm animals are prohibited from running at large within the city. Animals shall be kept within a fenced area or shelter at all times and reasonably protected from weather. Shelters must be a secure, sturdy enclosure with a roof to protect the animals from predators. Animal shelters shall be kept in a clean and sanitary condition.

9. Animals shall be adequately fed and watered. Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location.
10. Additional parking, off-street loading, and landscaping and screening beyond what is required of the principal use are not required.
11. Permitted modifications. Modifications to the number of small animals permitted and the setback requirements for animal shelters may be requested and considered for approval in accordance with Section 3.11.1, Design Development Option.

G. On-Site Sale of Agricultural Products Grown On-Site. The accessory sale of agricultural products grown on-site from the site they were grown is permitted in accordance with the following:

1. Sales are limited to agricultural products grown on-site, including produce and eggs from chickens raised on-site;
2. Outdoor sales of products grown on-site are permitted;
3. On-site sales are limited to the hours of 7 a.m. to 8 p.m.;
4. Number and Duration of Sales Events Permitted.
 - a. In the residential, office, OS, IR, P, RV, and MU zones and residential uses in nonresidential zones, the on-site sale of goods is restricted to 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 sales event online, in the newspaper, or signs posted off-site in the neighborhood;
 - b. In the commercial, mixed use, industrial, and NC, and RVC zones, there are no restrictions on the number and duration of sales events provided the sales are accessory to the growing of agricultural products.
5. Accessory structures associated with the agricultural product sales, such as booths and awnings, are exempt from Sections 6.6.1.C and 6.6.3.B and may be located in the buildable area extending the full width of the lot between the principal building and the front street lot line. The accessory structures shall be removed at the end of the sales event; and,
6. The online sale of agricultural products grown on-site is exempt from Section 6.6.5.G.2 & 3.

SECTION 6: PROPOSED REVISIONS TO THE MOTOR VEHICLE AND BICYCLE PARKING STANDARDS

Summary: Identifies the parking requirements for farmers' markets and urban farms.

The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

ARTICLE 7, DEVELOPMENT STANDARDS SECTION 4, MOTOR VEHICLE AND BICYCLE PARKING

[Additional information: The parking requirements provided below apply to principal uses only (see page 4 for more information on principal uses). These requirements do not apply when to accessory uses. For example, farmers' markets are allowed as an accessory or principal use in many zones. If the principal use of the property is a farmers' market – in other words, the main activity for which the site functions and is designed for – then parking must be provided as required below. However, a farmers' market that operates on a limited basis in, for example, the courtyard of a shopping center or parking lot of a church, is considered an accessory use, and, therefore, does not have to provide parking in addition to that provided by shopping center or church (i.e. the principal use).

With the exception of urban farm, other agricultural uses, such as community gardens, are not required to provide parking whether they are a principal or accessory use.]

7.4.4. REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES

B. Minimum Number of Motor Vehicle **Parking** Spaces Required

The minimum number of required motor vehicle spaces is provided below in Table 7.4.4-1.

TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED	
Land Use Group/Class	Motor Vehicle Parking Required
AGRICULTURAL USE GROUP	0 spaces required
<u>Urban Farm</u>	<u>1 space per 300 sq. ft. GFA of building used for administrative and professional office space only</u>
* * *	
RETAIL TRADE USE GROUP	1 space per 300 sq. ft. GFA, except as follows:
Swap Meets/ Auctions <u>Farmers' Markets</u>	1 space per 300 <u>100</u> sq. ft. of <u>display and sales area</u> only swap meet site area , excluding vehicular use areas
<u>Auctions</u>	<u>1 space per 100 sq. ft. of seating area only</u>
* * *	

7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

B. Minimum Number of Bicycle Parking Spaces Required

The minimum number of required motor vehicle spaces is provided below in Table 7.4.4-1.

Table 7.4.8-1: Minimum Required Bicycle Parking Spaces		
Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
* * *		
RETAIL TRADE USE GROUP*		
* * *		
*The required number of bicycle parking spaces for multiple or mixed use development composed of more than one building are be calculated on a per building basis using the formulas provided above		
* * *		
<u>Swap Meets, Farmers' Markets</u>	<u>1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.</u>	<u>None</u>
<u>Auctions</u>	<u>None</u>	<u>None</u>
* * *		

**SECTION 7: PROPOSED REVISIONS TO THE
LANDSCAPING AND SCREENING STANDARDS**

Summary: Exempts community gardens and urban farms from the landscaping and screening requirements.

The Tucson Code, Chapter 23B, Unified Development Code, Article 7, is amended to read as follows:

**ARTICLE 7, DEVELOPMENT STANDARDS
SECTION 6, LANDSCAPING AND SCREENING**

7.6.4 LANDSCAPING STANDARDS

C. Landscape Borders

4. Exceptions to the Landscape Border Standards

g. Urban Agriculture Uses

Community gardens and urban farms are exempt from the landscape border requirements of Section 7.6.4.C, Landscape Borders.

7.6.5 SCREENING STANDARDS

G. Exceptions to Screening Standards

6. Community gardens and urban farms are exempt from the screening requirements of Section 7.6.5, Screening Standards.

SECTION 8: PROPOSED REVISIONS & ADDITIONS TO THE DEFINITIONS

Summary: Provides the definitions of the uses, activities, and other terms associated with urban agriculture.

The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION SECTION 3, DEFINITIONS OF LAND USE GROUPS, CLASSES, AND TYPES

11.3.2 AGRICULTURAL USE GROUP

B. ~~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.~~

BC. General Farming

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

CD. Stockyard Operation

The temporary confinement of livestock in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis. Typical uses include feedlots and cattle pens.

D. Urban Agriculture

~~The growing, harvesting, and on-site sale of agricultural products and other related activities in urban and suburban locations to provide food products and to promote food security.~~

1. Community Garden

~~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.~~

2. Urban Farm

~~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.~~

11.3.9. RETAIL TRADE GROUP

I. Swap Meets and Auctions

Occasional or periodic commercial activities held in an open area or enclosed structure where: 1) groups of sellers rent space on a short-term basis to display, barter, or sell goods to the public and at least 50 percent of swap meet 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, exclusive of occasional craft fairs and benefit sales held on public property; or 2) one or more sellers bring goods for auctioning to the public. Typical uses include swap meets, flea markets, auctions, and farmers' markets.

1. **Farmers' Market**

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.

ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION SECTION 4, OTHER TERMS DEFINED

11.4.2 DEFINITIONS – A

Animal

Any fowl, reptile, insect, amphibian or mammal, except human beings.

Animal, Large Farm

Animals that include large livestock, such as horses, cattle, sheep, oxen, donkeys, mules, llamas, and other similar animals, and animals in the Ratiite family, such as emus and ostriches. Dogs, cats, and fish are not considered large farm animals.

Animal, Small Farm

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

Animal Shelter

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.

Aquaponics

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.

11.4.4 DEFINITIONS – C

Composting

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.

11.4.7 DEFINITIONS – F

Fowl

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

11.4.8 DEFINITIONS – G

Garden

An area used for growing flowers, fruit, or vegetables. Gardens are permitted in ground, above ground, and in greenhouses. Aquaponic and hydroponic systems are permitted.

Goat, Miniature

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

Greenhouse, Passive

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

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.

11.4.9 DEFINITIONS – H

Hydroponics

Cultivation of plants in nutrient solution rather than in soil.

11.4.10 DEFINITIONS – I

Incidental

Happening in connection with something more important; secondary or minor.

11.4.13 DEFINITIONS – L

Large Farm Animal

See Animal, Large Farm

11.4.14 DEFINITIONS – M

Mechanically Heated or Cooled Greenhouse

See Greenhouse, Mechanically Heated or Cooled

11.4.17 DEFINITIONS – P

Passive Greenhouse

See Greenhouse, Passive

11.4.20 DEFINITIONS – S

Small Farm Animal

See Animal, Small Farm

11.4.22 DEFINITIONS – U

Urban Agriculture

The practice of cultivating, processing, and distributing food in a town or city and may involve horticulture, aquaculture, and animal husbandry.

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SECTION 9: PROPOSED REVISIONS TO THE CITY'S ANIMAL CODE

Summary: Provides the proposed revisions to the animal and fowl regulations in the Tucson Code to be consistent with the proposed changes to the Unified Development Code

The Tucson Code, Chapter 23, Chapter 4, is amended to read as follows:

TUCSON CODE, CHAPTER 4 ANIMALS AND FOWL

[Additional information: The Tucson Code is the Charter and Code of Ordinances of the City of Tucson. The City's zoning code – the Unified Development Code – is a component of the Tucson Code (specifically, Section 23B). The Tucson Code includes regulations pertaining to the keeping and treatment of animals and the extent to which certain animals are permitted in the City. These standards are in addition to the applicable standards in the Unified Development Code. The proposed amendments to the Tucson Code eliminate redundancy and conflicting standards with the Unified Development Code.]

ARTICLE II. LIVESTOCK, LARGE AND DANGEROUS ANIMALS

Sec. 4-27. Proximity of corrals, barns, etc., to dwellings.

~~The minimum required setback for any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat is provided in Chapter 23B, Unified Development Code, Section 6.6.2.H. Except as otherwise provided, it shall be unlawful for any person to keep or maintain within twenty (20) feet of the dwelling house of any person, within the city, any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any horse, mule, cow or goat. (1953 Code, ch. 4, § 38)~~

ARTICLE IV. FOWL

~~The standards for the housing, keeping or caring of fowl is provided in Chapter 23B, Unified Development Code, Section 6.6.5.F.~~

Sec. 4-55. Running at large prohibited.

~~It shall be unlawful for any person to permit any chickens, ducks, geese or turkeys to run at large within the city. (1953 Code, ch. 4, § 32)~~

Sec. 4-56. Limit on number kept.

~~Except as to the extent permitted by chapter 23, of the Tucson Code or as otherwise provided, it shall be unlawful for any person to keep or maintain within the city more than twenty four (24) fowl. (1953 Code, ch. 4, § 33; Ord. No. 2178, § 1, 6-1961)~~

Sec. 4-57. Proximity of coop or place kept to dwellings.

~~Except as otherwise provided, it shall be unlawful for any person to keep or maintain, within fifty (50) feet of the dwelling house of any other person within the city, any coop, house, shed or other structure, or yard, corral or enclosure for housing, keeping or caring for any pigeons or fowl of any kind.
(1953 Code, ch. 4, § 34)~~

~~Sec. 4-58. Coop or place kept to be clean, sanitary.~~

~~Every person keeping or maintaining any fowl of any kind within the city shall keep and maintain the coops, houses, sheds, structures, yards, corrals or enclosures wherein such fowl are kept in a clean and sanitary condition.
(1953 Code, ch. 4, § 35)~~

~~Sec. 4-59. Keeping male fowl or guinea fowl prohibited.~~

~~Except as to the extent permitted by chapter 23 of the Tucson Code, or as otherwise provided, it shall be unlawful for any person to keep, house or feed any male fowl or guinea fowl within the city.
(1953 Code, ch. 4, § 36; Ord. No. 2178, § 2, 6-19-61)~~

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