



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: April 1, 2015

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: C8-13-03 Unified Development Code (UDC) Text Amendment: Urban Agriculture – Study Session

Issue: The Planning Commission held a study session on the draft Urban Agriculture Text Amendment on March 4, 2015. Staff presented an overview of the September 2014 draft that was the outcome of incorporating input received at three public meetings from May to August on the then April 2014 draft amendment. At the study session, the Commission invited several members of the audience to come forward at call to the audience to give input on the process or draft amendment. Several people spoke regarding either their full support or concerns about the draft amendment.

The Commission also asked staff to invite members of the public who have been actively engaged in either committees or public meetings to share their thoughts on the September 2014 draft amendment.

Below is a review of several issues mentioned at the study session.

Recommendation: Staff recommends an additional study session in May to allow for amendments that may come out of the April 1 study session to be incorporated into the draft and potentially allow former members of the stakeholder committees to comment on a new May 2015 draft.

Planning Considerations: It is helpful to consider what urban agriculture attempts to do. It mainly is addressing local food production and distribution in an urban setting and allows the raising of small farm animals in numbers whose impact should not cause a nuisance and that may allow production of food for one's household and to a degree allow a certain amount of room to produce some items for sale at a farmers' market. It also allows for farmer's markets, community gardens, and urban farms as ways to accommodate local food production and distribution.

Below are several issues that were discussed or mentioned during the March 4 study session. Staff has prepared information and suggested amendments to the current September 2014 draft.

4H Clubs Exemption

The provision is in Section 6.6.5.F.4.a.2. This provision states that the maximum number of small farm animals permitted may be exceeded for agricultural-related organizations such as Future Farmers of America and 4H Clubs. The provision notes that Chapter Four (Animals and Fowl) still applies.

Staff has found that there is already an exemption for 4H Club type organizations for the raising of hogs in the UDC. Section 4.9.2.A.3.c. states that the number of hogs may be exceeded when sponsored by a 4H Club or similar organization. A phrase that is added in this section also states, "...provided that a letter of authorization from the sponsoring organization confirming and describing the project."

Staff spoke to a 4H stakeholder who originally requested some leeway for 4H members. At the time, one of the concerns was that rabbit raising would practically become illegal with how the earlier draft was composed. The September 2014 draft exempts rabbits and other animals where they are normally raised indoors and their reproduction rate is not compatible with a cap or animal unit measure.

However, the 4H stakeholder told staff, he prefers to keep the exemption for 4H members, since they represent young people who are being supervised and animal raising is a way to encourage responsibility and adult-like skills.

The 4H exemption may be an issue in how it applies to chicken raising. The 4H tends to raise the smaller species known as Bantams. A possible scenario could be the 4H member may want to exceed the number of chickens for their lot size or the same for miniature goats. As part of the overall procedures to raising animals, the 4H website normally places animal regulations from the jurisdictions online for its members to follow.

Staff has invited the stakeholder from 4H to attend the April 1 study session to discuss their reasons for keeping an exemption. At this point, staff recommends no change to the September 2014 draft language.

Composting

The current draft outlines procedures for composting on a small or large lot. It is in Section 6.6.5.B. It allows composting in residential and non-residential areas. The standards are established to reduce nuisance on a surrounding property. There are standards for prohibiting sewage, and sitting water, and includes best practices for mixing materials and reducing pests.

There was a concern raised by a ward office about the possibility of insects becoming a problem with composting piles. Staff asked a composting expert at the University of Arizona (UA) to review the draft language.

The UA expert said he found the guidelines, for the most part, to be well-reasoned and consistent with best practices.

He expressed a concern with the statement in Sec.6.6.5.B. 2: "The presence of insects, rodents, birds and other vectors or pests must be controlled through specific measures."

He said the control standards are reasonable. In his experience, he said that few, if any, screening systems will prohibit a few insects from getting into a composting pile.

He explained that, "...a well-tended compost system will generate heat that will deter insects from the center of the pile, but you will still get insects, including a few roaches sometimes around the pile's edges." He noted that regular turning of the pile means the edges will soon be turned into the center and heated up, but new material will keep being added to create new edges. He did not believe, as written, the proposed standards would create an insect infestation problem.

His main concern was that if the expectation is to eliminate insects altogether it would require people to have in-vessel systems only. An in-vessel system is much more expensive, potentially prohibitive for small lot gardeners. In other words, in his opinion, if composting piles must be insect free, then most composting piles could be found to be zoning violations for having the 'presence of insects.' Staff believes the current proposed composting standards address controlling insects so as not to be a nuisance.

The expert was invited to attend the April 1 study session and he offered to recommend alternate language to clarify how best to handle insects with outdoor composting. Staff may recommend some clarification changes to the Composting section in the May 2015 draft.

UDC Sec. 6.6.5.F (Small Farm Animals and Tucson Code's Chapter Four (Animals and Fowl))

Staff has reviewed the proposed connections between the Tucson Code's Chapter Four (Animals and Fowl) and Section 6.6.5.F (Keeping of Small Farm Animals) to make sure that there are no conflicts with 1) how the two are enforced and 2) where the provisions are best located for clarity and simplicity, and 3) making sure the emphasis is on urban agriculture versus general clean up issues.

One issue not clearly addressed in the September 2014 draft is intermingling violations of Chapter Four and the UDC. Chapter Four involves misdemeanors for violations while the UDC involves civil infractions. The proposed draft inadvertently creates more misdemeanors, a more serious offense that could include jail time, for issues that would otherwise be zoning civil infractions.

Chapter Four and Large Farm Animals – The September 2014 draft defines large farm animals and places accessory structures setbacks in the UDC for them (See Sec. 6.6.2.H). In reviewing this proposal, staff now believes we should 1) not define large farm animals in the UDC but rely on the definitions in Chapter Four and 2) rely on the setback standards for large farm animals in Chapter Four and 3) cross-reference the applicable section in the UDC for reading convenience.

Thus, the setback for corrals barns etc. for large animals as defined in Chapter Four is stated as the existing provision in Sec 4-27 as twenty feet of the dwelling of any person. There are also Use Specific Standards in Sec. 4.9.2 and accessory use provision Sec. 6.6.2.H that separately address setbacks for barns, shelters and corrals that are still in place for various agricultural uses in rural zones and rural uses.

Large Animals and Setbacks – Sec. 6.6.2.H combines large and small farm animal shelter provisions. For small farm animals, it creates a large pen provision. That is, pens greater than six feet in height and 16 square feet in area have greater setbacks than smaller pens for small farm animals.

H.1 has two parts 1) a shelter provision for small farm animals and 2) a shelter provision for large farm animals. We will address small farm animal pens later in this report.

As for the large farm animal provision, the September 2014 draft states that corrals, barns, sheds etc. must be setback twenty feet “from the dwelling unit of any person.” This provision creates a distance-between rule from shelter to nearby dwelling and is modeled on Chapter Four’s Sec.4-27.

The current UDC also has a fifty-foot setback from property line for shelters (See Sec. 6.6.2.H of the current UDC). It states, “*All structures for animals shall be set back at least fifty feet from all property lines, except corrals that shall be set back ten feet from all property lines;*”

Because of the complexities of mixing civil infractions with misdemeanor provisions and attempting to address provisions related to large animals when the focus of the urban agriculture project is small farm animals, any major revision here adds a layer of complexity that staff has found should be a separate issue that is addressed on its own merits outside of this current process.

Staff recommends that the September 2014 references in Sec. 6.6.2.H to corrals, barns, etc. be reviewed for deletion or revision to refer only to large animals as defined in Chapter Four. Also at a minimum replace it with a cross-reference to Chapter Four and any change that clarifies the general issue of shelters for large animals. This change is intended to restate the current provisions because while it may be associated to animal issues it is not necessarily an urban agriculture issue.

It would include a statement such as, “In addition to this section, barns, corrals, sheds and other structures used to keep livestock and large animals as defined in Chapter Four of the Tucson Code (Animals and Fowl) are subject to setbacks stated in Chapter Four Section 4-27.” The Chapter Four provision is a distance-between-structures setback and the UDC provision is a property-line setback. They can work together as they currently are.

Small Farm Animals Definition – The UDC’s Definitions, Sec.11.4.2.A calls out ‘fowl’ as one of the animal types that defines a small farm animal. There is an inconsistency with Chapter Four in the use of the term fowl. In Chapter Four, fowl refers to ‘a bird of any kind.’

That definition includes pigeon raising. Staff recommends that fowl in Sec. 11.4.2.A be more specific and have the phrase “...fowl such as chickens, ducks, gees, or turkeys...” and further be specific in mentioning that “pigeons” are not considered small farm animals.

Determining Small Farm Animal Maximum Numbers and Pen Setbacks (Zones and Lot Size) Chapter Four and Maximum Numbers – Chapter Four’s Section 4-56 on fowl numbers changes from 24 to fifty in the September 2014 draft. The number is then cross-referenced for certain large lot zones in the UDC. Staff recommends that Section 4-56 remain at a cap of 24 and the word ‘fowl’ in the provision be changed to “pigeons and fowl not regulated by Chapter 23B (Unified Development Code).” This change is needed because the September proposals unintentionally increases the number of pigeons and other unrelated fowl that can be raised which is not an urban agriculture issue.

Section 6.6.5.F and Maximum Numbers – Section 6.6.5.F sets up a table using the animal unit measure and three tiers of lot sizes to establish a maximum number cap on small farm animals on a lot of a certain size. However, it also creates an exemption (See Sec 6.6.5.F.1.b) from the lot-size cap provision and states that the zones RH, SR, SH, RX-1 are exempt from the lot-size cap and may all have up to fifty fowl by cross-reference to Chapter Four’s Section 4-56 and, we believe, unintentionally, allows an unspecified number of other small farm animals.

The zone versus lot-size sets of rules indicate imbalances. An R-1 zoned lot of 36,000 square feet can have a total of 36 animal units (allowing 36 chickens) but the same sized RX-1 zoned lot can have up to fifty chickens and unlimited other small farm animals such as miniature goats (See Sec. 6.6.5.F.4.a.1).

To better balance all properties having a one maximum-number system and use a lot-size cap (See Sec. 6.6.5.F.4.d) seems fairer. Further, if there are advocates for allowing more small farm animals on lots in the RH, SR, SH, RX-1 zones then as an option Sec. 6.6.5.A.2.b the community garden rule with the UDC’s 50-foot notice procedure (Sec. 3.3.4) could be used.

Sec. 6.6.2.H. 1 and 2 - Small and Large Farm Animals Pen Setbacks – Note this section mixes large animal barn/shelter with small farm animal pen provisions. Staff is recommending these be separated and that the large farm animal shelter continue to be regulated as it currently is.

Basically, this section should be revised, at a minimum, to cross-reference large animal shelters to current provisions of Chapter Four and the small farm animal pens should be cross-referenced to Section 6.6.5.F.6 which controls setbacks for small farm animal pens.

A simpler solution may be found and staff will work with the City Attorney’s office in making sure the conflicts between the two ordinances are removed as is practical.

Below is an explanation of Section H’s two key provisions as they relate to small farm animal pens.

The current UDC’s provision states the following: “*All structures for 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;” The September 2014 draft has the rules for small farm animal pen setbacks located in several places.

The September 2014 draft takes the longstanding UDC interpretation that allows small pens next to the property line (See Sec. 6.6.2.G) and updates it and places it in Section H. The draft then handles a large pen’s setback the same as a regular accessory structure.

The size of equal to or greater than six feet in height and 16 square feet in area for a shelter/pen is based on input from stakeholders who have argued the current UDC’s five feet in height and ten square feet in area is too small for a person to enter to care for the chickens.

For ease of referring, staff will call the ‘less than or equal to’ pens, small pens, and refer to ‘the greater than’ group as large pens.

Small Farm Animals – Small and Large Pens -

H.1 - In H.1 the small farm animal large pen setback applies to a list of principal and accessory uses (Urban Farms, Crop Production, and special use zones like RVC etc.). The actual setback is cross –referenced to Sec. 6.6.5.F.6.

Sec. 6.6.5.F.6 sets up three standards: 1) no pens in the front yard, 2) small pens have no setback (modeled on the current UDC interpretation of Sec. 6.6.2.G), and 3) large pens are cross-referenced to Sec. 6.6.2.D which is a longstanding UDC provision that also cross-references to the perimeter yard standards tables of Section 6.3.4.

Simply put, the large pens setback would be either 2/3rd the height (accessory structures cannot exceed 12 feet in height) or six feet whichever is greater.

H.2 – H.2 applies to a set of agricultural land use classes and a set of rural zones. All small farm animal large pens must be set back fifty feet from the property line. It is based on the original Sec.6.6.2.H provision that under the September 2014 draft proposes the fifty-foot rule applies only to the rural zones and rural land use classes.

Staff now recommends that this provision be moved to Sec. 6.6.5.F.6 and state that on lots 36,000 square feet or greater the setback for small farm animal large pens be fifty feet from the property line. The rationale is that these lots can 1) have more animals than smaller lots, 2) they can more easily accommodate a larger setback, and 3) it is fairer to call out lot size versus zones where an imbalance between, say, a large R-1 lot can have a lesser pen setback than the same sized RX-1 lot.

Enforcement – The September 2014 draft places an applicability section (See Sec. 4-54) in Chapter Four that inadvertently makes violations involving a list of principal and accessory uses misdemeanors instead of civil infractions. Staff recommends that the new Section 4-54 be deleted for this reason.

The maximum number of animals and the setback provisions for urban agriculture-related animals should be under the UDC and remain civil infractions. Chapter Four would continue

to be used in cases of neglect and cruelty and for regulating animals that are not involved with urban agriculture objectives.

Fifty-Unit Cap for Chickens

There were concerns mentioned about having a cap on chickens by allowing up to fifty units. The September 2014 draft proposes in Chapter Four that Sec. 4-56 be increased from 24 fowl to fifty. Staff has already stated that Sec. 4-56 should be left as-is and animal unit and small farm animal numbers should be in the UDC to ensure maximum numbers are still considered a civil infraction for urban agriculture-related animals. Note that the September 2014 draft in Sec. 6.6.5.F.4.d has a chicken cap of 48 units.

There is no particular reason between the September draft’s proposal of fifty chickens in Chapter Four and the 48 unit in the UDC. Staff now recommends keeping Sec. 4-56 at 24 for non-UDC-related fowl and that leaves the 48 units as the maximum number of chickens under the UDC animal unit measure proposal.

The concern is that this number (48 or fifty) seems to be very large and the egg production would exceed what a typical family would need for its daily needs.

The question was why would anyone need this number of chickens and should the City be supportive of what appears to be an agricultural home occupation.

Below is an excerpt from Section 6.6.5.F on animal unit assignments. The September 2014 draft sets up a unit based on best estimates based on local practices and looking at other animal unit systems in other jurisdictions. A major change involving animals from the April 2014 and September 2014 draft is that the caps on animals is based on three tiers of lot sizes.

The tiers affecting the number of animal units are 1) a cap of 24 for lots up to 16,000 square feet, 2) a cap of 36 for lots up to 143,999 square feet, and 3) a cap of 48 on lots 144,000 square feet or greater. Since one chicken equals one animal unit, the caps could be a total number of chickens too.

EXCERPT - Section 6.6.5.F .4.c and d. –

Animal units are assigned as follows:

<u>Small Farm Animal</u>	<u>Units per Animal</u>
<u>Chicken</u>	<u>1</u>
<u>Duck</u>	<u>2</u>
<u>Turkey or Goose</u>	<u>4</u>
<u>Miniature Goat (female or neutered male only)</u>	<u>5</u>

d. The maximum number of animals permitted is the lesser of two (2) Animal Units per 1,000 square feet of gross site area or a maximum total Animal Units as follows:

<u>Gross Site Area</u>	<u>Maximum Number of Total Animal Units Permitted</u>
<u>Less than 16,000 sf</u>	<u>24</u>
<u>16,000 sf to 143,999 sf</u>	<u>36</u>
<u>144,000 sf or more</u>	<u>48</u>

e. It is recommended that when miniature goats are being kept that there be at least two because they need the companionship of at least one other goat for their well-being.

Below is a comparison of current UDC provisions and the September 2014 draft for the number of chickens and miniature goats.

Pens under the current UDC regulations have to be at least fifty feet from any property line.

The September 2014 draft proposes pen setbacks would have to be at least twenty feet from the principal residence on the abutting lot. So this standard is a ‘distance-between’ standard that crosses the property line. In addition, the pens over six feet in height and sixteen square feet in area would also have to set back at least six feet from the property line shared with the adjacent residence.

The draft does not distinguish between a pen with, say, ten chickens and one with fifty chickens. That is, if there is a large R-1 zoned lot of 144,000 square feet, the large pen setback is controlled by Sec. 6.6.5.F.6.c which requires 20 feet from an adjacent dwelling and at least 6 feet from the property line. An SR lot of the same size must set back 50 feet from the property line. If the setback and number remain to be concerns, a potential amendment could require the fifty-foot setback from any property line for a certain number of chickens and size of lot.

There are similar setbacks in the draft for miniature goats. As has been explained, a miniature goat can grow to seventy pounds (the size of many large dogs) and produce around 2/3rds of a gallon of milk a day.

Number of Permitted Chickens Comparison

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000

Current Regulations*	24	24	24	24	24
Proposed Regulations: Animal Unit**	10	14	24 (cap = 24 AU)	36 (cap = 36 AU)	48 (cap = 48 AU)

* Contingent on the shelter being at least 50 feet from any property line.

** Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the adjacent residence.

Number of Permitted Miniature Goats Comparison

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000
Current Regulations*	Not specified	Not specified	Not specified	Not specified	Not specified
Proposed Regulations: Animal Unit	2	2	4 (cap = 24 AU)	7 (cap = 36 AU)	9 (cap = 48 AU)

* Shelters have to be at least 50 feet from any property line.

** Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the affected residence.

During the April 1 study session, a stakeholder from the Community Food Bank, who works with several farmers markets, gave an explanation that supported the current fifty-unit cap for chickens.

He mentioned that the Food Bank works with small gardeners on providing produce and eggs for local farmers' markets. He referred to the small lot gardeners as 'backyard consigners' who were able to provide produce or eggs greater than their personal use and sell them at farmers' markets. Making more restrictive standards may have the impact of making some backyard consigners illegal uses. It may, however, be appropriate to require greater setbacks on larger lots noted above or some variation of the current regulation.

Exemption for Existing Pens

During the public meeting process that extended from May to October 2014 comprising four meetings, some stakeholders expressed their concerns that their current pen would become illegal with the adoption of the urban agriculture zoning provisions. Because many of these pens are in areas where residents have long raised their own food, they requested to have a simple and inexpensive option to make their current structure compliant with zoning.

Staff has come up with draft language attached to this report that attempts to respond to this concern. It would be a setback exemption based on there being no current or recent zoning violations on the property, some proof of its long term existence and a fee requiring an inspection to determine if the structure meets basic building safety standards. The exemption would last for three years and then sunset.

After that time, anyone with a pen that does not meet the zoning standards must go through a design development option (DDO) procedure to modify setbacks. This DDO process is more expensive than the proposed exemption above.

Links: The [Sustainable Code Project page](http://www.tucsonaz.gov/pdsd/sustainable-code-project-0) (<http://www.tucsonaz.gov/pdsd/sustainable-code-project-0>) is to information from past meetings on the urban agriculture text amendment.

Conclusion: Staff is recommending an additional study session in May to allow for amendments that may come out of the April 1 study session to be incorporated into the draft and potentially allow former members of the stakeholder committees to comment on a new May 2015 draft.

Since the March 1 study session, staff has reviewed several issues noted as concerns.

4H Exemption to Animal Caps - They include the 4H exemption for animal caps in the various zones. Staff mentioned that there is an existing exemption for hog raising and that the 4H normally posts local jurisdictions animal raising standards on their website. No change is recommended now.

Chapter Four (Animals and Fowl) - Staff has reviewed the enforcement issues involving Chapter Four and the UDC. We recommend that Chapter Four be cross-referenced but only be changed in minor ways to clarify other animals from urban agriculture-related animals.

Composting – Staff has reviewed the composting provisions with a University of Arizona expert. The expert concluded that the provisions should not cause a nuisance if the rules are followed.

Small Farm Animal Maximum Numbers – Staff reviewed the September 2014 draft and believes a simple maximum number using three tiers of lots and not making another set of rules addressing rural zones creates the fairest approach for property owners. If extra animals are requesting there is a notice procedure used by community gardens that could be used for

rural zoned lots. Further, leave animal caps in Chapter Four for the enforcement of non-urban agriculture-related animals.

Large Farm Animals – Staff reviewed the changes to shelters for large animals and believes that it is best to leave the rules as they are to avoid mixing up misdemeanor and civil infraction enforcement.

Pen and Shelter Setbacks – Staff recommends not changing setbacks related to large animals. As for small farm animals, pens should be regulated based on lot size to be fair to all property owners across various zones. If a greater setback is desired for zones with large lots then create it for all lots of that size regardless of zone.

Existing Pen Waiver – Based on input from current property owners with pens, there was a request to allow a simple and inexpensive procedure to obtain a permit for an existing structure that otherwise is acceptable in its current location. Staff has created a draft to address this issue.

Attachments:

A- Draft Urban Agriculture Text Amendment - September 2014

B - Background Summary of Text Amendment

C - Animal Units for Urban Agriculture by Merrill Eisenberg

D - Translating Agriculture from Rural Farms to Urban Settings by Ruth Beeker

E - Example Existing Pen Waiver Text Amendment

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SEPTEMBER 2014 DRAFT

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

****Redline Version of the Currently Adopted Requirements of
the Unified Development Code and Tucson Code and the
Previously Proposed April 2014 Draft****

September 2014



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

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Comment [A1]: Proposed revisions to the April 2014 draft would no longer require amendments to the special exception procedures. The proposed changes are shown in the body of this document to show the proposed revisions to the April 2014 draft.

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

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PREFACE

The redline version of the September 2014 draft shows proposed changes to the currently adopted Unified Development Code (i.e. the City's zoning and subdivision regulations) and the Tucson Code and the urban agricultural-related amendment proposed in the April 2014 draft.

The proposed changes detailed in this September 2014 draft reflect City staff's latest attempt to address the issues raised at the public meetings held in May, June, and July.

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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.

LEGEND

Type of text	Description
Black plain text	Currently adopted standard
Blue <u>underlined</u> text	1) Proposed new or amended language; or, 2) background information about a particular standard or procedure.
Blue 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.
Blue underlined & strikethrough text	Proposed standards in the April 2014 draft that are proposed for deletion. In several instances, the proposed 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

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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 PDSD 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. PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE

[Additional information about this procedure: 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 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 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. Applicability

The PDSD Director Special Exception Procedure applies to:

- ~~1. Those uses identified in Section 4.8 (Use Tables) as requiring processing in accordance with the PDSD 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;~~

Comment [A2]: The proposed revisions would no longer require approval of farmers' markets and urban farms in residential zones in accordance with the PDSD or Zoning Examiner Special Exception Procedures. Therefore, amendments to Section 3.4 are no longer needed and are provided here to merely show the revisions to the April 2014 draft. This section will not be included in the "clean text" version of the September draft.

Comment [A3]: The September 2014 draft continues to limit farmers' markets as an accessory to Agriculture, Civic, and Recreation uses only in residential zones; however, approval via the PDSD Special Exception Procedure is no longer being proposed because it would be more restrictive than what is currently required (i.e. approval from the City's Planning Department is not required currently).

Comment [A4]: The existing Crop Production has replaced the proposed Urban Farm use in the urban residential zones and the NC and RVC zones because: 1) Crop Production is currently permitted in these zones; and, 2) for simplicity purposes and to avoid creating nonconforming uses inadvertently, the September 2014 draft maintains the status quo for those agricultural uses currently permitted. The proposal expands upon these currently permitted uses by allowing community gardens and clarifying standards related to other agricultural-related uses, such as the keeping of small farm animals.

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.~~

Comment [A5]: The September 2014 draft continues to limit farmers' markets as an accessory to Agriculture, Civic, and Recreation uses only in residential zones; however, approval via the PDSD Special Exception Procedure is no longer being proposed because it would be more restrictive than what is currently required (i.e. approval from the City's Planning Department is not required currently).

Comment [A6]: The existing Crop Production has replaced the proposed Urban Farm use in the urban residential zones and the NC and RVC zones because: 1) Crop Production is currently permitted in these zones; and, 2) For simplicity purposes and to avoid creating nonconforming uses inadvertently, the September 2014 draft maintains the status quo for those agricultural uses currently permitted. The proposal expands upon these currently permitted uses by allowing community gardens and clarifying standards related to other agricultural-related uses, such as the keeping of small farm animals.

SECTION 1: PROPOSED REVISIONS TO THE 50' NOTICE PROCEDURE

Summary: Revise the existing 50' Notice Procedure to consider requests for the keeping of more small farm animals at community gardens and urban farms than those required by proposed Section 6.6.5.F.

Background on the 50' Notice Procedure: Property owners within 50 feet of the project site and the affected neighborhood association are notified twice during the procedure: 1) when the application is submitted to the City; and, 2) when the PDSB Director makes a decision on whether to approve, approve with conditions, or deny the request. The PDSB Director's decision may be appealed to the Board of Adjustment.

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

ARTICLE 3, GENERAL PROCEDURES SECTION 3, ZONING COMPLIANCE REVIEW PROCEDURES

3.3.4. 50' NOTICE PROCEDURE

A. Purpose

Proposed development that involves minor modifications, small deviations to design criteria, or minor construction subject to design review shall comply with the following general procedures. This procedure is intended to provide notice to parties who may be affected by the development.

B. Applicability

The 50' Notice Procedure applies to the following applications:

1. Approval of resident artisan uses in the Historic Preservation Zone;
2. Certain wireless facilities;
3. Design Development Options (DDO) in accordance with Section 3.11.1;
4. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;
5. PDSB Director Special Exception applications;
6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones; ~~and,~~

7. Requests to increase the permitted number of small farm animals that may be kept at community gardens and urban farms; and,

Comment [A7]: The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure; however, staff has determined that the DDO is the inappropriate procedure for considering such requests.

The September 2014 draft proposes allowing consideration of these requests for these uses only via the 50' Notice Procedure because there are instances when community gardens and urban farms have the capacity to humanely keep more animals and do not have, or can be readily mitigated, neighborhood adjacency issues.

The 50' Notice Procedure requires notice of the proposed request to surrounding property owners and the affected neighborhood association and a public comment period. Neighborhood adjacency issues, if any, would be considered by the PDSB Director when rendering a decision. The PDSB Director may impose conditions for approval to address compatibility issues. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

Requests to increase the permitted number of small farm animals for all other uses would be processed in accordance with the Board of Adjustment Variance Procedure, which requires more expansive notification to surrounding property owners and a public hearing.

Comment [A8]: While the proposed change is to the Applicability section only, the entire procedure is provided for informational purposes.

Comment [A9]: This proposed addition provides a "relief valve" for community gardens and urban farms. See the comment at the beginning of this section for more information.

87. Other types of applications if the PDSB Director makes one of the following findings:

- a. There is a minor change in the development criteria that is requested;
- b. There are few, if any, changes in the physical attributes of the property;
- c. There is a potential for impact upon the neighborhood or the adjacent properties;
- d. Where there are commercial and office developments, (1) through (3) above apply and there is a benefit to area properties from the proposed redevelopment of the property; or,
- e. There is an administrative Special Exception Land Use designated in the UDC related to the proposed development.

C. Pre-Application Conference Recommended

A pre-application conference with City staff is recommended, but not required. See Section 3.2.1 for details on the pre-application conference.

D. Neighborhood Meeting Recommended

The applicant is recommended, but not required, to conduct a neighborhood meeting with surrounding property owners and neighborhood association representatives.

E. Application and Notice of Application Required

Submittal of an application to the PDSB is required in order to process the request. See the Administrative Manual for application submittal requirements. Applications shall be reviewed for completeness in compliance with Section 3.2.3.A, Application Required. Following acceptance by the PDSB, notice of the application is required in accordance with Section 3.2.4.B, Mailed Notices.

F. Public Comment Period

For ten days following the date on which notice is provided, the public may submit comments on the proposal to the PDSB.

G. Review

Review is conducted by the PDSB staff and other agencies, committees or advisory boards as required by the UDC, and others as may be deemed appropriate by the PDSB Director.

H. Decision and Notice of Decision

The PDSB Director shall approve or deny an application and send written notice of the decision in accordance with Section 3.2.4.B. The PDSB Director may impose conditions for approval of the application or may require further processing of the application in accordance with Section 3.3.5, 300' Notice Procedure.

I. Appeals

A party of record may appeal the PDSO Director's decision to the Board of Adjustment (B/A). Appeals must be filed in accordance with Section 3.10.1 and .2. A notice of intent to appeal must be received by the PDSO within five days of the effective date of the decision. The complete appeal materials must be filed within 30 days of the effective date of the decision.

J. Waiver of Comment, Notice of the Decision and Right to Appeal

The required time period for public comment, for notice of the decision, and for the filing of an appeal may be waived, if the applicant provides written documentation that all parties of record have waived one or more of these provisions.

DRAFT

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~~ reduce the setback requirements for animal shelters.

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 (PDS) 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 PDS 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 PDS 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:

Comment [A10]: The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure. However, staff has determined that the DDO is the inappropriate procedure for such requests because it is inconsistent with how the DDO has been applied historically.

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 small farm animal shelters.~~

Comment [A11]: See the comment at the beginning of this section for information pertaining to this proposed change.

D. Findings for Approval

1. General Findings for All Modification Requests

For all modification requests, the PDSD 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 PURPOSE STATEMENTS

Summary: To revise the purpose statements for certain zones to accommodate urban agricultural uses and activities.

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

ARTICLE 4, ZONES SECTION 7, ZONES – PURPOSE

4.7.2. INSTITUTIONAL RESERVE (IR)

The purpose of this zone is to identify lands in federal, state, City, county, and other public ownership that are natural reserves or wildlife refuge reserves. It is expected that these lands will remain reserves. However, should these lands be proposed for development with other land uses, ~~the following standards apply the permitted uses in the use table and the use-specific standards apply.~~ This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.3. RURAL HOMESTEAD ZONE (RH)

This zone is intended to preserve the character and encourage the orderly growth of rural areas. It is intended to encourage rural development in areas lacking facilities for urban development and to provide for ~~agricultural, commercial and industrial development only where appropriate and necessary to serve the needs of the rural area.~~ This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.4. SUBURBAN RANCH ZONE (SR)

This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

4.7.5. SUBURBAN HOMESTEAD ZONE (SH)

This zone provides for low density, large lot, single-family, residential development, suburban ranch uses, ~~including agricultural uses.~~ This zone is solely to provide comparable zoning for annexed areas and is not intended for rezoning.

4.7.6. RESIDENCE ZONE (RX-1)

This zone provides for suburban, low density, single-family, residential development, ~~agricultural~~ and other compatible neighborhood uses.

4.7.7. RESIDENCE ZONE (RX-2)

This zone provides for suburban, low density, single-family, residential development, ~~agricultural~~ and other compatible neighborhood uses.

Comment [A12]: The proposed revisions to the following purpose statements acknowledge that agricultural uses and activities may occur in these zones.

4.7.8. RESIDENCE ZONE (R-1)

This zone provides for urban, low-density, single-family, residential development, together with schools, parks, ~~and~~ other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day cares and urban agricultural, are permitted provided residential compatibility standards apply.

4.7.9. RESIDENCE ZONE (R-2)

This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day cares and urban agricultural, are permitted provided residential compatibility standards apply.

4.7.10. MOBILE HOME ZONE (MH-1)

This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreational, ~~and~~ religious uses, and select other uses, such as day cares and urban agricultural, are also permitted provided residential compatibility standards apply. ~~shall also be permitted to provide for an urban residential environment.~~

4.7.11. MOBILE HOME ZONE (MH-2)

This zone provides for medium density, residential development in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreation, ~~and~~ religious uses, and select other uses, such as day cares and urban agricultural, are also permitted provided residential compatibility standards apply. ~~shall also be permitted to provide for an urban residential environment.~~

4.7.12. RESIDENCE ZONE (R-3)

This zone provides for high density, residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses, such as day cares and urban agricultural, are also permitted provided residential compatibility standards apply.

4.7.13. OFFICE ZONE (O-1)

This zone provides for administrative, medical outpatient, and professional office uses that will complement the residential environment. Development within this zone typically consists of office conversions from existing residential uses fronting on major streets and new construction of small-scale office projects. Consolidation of lots is encouraged in order to reduce curb cuts on arterial streets and to assure compliance with the design and development standards of this zone. Civic, educational, religious uses, and select other uses, such as day cares and urban agricultural, may also be permitted provided residential compatibility standards apply.

4.7.14. OFFICE ZONE (O-2)

This zone provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects. Civic, educational, recreation, religious uses, and select other uses, such as day cares and urban agricultural, may also be permitted provided residential compatibility standards apply.

4.7.15. OFFICE ZONE (O-3)

This zone provides for mid-rise, office, medical, civic, and [select other uses, such as urban agricultural and renewable energy generation, other development uses](#) that provide reasonable compatibility with adjoining residential uses.

4.7.16. PARKING ZONE (P)

This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. [Select other uses, such as renewable energy generation and urban agricultural, may also be permitted provided residential compatibility standards apply.](#)

4.7.17. RECREATIONAL VEHICLE ZONE (RV)

The purpose of this zone is to provide for development of short-term occupancy recreational vehicle parks and campsites while ensuring reasonable compatibility with adjoining properties by establishing special requirements. [Select other uses, such as urban agriculture, may also be permitted provided residential compatibility standards apply.](#)

4.7.18. NEIGHBORHOOD COMMERCIAL ZONE (NC)

This zone provides for low-intensity, small-scale, commercial and office uses that are compatible in size and design with adjacent residential uses. Residential and [select other uses, such as urban agriculture, may also be permitted provided residential compatibility standards apply.](#) ~~other related uses shall be permitted.~~

4.7.19. RURAL VILLAGE CENTER ZONE (RVC)

The purpose of this zone is to provide retail shopping facilities, planned and designed for the convenience and necessity of a suburban or rural neighborhood. Rural village centers shall be developed according to an approved site plan and located in accordance with adopted neighborhood, community, or area plans. The standards are designed to maintain the suburban character of duly designated commercial areas located along designated Scenic Routes and to provide safe ingress and egress to and from the village center. [Select other uses, such as urban agriculture, may also be permitted provided residential compatibility standards apply.](#) This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning.

4.7.20. COMMERCIAL ZONE (C-1)

This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and [select other agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply.](#) ~~other related uses shall be permitted.~~

4.7.21. COMMERCIAL ZONE (C-2)

This zone provides for general commercial uses that serve the community and region. [Residential and select other agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply.](#) ~~Residential and other related uses shall also be permitted.~~

4.7.22. COMMERCIAL ZONE (C-3)

This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and select other agricultural, civic, recreational, and utility uses may also be permitted provided residential compatibility standards apply. ~~Residential and other related uses shall also be permitted.~~

4.7.23. MIXED USE ZONE (MU)

This zone is solely to provide for comparable zoning for areas annexed into the City limits and is not intended for rezoning. Residential and select other agricultural, civic, commercial, industrial, recreational, retail, storage, utility, and wholesaling uses may also be permitted provided residential compatibility standards apply.

4.7.26. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-1)

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. High-density residential and select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.27. OFFICE/COMMERCIAL/RESIDENTIAL ZONE (OCR-2)

The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers. High-density residential and select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

4.7.28. PARK INDUSTRIAL ZONE (P-1)

This zone provides for corporate business centers, ~~and for~~ wholesaling and manufacturing activities, and select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling may also be permitted provided design and development standards apply. that can be carried on in an unobtrusive, controlled manner.

4.7.29. LIGHT INDUSTRIAL ZONE (I-1)

This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling may also be permitted.

4.7.30. HEAVY INDUSTRIAL ZONE (I-2)

This zone provides for industrial uses that are generally nuisances, making them incompatible with most other land use. These nuisances may be in the form of air pollutants; excessive noise, traffic, glare, or vibration; noxious odors; the use of hazardous materials; or unsightly appearance. Select other agricultural, civic, commercial, industrial, retail, storage, utility, and wholesaling may also be permitted.

SECTION 4: 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

P = Permitted Use S = Permitted as Special Exception Use
 [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	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 SH: 4.9.2.A.1.b & 2.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.D.1 and 4.9.13.l
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, & 4.b- 4 e and 4.9.13.l
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>RH: 4.9.2.B and 4.9.13.l</u> <u>SR, SH, RX-1, RX-2: 4.9.2.B</u>
Crop Production:	P	P	P	P	P	RH: 4.9.2.B.C.1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.B.C.1
<u>With Food & Beverage Sales as an accessory use</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

Comment [A13]: The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

Comment [A14]: In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES						
P = Permitted Use S = Permitted as Special Exception Use [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	RH	SR	SH	RX-1	RX-2	USE SPECIFIC STANDARDS
General Farming	P	P	P	P		4.9.2.BC+ 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
Urban Agriculture:						
Community Garden	P	P	P	P	P	RH: 4.9.2.C.1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1
Urban Farm	P	P	P	P	P	RH: 4.9.2.C.2 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.C.1
Urban Farm With Food & Beverage Sales as an accessory use to an Urban Farm (both P & S)	P	P	P	P	P	RH: 4.9.2.C.2 and 4.9.13.l SR, SH: 4.9.2.C.2, 3-8 and 4.9.13.l SR, SH: 4.9.2.A.1, 2.c, 3, 4, 7

4.8.4 PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES— URBAN RESIDENTIAL ZONES						
P = Permitted Use S = Permitted as Special Exception Use [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	R-1	R-2	R-3	MH-1	MH-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:						
Community Garden	P	P	P	P	P	All: 4.9.2.B
Crop Production	P	P	P	P	P	All zones: 4.9.2.BC
Urban Agriculture:						
Community Garden	P	P	P	P	P	All: 4.9.2.C.1
Urban Farm	S-[3]	S-[3]	S-[3]	S-[3]	S-[3]	All: 4.9.2.C.2 (when the proposed site is 2 acres or more)
Urban Farm	S-[2]	S-[2]	S-[2]	S-[2]	S-[2]	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.)

Comment [A15]: 1) The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

2) In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

Comment [A16]: 1) The proposed Community Garden use, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, is being relocated here as its own land use class. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

2) In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

4.8.5 PERMITTED USES: OFFICE ZONES

TABLE 4.8-3: PERMITTED USES – OFFICE ZONES				
P = Permitted Use S = Permitted as Special Exception Use [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:				
Urban Agriculture				
Community Garden	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	All: 4.9.2.E

Comment [A17]: In the nonresidential zones (i.e. all office, commercial, mixed-use, and industrial zones and all of the special use zones except OS), the proposed Urban Farm use is proposed as a permitted use. The Urban Farm use intends to distinguish agricultural activities in urban areas versus the Crop Production and General Farming uses conducted in rural and suburban area. Compatibility standards are required of Urban Farm uses to address residential adjacency issues.

Comment [A18]: The proposed Community Garden and Urban Farm uses, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, are being relocated here as their own land use classes. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

4.8.6 PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

TABLE 4.8-4: PERMITTED USES – COMMERCIAL AND MIXED USE ZONES						
P = Permitted Use S = Permitted as Special Exception Use [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:						
Urban Agriculture						
Community Garden	P	P	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	P	P	All: 4.9.2.E

Retail Trade Use Group With Land Use Class/Type:						

Food and Beverage Sales:						
Excluding Large Retail Establishment	P	P	P	P	P	C-1: 4.9.13.O
Large Retail Establishment	S [1]	S [1]	S [1]	S[1]	S[1]	C-1: 4.9.9.D and 4.9.13.O C-2, C-3, OCR-1, OCR-2: 4.9.9.D
Farmer's Market only	P	P	P	P	P	All: 4.9.9.A,12

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

Comment [A19]: The proposed Community Garden and Urban Farm uses, previously categorized as a subtype of Urban Agriculture in the April 2014 draft, are being relocated here as their own land use classes. The September 2014 draft maintains the same permitted zones and use-specific standards as those in the April 2014 draft.

Comment [A20]: The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

4.8.7 PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
P = Permitted Use S = Permitted as Special Exception Use [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				
*Any Land Use Class not permitted or a Special Exception Use in any other zone, or permitted in the I-2 zone, may be permitted in the I-2 zone and shall comply with the dimensional standards determined to be most similar to the proposed use.				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:			*	
Urban Agriculture:				
Community Garden	P	P	P	All: 4.9.2.B
Urban Farm	P	P	P	All: 4.9.2.C.2
Stockyard Operation			S [1] I-2: 4.9.13.Q	
Urban Farm	P	P	P	All: 4.9.2.E

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

Food and Beverage Sales	P	P	P	4.9.9.A.12
Farmers' Market only	P	P	P	4.9.9.A.12

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
Farmer's Market only	P	P	P	All: 4.9.9.G
Vehicle Rental and Sales	P	P	P	P-1, I-1, I-2: 4.9.9.GG

Comment [A21]: The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

Comment [A22]: The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

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					
P = Permitted Use S = Permitted as Special Exception Use [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	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
Community Garden		P	P	P	All: 4.9.2.B
Crop Production		P	P	P	IR: 4.9.2.BC and 4.9.13.H P, RV: 4.9.2.C
With Food and Beverage Sales as an accessory use		P			IR: 4.9.9.A.2.a & 3-9 and 4.9.13.H
General Farming		P	P	P	IR: 4.9.2.A.1.a, 2.b, 3.b, & .3.c, 4.9.2.BC, and 4.9.13.H

Comment [A23]: The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

Comment [A24]: In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
P = Permitted Use S = Permitted as Special Exception Use					
[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
Stockyard Operation:					P, RV: 4.9.2.C
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
Urban Farm			P	P	P, RV: 4.9.2.E
Urban Agriculture:					
 Community Garden	P	P	P	P	All: 4.9.2.C.1
 Urban Farm	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
Urban Farm	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)
With Food and Beverage Sales as an accessory use with an Urban Farm (P & S)		P			IR: 4.9.9.A.2.a & 3.9 and 4.9.13.H

RETAIL TRADE LAND USE GROUP WITH LAND USE CLASS/TYPE:					
Food and Beverage Sales (Farmer's Markets only)		P	P	P	All: 4.9.9.A.12

Comment [A25]: In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

Comment [A26]: 1) The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft;

2) The Urban Farm use is no longer proposed as a permitted use in the IR zone, because Crop Production is currently permitted in this zone. Replacing the uses could inadvertently result in creating nonconforming uses.

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				
P = Permitted Use S = Permitted as Special Exception Use				
[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
Urban Agriculture:				
 Community Garden	P	P	P	All: 4.9.2.B
 Urban Farm	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
Urban Farm	S [2]	S [2]		NC, RVC: 4.9.2.C.2 (when locating on

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES				
P = Permitted Use S = Permitted as Special Exception Use				
[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	NC	RVC	MU	USE SPECIFIC STANDARDS
				a site less than 2 acres. The site cannot be less than the zone's minimum lot size requirement)
Urban Farm	P	P	P	All: 4.9.2.E

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

Food and Beverage Sales (Farmers' Market only)			P	MU: 4.9.9.A.12

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

Comment [A27]: 1) The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft;

2) The September 2014 draft allows the Urban Farm use in the NC and RVC zones as outright permitted use rather than as a special exception as proposed in the April 2014 draft. The proposed mitigation standards better ensure compatibility with the surrounding uses.

Comment [A28]: The proposal reclassifies the proposed Farmers' Market use as a subtype of Food and Beverage Service. Proposed changes to the NC, RVC, and MU zones to accommodate farmers' markets is not necessary since Food and Beverage Service is currently permitted in the NC and RVC zone and a special exception in the MU zone.

DRAFT

SECTION 5: 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

A. Animal Production

1. Provisions Relating to Animals in General

- a. All buildings for animals shall be setback at least 50 feet from all property lines, except corrals, which must be setback ten feet from all property lines.
- b. All stables, barns, and animal sheds or shelters shall be setback at least 100 feet from any property line.

2. Provisions Relating to Livestock

- a. No more than two horses or two head of cattle are permitted per each 36,000 square feet of lot area.
- b. A stock-tight fence and necessary cattle guards shall be erected and maintained along the boundaries of any area where livestock is kept or grazed. This provision does not apply to interior lot lines where the adjacent property is zoned IR or to open range as determined under Arizona Revised Statutes (A.R.S.).
- c. All horses, cattle, sheep, goats, or similar animals shall be confined within a stock-tight fence in an area of no less than 400 square feet per animal. Such fenced-in area shall be setback ten feet from the rear property line where it abuts an IR, RH, SR, SH, RX-1, or RX-2 zone; 40 feet from the rear where it abuts any other zone; and 40 feet from a side property line. A setback of ten feet is permitted on the side yard where the adjacent property owners have a written recorded agreement to this

effect, but in no event shall a corral be closer than 50 feet to any residence or living quarters on an abutting property.

3. Provisions Relating Specifically to Hogs

- a. Hogs are prohibited.
- b. No more than one hog weighing more than 50 pounds is permitted per each 36,000 square feet of lot area.
- c. Hog-raising projects that exceed the permitted number of hogs in Section 4.9.2.A.3.b is permitted if sponsored by the 4-H Club, Future Farmers of America, or other similar nonprofit organization, provided that a letter of authorization from the sponsoring organization is submitted confirming that the project is sponsored by the organization, describing the project and stating its length of time.
- d. Hogs shall be penned at least 500 feet from any property line.

4. Riding Stables or Riding Schools

- a. All stables, barns, and animal sheds or shelters shall be setback at least 200 feet from any interior property line with residential zoning, except that the distance may be measured to the boundary of the site or subdivision to be served as a common use facility.
- b. Outside audio amplification is prohibited.

B. Community Garden

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

- a. Growing and harvesting of agricultural products;
- b. The keeping of small farm animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure;

~~(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;~~

~~(3) Animals must be tended to at least two times per day; and,~~

Comment [A29]: The proposed Community Garden and Urban Farm uses are no longer proposed subtypes of Urban Agriculture. Instead, they will be stand-alone uses and alphabetized within the Agriculture Land Use Group accordingly. The proposed permitted zones and use-specific standards are the same as those proposed in the April 2014 draft.

Comment [A30]: This proposed addition provides a "relief valve" for community gardens and urban farms to have more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

Comment [A31]: These standards have been incorporated into Section 8.1.b above.

Comment [A32]: When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

Comment [A33]: This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to.

~~(4) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;~~

Comment [A34]: This standards has been incorporated into Section 8.1.b above.

~~c. 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;~~

~~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. 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,~~

~~g. Outdoor activity, including the outdoor display of products grown on-site, is permitted.~~

~~2. 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;~~

Comment [A35]: These exemptions from the parking, loading, and landscaping requirements found in this and other sections have been consolidated into Article 7: Development Standards to remove redundancy.

~~3. Review and Approval Procedure. Community gardens are processed in accordance with Section 3.3.3, PSD 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.~~

Comment [A36]: This standard is unnecessary since all permitted principal uses are reviewed in accordance with Section 3.3.3 unless specified otherwise in the permitted use tables or use-specific standards.

CB. Crop Production

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

~~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

Comment [A37]: The proposed change matches the proposed greenhouse accessory use standards (see Sec. 6.6.5.E) and makes it possible to locate greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses. Passive greenhouses create no more of a potential nuisance than other types of accessory buildings that are not required to set back 200 feet from every property line. The proposed standards for mechanically cooled or heated greenhouses mitigate for a potential noise nuisance by requiring increased setbacks.

D6. Stockyard Operation

1. A commercial feedlot use shall be setback at least 500 feet from any property line.
2. Livestock auction yard.
 - a. All buildings, holding pens and areas, and show areas shall be setback at least 300 feet from any property line.
 - b. Generation of dust shall be minimized.
 - c. Outdoor audio amplification that would create a nuisance to adjacent properties is prohibited.

E.2. Urban Farm

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

- a. Growing and harvesting of agricultural products;
- b. The keeping of small farm animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure;

Comment [A38]: This proposed addition provides a "relief valve" for community gardens and urban farms to have slightly more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

~~(1) The keeping of small farm animals is accessory to the growing and harvesting of agricultural products;~~

Comment [A39]: These provisions have been incorporated into Section E.1.b above.

~~(2) Permission from the property owner to keep small farm animals;~~

Comment [A40]: When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

~~(3) The small farm animals shall be kept in a separate, fenced-off area from where the growing of agricultural products occurs;~~

~~(3) Animals must be tended to at least two times per day; and,~~

Comment [A41]: This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to. With this change, this standard is no longer required in this section.

~~(4) A sign must be posted identifying the person responsible for caring for the animals and his or her contact information;~~

Comment [A42]: This provision has been incorporated into Section E.1.b above.

- c. 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;
- 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. 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,
- g. Outdoor activity, including the outdoor display of products grown on-site, is permitted.
- 2. Nuisance Mitigation. Urban Farms are required to comply with the following standards:

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

Comment [A43]: Nuisance mitigation standards are being proposed in response to concerns raised about the potential negative effects urban farms could have on nearby residents and businesses. The proposed nuisance mitigation standards use the standards currently required of certain industrial uses (see Sec. 4.9.5.C.6) as a basis.

~~e. 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.~~

~~f. 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.~~

~~g. 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.~~

~~3. Review and Approval Procedure. Urban Farms are reviewed and considered for approval in accordance with Section 3.3.3, PDS&D Director Approval Procedure.~~

~~a. 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.~~

~~b. 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&D Director Special Exception Procedure; or~~

~~c. All other Urban Farms are reviewed and considered for approval in accordance with Section 3.3.3, PDS&D Director Approval Procedure.~~

~~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 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. **OPTION #1 (GENERAL) – Home Occupation: Animal Production, Crop Production, General Farming, and/or Stockyard Operation is permitted in the IR, SR, SH, RX-2, and MU zones when the use requested as a home occupation is also permitted or a special exception as a principal use in**

Comment [A44]: In response to numerous stakeholder requests and to inadvertently avoid creating nonconforming uses, the September 2014 draft maintains the same permitted zones and applicable use-specific standards currently required of the Crop Production use.

Comment [A45]: Allowing additional conditions was proposed in the April 2014 draft, but are now proposed for deletion because the proposed mitigation standards adequately address potential nuisances.

the property's zone. The same procedure required to establish the applicable principal use is required when establishing the home occupation. The use-specific standards applicable to the principal use are required of the home occupation;

OPTION #2 (DETAILED) – Subsections .f, .g, and .i below are a detailed listing of what is generalized in Option #1.

f. Home Occupation: Animal Production is permitted as follows:

- (1) IR (excluding Stockyard) subject to: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H;
- (2) IR (Hog Ranch only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.3.d and 4.9.13.H;
- (3) IR (Stable or Riding School) subject to: 4.9.2.A.2.b & .4 and 4.9.13.H;
- (4) SR (General) subject to: 4.9.2.A.1.a, 2.b, & 3.a;
- (5) SH (General) subject to: 4.9.2.A.1.b, 2.b, 2.c, & 3.b;
- (6) RX-1 (General) subject to: 4.9.2.A.1.a, 2.a, 2.b, & 3.a;
- (7) RH (excluding Stockyard) subject to: 4.9.2.A.1.a, 2.b, & 3.b, and 4.9.13.I;
- (8) SR (Commercial Stables only) subject to: 4.9.2.A.1.b & 2.b;
- (9) SH (Commercial Stables only): 4.9.2.A.1.b & 2.c;
- (10) RH (Hog Ranch only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.3.d, and 4.9.13.I;
- (11) RH (Commercial Feedlot only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.D.1, and 4.9.13.I;
- (12) RH (Stable or Riding School only) subject to: 3.4.4 (Mayor and Council Special Exception Procedure), 4.9.2.A.1.b, 2.b, & 4.b and 4.9.13.I;
- (13) MU (excluding Commercial Stables) subject to: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a; or,
- (14) MU (Commercial Stables only) subject to: 3.4.3 (Zoning Examiner Special Exception Procedure), 4.9.2.A.1.b, .2.b, and 4.9.5.C.6.

g. Home Occupation: Crop Production or General Farming is permitted in IR, RH, SR, SH, RX-1, RX-2 subject to: 4.9.2.A.1.a & 3.a and 4.9.2.C.

h. Home Occupation: Crop Production is permitted in R-1, R-2, R-3, MH-1, MH-2 subject to: 4.9.2.C and 4.9.7.E.1, .3 – .6, .9 – .11, .13, and .15.

Comment [A46]: Crop Production is currently permitted as a principal use in these zones.

i. Home Occupation: Stockyard Operation is permitted as follows:

(i) IR (Commercial Feedlot only) subject to 4.9.2.D.1 and 4.9.13.H;
or,

(ii) IR (Livestock Auction Yard only) subject to 4.9.2.D.2 and 4.9.13.H.

fi. Home Occupation: ~~General Farming~~ Urban Farm is permitted in O-1, O-2, O-3, NC, C-1, C-2, and C-3, MU, OCR-1, OCR-2 subject to: 4.9.2.A.1.a & 3.a and 4.9.2.B 4.9.2.E and 4.9.7.E.5-1.

E. Home Occupation: General Standards

1. Home occupations require review and consideration for approval in accordance with Section 3.3.3, PSDS 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: Crop Production 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: Crop Production 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

Comment [A47]: 1) Home Occupation: General Farming is currently permitted in the C-2 and C-3 zones with the only restrictions being that all buildings for animals must be at 50 feet from all property lines, hogs are prohibited, and that greenhouses must be at least 200 feet from every property line; and,

2) The proposed change distinguishes General Farming and the proposed Urban Farm uses, which are associated with rural/suburban and urban settings, respectively. The additional mitigation standards required of Urban Farms better ensures that the use will not be a nuisance to nearby residents and businesses.

Comment [A48]: As proposed, this standard would not apply to the Home Occupation: Crop Production, General Farming, and Urban Farm uses because the area dedicated to the growing of produce outside of greenhouses may be equal to or more than the size of the residence. Greenhouses are limited to no more than 25% of the principal residence.

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: Crop Production, General Farming, and 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

A. Food and Beverage Sales

12. Farmers' Market. 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, NC, RVC, 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.

Comment [A49]: The proposed farmers' market use is being reclassified as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than swap meets and auctions. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

Comment [A50]: This standard proposed in the April 2014 draft is no longer applicable. See comment above for explanation.

Comment [A51]: The first sentence adequately communicates that the sale of non-agricultural products must be accessory to the sale of food products. Also, the proposed 20% standard is difficult for managers of farmers' markets to determine and for the City to enforce.

~~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.~~

4.9.13 GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

I. Rural Homestead Zone (RH) - Exception

Parcels of less than 180,000 square feet, recorded prior to December 1, 1985, conforming to the minimum parcel size requirements at the date of recording, are deemed non-conforming.

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: Community Garden, Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only), Home Occupation: Urban Farm, -Medical Service, Extended Healthcare; ~~or~~ Parks and Recreation; Urban Farm; or urban agricultural-related uses.
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

Comment [A52]: The parking, loading, and landscaping requirements will be provided in their respective sections in Article 7: Development Standards.

Comment [A53]: The September 2014 draft proposes deleting this provision because the proposed mitigation standards adequately address potential nuisances.

Comment [A54]: The proposed changes in this section would allow urban agricultural uses to be conducted outside an enclosed building.

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: [Community Garden](#), Day Care; Educational Use; [Food and Beverage Sales \(Farmers' Markets only\)](#), [Home Occupation: Urban Farm](#); Medical Service, Extended Healthcare; ~~or~~, Parks and Recreation; [Urban Farm](#); or, [urban agricultural-related](#) 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. [The Community Garden, Farmers' Market, Urban Farms, or urban agricultural-related uses 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: [Community Garden](#); Day Care; Educational Use, Elementary and Secondary; [Food and Beverage Sales \(Farmers' Markets only\)](#); [Home Occupation: Urban Farm](#); ~~-~~Parks and Recreation; ~~or~~ all uses in the Residential Use Group; [Urban Farm](#); or, [any urban agricultural-related](#) uses.

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; 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. Community Garden, Food and Beverage Sales (Farmers' Markets only), Home Occupation: Urban Farm, or any urban agricultural-related 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: Community Garden; ~~or Day Care-use~~; Food and Beverage Sales (Farmers' Market only); or, any urban agricultural-related 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: Community Garden, Home Occupation: Urban Farm, Urban Farm, or any urban agricultural-related use;~~

~~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: Food and Beverage Sales (Farmers' Market only); and,~~

~~f.~~ Vehicular use areas.

SECTION 6: 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). An accessory use also has to comply with Section 6.6.3 (Specifically within Residential Zones) or 6.6.4 (Specifically within Nonresidential Zones), whichever is applicable, unless specifically exempted. 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, 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;

Comment [A55]: This is a proposed increase to the current standard of 5' in height and 10 sq. ft. in area in order to accommodate chicken coops.

Comment [A56]: A different version of this standard is currently required further down in this section. A revised version of this standard is proposed for relocation here so that it is more visible and informs the user whether Section 6.6.2 applies to her or his project, thus saving her or him time reading the entire section.

- ~~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 Animal Shelters and Structures. Animal shelters and structures that exceed six feet in height and 16 square feet in area, shall be set back in accordance with the following:
 1. Urban Farm, Home Occupation: Crop Production or Urban Farm Uses, or when an Accessory Shelter or Structure in the Urban Residential, Office, Commercial and Mixed Use, Industrial, P, RV, NC, or RVC Zones. Shelters or structures for the keeping of small farm animals shall be set back in accordance with Section 6.6.5.F.6. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.
 2. Animal Production, General Farming, or Stockyard Operation Uses or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, MU zones. Shelters or structures for the keeping of small farm animals shall be set back at least 50 feet from all property lines. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person. ~~All s~~
- 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.)

Comment [A57]: The difference in setbacks between H.1 and H.2 is required to accommodate the site constraints typical in urban settings.

Comment [A58]: The UDC currently requires a 10' setback, while the Tucson Code requires a 20' setback. Per the UDC, the more restrictive requirement applies. The proposed change will make the UDC consistent with the Tucson Code.

Comment [A59]: With the proposed introduction of the urban agricultural uses, it is necessary to specify the uses and zones where the currently required setbacks applied.

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.

K. Accessory uses, buildings, and structures are not required to provide additional parking, landscaping and screening, or loading spaces beyond what is required of the principal use.

6.6.3. SPECIFICALLY WITHIN RESIDENTIAL ZONES

The buildings used for an accessory use within a residential zone shall comply with the following:

- A. An accessory building shall not be a dwelling unit but may be a building that is used as sleeping quarters by the residents of the dwelling unit in accordance with Sections 6.6.1.A and B. The sleeping quarters may include bedrooms, bathrooms, and a sitting room, provided the building complies with Section 6.6.1.C and is not the dominant use of the property;
- B. Detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line, except for terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls;
- C. Accessory structures shall not exceed 12 feet in height, unless attached to a principal structure. If attached to the principal structure, maximum height permitted shall be the same as for the principal structure; and,
- D. The total gross floor area (gfa) of all accessory structures shall not exceed 50% of the gfa of the principal structure. Accessory structures less than 200 square feet gfa are exempt from this requirement.

(Am. Ord. 11070, 5/14/2013)

6.6.4. SPECIFICALLY WITHIN NONRESIDENTIAL ZONES

The building used for an accessory use within a nonresidential zone shall comply with the following:

- A. An accessory building shall not be occupied as a dwelling, except as a caretaker's facility;
- B. The area of a site occupied by an accessory use or building shall be included as part of the lot coverage calculation; and,
- C. The structure used for an accessory use within a nonresidential zone shall comply with dimensional standards of the principal structure.

Comment [A60]: It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed accessory use sections have been consolidated into proposed Section 6.6.2.K.

Comment [A61]: These sections are provided for informational purposes only to show the additional accessory structures requirements typically required in the residential and nonresidential zones. The September 2014 draft proposes exceptions to Section 6.6.3.A for front-yard gardens and accessory structures associated with community gardens, urban farms, and the on-site sale of agricultural products grown on-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 accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Small Farm Animals. Permission from the property owner is required and a sign must be posted identifying the person responsible for caring for the animals and his or her contact information. Requests to increase the number of permitted small farms animals are considered in accordance with Section 3.3.4, 50' Notice Procedure;
 - ~~(1) Accessory to the growing and harvesting of agricultural products only;~~
 - ~~(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;~~
 - ~~(3) Animals must be tended to at least two times per day; and,~~
 - ~~(4) 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 Sections 6.6.1.C and 6.6.3.A 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.

Comment [A62]: This proposed addition provides a "relief valve" for community gardens and urban farms to have slightly more small farm animals than permitted by proposed Sec. 6.6.5.F. In all cases, the keeping of small farm animals must remain accessory to the growing of agricultural products.

Comment [A63]: These provisions have been added to Section A.2.b above.

Comment [A64]: When allowed to roam in the garden space, chickens are an effective means of controlling pests and their waste fertilizes the soil. Per Section 6.6.5.F, small farm animals would have to be kept within the enclosed confines of the community garden and shelter would have to be provided. If the community garden is not enclosed, the small farm animals would not be able to roam freely in the garden space.

Comment [A65]: This standard has been added to Section 6.6.5.F and would apply to the keeping of small farm animals regardless of the use it is accessory to.

Comment [A66]: This provision has been added to Section A.2.b above.

~~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;~~

Comment [A67]: Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC.

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.~~

Comment [A68]: It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed accessory use sections have been consolidated into proposed Section 6.6.2.K.

~~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 an accessory to a permitted principal use in the Agricultural, Civic, Recreation Land Use Groups only in accordance with Sections 6.6.5.C.2; or,

~~(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, PDSD 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, PDSD Director Approval Procedure. The PDSD 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, NC, RVC, 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 – g; or,

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 sunrise and sunset 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.

d. 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.

e. Outdoor activity, including the outdoor display of goods for sale, is permitted.

Comment [A69]: Previously proposed standards (3), (4), and (5) are more restrictive than current standards, and, are therefore, being removed from consideration. Currently, farmers' markets are permitted as an accessory use to a church, school, or park and do not require review by City staff for compliance with the City's zoning regulations.

Comment [A70]: The previously proposed limit on a farmers' market's hours of operation from 7 a.m. to 5 p.m. in residential zones does not accommodate people shopping after work, nor, does it consider the optimal time to operate the market due to seasonal temperature changes.

Comment [A71]: The first sentence adequately communicates that the sale of non-agricultural products must be accessory to the sale of food products. Also, the proposed 20% standard is difficult for managers of farmers' markets to determine and for the City to enforce.

Comment [A72]: Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC.

~~f. 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.~~

~~g. 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 provide 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.~~

Comment [A73]: Compliance with the Outdoor Lighting, Noise, and Sign ordinances are required of all projects. Including it here creates confusion because it may lead users to think that these ordinances apply to those uses only where it is specifically referenced, when in fact, these standards apply to all projects regardless of zone or whether it is mentioned in the UDC. Also, including such provisions is redundant with the Tucson Code.

Comment [A74]: Previously proposed standards (3), (4), and (5) are more restrictive than current standards, and, are therefore, being removed from consideration. Currently, farmers' markets are permitted as an accessory use and do not require review by City staff for compliance with the City's zoning regulations.

Comment [A75]: It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed urban agricultural accessory uses have been consolidated into proposed Section 6.6.2.K.

Comment [A76]: This previously proposed condition from the April 2014 draft is more restrictive than current regulations, and is, therefore, being removed from consideration.

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 accessory buildings or structures 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. Applicability.

- a. With the exception below, 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.
- b. Exception: the keeping of small farm animals in the RH, SR, SH, RX-1, and RX-2 zones and the Animal Production use must comply with Chapter 4 of the Tucson Code only and are exempt from this Section 6.6.5.F.

~~2. 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,

Comment [A77]: This proposed addition is consistent with the overall goal of leaving the already permitted agricultural-related uses and activities in the rural and suburban zones as they are today.

Comment [A78]: This proposed provision has been incorporated in the F.1.b above.

~~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.E.1.b.~~

~~1. Urban Farm, Home Occupation: Crop Production or Urban Farm Uses, or when an Accessory Shelter or Structure in the Urban Residential, Office, Commercial and Mixed Use, Industrial, P, RV, NC, or RVC Zones. Shelters or structures for the keeping of small farm animals shall be set back in accordance with Section 6.6.5.F.6. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.~~

Comment [A79]: The difference in setbacks between H.1 and H.2 is required to accommodate the site constraints typical in urban settings.

~~2. Animal Production, General Farming, or Stockyard Operation Uses or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, MU zones. Shelters or structures for the keeping of small farm animals shall be set back at least 50 feet from all property lines. Corrals, barns, sheds or other structures for the purpose of housing, keeping or caring for any horse, mule, cow, goat (except miniature goats), or other large farm animal shall be set back at least 20 feet from the dwelling unit of any person.~~

Comment [A80]: 1) The UDC currently requires a 10' setback, while the Tucson Code requires a 20' setback. Per the UDC, the more restrictive requirement applies. The proposed change will make the UDC consistent with the Tucson Code.
2) With the proposed introduction of the urban agricultural uses, it is necessary to specify the uses and zones where the currently required setbacks applied.

~~3. Types of Animals Permitted & Prohibited.~~

~~a. Small farm animals as defined in Section 11.4.7 (Animals, Small Farm) are permitted.~~

~~b. This Section 6.6.5.F does not apply to the keeping of large farm animals as defined in Section 11.4.7 (Animals, Large Farm). The keeping of large farm animals shall comply with Chapter 4, Animals and Fowl, of the Tucson Code.~~

~~c. Dogs, cats, and fish of any size for commercial and noncommercial use are exempt from this Section 6.6.5.F.~~

~~d. Uncastrated male miniature goats older than 5 months are prohibited.~~

~~e. Male fowl and guinea 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~~

Comment [A81]: The fixed number approach (i.e. 8 fowl, plus 3 of another type of small farm animal) proposed in the April 2014 draft was too inflexible and did not make adjustments for properties of different sizes. The September 2014 draft reverts back to the Animal Unit system proposed prior to the April 2014 draft. The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture ordinance, an online calculator will be available on the City website to assist people determine the maximum number of permitted animals for their properties.

~~are permitted to have one additional domestic fowl for each 1,000 square feet of lot area over 10,000 square feet.~~

4. Maximum Number of Small Farm Animals Permitted

a. The maximum number of small farm animals permitted shall be determined in accordance with this Section 6.6.5.F.4. Exemptions: The following are exempt from this Section 6.6.5.F.4:

- (1) Animal Production, General Farming, or Stockyard Operation Uses when or when an Accessory Shelter or Structure in the RH, SR, SH, RX-1, IR, MU zones. These uses must still comply with Chapter 4 of the Tucson Code;
- (2) Non-profit, agricultural-related organizations, such as the 4-H Club and Future Farmers of America. These organizations must still comply with Chapter 4 of the Tucson Code; or,
- (3) Rabbits, rodents, and invertebrates, such as worms.

b. Animal Units as defined in Section 11.4.2 are used as a basis for determining the maximum number of small farm animals permitted.

c. Animal units are assigned as follows:

<u>Small Farm Animal</u>	<u>Units per Animal</u>
<u>Chicken</u>	<u>1</u>
<u>Duck</u>	<u>2</u>
<u>Turkey or Goose</u>	<u>4</u>
<u>Miniature Goat (female or neutered male only)</u>	<u>5</u>

d. The maximum number of animals permitted is the lesser of two (2) Animal Units per 1,000 square feet of gross site area or a maximum total Animal Units as follows:

<u>Gross Site Area</u>	<u>Maximum Number of Total Animal Units Permitted</u>
<u>Less than 16,000 sf</u>	<u>24</u>
<u>16,000 sf to 143,999 sf</u>	<u>36</u>
<u>144,000 sf or more</u>	<u>48</u>

e. It is recommended that when miniature goats are being kept that there be at least two because they need the companionship of at least one other goat for their well-being.

Comment [A82]: See Appendix A for an explanation of how to calculate the maximum number of small farm animals permitted and hypothetical comparisons of the current vs. April 2014 draft vs. September 2014 draft regulations.

Comment [A83]: The fixed number approach (i.e. 8 fowl, plus 3 of another type of small farm animal) proposed in the April 2014 draft was too inflexible and did not make adjustments for properties of different sizes. The September 2014 draft reverts back to the Animal Unit system proposed prior to the April 2014 draft. The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture ordinance, an online calculator will be available on the City website to assist people determine the maximum number of permitted animals for their properties.

Comment [A84]: 1) Exemption (1) is proposed in order to maintain the status quo of the agricultural-related uses in the Rural and Suburban Residential zones.

2) Exemption (2) is proposed because these types of organizations: 1) are currently exempt from some uses within the Animal Production use; 2) further the goals of the Sustainable Code Project; and, 3) would still have to comply with the setback, location, and other requirements of this Section 6.6.5.

3) Exemption (3) is proposed because it is impractical and unfeasible to apply the limits in this section given the high rate these animals reproduce and in the numbers they are generally kept.

Comment [A85]: The previously proposed Animal Unit approach assigned values to each permitted animal using decimal fractions (e.g. 0.1 points for chickens and 0.5 points for goats), which was confusing and made it more difficult to calculate the maximum number of small farm animals permitted. The proposed approach is to use whole numbers to address this issue.

Comment [A86]: See Appendix A for a comparison of the current and proposed permitted number of animals.

Comment [A87]: These proposed limits were proposed prior to the April 2014 draft. The proposed limits on the number of small farm animals permitted results in more reasonable number of animals that may be kept on larger lots.

Comment [A88]: Added at the request of a goat farmer.

5. Shelter and Enclosure Requirements

- a. Animals shall be kept within a fenced area or shelter at all times and reasonably protected from weather.
- b. 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. Shelter location and setback requirements are provided in Section 6.6.5.F.6.
- c. Animals are prohibited from running at large within the city; however, animals may run freely in the side and rear yards provided the yard is enclosed by a fence or wall and there is a shelter accessible to the animal(s).

6. Location and Setback Requirements

- a. Small farm animals and shelters are prohibited in the buildable area extending the full width of the lot between the principal building and the front street lot line. Small farm animals and their 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, the principal dwelling unit 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 must be setback in accordance with Section 6.6.2.D and also be at least 20 feet from the principal dwelling unit on an abutting property. Exceptions: A setback is not required from property lines abutting alleys or other types of rights-of-way or easements or when adjacent to a nonresidential use.

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

8. 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. It is recommended that small farm animals be tended to at least two times per day.

~~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.~~

Comment [A89]: This will better ensure that small farm animals have adequate space to roam, while at the same time, provide an acceptable level of assurance that the animals will stay within the yard.

Comment [A90]: In response to comments received at the public meetings, this proposed change reverts to what was proposed prior to the April 2014 draft.

Comment [A91]: It has been generally understood for years that accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping; however, until this proposal, it has not been clearly articulated in the UDC. This and similar provisions in the other proposed urban agricultural accessory uses have been consolidated into proposed Section 6.6.2.K.

Comment [A92]: The previous draft (i.e. April 2014) allowed requests to increase the permitted number of small farm animals in accordance with the Design Development Option (DDO) procedure; however, staff has determined that the DDO is the inappropriate procedure for considering such requests.

With the exception of community gardens and urban farms, requests to increase the permitted number of small farm animals will be processed in accordance with the Board of Adjustment Variance Procedure, which requires more expansive notification to surrounding property owners and a public hearing. Requests to increase the number of small farm animals permitted at a community garden or urban farm would be considered in accordance with the 50' Notice Procedure.

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, IR, P, and RV 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 Citywide online, in the newspaper, and signs posted off-site in the neighborhood. Events advertised by signs posted on-site or in the neighborhood only or to members or subscribers to a listserv or social networking service dedicated to the growing, producing, or selling of agricultural goods) are exempt for this Section 6.6.5.G.4.a;
 - b. In the commercial, mixed use, industrial NC, RVC, and MU 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.

Comment [A93]: The September 2014 draft revises the proposed term "advertised event" to exclude events that are advertised via signs posted on-site or in the neighborhood only or posted online accessible by members or subscribers only.

SECTION 7: 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
	* * *
RETAIL TRADE USE GROUP	1 space per 300 sq. ft. GFA, except as follows:
	* * *
Home Improvement Center	1 space per 12,000 sq. ft. GFA. Maximum requirement is 10 spaces.
<u>Farmers' Market (when operated outdoors only) and Swap Meets</u>	<u>1 space per 300 sq. ft. of display and sales area only, excluding vehicular use areas</u>
<u>Auctions</u>	<u>1 space per 100 sq. ft. of seating area only</u>

Comment [A94]: The proposed parking requirement only applies to proposed principal uses, not accessory uses.

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
AGRICULTURAL USE GROUP	None.	None.
* * *		
RETAIL TRADE USE GROUP*		
Retail Trade Uses Less Than 50,000 sq. ft. GFA	1 space per 5,000 sq. ft. GFA. Minimum requirement is 2 spaces.	1 space per 12,000 sq. ft. GFA. Minimum requirement is 2 spaces.
Retail Trade Uses 50,000 sq. ft. GFA - 99,999 sq. ft. GFA	1 space per 6,000 sq. ft. GFA.	1 space per 12,000 sq. ft. GFA.
Retail Trade Uses More Than 100,000 sq. ft. GFA	1 space per 7,000 sq. ft. GFA. Maximum requirement is 150 spaces.	1 space per 12,000 sq. ft. GFA. Maximum requirement is 50 spaces.
*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		
Farmers' Markets or Swap Meets	1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.	None
Auctions	None	None
* * *		

Comment [A95]: The proposed parking requirement only applies to proposed principal uses, not accessory uses.

**SECTION 8: 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. Uses in the Agricultural Use Group 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. Uses in the Agricultural Use Group are exempt from the screening requirements of Section 7.6.5, Screening Standards.

SECTION 9: 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

The Agricultural Use Group includes Land Use Classes that involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group.

A. 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.

B. Community Garden

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

C.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.

D.C. General Farming

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

E.D. 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.

F. Urban Farm

The growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes in urban areas. Compatibility standards apply to mitigate potential nuisances to nearby residential and nonresidential development. Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

Comment [A96]: The proposed Community Garden use is no longer proposed a subtype of Urban Agriculture. Instead, it will be its own stand-alone use and alphabetized within the Agriculture Land Use Group accordingly. The definition is the same as that proposed in the April 2014 draft.

Comment [A97]: The proposed change would allow the off-site sale of agricultural products.

11.3.9. RETAIL TRADE GROUP

B. Food and Beverage Sales

The retail sale of food or beverages for consumption off the premises, such as bakeries, butcher shops, grocery stores, and liquor stores.

i. 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

Accessory Use or Structure

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.

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 Ratite 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 for the purposes of applying the small farm animal standards in the UDC.

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.

Animal Unit

A unit of measurement to compare various animal types based upon equivalent waste generation.

Comment [A98]: The September 2014 draft reclassifies the proposed farmers' market use as a subtype of the Food and Beverage Sales because the type of products sold are more similar to this use than the Swap Meets and Auctions use. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction's use-specific standards. The proposed permitted zones are the same as those proposed in the April 2014 draft. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions use.

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).

Comment [A99]: The exclusion of geese is more restrictive than current regulations, and, is therefore being removed from the proposal.

| 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.

Glean(ing)

The act of gathering grain or the like after the reapers or regular gatherers.

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

Home Occupation

A land use activity carried out for financial gain by a resident, on the resident's property, conducted as an accessory use to the Family Dwelling or Mobile Home Dwelling use on the property.

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

Miniature Goat
See Goat, Miniature

11.4.17 DEFINITIONS – P

Passive Greenhouse
See Greenhouse, Passive

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

11.4.20 DEFINITIONS – S

Small Farm Animal
See Animal, Small Farm

11.4.22 DEFINITIONS – U

Urban Agriculture
The practice of producing food locally through the cultivating, processing, distributing, selling, or gleaning of agricultural products and other related activities in the City and may involve horticulture, aquaculture, and animal husbandry. The specific urban agriculture uses are provided in Section 6.6.5.

SECTION 10: 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)~~

~~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 III. DISEASED ANIMALS

Secs. 4-46 – 4-5354. Reserved.

ARTICLE IV. FOWL

Comment [A100]: This proposed change eliminates the conflicting setback requirements between the UDC and Tucson Code.

Sec. 4-54. Applicability.

The following uses are subject to this Article IV. Fowl:

- (1) Keeping of fowl as an accessory use in the RH, SR, SH, RX-1, IR, MU zones;
- (2) Animal Production (accessory or principal use);
- (3) General Farming (accessory or principal use);
- (4) Stockyard Operation (accessory or principal use);
- (5) Home Occupation: Animal Production, Crop Production, General Farming, and/or Stockyard Operation uses.
- (6) Non-profit, agricultural-related organizations, such as the 4-H Club and Future Farmers of America

Exception: The keeping of fowl permitted with uses or zones other than those provided in Section 4-54(1 – 6) are subject to Chapter 23B, Unified Development Code, Section 6.6.5.F only and are exempted from Section 4-54.

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~~
It is unlawful for any person to keep or maintain within the city more than 50 ~~twenty-four (24)~~ fowl.
~~(1953 Code, ch. 4, § 33, Ord. No. 2178, § 1, 6-19-61)~~

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 23B 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)

Sec. 4-60. Keeping pigeons.

Comment [A101]: This revision is consistent the Applicability standards in proposed Section 6.6.5.F of the UDC.

Comment [A102]: The proposed increase to 50 is consistent with the caps proposed in Section 6.6.5.F.4.

Except as otherwise provided, it shall be unlawful for any person to keep any pigeons within the city unless they are securely housed or cooped so as to prevent them going at large; however, pigeons bearing a seamless leg band, issued by a recognized association of pigeon fanciers, may be released for exercise, performance or the commencement of races, within the corporate limits of the city, upon the condition that the owner or person who has possession of such pigeons shall not permit them to alight upon buildings or property of others.

(1953 Code, ch. 4, § 37; Ord. No. 2997, § 2, 4-24-67)

Sec. 4-61. Penalties.

A violation of this article is punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). No judge may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years' probation, or any combination thereof.

In addition, the judge shall order abatement as necessary.

(Ord. No. 7241, § 9, 7-3-89)

Secs. 4-62--4-70. Reserved.

DRAFT

APPENDIX A: HOW TO CALCULATE THE MAXIMUM NUMBER OF SMALL FARM ANIMALS PERMITTED

The following information is based on the proposed standards in Section 6.6.5.F.4.

Step #1 – Calculate the maximum number of Animals Units permitted:

Maximum Animal Units permitted = (Lot size of property/1,000 square feet) x 2

For example – On a 7,000 square foot lot, a maximum of 14 Animal Units are permitted (7,000 sf/1,000 sf) x 2 = 14)

Step #2 – Calculate the maximum number of animals permitted based on the results from Step #1:

Maximum number of animals permitted = Maximum Animal Units permitted from Step #1/the Animal Unit assigned to the specific type of small farm animal

For example – On a 7,000 square foot lot:

A) 14 chickens maximum are permitted (14 Animal Units/1 Animal Unit per chicken = 14); OR,

B) 4 chickens and 2 miniature goat maximum are permitted (4 Animal Units total for 4 chickens + 10 Animal Units total for 2 miniature goat = 14)

APPENDIX B: COMPARISON OF THE CURRENT AND PROPOSED LIMITS ON THE NUMBER OF SMALL FARM ANIMALS PERMITTED

Number of Permitted Chickens Comparison

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000
Current Regulations*	24	24	24	24	24
Proposed Regulations: Animal Unit**	10	14	24 (cap = 24 AU)	36 (cap = 36 AU)	48 (cap = 48 AU)

* Contingent on the shelter being at least 50 feet from any property line.

** Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the affected residence.

Number of Permitted Miniature Goats Comparison

	Lot Size (square feet)				
	5,000	7,000	16,000	144,000	188,000
Current Regulations*	Not specified	Not specified	Not specified	Not specified	Not specified
Proposed Regulations: Animal Unit	2	2	4 (cap = 24 AU)	7 (cap = 36 AU)	9 (cap = 48 AU)

* Shelters have to be at least 50 feet from any property line.

** Proposed setback: shelters would have to be at least 20 feet from the principal residence on the abutting lot. Shelters over 6 feet in height and 16 square feet in area would also have to set back at least 6 feet from the property line shared with the affected residence.

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Summary of the Urban Agriculture Text Amendment

The following information was provided at the March 4, 2015 study session and is here for the Planning Commission's convenience to see summaries of the urban agriculture text amendment provisions.

In May 2011, the Mayor and Council gave direction to pursue the Sustainable Land Use Code Project following the recommendations of the Sustainable Code diagnostic report prepared by the consultant, Clarion Associates and reviewed by the Planning Commission, community stakeholders and staff. A key portion of that project was the development of urban agriculture zoning provisions.

Since that initiation, the Planning and Development Services has devoted their resources to several priority projects such as the Land Use Code Simplification Project, the Main Gate District rezoning, and most currently the revisions to the Infill Incentive District. In 2013, City adopted Plan Tucson and the voters approved it with the inclusion of a land use policy supporting the creation of urban agriculture zoning provisions.

Since 2011 there has been progress in creating urban agriculture zoning standards. During 2013 a stakeholders committee worked on a draft document. After a draft document was created, a second task force reviewed it again for concerns regarding compatibility with existing neighborhoods.

Finally, in 2014 there were a series of four public meetings where the stakeholder committee draft was reviewed and culminated in the creation of a September 2014 draft that attempted to address concerns raised at the public meetings occurring in May, June, and July.

The September 2014 draft was presented at the October 2014 public meeting to explain the changes made based on input from the three previous 2014 public meetings. It has been available on the Planning and Development Services website since October 2014 annotated with information about recent changes.

In addition, the September 2014 draft was presented to the Planning Commission in December 2014. At that time, staff told the Commission that because of the complexity of the Infill Incentive District draft and its upcoming sunset date in January 2015, staff would be focused on finalizing that ordinance prior to bringing forward the urban agriculture ordinance.

In assembling the draft, staff has used three key principles as guides: 1) keep the draft, as is reasonable, similar to the stakeholder draft; 2) do not, as is practical, make any standards more restrictive than current standards; and 3) try to use as an influence the long-held local traditions of urban agriculture practices. The attached draft ordinance is the September 2014 version. Staff is continuing to review it for improvements and will recommend some at the next study session.

Below is material presented at the March 4, 2015 study session to help the Commission become more aware of the key changes recommended in the September 2014 draft.

Article 3 - General Procedures -

50' Notice Procedure – This procedure allows for increasing small farm animals at community gardens and urban farms - The draft proposes allowing consideration of these requests for these uses only via the 50' Notice Procedure because there are instances when community gardens and urban farms have the capacity to humanely keep more animals and either do not have, or can easily mitigate neighborhood adjacency issues. All other increases in small farm animal numbers would require a Board of Adjustment variance.

Design Development Option – This procedure allows for reducing the setback for small animal shelters. The DDO procedure has traditionally been used for minor dimensional adjustment where no nuisance is created. It was expressed at the 2014 public meetings as necessary to allow adjustments especially in situations where urban agriculture practices in residential areas has a longstanding acceptance.

Article 4 - Zones –

Zones' Purpose Statements – Acknowledges that urban agricultural uses and activities may occur in these zones. These changes add a phrase or word about agriculture in the purpose of the zones to make clear that urban agriculture practices are accepted.

Use Table Amendments – Clarifies what principal urban agriculture uses in the use tables are allowed in the various zones.

Community Garden is a new principal use and was previously categorized as a land use type of Urban Agriculture land use class. It is relocated as its own land use class as a primary permitted use and alphabetized within the Agriculture Land Use Group.

Urban Farm is a new principal use and was previously categorized as a land use type under the Urban Agriculture land use class. It is now reclassified as its own land use class and a primary permitted use in the Agriculture Land Use Group. The Urban Farm use intends to distinguish agricultural activities in urban areas versus the Crop Production and General Farming uses conducted in rural and suburban area. Compatibility standards are required of an Urban Farm to address residential adjacency issues. An Urban Farm is no longer proposed as a permitted use in the IR zone, because Crop Production is currently permitted in this zone. The proposed permitted zones (all office, commercial, mixed- use, and industrial zones and all of the special use zones except OS) and use-specific standards are the same as previous drafts. It is mainly permitted in non-residential zones.

Farmers' Market – Farmer Market is considered a light industrial use like a Swap Meet in the current code. The draft reclassifies Farmers' Market use as a principal use and a land use type of the Food and Beverage Sales land use class because the type of products sold are more similar to this use than the Swap Meets and Auctions land use class. The proposed permitted zones remain the same. The reclassification simplifies the proposal by eliminating the need for exceptions to the Swap Meet and Auction land use class' use-specific standards.

The proposed permitted zones are the same as those in previous drafts. As part of the reclassification, less restrictive use-specific standards are being proposed than those required of the Swap Meets and Auctions land use class. The reason is in the Swap Meet and Auction land use class it was looked at as more a form of swap meet-type use versus the current proposal where it is a means to distribute urban agriculture products on a regular or intermittent basis.

Proposed changes to the NC, RVC, and MU zones to accommodate Farmers' Markets is not necessary since Food and Beverage Service is currently permitted in the NC and RVC zone and a special exception in the MU zone.

Crop Production remains a principal use and maintains the same permitted zones and applicable use-specific standards currently required of the use. The reason is the use was kept as-is in response to numerous stakeholder requests to avoid inadvertently creating nonconforming uses. Additionally, this land use class' use specific standards in the draft make it possible to locate less intrusive greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses. Mechanically cooled or heated greenhouses may require substantial setbacks to mitigate for a potential noise nuisance.

Use Specific Standards(USS) Amends and adds specific conditions applicable to the primary uses of Community Gardens, Urban Farms, Farmers' Markets and Crop Production and clarify how these uses operate as home occupations. Note the use-specific standards are in addition to other dimensional and development standards applicable for that project's zone in UDC's Articles 6 and 7. The use-specific standards take precedence if there is a conflict between the use-specific standard and the other standards

Community Garden - As noted Community Garden is a land use class of the Agricultural Land Use Group. The USS allow for increased small farm animals related to a notice and mitigation procedure.

Small farm animals would be kept within the enclosed and sheltered within the confines of the Community Garden. They would be able to roam freely in the garden space but would still be confined.

Other standards are related to keeping greenhouses with increased setbacks. An example is those with mechanical heating and cooling. Passive greenhouses with only evaporative

cooling would not be required to have special setbacks. Composting and on-site sales as accessory uses are allowed per the standards spelled out in Article 6, where urban agriculture accessory use and activity issues are located. In residential zones, community garden accessory structures may be located between the Community Garden area and the front setback line.

Urban Farms - Urban Farm standards allow for growing and harvesting agricultural products in mainly non-residential zones. The keeping of small farm animals is allowed as in Community Gardens as an accessory use. That is, with the fifty-foot notice procedure the number can be increased above the maximum numbers using mitigation provisions. The standards for small farm animals are in Sec. 6.6.5 where the urban agriculture accessory and activity standards are located.

Further, Urban Farms have a set of nuisance mitigation standards proposed in response to concerns raised about the potential negative effects Urban Farms could have on nearby residences and businesses. The proposed standards are based on the performance standards applied to uses in industrial zones.

Greenhouses are permitted as an accessory or principal structure. Depending on the greenhouse being mechanically heated or cooled or classified as a passive greenhouse, the urban agriculture accessory use standards (Sec. 6.6.5) for reducing negative impacts apply.

The USS also make cross-references to composting and on-site sales in the urban agriculture accessory use and activity Section 6.6.5.

Farmers' Markets - The amended Use Tables show Farmers' Market as a principal use allowed in non-residential zones. The proposed Farmers' Market use is being reclassified as a land use type of the Food and Beverage Sales because the products sold are more similar to this use than Swap Meets and Auctions. Farmers' Market is re-defined as mainly a use held in the open or a building that displays, sells, barter agricultural products with a small amount of craft-related products.

The proposed permitted zones remain the same. The USS point out restricting loudspeakers, requiring a dust proof area, and limiting craft sales. Parking and loading standards are noted in Article 7 (Development Standards).

Crop Production - Crop Production is already a principal use in many residential and rural zones. The amount of flexibility of establishing this use is not being restricted. There is a clarification on accessory use of a greenhouse to comply with in Section 6.6.5. The proposed change makes it possible to locate greenhouses in urban areas. The proposed standard differentiates between passive and mechanically cooled or heated greenhouses.

Passive greenhouses create no more of a potential nuisance than other types of accessory buildings that are not required to set back 200 feet from every property line. The

proposed standards for mechanically cooled or heated greenhouses mitigate for a potential noise nuisance by requiring increased setbacks 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.

Residential Use Group – Home Occupations - Family Dwellings and Mobile Home Dwellings are principal uses of the Residential Use Group. They both may have Home Occupation Accessory Land Uses. The key to a home occupation is that it is clearly secondary to the principal residential use of the property.

The USS changes here attempt to make it clear that urban agriculture uses that are allowed as home occupations must meet the basic standards of a home occupation and be in accordance with the urban agriculture accessory use and activity mitigation standards in Section 6.6.5.

However, where the growing area of a home occupation that is an outside area of Crop Production or Urban Farm, the growing area may be an area greater than the area of the dwelling. A greenhouse, however, must meet accessory use limits on size. Urban agriculture uses are only allowed as home occupations when that use is permitted as a principal use in that zone also.

The current draft gives two potential options, that is, a general and detailed option on how to list urban agriculture home occupations in the Residential Use Group. Staff believes both can work but recommends the general option for its brevity while also being a clear standard.

ARTICLE 6 - Dimensions, Measurements and, Accessory Uses, Buildings, and Structures

Article 6 contains some of the key provisions of the urban agriculture amendment. It discusses how various accessory uses of gardening (Community Gardens, Gardens, Urban Farms) and distributing (Farmers' Markets, On-site Sales of produce) work. Most important is it establishes the Small Farm Animal standards as an accessory standards to both residential and non-residential uses.

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). Unless exempted, an accessory use also has to comply with Sections 6.6.3 (Specifically within Residential Zones) or 6.6.4 (Specifically within Nonresidential Zones), whichever is applicable.

This proposal introduces a new 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 is intended to minimize redundancy and prevent conflicting standards with other accessory use standards.

6.6.2 Accessory Buildings And Structures - The amendment in this section allows for a setback exemption for structures having up to six feet in height and up to sixteen square feet in area for animal shelters that currently have no setback and are allowed to be five feet high and ten square feet in area. Staff learned in the public meetings that the new size generally accommodates a person entering the shelter for cleaning, feeding and so on than the previous size limits.

Additionally, this section sets a 20-foot setback for all other animal shelters. This amendment corrects a conflict between the Animal Code (Tucson Code Chapter 4) requiring a 20-foot setback and the Unified Development Code requiring a 10-foot setback. The more restrictive setback would prevail and this change removes the conflict.

This section also clarifies other existing animal shelter setback requirements for large farm animals to make a better distinction between them and the urban agriculture small farm animal standards.

There is also a standard that clarifies accessory buildings do not have to provide additional parking, loading, and landscaping features.

6.6.5 Urban Agriculture Uses And Activities And Farmers' Markets -

Accessory Community Garden - It is allowed in any zone as an accessory use subject to a list of standards to assure it does not cause a nuisance in especially a residential area. An Accessory Community Garden may request to keep greater numbers of Small Farm Animals through using a fifty-foot notice procedure.

In all cases, the keeping of Small Farm Animals must remain accessory to the growing of agricultural products. The accessory Community Garden also has similar standards to principal use Community Garden related to composting, greenhouses, on-site sales, the location of accessory buildings in the front of a lot, and the location of the actual growing area. Standards on signs and outdoor lighting are the same as the current code.

Composting – It is permitted as an accessory use provided it is actively managed to control any potential nuisance to surrounding property and is in compliance with the conditions provided to reduce any negative impacts. The City may require termination of the composting activity if a condition(s) is violated.

Accessory Farmers' Markets – More restrictive standards first introduced in earlier drafts have been removed. Instead they would be permitted as an accessory use to a church, school, or park. The standards restrict hours of operation and number of days in residential zones. Sales and distribution of produce is the primary purpose of an accessory Farmers' Market. Non-agricultural products should be accessory to sales of produce. Sign and lighting standards are the same as the current code. Like the principal use the retail are must be dust proof.

Gardens - Outside gardens are allowed and exempt from any regulation. Further, gardens may be located in the lot's buildable area extending the full width of the lot. Accessory Greenhouses are regulated by setbacks mainly dealing with potential noise from mechanical equipment.

Accessory Greenhouses – They are a permitted accessory use. On most residential lots they would be required to be behind the primary dwelling. On a lot where a Community Garden or Urban Farm is the principal use the Greenhouse may be located in the front of the principal growing area. There are special setback or mitigation standards for Greenhouses with mechanical equipment. Whereas a Passive Greenhouse, that is one with no or unobtrusive mechanical equipment, must meet regular accessory structure setback standards.

Accessory On Site Sales - Sales are limited to products grown on-site including eggs. Outdoor sales are permitted. There may be four events per year and no event can exceed three days. For commercial and industrial zones and uses there is not an event. The draft revises the proposed term “advertised event” to exclude events that are advertised via signs posted on-site or in the neighborhood only or posted online accessible by members or subscribers only. In other words, local events for the neighborhood are not regulated by this provision. Internet sale of products is exempt from these regulations.

Currently, accessory uses, buildings, and structures do not have to provide additional parking, loading, and landscaping. However, it has not been clearly articulated in the UDC. This draft makes this point clear by consolidating this exemption in the new Section 6.6.2.K.

Small Farm Animals – The accessory Small Farm Animal standards represent one of the most complicated and controversial parts of the urban agriculture zoning policy. Section 6.6.5.F along with Chapter 4, Animals and Fowl of the Tucson Code regulate the keeping of Small Farm Animals. In the case of a conflict, Section 6.6.5.F controls.

In keeping with the objective to leave already permitted agricultural uses in rural and suburban zones, the keeping of Small Farm Animals in rural and suburban zones like RH, SR, SH, RX-1 and RX-2 are exempt from Section 6.6.5.F

Small Farm Animals are defined in Article 11 (Definitions). Further, Section 6.6.5.F sets maximum numbers of Small Farm Animals permitted on a lot by using a unit of measurement called an Animal Unit.

The Animal Unit is a type of measurements allowing the property owner more than one type of animal but limits the overall number of animals on the property. It assigns a number to a single animal based on size and typical patterns of animal raising.

The Animal Unit approach is a more nuanced approach, which takes into account the type of animal(s) being kept and the lot size. As part of implementing the adopted urban agriculture ordinance, an online calculator will be available on the City website to assist people in determining the maximum number of permitted animals for their properties.

Previous drafts used a fixed number approach allowing maximums for each animal group. During the public meetings, it was criticized as being too inflexible and did not make adjustments for properties of different sizes.

There are three exemptions to the Animal Unit measure: 1) animals already allowed in rural and suburban zones, 2) the raising of non-profit animals as in the 4H Club, and 3) rabbits, rodents, invertebrates such as worms. The third exemption group is proposed because it is impractical and unfeasible to apply the limits in this section given the high rate these animals reproduce and in the numbers they are generally kept.

In all cases all animals being raised in the City must comply with the Tucson Code's Chapter 4 on standards related to cruelty including inhumane conditions.

As already mentioned in responses from the public meetings, there are setback and location requirements of shelters. For Community Gardens and Urban Farms there are procedures to get a waiver to a limit on animal numbers. In addition, the Design Development Option is available for adjustments on shelter locations.

During the public meeting process staff was asked to consider some type of affordable waiver procedure for property owners that already had animal pens that were not permitted but appear to fit into their surroundings without being considered a nuisance.

Staff will return at the next study session with sample language for the Commission to consider. Its likely components will be for existing pens where there have been no neighborhood initiated zoning violations, and where there is a basic inspection of the structure for safety reasons and potentially required improvements if there is a safety issue involved.

Article 7 Parking and Landscaping , Screening Standards - For urban agriculture uses the parking, landscaping and screening requirements do not apply to accessory uses. However they apply, for example, to principal uses like Farmers' Market. When a Farmers' Market operates on a limited basis in a shopping center or church parking lot it is considered an accessory use and does not have to provide additional parking above that of the principal use on the property. With the exception of Urban Farm the other agricultural uses such as Community Garden are not required to provide parking whether they are a principal or accessory use.

Article 11 Definitions - The urban agriculture related definitions are provided in the Unified Development Code's Definition section. It provides the definitions of the uses, activities, and other terms associated with urban agriculture. Generally, they cover key and associated terms related to gardening uses and activities, food distribution, and terms related to animal raising.

Gardening Terms - Urban Agriculture is the encompassing term referring to a form of agriculture that is part of an urban/suburban environment versus a rural setting. Other new terms include Community Garden, Urban Farm and Garden. The first two are key terms for newly recognized land uses that are becoming part of an urban setting. Garden is more of a recognition of a long traditional accessory use in residential areas. There is also a clarification of an existing term in the UDC General Farming stating that it can be used for more than personal use.

Also associated terms are defined like technology-related food raising systems like hydroponics and aquaponics. Greenhouses are clarified as being passive meaning quiet and mechanically heated or cooled referring to the potential of increased noise thus needing greater care in locating. Composting, which is a common biological process to fertilize most gardens, is also defined.

Food Distribution Term - Farmers' Market is a current use in the UDC but has been understood to be like a Swap Meet. This new definition makes it clear that it is primarily for local growers to sell, display, and barter local produce and some supplemental craft products.

Animal Terms – A key new term is Small Farm Animals which clarifies a distinct set of animals using certain mitigation techniques that may fit into settings other than rural settings. To distinguish between more rural animals there is a new term Large Farm Animals that includes horses, cattle etc. Also the term Miniature Goat is defined to distinguish between regular size goats. Fowl is defined and includes geese since they have been included in the past. A new important term is Animal Unit that it the basic measuring concept for the allowed number of Small Farm Animals. The amendment also clarifies that an Animal Shelter is a particular type of enclosure.

Tucson Code, Chapter 4 Animals And Fowl

The urban agriculture zoning amendment has also provided an opportunity to better coordinate the standards in Chapter 4 (Animals And Fowl)with the UDC's new Section 6.6.5.F (Accessory Small Farm Animals). The proposed amendments to the Tucson Code's Chapter 4 attempt to eliminate redundancy and conflicting standards like animal pen setbacks.

Some of the changes include making the applicability of Chapter 4 consistent with the UDC and clarifying numbers so the two sets of standards match and are not in conflict.

There are provisions in Chapter 4 that remain the same and still apply to all situations. For example, chickens and similar small farm animals must be confined and their shelters must be kept in a clean and sanitary condition. Further, male fowl are still prohibited within City limits.

Conclusion: The urban agriculture zoning policy was endorsed as a needed amendment to the Unified Development Code by the voters when they approved Plan Tucson, the City's General Plan in November 2013. This draft ordinance has gone through several phases of public review including a stakeholder committee, and several general public meetings since 2012 through 2014. At this point, it is now under the Planning Commission's review.

The attached draft, known as the September 2014 draft, has incorporated changes based on the input from the public comments received. The draft has been reviewed along side the Tucson Code's Chapter 4 Animals and Fowls to eliminate any redundancy or inconsistencies.

The proposed draft attempts to use the public input, not create more restrictive zoning standards than already exist, and also use local urban agricultural traditions as influences. At the same time it attempts to more clearly state the parameters of allowing the growing and distributing of local agricultural products on an individual lot as well as in a local distributing setting.

The draft should be continued to be reviewed to address new concerns raised by the Commission, as well as improve its clarity and refine any provision.

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Animal Units for Urban Agriculture

Merrill Eisenberg, Ph.D.

Prepared for the Tucson Planning Commission Study Session

April 1, 2015

What is an Animal Unit and How Is It Used?

The Animal Unit (AU) is a measurement that allows for the calculation and comparison of animal needs and impacts across species. AUs were first described in 1955 as a tool for range management.¹ By creating a common, cross-species metric AU's allow for comparison of animal needs and impact. For example, using the standard calculation of AU's for beef cows and sheep, one beef cow is the equivalent of 6 sheep. The concept has been utilized in the regulation of many range livestock and industrial animal production activities, such as:

- Determining grazing fees on Federal land²
- Calculating livestock forage demand³
- Establishing stocking rates⁴
- Calculating environmental impact from manure production⁵
- Determining the cost of the USDA's Comprehensive Nutrient Management Plans⁶
- Setting zoning thresholds for large-scale animal production⁷

Assignment of Animal Units For Large Scale Animal Production Contexts

Table 1: Sample Animal Units For Large-Scale Production: Based on Average Weight vs Weight Plus Feed Requirements		
<i>Animal</i>	<i>AU's based on Average Weight</i>	<i>AU's based on Weight Plus Feed Requirements</i>

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AUs were originally developed for application to large-scale animal production activity such as concentrated feeding operations, large ranches, and grazing contracts. Several methods are used to assign AUs to various species. They are usually calculated on the basis of the animal’s weight. A 1000-pound beef cow is used as the reference. Sometimes feed requirements of the animal are also factored into the assignment of AUs. **Table 1** shows AUs calculated using both methods for some common animals.

		<i>s</i>
Beef cow	1	1
Horse	1.1	1.27
Domestic sheep	.13	.18
Nanny Goat	.09	.16

Animal units have been applied to poultry in some large-scale production settings. The specific calculations used for assigning units to poultry are not always provided and in some cases takes the type of manure system utilized into account. The number of units assigned to one chicken ranges from .0025 for a chicken under 3 lbs in Concentrated Feeding Operations in Iowa, to .05 for “all fowl” in zoning regulations for livestock in Marion Township, Michigan. Chickens weights vary widely, depending on the breed. Hens one year or older can weight from 1.3 lbs for miniature Modern Game hens, to 9.5 lbs for Brahma hens.⁹ **Attachment 1** provides examples of AUs applied to chickens in a variety of geographic locations and uses, and references to the source of information.

Animals in Tucson’s Urban Backyard Settings

Current Tucson regulations allow 24 “fowl” (defined in the Tucson City Code 4-9 as “any kind of bird”) on in urban residential areas as long as shelters for these animals meet stringent setback requirements. The number of other animals that are kept for food purposes is not addressed in the City Code and appears to be prohibited by the Zoning Code, which limits “animal production” to suburban and rural zones. Nevertheless, many urban Tucson residents keep goats, sheep, and rabbits in their backyards for purposes of producing food, and few nuisance problems have ensued.

Urban Animal Units (UAUs) for Small-Scale Animal Production in Tucson

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The proposed zoning code amendments for urban agriculture were predicated on creating a system that supports local practice, is humane for the animals, and protects neighbors from potential nuisance. Since local practice currently includes keeping animals other than fowl, establishing a finite number of total animals permitted does not take into consideration the animals' relative impact on nuisance and neighbor issues. While 24 fowl are currently permitted, 24 goats would create a very different environment. Even among the various types of fowl, there is a big difference between 24 chickens and 24 turkeys, geese, or ducks.

A common, cross-species measure of an animal's impact on the neighborhood is needed to create standards for backyard animal production. Applying AUs based on animal weight to low numbers of small animals results in a system that uses very small decimals. For example, chickens AUs based on a 1000-lb cow range from .0025 to .05 (see above). To limit a backyard flock to 10 chickens (with no other animals), the number of AUs would be in the .025 to .5 range. Rather than create a system based on tiny fractions, I adapted the AU approach, using a chicken as the reference animal rather than a 1000-pound beef cow. I called this the Urban Animal Unit (UAU) to distinguish it from AUs based on beef cows.

No distinction was made for variance in weight between breeds. One Tucson backyard chicken keeper, who has 9 chickens of varying breeds reports that her chickens range in weight from 3 lbs 3 oz, to 6 lbs, with an average of 4lbs 15 oz. The weight of hens also varies by age. Accounting for these differences in assigning UAUs would be quite complicated and difficult to enforce. Further, I considered that the difference in impact of a small number of 4 lb chickens versus 6 lb chickens would be negligible. Therefore, I did not distinguish between breeds in assigning UAUs. One chicken = 1 UAU.

Table 2: Proposed UAUs for Tucson Backyard Animals	
<i>Animal</i>	<i>AUs</i>
Chickens, rabbits and guinea pigs	1

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UAUs were assigned to other types of animals based on their relative size, and my own estimate of the manure and noise nuisance they are likely to create, relative to one chicken. **Table 2** shows the number of AUs assigned to each type of animal. These assignments were originally based on a chicken being .1 UAUs, but were later converted to whole numbers to avoid decimals. Many local animal keepers and agriculture experts vetted these UAU assignments and there was consensus on the numbers that appear in the draft code amendment.

Ducks	2
Turkeys and geese	4
Miniature goats	5

Determining the Number of AUs Permitted in Tucson Urban Neighborhoods

Once a common measure of an animal’s impact on the neighborhood is established, the challenge is to determine how many UAUs should be permitted in Tucson neighborhoods. Factors that were considered include:

- The space requirements for the humane treatment of backyard animals. Chickens require 1.5-3 square feet of floor space, 4 inches of feed hopper space, and 2 inches of drinking fountain space,¹⁰
- The social requirements of some animals, particularly goats, which should be raised in pairs,
- The number of chickens it takes to provide enough eggs to feed a family and have some left over to share with friends and neighbors. Agricultural experts suggest “[a] flock of 18-20 laying hens should provide a family of five or six persons with at least one egg per person per day.”¹⁰ Somewhat higher numbers are required to account for non-producing hens (chicks and older hens that are no longer producing).

In 2011, I proposed three scenarios for determining the number of UAUs a resident may have:

1. Assigning UAUs by Zone
2. Assigning UAU’s by lot size
3. Assigning UAU’s by lot size, with a cap

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Applying UAUs based on zone is problematic because properties within zones vary greatly in size. For example, there are people living in R-1 zones who have 2-acre lots. They would be restricted to the same number of UAUs as people in R-1 with 7,000 sq. ft. lots even though their property could accommodate a much larger number of animals.

Applying UAUs based on lot size is more sensitive to the environment. Permitting 2 UAUs per 1,000 sq. ft. allows 14 chickens, or two goats and 4 chickens on a 7,000 sq ft lot. As lot size increases, the number of UAUs also increases. A 36,000 square ft lot would be permitted 72 chickens – far more than is appropriate for a backyard operation meant to feed a family.

In order to restrict backyard animal production to non-commercial purposes, the draft Code Amendment the draft Code Amendment utilizes the UAU by lot size with a cap. It stipulates that the maximum number of UAUs is the lesser of 2 UAUs per 1,000 sq ft or:

- 24 for properties less than 16,000 sq ft.,
- 36 for properties 16,000-143,999 sq ft,
- 48 for properties that are 144,000 sq ft or more

References

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- ¹ Scarnecchia, DL. "The Animal-Unit and Animal-Unit Equivalent Concepts in Range Science." Journal of Range Management. 38(4):346: 1095.
 - ² US Department of the Interior, Bureau of Land Management. "Facts Sheet on the BLM's Management of Livestock Grazing." Accessed online at: <http://www.blm.gov/wo/st/en/prog/grazing.html>.
 - ³ Waller Steven S., Lowell E. Moser, Bruce Anderson. A Guide for Planning and Analyzing a Year-Round Forage Program. Nebraska Cooperative Extension Service EC86-1134. Accessed online at: <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=2617&context=extensionhist>
 - ⁴ Using the Animal Unit Month (AUM) Effectively. Agri-Facts. "Practical Information for Alberta's Agricultural Industry". 2007. Accessed online at: [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex1201](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex1201).
 - ⁵ USDA Natural Resources Conservation Service. North Carolina. Animal Manure Management. RCA Issue Brief #7, December 1995. Accessed online at: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/nc/home/?cid=nrcs143_014211.

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- ⁶ USDA. Summary of CNMP Development and Implementation Costs. Accessed online at: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_012305.pdf.
- ⁷ Sagsveen, Murray and Francis Schwindt. History of the Development of a Model Zoning Ordinance for Animal Feeding Operations. North Dakota Department of Health. March 2000. Accessed online at: <https://www.ndhealth.gov/wg/AnimalFeedingOperations/AnimalFeedingZoningHistory.pdf>.
- ⁸ USDA "Animal Unit Equivalent Chart – Texas; Domestic Livestock, Native Wildlife, and Exotic Wildlife. Accessed on line at: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_002433.pdf.
- ⁹ Poultrypedia.com. "Poultry Body Weights." Accessed online at: <https://sites.google.com/a/poultrypedia.com/poultrypedia/poultry-body-weights>
- ¹⁰ New Mexico State College of Agriculture, Consumer and Environmental Science. "How to Keep A Small Poultry Flock." Accessed online at http://aces.nmsu.edu/pubs/_circulars/circ477.html.

Attachment 1

Various Animal Unit Values Applied to Chickens

Source	Applies to...	AU	Link
Iowa livestock CAFO regulation	Over 3 lbs	.01	http://www.mda.state.mn.us/animals/feedlots/feeldot-dmt/feedlot-dmt-animal-units.aspx
	Under 3 lbs	.0025	
Minnesota livestock operation permitting	With a dry manure system, over 5 lbs	.005	http://www.mda.state.mn.us/animals/feedlots/feeldot-dmt/feedlot-dmt-animal-units.aspx
	With a dry manure system, under 5 lbs	.003	
	With a liquid manure system	.033	

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Illinois	With continuous overflow watering With liquid manure handling system	.01 .03	http://web.extension.illinois.edu/ezregs/ezregs.cfm?section=viewregs_byq&QuestionID=196&searchTerm=&ProfileID=1
Manitoba Farm Practices Guide	All layers	.0083	http://www.gov.mb.ca/agriculture/livestock/production/pork/pubs/development-of-the-animal-unit.pdf
Marion Township Michigan, Zoning ordinances	All fowl	.05	http://mtwplc.com/Entire%20Zoning%20Ordinance.pdf

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Jim Mazzocco - Urban Ag questions

From: "beekerr2@netzero.net" <beekerr2@netzero.net>
To: <Jim.Mazzocco@tucsonaz.gov>
Date: 03/23/2015 3:49 PM
Subject: Urban Ag questions
Cc: <william.altaffer@azbar.org>, <kotwica5@cox.net>, <Rebecca.Ruopp@tucsona...>
Attachments: Translating Agriculture from Farms to Urban Settings.docx

Jim,
 Thanks for ensuring that this document and the following message is sent on to the commissioners.
 Thanks,
 Ruth

To: Planning Commissioners
 From: Ruth Beeker
 Re: Work of Urban Agriculture Task Force, Oct. 9, 2013 to Jan. 13, 2014
 Date: March 23, 2015

I was asked by Adam Smith to be one of 4 neighborhood representatives on an Urban Agriculture Task Force in Fall 2013. He also asked 4 urban agriculture advocates to serve. I believe it was with the intent that the 8 of us would identify and reconcile concerns. We met for 90 minute meetings on Oct. 9, Oct. 23, Nov. 13, and Dec. 11. The four neighbors attended each meeting; the urban agriculture advocates (one missed several meetings to birth a child) were joined by a number of others who participated as if they were committee members.

During the 2013 holiday break, I spent time drawing together what I felt were unresolved issues. I shared a draft of the paper, Translating Agriculture from Rural Farms to Urban Settings, (see attached), with Colette Altaffer and Ronni Kotwica, two of the other neighborhood representatives. They edited it and put their names on it also. On Jan. 13, 2014, I submitted it to Adam Smith for him to distribute it to relevant parties. On Jan. 14, Merrill Eisenberg, a committee member, provided a response. Adam sent it to us with the notation that we would discuss these documents at our next scheduled meeting, Jan. 21, 2014.

The Task Force never met again. On the evening of Jan. 14, Merrill attended a meeting of Urban Agriculture advocates where she distributed my e-mail address, so that people could contact me directly to make their case. The next day, I received 2 hate e-mails and a couple Facebooks began a heated discussion of the topic. Adam immediately asked that this activity be stopped. It was; I resigned from the task force; Adam never convened the group again.

I share this with you commissioners at this time to clarify the references in your March 4, 2015 memo from Ernie Duarte: first page, third paragraph, "a second task force reviewed it again for concerns regarding compatibility with existing neighborhoods" and pages 9-10, "This draft ordinance has gone through several phases of public review including a stakeholder committee." Please do not assume that the "review" resulted in any consensus or significant compromise to what is in the current draft. It did not.

Ruth Beeker

Translating Agriculture from Rural Farms to Urban Settings

Written by Ruth Beeker

Supported by Colette Altaffer and Ronni Kotwica

January 2014

Agriculture as practiced on local rural farms which measure their area in acres is notably different from agriculture in an urban setting where area most often is measured in square feet. In the Urban Agriculture section of PlanTucson and in the proposed Draft of Urban Agriculture Amendments to the Unified Development Code, I see neither these differences being acknowledged nor how the negative impacts would be mitigated. Banning roosters and uncastrated male goats from the City may be a start, but it leaves many unanswered questions about the challenges in raising food in urban areas of Tucson. Unless or until proponents of urban agriculture become specific in compiling what regulations and educational outreach are to be incorporated into the implementation of land code amendments, the general public is left to wonder how this recent national movement to encourage local food production in residential backyards or near-by vacant property would impact Tucsonans. How does an urban resident farmer in a desert climate where nature does not provide water for plants or shade and natural plant food for small farm animals compensate so that farm production is cost-effective and humane? How does the City regulate these new initiatives so that residents who choose not to participate in the movement do not see a decline in their quality of life? The exclusive focus on the benefits of urban agriculture does not address the legitimate concern of skeptics, some of whom already garden and/or raise chickens.

Some questions which I would like to see proponents of Urban Agriculture address:

Well-being of Small Farm Animals

General topics

What agencies oversee/regulate the humane treatment of each of the species allowed (chickens, rabbits, guinea pigs, miniature goats)?

Are there regulations for other types of small animals, such as ducks, geese, turkeys?

What educational materials are available to teach those starting out how to raise each species properly? How can the general public access this information to report any violations?

What regulations are now in place or need to be put into Tucson's law to insure inhumane practices are not tolerated?

What organizations assist animal owners who want to get rid of their animals? How do people know that they offer this service?

Land Use/Shelter topics

What building regulations are needed to insure that each species of small farm animal (chickens, rabbits, guinea pigs, and miniature goats) has adequate living conditions: minimum size of shelter per animal? minimum size of run space per animal? height of fencing around enclosure to contain animals and deter predators? setbacks from adjacent property lines? adequate protection from the cold, and more importantly, from the heat? Will the City require building permits for specific shelters to meet the needs of the animal population housed there? Will an animal farmer be required to have a shelter? Will existing shelters which do not meet code be grand-fathered in? How will the City know if an urban farmer is following the regulations of number of animals for the given area?

What regulations for care of the animals will be required to prevent nuisance violations of noise, odors, dust, rats, flies, etc.? Required clean-up of grounds? Proper disposal of animal waste? Storage of animal food? Will the City add provisions to the NPO or some other part of the code so that violations can be reported and legal action taken?

Specific Animal Concerns

Will the City of Tucson allow slaughtering of rabbits/guinea pigs/chickens/goats on residential lots? If so, is it only for personal consumption or can it be for commercial purposes? What is proper disposal of the remains? Other municipalities have on-line articles expressing concern about food safety? Who regulates that in Tucson?

Will the City of Tucson have special restrictions on miniature goats, such as requiring that a owner have at least 2 adults, that the kids (3-5 per breeding period) be removed within 12 weeks so that the goat's milk is available for human consumption; that kids be dehorned shortly after birth? Since miniature goats are not meaty and their milk is their only consumable product for 10 months after giving birth, should they be kept pregnant or be classified as pets (in a dog and cat category) rather than farm animals as Seattle has done? (Seattle restricts each residential unit to 3 pets.)

The demarcation between animals for food consumption and for pet companionship is muddy in urban agriculture. Unlike true farmers who do know which of their animals is part of a business enterprise and which are pets, I hear urban agriculture advocates speak of their chickens as I do my dog. I realize that not everyone shares my passion for dogs; likewise everyone does not share passion for chickens. If the City is to gain acceptance in codify the keeping of small farm animals, people who want nothing to do with those animals must be confident that the animals will not negatively impact their quality of life. Since chickens are the

only small animals that do produce a dependable edible product, would acceptance of them as a small farm animal to be raised in the City be more palatable to the general population than the raising of rabbits and guinea pigs which must be bred and butchered for their meat? Some people view both rabbits and guinea pigs as pets for young children. To suggest the City needs regulation for them to become a local source of food may be hard for some of us to swallow!

Economics of Food Production

When does the production of any food products (plant or animal) from a residential lot become great enough that the urban farmer is running a small business from his/her home? What licensing is required? What restrictions are on such a business? What department enforces that regulation? When does a backyard garden, with or without animals, become an urban farm?

How could community gardens and private growers unite to sell their excess products at locations which do not increase traffic on neighborhood streets? Should sales be limited to vegetables and eggs—no meat products?

How can the community unite behind the effort to provide fresh produce for those with limited incomes? To assume that people on limited incomes can afford the water bill which comes in maintaining an individual garden or to afford the standard prices at farmers markets seems to be wishful thinking. Should more community gardens in appropriate areas with subsidized water provided be encouraged? Who could take the lead in this?

The concept of urban farms has not been fleshed out. What minimum/maximum acreage is required if a plot of land is to be designated as an urban farm? How will surrounding neighbors know who owns the property and is the responsible party for any activity which occurs there? What farming activities are appropriate within the City? What animal production is allowed? Can animals be slaughtered there; if so, what regulations apply? What sales are allowed on site; if so, what regulations apply? Can special events be held there; if so, what regulations apply? What parking is required on site, for workers or visitors? Should urban farms be confined to non-residential zones rather than be allowed under special exception in residential zones since they are commercial enterprises and likely be using mechanized equipment on a year-round basis? What provisions should be in place to insure that soil is safe for growing plants? If allowed under special exception, and surrounding property owners find that the operation is much more disturbing than anticipated (since the concept is new), is there a means to get the special exception removed? Once soil has been plowed, it becomes a dust bowl if not watered; will there be requirements to prevent this? Instead of expecting neighboring property owners to research what they should be aware of and protecting themselves against any negative impacts, should not the code provide that regulation?

6.6.5.F.9 Existing Pen or Shelter Exemption

a. A shelter or pen for small farm animals that has existed for at least five years in a location that does not comply with the small farm animal pen/shelter setback standards from the effective date of this ordinance may apply for an exemption from the affected perimeter yard setbacks.

b. To qualify for the exemption the applicant must submit a PDSD approved site plan and the shelter or pen must meet the following criteria:

1) There is proof from an aerial or other source of the pen and shelter's existence within the qualifying time.

2) There are no Unified Development Code or Building Code enforcement violations involving the shelter or pen for the past five years submitted by a property owner within 300 feet of the subject property

3) The shelter and pen are approved as meeting basic safety requirements by PDSD

b. PDSD shall establish a single fee to cover all reviews and inspections required. After the third inspection if safety issues have not been addressed, the applicant must reapply and pay the fees again.

c. This exemption terminates on January 31, 2018.