



PLANNING COMMISSION

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

DATE: July 15, 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 study sessions on the draft Urban Agriculture Text Amendment on March 4, April 1, and May 6, 2015. Staff presented an overview of the draft which was the outcome of incorporating input received at four public meetings and three study sessions. At the study session, the Commission invited several members of the audience to come forward to give input on their participation, regarding the process and draft. Several people spoke about their support or concerns.

Recommendation: Staff recommends the Commission set the item for public hearing for August 19, 2015.

Planning Considerations: The main points of urban agriculture address: local food production and distribution in an urban setting and raising small food producing animals in numbers whose impact should not cause a nuisance. Farmers' markets, community gardens, and urban farms are ways to accommodate local food production and distribution. At the May 6, 2015 study session, staff recommended changing the term 'small farm animals' to 'food producing animals.' This term is the more common term used in urban agriculture policies nation-wide. In formulating changes to the draft, staff has attempted to adhere to six basis guidelines that arose during the public discussions of urban agriculture.

- Create urban agriculture zoning standards per Plan Tucson;
- Refer to local agricultural traditions as a guide;
- Have reasonable mitigation standards;
- Keep the Tucson Code, Chapter 4 Animals and Fowl, standards on animal cruelty and neglect and other nuisances in place;
- Note the land use class, Crop Production, remains a permitted use in residential zones; and,
- Do not make current civil infractions into misdemeanors.

These guidelines have been incorporated into the current draft, and have involved changes to the following sections:

- 3.3 *Zoning Compliance Review Procedures* – creates modification standards for animal numbers and accessory building setbacks.
- 4.7 *Zones - Purpose* – clarifies that urban agriculture uses exist in all zones.
- 4.8 *Use Tables* – lists the key urban agriculture principal uses.
- 4.9 *Use Specific Standards* – lists the specific standards for permitted urban agriculture principal uses.
- 6.6 *Accessory Uses, Buildings, and Structures* – sets up urban agriculture uses for animal numbers and accessory buildings.
- 7.4 *Motor Vehicle and Bicycle Parking* – sets up parking standards for urban agriculture uses.
- 7.6 *Landscaping and Screening* – sets up parking standards for urban agriculture uses.
- 11.3 *Definitions* – creates new definitions related to urban agriculture uses and issues.

Minor change to Tucson Code, Chapter Four (Animals and Fowl) – identifies the cross-references to assure there are no conflicts between Chapter Four and the new urban agriculture standards.

Staff included comments received from the May 6, 2015 Planning Commission study session in a matrix (Attachment B). The changes are now part of the July 2015 draft (Attachment A). The following minor changes are corrections to scrivener's errors, composition, use designations, and clarifications of vague requirements that occurred in the May 2015 draft. Listed below are key provisions that have been modified or were points of on-going public discussions.

Food Producing Animals (Sec.6.6.5.F.3) - Some stakeholders have no problem with certain numbers of animals and pen locations, while others are concerned with both. The 50' Notice Procedure is proposed to be used by community gardens, urban farms, and residential properties for pen setbacks and increasing animal numbers. Note that this provision states that if a property owner received written consent from adjoining owners, the property owner may conduct the activity in an approved location. Planning and Development Services retains permitting records for the property. The design development option can also be used for pen location adjustments.

Pen and Shelter Setbacks (Sec.6.6.5.F.5) - As for food producing animals, the proposal regulates small pens (six feet in height and no more than 16 square feet) to be allowed at the property line. Note this provision is modeled on a long standing interpretation that small animal shelters are permitted next to a side or rear property line. Further larger pens must meet a typical accessory structure setback equal to 2/3rds the height of the pen or be set back not less than six feet. In both cases the pen must be at least 20 feet from an adjacent property's single family dwelling. Larger lots of 36,000 square feet must have a fifty-foot setback for pens. The fifty-foot setback was introduced by the September 2014 draft, which assumed larger animal numbers and a larger lot to locate a pen.

Existing Pen Exemption (Sec.6.6.5.F.8) - Based on input during the 2014 public meetings 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. As of the May 2015 draft, staff has created a provision to address this issue. It is intended to be a less expensive alternative to review an existing pen assuming it has been in place prior to the ordinance adoption and has not caused any zoning violations since that time involves checking the structure for potential safety hazards. The exemption would be in effect for three years allowing pens existing at the time of ordinance adoption to apply.

4H Exemption to Animal Caps (Sec.6.6.5.F.3) - The 4H exemption for animal caps is still noted and was discussed at the May study session. There was some discussion of not having it since the maximum animal number provisions are currently proposed to be flexible. Assuming the maximum numbers remaining the same, staff has no objection to keeping it or removing it. If the maximum numbers are reduced, it may be better to keep the exemption, since there is a reduced likelihood of such a situation turning into a nuisance.

Miscellaneous Changes. Since the May 2015 draft, staff has found some minor issues requiring editing. In Sec. 4.9.2, the Community Garden use specific standards include in the green house standards the current 200-foot setback is added as an option to doing a noise analysis allowing a lesser setback. This provision is cross-referenced for all greenhouse setbacks for consistency. Home occupations standards in the Residential Use Group in Sec. 4.9.7 clarify that certain principal uses allowed in large lot zones are also allowed them as accessory uses or as home occupations. The UDC defines a home occupation as both a minor indoor and outdoor use. In Sec. 4.9.9 Retail Trade Use Group clarifies that the predominant sales area of a farmers' market must be for agriculture-related products. Staff has looked at farmers' markets in operation in the City and this provision would allow them to continue to operate with the mix of businesses they currently have.

Sec. 4.9.13, the general standards for various zones, makes it clear that urban agriculture uses are not require to be indoors. Sec. 6.6.2., the accessory building standards, clarifies that ratites like ostriches are considered large farm animals when regulating accessory structures. Sec 6.6.5., the urban agriculture accessory use standards, clarifies that accessory community garden and farmers' markets are called out as accessory uses in their name.

Site Field Trip - An urban agriculture site field trip for Commissioners was held on June 4, 2015. The Commissioners visited the Southern Arizona Rain Gutters, Inc. and Las Milpitas Farm. The Southern Arizona Rain Gutters, Inc., located in C-3 and R-2 zones, contains an accessory community garden watered by the rainwater from cisterns. The system acts as rainwater harvesting showroom for the customers and a food source for the employees.

Las Milpitas Farm, located in R-1 zone, has a community garden maintained by individuals leasing out plots and the groups producing crops on a larger scale. One of the groups sell the food at a farmers' market. Las Milpitas Farm, set up like a neighborhood park, also contained ramadas, bees, chickens, composting, cisterns, and composting toilets. The chickens roam in the fenced composting area, separate from the rest of the crops. The gardener explained that there is a symbiotic relationship among chickens, composting, and gardening, where each process is dependent on the next. Las Milpitas Farm focused on collaboration and hard work

to keep the site thriving. The community garden participants were proud of the self-reliant food production that the garden encouraged.

Conclusion: The urban agriculture text amendment has been looked at since 2013 by a committee of stakeholders. With the completion of an April 2014 draft, there was a hiatus in much of 2014 due to the public process involving the Infill Incentive District. Still there were four public meetings during 2014 where the wider community shared its views on urban agriculture. Much of that was overwhelmingly positive and wanting the City to support more rights to produce food on one's property. The fourth public meeting in September 2014 involved a new draft amendment that attempted to include concerns and issues spoken about up to that time. Since that time, there have been a total of four Planning Commission study sessions on urban agriculture text amendment in March, April and May and now July in 2015.

In two study sessions, stakeholders, who served on citizen committees or had been actively following this amendment, were invited to speak to the Commission to share their support or concerns related to the September 2014 draft. Staff has continued to refine the text amendment since the September 2014 draft was shared with the public last year.

At this point, staff recommends the Planning Commission set the item for public hearing on August 19th so the general public can continue its comments on the current draft amendment.

Attachments:

- A - Draft of Urban Agriculture Text Amendment - July 2015
- B - Matrix of July 2015 Draft Revisions
- C - Summary of Urban Agriculture Text Amendment
- D - Code Enforcement Animal Complaints from 2013-2015
- E - Response to Stakeholder Concerns
- F - Letter from Collette Altaffer from May 2015

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

July 2015



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

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PREFACE

The redline version of the July 2015 draft shows proposed changes to the currently adopted Unified Development Code (i.e. the City's zoning regulations). The context and background text is provided to the degree to provide a reasonable context to the proposed amendment. The draft has been highlighted to note where the changes occurred from May to July 2015.

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 a grant 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, energy and water conservation, and other associated standards. The Plan Tucson serves as the foundation for the proposed revisions.

The proposed revisions to the Unified Development Code (i.e. the City's zoning regulations) and the Tucson Code address the following urban agriculture-related uses and activities:

- Community gardens;
- Farmers' markets;
- Urban farms;
- Composting;
- Gardens;
- Greenhouses;
- Keeping of food producing animals; and,
- On-site sale of agriculture products grown on-site.

Many of the proposed uses and activities 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 urban agriculture-related uses and activities, or, when specific standards are provided, they are either very permissive or frequently overly restrictive.

The proposed regulations are intended to be compatible with surrounding land uses.

LEGEND

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

DRAFT

SECTION 1: PROPOSED REVISIONS TO THE 50' NOTICE PROCEDURE

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

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

ARTICLE 3. GENERAL PROCEDURES SECTION 3.3. ZONING COMPLIANCE REVIEW PROCEDURES

3.3.4. 50' NOTICE PROCEDURE

A. Purpose

Proposed development that involves minor modifications including increases to food producing animals, 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:

6. Requests for demolition of contributing, non-historic structures in Historic Preservation Zones; ~~and,~~

~~7. Requests to increase the permitted number of food producing animals or decrease the setback for a food producing animal shelter at a community garden, an urban farm, or a residential property; and,~~

~~a. The property owner may submit to PDSO a written consent in accordance with Section 3.3.4.J.~~

~~78.~~ Other types of applications if the PDSO Director makes one of the following findings:

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.

SECTION 2: THE DESIGN DEVELOPMENT OPTION

Summary: No change is recommended to the Design Development Option existing procedure for a property owner request to reduce the setback requirements for animal shelters.

ARTICLE 3. GENERAL PROCEDURES SECTION 3.11. ADMINISTRATIVE MODIFICATIONS

3.11.1 DESIGN DEVELOPMENT OPTION

A. Purpose

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

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

B. Applicability

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

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

SECTION 3: PROPOSED REVISIONS TO THE PURPOSE STATEMENTS

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

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

ARTICLE 4. ZONES SECTION 4.7. 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 agriculture, 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.

4.7.5. SUBURBAN HOMESTEAD ZONE (SH)

This zone provides for low density, large lot, single-family, residential development and suburban ranch uses, including agriculture 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, agriculture and other compatible neighborhood uses.

4.7.7. RESIDENCE ZONE (RX-2)

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

4.7.8. RESIDENCE ZONE (R-1)

This zone provides for urban, low density, single-family, residential development, together with schools, parks, other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

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 care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

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 care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses~~ 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 care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses~~ 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 care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

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 care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

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 care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

4.7.15. OFFICE ZONE (O-3)

This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture 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 agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

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 that provide reasonable compatibility with adjoining residential uses.

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 that provide reasonable compatibility with adjoining residential uses~~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 that provide reasonable compatibility with adjoining residential uses. 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 agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses ~~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 agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses~~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 agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses~~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 agriculture, civic, commercial, industrial, recreational, retail, storage, utility, and wholesaling uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

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 including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses 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 agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses 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 agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses 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 agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses 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 agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses 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 4.8. USE TABLES

4.8.3. PERMITTED USES: RURAL AND SUBURBAN RESIDENTIAL ZONES

TABLE 4.8-1: PERMITTED USES – RURAL AND SUBURBAN RESIDENTIAL ZONES						
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [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. ED .1 and 4.9.13.l
Stable or Riding School Only	P					RH: 4.9.2.A.1.b, 2.b, & 4.b- e 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>	RH: 4.9.2.B and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2.B
Crop Production:						
With Food & Beverage Sales as an accessory use	P	P	P	P	P	RH: 4.9.2. BC .1 and 4.9.13.l SR, SH, RX-1, RX-2: 4.9.2. BC .1 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
General Farming	P	P	P	P		4.9.2.BC-1 and: RH: 4.9.2.A.1.a, 2.b, 3.b and 4.9.13.l SR: 4.9.2.A.1.a, 2.b, 3.a SH: 4.9.2.A.1.b, 2.b, 2.c, 3.b RX-1: 4.9.2.A.1.b, 2.a, 2.b, 3.a

4.8.4. PERMITTED USES: URBAN RESIDENTIAL ZONES

TABLE 4.8-2: PERMITTED USES– URBAN RESIDENTIAL ZONES	
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] 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:						
<u>Community Garden</u>	P	P	P	P	P	All: 4.9.2.B
Crop Production	P	P	P	P	P	All-zones: 4.9.2.BC

4.8.5. PERMITTED USES: OFFICE ZONES

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

4.8.6. PERMITTED USES: COMMERCIAL AND MIXED USE ZONES

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

Retail Trade Use Group With Land Use Class/Type:						

Food and Beverage Sales:						
<u>Farmer's Market only</u>	P	P	P	P	P	All: 4.9.9.A.12
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

4.8.7. PERMITTED USES: INDUSTRIAL ZONES

TABLE 4.8-5: PERMITTED USES – INDUSTRIAL ZONES*				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSD Special Exception Procedure, Section 3.4.2				
LAND USE	P-I	I-1	I-2	USE SPECIFIC STANDARDS
*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.				

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] PDSO 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:				

<u>Community Garden</u>	P	P	P	All: 4.9.2.B
Stockyard Operation			S[1]	I-2: 4.9.13.Q
<u>Urban Farm</u>	P	P	P	All: 4.9.2.E
Retail Trade Land Use Group With Land Use Class/Type:				

Food and Beverage Sales:				
<u>Farmers' Market only</u>	P	P	P	All: 4.9.9.A.12
Excluding Large Retail Establishments	P	P		I-1, I-2: 4.9.13.Q
Large Retail Establishment	S[1]	S[1]		P-I: 4.9.9.D I-1: 4.9.9.D and 4.9.13.Q

Swap Meets and Auctions	S [3]	S [3]	P	P-1, I-1, I-2: 4.9.9.GE and 4.9.13.Q
Auctions only		P		I-1: 4.9.9.GE and 4.9.13.Q

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] PDSO Special Exception Procedure, Section 3.4.2

LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:					

Animal Production					
Excluding a Stockyard		P			IR: 4.9.2.A.1.a, .2.b, .3.b, & .3.c and 4.9.13.H
Hog Ranch		S[1]			IR: 4.9.2.A.3.d and 4.9.13.H
Stable or Riding School		P			IR: 4.9.2.A.2.b, & .4 and 4.9.13.H
<u>Community Garden</u>			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 P, RV: 4.9.2.C
Stockyard Operation:					

TABLE 4.8-6: PERMITTED USES – SPECIAL USE ZONES (1): OS, IR, P, & RV ZONES					
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2					
LAND USE	OS	IR	P	RV	USE SPECIFIC STANDARDS
Commercial Feedlot		S [1]			IR: 4.9.2.CD.1 and 4.9.13.H
Livestock Auction Yard		S [1]			IR: 4.9.2.CD.2 and 4.9.13.H
<u>Urban Farm</u>			<u>P</u>	<u>P</u>	<u>P, RV: 4.9.2.E</u>

Retail Trade Land Use Group With Land Use Class/Type:					
<u>Food and Beverage Sales (Farmer's Markets only)</u>			<u>P</u>	<u>P</u>	<u>All: 4.9.9.A.12</u>

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

TABLE 4.8-7: PERMITTED USES – SPECIAL USE ZONES (2): NC, RVC, AND MU ZONES				
<i>P = Permitted Use S = Permitted as Special Exception Use</i> [1] Mayor and Council Special Exception Procedure, Section 3.4.4 [2] Zoning Examiner Special Exception Procedure, Section 3.4.3 [3] PDSO Special Exception Procedure, Section 3.4.2				
LAND USE	NC	RVC	MU	USE SPECIFIC STANDARDS
Agricultural Land Use Group With Land Use Class/Type:				
Animal Production				
Excluding Commercial Stables			P	MU: 4.9.2.A.1.a, 1.c, 2.a, 2.b, & 3.a
Commercial Stables Only			S[2]	MU: 4.9.2.A.1.b, 2.b, and 4.9.5.C.6
<u>Community Garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.B</u>
<u>Urban Farm</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>All: 4.9.2.E</u>

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

Food and Beverage Sales:				
<u>Farmers' Market only</u>			<u>P</u>	<u>MU: 4.9.9.A.12</u>
Excluding Large Retail Establishments	P	P	S[2]	NC: 4.9.13.M and excluding alcoholic beverage sales RVC: 4.9.13.N MU: 4.9.5.C.6
Large Retail Establishment			S[1]	RVC: 4.9.9.D and 4.9.13.N

SECTION 5: PROPOSED REVISIONS TO THE USE-SPECIFIC STANDARDS

Summary: Provides the use specific 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 4.9. USE SPECIFIC STANDARDS

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 food producing animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing 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;
- c. Greenhouses are permitted as a principal or accessory structure in accordance 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 of 200 feet from every property line or as a second option may provide a mitigation plan that may include screening or other treatment to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with the second option may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required of a principal building by the zone. Applicants using the second option 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 and On-site sale of agricultural products grown on-site are permitted as accessory uses in accordance with Section 6.6.5.B and 6.6.5.G, respectively;

e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C. In residential zones, a temporary booth or canopy is also exempt from Section 6.6.3.B; and,

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

BC. Crop Production

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

Greenhouses are permitted in accordance with Section 4.9.2.B.1.c.

CD. 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. 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 food producing animals is permitted accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing 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;

c. Greenhouses are permitted in accordance with Section 4.9.2.B.1.c;

d. Composting and On-site sale of agricultural products grown on-site are permitted in accordance with Section 4.9.2.B.1.d;

e. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C; and,

f. 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.

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.

4.9.7 RESIDENTIAL USE GROUP

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

2. The following uses within the specified zones are required to comply as follows:

f. 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 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.

g. 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.14.9.2.E and 4.9.7.E.5.

E. Home Occupation: General Standards

4. Except for multifamily development, no more than 25% of all buildings on the lot may be devoted to the home occupation. For multifamily development, no more than 25% 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. This provision applies to a Home Occupation: Crop Production greenhouses. Outdoor gardens are exempt.

6. Goods related to the home occupation shall not be visible from the street. This provision applies to a Home Occupation: Crop Production greenhouses. Outdoor gardens are exempt.

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.

15. For Home Occupation: Crop Production and General Farming uses, the on-site accessory sale of agricultural products 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. The predominant sales area must be for agriculture-related products.
- b. Outdoor activity, including the outdoor display of products for sale, is permitted.
- c. Loudspeakers and amplified music are prohibited outdoors within 300 feet of a residential use or zone.
- d. The retail area shall be dust proofed.

4.9.13

GENERAL STANDARDS, RESTRICTIONS, AND EXCEPTIONS

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

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

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

d. When associated with one of the following uses: Community Garden; Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only); Medical Service; Extended Healthcare; ~~or~~, Parks and Recreation; Urban Farm; or, urban agriculture-related uses; and,

3. All nonresidential land use activities shall:

a. Restrict hours of operation from 7:00 a.m. to 10:00 p.m., unless otherwise required by use-specific standard.

K. O-3 Office Zone - General Restrictions

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

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; Day Care; Educational Use; Food and Beverage Sales (Farmers' Markets only); Medical Service, Extended Healthcare; ~~or~~, Parks and Recreation; Urban Farm; or, urban agriculture-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 agriculture-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:

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- 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); Parks and Recreation; ~~or~~ all uses in the Residential Use Group; Urban Farm; or, any urban agriculture-related uses.

3. All land use activities, except the Residential Use Group or required differently by a use-specific standard, are restricted to hours of operation of 7:00 a.m. to 10:00 p.m;

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), or any urban agriculture-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:

2. All land use activities shall be conducted entirely within an enclosed building with the following exceptions:

- d. When associated with one of the following uses: Community Garden; ~~a~~-Day Care use; Food and Beverage Sales (Farmers' Market only); or, any urban agriculture-related use~~and,~~

O. C-1 Commercial Zone – General Restrictions

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

2. All land use activities shall be conducted entirely within an enclosed building, except as follows:

a. Agricultural Use Group: Community Garden, Urban Farm, or any urban agriculture-related use;

~~ab.~~ Civic Use Group: Cemetery, Education Elementary & Secondary Schools;

~~bc.~~ Commercial Use Group: Commercial Recreation (except shooting ranges which must be located in an enclosed building), Medical Services, Extended Health Care;

~~ed.~~ Recreation Use Group: Golf Course, Parks and Recreation;~~and,~~

e. Retail Trade Use Group: Food and Beverage Sales (Farmers' Market only); and,

~~df.~~ 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 food producing animals, and on-site sales must meet 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 6.6. ACCESSORY USES, BUILDINGS, AND STRUCTURES

6.6.1. ACCESSORY USES

In all zones, an accessory use shall comply with the following:

- A.** The use shall be incidental to the principal use and is located on the same parcel as the principal use;
- B.** The use shall be intended for the occupants, residents, customers, employees, or guests of the principal use;
- 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.** The standards of this Section 6.6.2 apply in all zones to buildings used for accessory uses, except as noted in the following:
 - 1.** A structure if five feet or less in height and ten square feet or less in area, such as a doghouse, a refuse container enclosure, or play equipment.
 - 2.** A shelter for food producing animals if six feet or less in height and 16 square feet or less in area.
- AB.** An accessory building shall be built only on a lot occupied by a principal building or use;
- BC.** 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*;
- CD.** 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;

~~DE.~~ 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;

~~FG.~~ 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 if 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.~~ All structures for livestock and other large farm animals such as ratites as defined in the Tucson Code Chapter 4, Animals and Fowl, 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. In addition, the proximity of corrals and barns or other structures for large farm animals from a dwelling unit on adjacent property shall be in accordance with Chapter 4, Section 4-27;

~~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:

~~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;

6.6.5. URBAN AGRICULTURE USES AND ACTIVITIES AND FARMERS' MARKETS

A. Accessory 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 in a Community Garden:
 - a. Growing and harvesting of agricultural products;
 - b. The keeping of food producing animals is permitted as accessory to the growing and harvesting of agricultural products in accordance with Section 6.6.5.F, Keeping of Food Producing 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;
 - c. Greenhouses, Composting, and On-site sale of agricultural products grown on-site are permitted in accordance with Section 6.6.5.E, 6.6.5.B, and 6.6.5.G, respectively;
 - d. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property and is exempt from Sections 6.6.1.C and 6.6.3.B.
 - e. Outdoor activity, including the outdoor display of products for sale grown on-site, is permitted.
3. The growing and harvesting of agricultural products that are not in a structure are exempt from the perimeter yard requirements of the underlying zone.

B. Composting

A composting site is permitted as an accessory use provided it is conducted in a manner that complies with the nuisance standards of the Tucson Code, Section 16.13.c (Neighborhood Preservation Ordinance) and the conditions provided below.

1. Nuisance. In no event shall any composting site be conducted in a manner which creates an odor, litter, dust or noise nuisance, or attracts an infestation of vectors or pests.
2. Surface water. The composting site shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water.
3. 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.

4. Setback. The composting site must be setback a minimum of six feet from the side and rear property line a minimum of twenty feet from the front property line.

5. The city may require termination of the composting site if a condition(s) is violated.

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

b. 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,

c. 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 shall be operated not 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.

c. The predominant sales area must be for agriculture-related products.

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 the permitted operation time.

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

f. Compliance with the Tucson Code, Section 16-31, Excessive Noise, (Neighborhood Preservation Ordinance) 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.

D. Gardens

1. Gardens are permitted as an accessory use to any residential or nonresidential use.

2. Gardens not in greenhouses are exempt from this Section 6.6, Accessory Uses, Buildings, and Structures. Further, gardens may be located in the buildable area extending the full width of the lot between the principal building and the front street lot line.
3. Gardens in greenhouses are subject to Section 6.6.5.E.
4. Vertical gardens mounted on a perimeter wall or fence are permitted provided they do not affect the integrity of the wall or fence and the fastening devices do not project or otherwise create a safety hazard to adjacent property owners.

E. Accessory Greenhouses

Greenhouses are permitted as accessory buildings or structures as follows:

1. Greenhouses must comply with Section 6.6.2, Accessory Buildings and Structures unless otherwise regulated in this section.
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 of Section 6.6.2. Greenhouses cooled solely by an evaporative cooler are considered a passive greenhouse.
4. Mechanical Greenhouses. Accessory greenhouses are permitted in accordance with Section 4.9.2.B.1.c;
5. The maximum permitted height of a greenhouse is 12 feet in a residential zone.

F. Keeping of Food Producing Animals.

1. This section applies to food producing animals as defined in Section 11.4.7, Animals, Food Producing.
 - a. The keeping of food producing animals shall be conducted in accordance with this Section 6.6.5.F and the Tucson Code, Chapter 4, Animals and Fowl. In the case of a conflict, the standards of this Section shall control.
 - b. This Section 6.6.5.F does not apply to:
 - (1) The keeping of livestock; or,
 - (2) Animals not defined as food producing animals such as pigeons, parrots, dogs, cats, and fish.
 - c. Uncastrated male miniature goats older than 5 months and male fowl are prohibited.

2. The keeping of food producing animals is permitted as an accessory use to:

- a. Permitted residential use in residential and nonresidential zones;
- b. Accessory Community Garden in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 6.6.5.A; or,
- c. Accessory Urban Farm in accordance with the standards of this Section 6.6.5.F and the additional requirements in Section 4.9.2.E.1.b.

3. Maximum Number of Food Producing Animals Permitted.

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

b. Animal units are assigned as follows:

<u>Food Producing 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>

c. The calculation for the maximum number of animals permitted is the lesser of either two (2) Animal Units per 1,000 square feet of the lot area or the maximum total Animal Units of the lot area as follows:

<u>Lot 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>

d. It is recommended that miniature goats be raised in pairs or small groups for their well-being.

e. Exemptions: The following are exempt from this Section 6.6.5.F:

- (1) 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. These uses must comply with Chapter 4 of the Tucson Code;
- (2) Non-profit, agriculture-related organizations, such as the 4-H Club and Future Farmers of America. These organizations must comply with Chapter 4 of the Tucson Code; or,

(3) Rabbits, rodents, and invertebrates, such as worms. These must comply with Chapter 4 of the Tucson Code.

f. Requests to increase the number of permitted food producing animals are considered in accordance with Section 3.3.4, 50' Notice Procedure.

4. Shelter and Enclosure Requirements

a. To protect the animals from predators, shelters must be a secure, sturdy enclosure with a roof.

5. Location and Setback Requirements

a. Food producing 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. Food producing animals and their shelters are permitted in other perimeter yards.

b. Animal shelter six feet or less in height and sixteen square feet or less in area is not required to setback from any property line, but is required to be at least 20 feet from the dwelling unit on an abutting property.

c. Animal shelter more than six feet in height and greater than 16 square feet in area must be set back in accordance with Section 6.6.2.D and shall be set back fifty feet from the property line when the lot is 36,000 square feet in area. Shelters shall also be at least 20 feet from the 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.

d. Requests to reduce the setback requirements for animal shelters are considered in accordance with Section 3.3.4, 50' Notice Procedure, Section 3.11.1, Design Development Option, or Section 6.6.5.F.8, Existing Pen or Shelter Exemption.

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

7. Food, water, and other items that may attract coyotes, bobcats, javelinas and other predators must be kept in a secure location.

8. Existing Pen or Shelter Exemption.

a. A shelter or pen for food producing animals that has existed prior to the effective date of the ordinance in a location that does not comply with the food producing animal pen/shelter setback standards from the effective date of this ordinance may apply for an exemption from the affected perimeter yard setbacks and dimension standards of this section.

b. To qualify for the exemption the applicant must submit a PDSD accepted site or plot 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 applicable 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 accepted as meeting basic construction standards by PDSD.
- c. PDSD shall establish a single fee to cover a single plan review and inspection.
- d. The structure was in existence before the effective date of [XXX XX, XXXX] for Ordinance [XXXX]. This exemption terminates on January 31, 2018.

G. On-Site Sale of Agricultural Products Grown On-Site. The accessory sale of agricultural products is permitted in accordance with the following:

1. Sales are limited to agricultural products grown on-site, including produce and the eggs of food producing animals 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 calendar year. An event shall not occur more than three consecutive days. An "advertised event" is one in which the organizer advertises the sales event Citywide online, in the newspaper, and signs posted in the neighborhood. Events advertised by signs posted 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;
 - 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. Temporary 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.

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 7.4. MOTOR VEHICLE AND BICYCLE PARKING

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 parking 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
* * *	
RETAIL TRADE USE GROUP	1 space per 300 sq. ft. GFA, except as follows:
* * *	
Swap Meets/Auctions	1 space per 100 sq. ft. of swap meet site area, excluding vehicular use areas
Farmers' Market (when operated outdoors only) and Swap Meets	1 space per 300 sq. ft. of display and sales area only, excluding vehicular use areas
Auctions	1 space per 100 sq. ft. of seating area only

7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

B. Minimum Number of Bicycle Parking Spaces Required

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

Table 7.4.8-1: Minimum Required Bicycle Parking Spaces		
Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
* * *		
RETAIL TRADE USE GROUP*		

* * *		
<p>*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</p>		
<p><u>Farmers' Market or Swap Meets</u></p>	<p><u>1 space per 5,000 sq. ft. of display and sales area only. Minimum requirement is 2 spaces.</u></p>	<p><u>None</u></p>
<p><u>Auctions</u></p>	<p><u>None</u></p>	<p><u>None</u></p>
* * *		

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**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 7.6. LANDSCAPING AND SCREENING**

7.6.4 LANDSCAPING STANDARDS

C. Landscape Borders

4. Exceptions to the Landscape Border Standards

g. Community Garden and Urban Farm Uses are exempt from the landscape border requirements of Section 7.6.4.C, Landscape Borders.

7.6.5 SCREENING STANDARDS

G. Exceptions to Screening Standards

6. Community Garden and Urban Farm Uses 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 11.3. 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 a non-residential area. Typical uses include aquaponic farms and hydroponic crop production, nurseries, greenhouse, and commercial gardens.

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.

1. Farmers' Market

A place where farmers and growers display, sell, or barter their products directly to consumers and may include produce, locally produced eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs. The predominant sales area must be for agriculture-related products.

**ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION
SECTION 11.4. 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, Food Producing

Animals such as miniature goats, fowl such as chickens, ducks, geese and turkeys, and other similar small food producing animals. Dogs, cats, pigeons, other non-food producing fowl, and fish are not considered food producing animals for the purposes of applying the food producing animal standards in the UDC.

Animal Shelter

A 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 calculate a maximum number of animals on a property.

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

Food Producing Animal

See Animal, **Food Producing**

Fowl

A bird that is used to produce meat or eggs, including chickens, ducks, turkeys, and similar fowl.

11.4.8. DEFINITIONS – G

Garden

An area used for growing flowers, fruit, or vegetables in the ground, in containers, and in greenhouses. Gardens include aquaponic and hydroponic systems.

Glean(ing)

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

Goat, Miniature

Miniature goats refer to 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.

11.4.14. **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.

11.4.22. **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.

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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 4, Animals and Fowl, is amended to read as follows:

TUCSON CODE, CHAPTER 4 ANIMALS AND FOWL

ARTICLE II. LIVESTOCK, LARGE AND DANGEROUS ANIMALS

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

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)

Sec. 4-28. Disposal and accumulation of manure, animal bedding and body waste of domestic animals and pets.

Sec. 4-28(1). Except as otherwise provided, no owner, proprietor, agent or occupant of any premises where horses, cows, donkeys, goats or other domestic animals or dogs, cats or other domestic pets are kept within the city shall deposit, cause to be deposited or allow to accumulate within or about such premises for a longer time than twenty-four (24) hours, any manure, animal bedding or body wastes from domestic animals and pets. Such person shall provide a receptacle of sufficient size for the reception of such manure, animal bedding or body wastes of domestic animals and pets.

Sec. 4-28(2). Such receptacle shall be so constructed that the contents thereof will not be accessible to flies; and such receptacle shall be placed upon the premises owned, occupied or controlled by such person in a location as remote as possible from any surrounding dwelling or street. Such person shall empty and cleanse the same as often as necessary, but not less than twice each week, and oftener when directed to do so by the health officer.

Sec. 4-28(3). Nothing contained in this section shall operate to prevent the owner, proprietor, agent or occupant of a residential premises from placing animal manure produced by herbivorous animals into a residential compost pile or residential compost windrow, provided it is placed into the compost pile or windrow within twenty-four (24) hours from the time it is deposited and provided it is maintained under the conditions set forth in section 15-16(4) of the Tucson Code.

Sec. 4-28(4). When applicable, the definitions contained in section 15-1 shall apply to the provisions of chapter 4 of the Tucson Code.

Sec. 4-28(5). It shall be a civil infraction for any person to violate the provisions of this section. (1953 Code, ch. 4, § 41; Ord. No. 4374, § 1, 7-7-75; Ord. No. 8028, § 1, 4-19-93; Ord. No. 8170, § 1, 12-6-93; Ord. No. 8174, § 1, 12-13-93)

**ARTICLE IV.
FOWL**

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 23B, [Unified Development Code](#), of the Tucson Code or as otherwise provided, it shall be unlawful for any person to keep or maintain within the city more than twenty-four (24) fowl. (1953 Code, ch. 4, § 33; Ord. No. 2178, § 1, 6-1961)

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

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

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

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

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

Except as to the extent permitted by chapter 23B, [Unified Development Code](#), 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.

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.

Matrix of July 2015 draft revisions from the Planning Commission meeting held on May 6, 2015

Note: Within a “quote”, black plain text is from the May 2015 draft, and red underline & strikethrough text is the revised proposal from the July 2015 draft.

Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
1.	5	3.3.4.A	jm	Clarify the 50' Notice Procedure purpose statement.	A	Add "...that involves minor modifications <u>including increases to food producing animals</u> , small deviations to design criteria..."
2.	5	3.3.4.A	jm	Refer to 'small farm animal' as 'food producing animal.' Change picked-up throughout the document.	A	Modify "number of small farm <u>food producing</u> animals or decrease the setback for a small farm <u>food producing</u> animal shelter..."
3.	7-10	4.7.3, .5-.16, .20-.23, .26-.30	jm	Use proper form of the word. Change picked-up throughout the document.	A	Modify to "... agricultural <u>agriculture</u> ..."
4.	7-9	4.7.8, .9, .10, .11, .12, .13, .14, .16, .17, .18, .19, .20, .21, .22, & .23	rw	In this section and other sections it states "[o]ther uses...are permitted provided residential compatibility standards apply." The sentence is awkward at best. And even if revised to read "...are permitted in conformance with residential compatibility standards," where are these standards located?	A	Modify "...are permitted provided residential compatibility standards apply <u>that provide reasonable compatibility with adjoining residential uses</u> ."
5.	9	4.7.26-30	jm	Slight modification to wording.	A	Modify to "High-density residential and including <u>select other</u> agricultural...and wholesaling <u>uses</u> may..."
6.	13-14	4.8.8	ca	Shouldn't IR zoned land be rezoned if development is proposed, since development eliminates the natural state? Why are we proposing to put community gardens in these zones?	A	Remove Community Garden and Food and Beverage Sales (Farmers' Markets only) from the IR Zone in the use table.
7.	16	4.9.2.B.1.b	jm	Refer to 'small farm animal' as 'food producing animal.'	A	Modify "The keeping of small farm <u>food producing</u> animals...Section 6.6.5.F, <i>Keeping of small farm<u>Food Producing</u> Animals.</i> "
8.	16	4.9.2.B.1.b	ca	Permission from the property owner is related to community gardens not the accessory use of food producing animals.	A	Add " <u>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.</u> "

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Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
9.	16	4.9.2.B.1.c	ca	Are we permitting the greenhouse to be a primary structure so that we can construct a greenhouse that is an accessory structure?	A	Revise to “Greenhouses are permitted as an accessory or principal or accessory structure in accordance with Section 6.6.5.E <u>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 of 200 feet from every property line or as a second option may provide a mitigation plan that may include screening or other treatment to comply with Section 16-31, Excessive Noise, of the Tucson Code. Compliance with this second option may require the heating or cooling systems and/or greenhouse to have a greater perimeter yard than that required by the zone. Applicants using the second option 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.</u> ”
10.	16	4.9.2.B.1.d	jm	Combine the accessory uses into one line and reference together.	A	Revise “Composting and On-site sale of agricultural products grown on-site are permitted as an accessory uses only in accordance with Section 6.6.5.B and 6.6.5.G, respectively ; 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; ”
11.	17	4.9.2.B.1.e	jm	Clarify the set up for an on-site sales event.	A	Revise “ During an Accessory structures, including those associated with the sale of agricultural products grown on-site sales event, a temporary (such as booths and or canopies), are may be located within the front yard setback of the property provided site visibility is maintained and is exempt from Section 6.6.1.C. In residential zones, accessory structures area temporary booth or canopy is 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 provided site visibility is maintained ; and,”
12.	17	4.9.2.C	ca	Are we permitting the greenhouse to be a primary structure so that we can construct a greenhouse that is an accessory structure?	A	Revise to “Greenhouses are permitted as an accessory or principal structure in accordance with Section 6.6.5.E <u>4.9.2.B.1.c and all dimensional standards required by the zone.</u> ”
13.	17	4.9.2.E.1.b	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “The keeping of small farm <u>food producing</u> animals...Section 6.6.5.F, Keeping of small farm <u>Food Producing Animals.</u> ”

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Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
14.	17	4.9.2.E.1.b	ca	Provision is related to community gardens not food producing animals.	A	Add “ <u>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.</u> ”
15.	17	4.9.2.E.1.c	ca	Are we permitting the greenhouse to be a primary structure so that we can construct a greenhouse that is an accessory structure?	A	Revise to “Greenhouses are permitted as an accessory or principal structure in accordance with Section 6.6.5.E.4.9.2.B.1.c. ”
16.	17	4.9.2.E.1.d	jm	Combine the accessory uses into one line and reference together.	A	Revise “Composting <u>and On-site sale of agricultural products grown on-site</u> are permitted as an accessory uses <u>only</u> in accordance with Section 6.6.5.B <u>and 6.6.5.G, respectively</u> ; 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. ”
17.	17	4.9.2.E.1.e	jm	Clarify the set up for an on-site sales event. And Urban farms are not permitted in residential zones, so why is this provision in here?	A	Revise “ During an Accessory structures, including those associated with the sale of agricultural products grown on-site sales event, a temporary (such as booths and or canopies), are may be located within the front yard setback of the property provided site visibility is maintained and is 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 provided site visibility is maintained; and, ”
18.	18	4.9.2.E.2.f, & .g	rw	Plowing/tilling of the crop area will take longer than 3 minutes. How does one avoid a violation? Delete reference to time.	-	-
19.	19	4.9.7.D.2	jm	Remove repetitive language in home occupation.	A	Remove “ 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. 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. 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. ”
20.	19	4.9.7.E.4, .5	jm	Clarify application and exemption of home occupation: crop production.	A	Revise “ For This provision applies to a Home Occupation: Crop Production uses, this subsection only applies to those gardens grown in greenhouses. <u>Outdoor G</u> gardens not in an enclosed structure or building are exempt from this subsection.”
21.	19-22	4.9.7.E.15, 4.9.9.J.2.d, K.2.d, M.2.d, M.5, O.2.a	jm	Remove home occupation: urban farm from list of permitted uses. Change picked-up throughout the document.	A	Remove “For Home Occupation: Crop Production, and General Farming, and Urban Farm uses...agricultural <u>goods</u> products...”

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22.	20	4.9.9.A.12.a	jm	Clarify statement for sale area.	A	Revise “ Craft and non-agricultural related product sales area must be clearly accessory to the sale area of food products <u>The predominant sales area must be for agricultural related products.</u> ”
23.	20	4.9.13.J.3.a	jm	Clarify statement for hours of operation.	A	Modify “Restrict hours...10:00 p.m., except as unless otherwise required...”
24.	23	6.6.2.A.1	jm	Change plural words to singular.	A	Modify “A structure...such as <u>a</u> doghouses, <u>a</u> refuse container enclosures, or to play equipment.”
25.	23	6.6.2.A.2	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “A shelter for <u>small farmfood producing</u> animals...”
26.	24	6.6.2.H	jm	Specify other animals and clarify the dwelling unit.	A	Modify “All structures...animals <u>such as ratites</u> as defined...a dwelling unit <u>on adjacent property</u> shall...”
27.	24	6.6.5.A	jm	Add accessory to each accessory use.	A	Revise “ <u>Accessory</u> Community Garden”
28.	25	6.6.5.A.2.b	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “The keeping of <u>small farmfood producing</u> animals...in accordance with Section 6.6.5.F, <u>Keeping of Small FarmFood Producing Animals.</u> ”
29.	25	6.6.5.A.2.b	ca	Provision is related to community gardens not the accessory use of food producing animals.	A	Add “ <u>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.</u> ”
30.	25	6.6.5.A.2.c	ca	Are we permitting the greenhouse to be a primary structure so that we can construct a greenhouse that is an accessory structure?	A	Revise to “ 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; Greenhouses, Composting, and On-site sale of agricultural products grown on-site are permitted in accordance with Section 6.6.5.E, 6.6.5.B, and 6.6.5.G, respectively; ”
31.	25	6.6.5.A.2.d	jm	Clarify the set up for an on-site sales event.	A	Modify “ 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.B 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. During an on-site sales event, a temporary booth or canopy may be located within the front yard setback of the property and is exempt from Sections 6.6.1.C and 6.6.3.B. ”
32.	25	6.6.5.B.3	ah	What about separate and controlled composting toilets? Would the sewage restriction limit composting toilets present in the city?	-	-

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33.	25	6.6.5.B	jm	Clarify the composting site.	A	Revise “ <u>A</u> composting <u>site</u> is permitted...” “Nuisance. In...composting activities <u>site</u> be...” “Surface water. The composting operations <u>site</u> ...” “Setback. The composting area <u>site</u> ...”
34.	25	6.6.5.B.4	ca	Since we haven’t used lot line as our measurement, can I argue that my front yard is only a foot wide, allowing me to put my compost pile near the street?	A	Revise to “Setback. The composting area must be setback a minimum of six feet from the side and perimeter yard <u>rear property line</u> and a minimum of twenty feet from the front perimeter yard <u>property line</u> .”
35.	26	6.6.5.C	jm	Add accessory to each accessory use.	A	Revise “ <u>Accessory</u> Farmers’ Market”
36.	24	6.6.5.C.1.a	jm	Revise wording.	A	Revise “In...accessory <u>use</u> ...Groups- only in accordance...”
37.	25	6.6.5.C.1.a, .b, .c	ah	Refrain from declaring permitted zones Farmers’ Market in Section 4.9, <i>Use-Specific Standards</i> due to possible future inconsistencies with Section 4.8, <i>Use Tables</i> .	-	-
38.	26	6.6.5.C.2.c	jm	Clarify statement for sale area.	A	Revise “ Craft and non-agricultural related product sales area must be clearly accessory to the sale area of food products <u>The predominant sales area must be for agricultural related products</u> .”
39.	26	6.6.5.C.2.d	jm	Clarify time for events.	A	Revise “All litter...end of each market event <u>the permitted operation time</u> .”
40.	27	6.6.5.E	jm	Add accessory to each accessory use.	A	Revise “ <u>Accessory</u> Greenhouses”
41.	27	6.6.5.E.1	jm	Clarify setback.	A	Revise “Greenhouses... <u>Structures unless otherwise regulated in this section</u> .”
42.	27	6.6.5.E.4	jm	Clarify greenhouse.	A	Revise to “Mechanical Greenhouses. Heating plants or cooling fans associated with greenhouses shall be located a minimum setback 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 by providing acoustical information demonstrating compliance with Section 16-31. Accessory greenhouses are permitted in accordance with Section 4.9.2.B.1.c. ”
43.	27	6.6.5.F	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “Keeping of Small Farm <u>Food Producing</u> Animals”
44.	27	6.6.5.F.1	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “The keeping of small farm <u>food producing</u> animals as defined in Section 11.4.7, <i>Animals</i> , Small Farm <u>Food Producing</u> .”
45.	27	6.6.5.F.1.a	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “The keeping of small farm <u>food producing</u> animals...”

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46.	27	6.6.5.F.1.b	jm	Remove repetitive statement to Section 6.6.5.F.3.e.1	A	Remove “ The keeping of small farm animals as an accessory use or part of a permitted use in the Agriculture Use Group such as Animal Production or General Farming are exempt from this Section 6.6.5.F. ”
47.	27	6.6.5.F.1.b	jm	Break up sentence into list. Note parrots in list of animals not defined as food producing animals. Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “This Section 6.6.5.F does not apply to: the keeping of livestock; or, other <u>Animals not defined as food producing animals or fowl</u> such as pigeons, <u>parrots</u> , dogs, cats, and fish not defined as small farm animals. ”
48.	27	6.6.5.F.1.c	jm	Restate from Chapter 4 that male fowl are not permitted.	A	Add “Uncastrated...goats... <u>and male fowl</u> are prohibited.”
49.	28	6.6.5.F.2	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “The keeping of <u>small farm food producing</u> animals...”
50.	28	6.6.5.F.2	ah	The proposal of food producing animals contradicts the existing Section 6.6.1.D provision, “Animals may be kept for personal use in all zones subject to Tucson Code.”	-	-
51.	28	6.6.5.F.2.b, .c	jm	Add accessory to each accessory use.	A	Revise “ <u>Accessory</u> Community Garden” and “ <u>Accessory</u> Urban Farm”
52.	28	6.6.5.F.3	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “Maximum Number of <u>Small Farm Food Producing</u> Animals Permitted.”
53.	28	6.6.5.F.3.a	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “...the maximum number of <u>small farm food producing</u> animals permitted.”
54.	28	6.6.5.F.3.b	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “ <u>Small Farm Food Producing</u> Animal”
55.	28	6.6.5.F.3.e	jm	Clarify language.	A	Modify “Animal Production...Uses when or when...zones. These uses must still comply...agriculture <u>al</u> -related...America. These organizations must still comply...Code; or,
56.	29	6.6.5.F.3.e.3	jm	Reference Tucson Code for rabbits and rodents.	A	Modify “Rabbits...worms. <u>These must comply with Chapter 4 of the Tucson Code.</u> ”
57.	29	6.6.5.F.3.g	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “...the number of permitted <u>small farm food producing</u> animals are...”
58.	29	6.6.5.F.4.a	jm	Place reason of action before the provision.	A	Modify “ <u>To protect the animals from predators</u> , s Shelters must be a secure, sturdy enclosure with a roof to protect the animals from predators. ”
59.	29	6.6.5.F.4.b	ca	Provision is related to community gardens not food producing animals.	A	Remove “ 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. ”
60.	29	6.6.5.F.5.a	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “ <u>Small farm Food producing</u> animals and shelters...lot line. <u>Small farm Food producing</u> animals and their shelter...”

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61.	29	6.6.5.F.5.b	rb	Specify dwelling type and ensure consistency with all reference to abutting dwellings.	A	Remove principal in “...required to be at least 20 feet from the principal dwelling unit on an abutting property.”
62.	29	6.6.5.F.5.c	rb	Specify dwelling type and ensure consistency with all reference to abutting dwellings.	A	Remove principal in “...Shelters shall be at least twenty <u>20</u> feet from the principal dwelling unit on an abutting property...”
63.	29	6.6.5.F.5.d	jm	Include other processes to reduce the setback requirements.	A	Revise “ <u>Requests to reduce...with Section 3.3.4, 50’ Notice Procedure,...Option, or Section 6.6.5.F.8, Existing Pen or Shelter Exemption.</u> ”
64.	29	6.6.5.F.7	ah	Reference animal cruelty section. Remove first and third sentence for refinement.	M	Remove “ 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. ”
65.	29-30	6.6.5.F.8	jm	Clarify existing pen or shelter exemption. Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “A shelter or pen for <u>small farmfood producing</u> animals that has existed existed prior...comply with the <u>small farmfood producing</u> animal pen/shelter setback...yard setbacks <u>and dimension standards of this section</u> . To...PDS <u>approved-accepted</u> site <u>or plot</u> plan...criteria: There are no <u>Unified Development Code or Building Code Enforcement</u> violations...property. The shelter...are <u>approved accepted</u> as meeting basic <u>safety requirements construction standards</u> by PDS. PDS...cover <u>all-a single plan</u> reviews and inspections <u>required</u> . After the third inspection if safety issues have not been addressed, the applicant must reapply and pay the fees again. ”
66.	30	6.6.5.G.1	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “Sales...the eggs of <u>small farmfood producing</u> animals raised on-site,”
67.	-	11.3.9.I	ah	Remove “Typical uses include swap meets, flea markets, <u>and</u> auctions, and farmers’ markets. ”	-	-
68.	35	11.3.9.B.1	jm	Clarify statement for sale area.	A	Revise “ Craft and non-agricultural related product sales area must be clearly accessory to the sale area of food products The <u>predominant sales area must be for agricultural related products.</u> ”
69.	35	11.4.2 - A	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “Animal, <u>Small FarmFood Producing</u> ...Animals...are not considered <u>small farmfood producing</u> animals...applying the <u>small farmfood producing</u> animal standards in the UDC.”
70.	36	11.4.7 - F	jm	Refer to ‘small farm animal’ as ‘food producing animal.’	A	Modify “ <u>Small FarmFood Producing</u> Animal. See Animal, <u>Small FarmFood Producing</u> ”
71.	36	11.4.7 - F	jm	Include statement on similar fowl.	A	Modify “A bird...eggs, <u>including</u> chickens...turkeys <u>and similar fowl.</u> ”

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Comment	Redline Page	Section	Initials	Comment	A/R/M	Remarks/How Resolved
72.	36	11.4.8 - G	jm	Consider wording.	A	Revise “Miniature goats shall mean refer to Nigerian...”
73.	36	11.4.8 - G	jb	Consider reference to weight of animal.	-	-
74.	38	4-56, 4-59	jm	Include chapter title with the chapter number.	A	Add “Except...by chapter 23B, <u>Unified Development Code, ...</u> ”
75.	-	-	ah	General comment - Code may benefit from combining the standards and differentiate different uses by the scale/size. Maybe treat uses as types not separate classes.	-	-

Summary of Urban Agriculture Text Amendment

Basics of Urban Agriculture Zoning Provisions

- Complies with the voter-approved (November 5, 2013) *Plan Tucson* policy to update urban agriculture zoning provisions.
- Maintains the Unified Development Code's (UDC) currently adopted crop production land use class which allows extensive gardening in residential zones and incorporates a greenhouse as a principal or accessory building.
- Attempts to use local agricultural traditions and current agricultural standards as a guide rather than create new more restrictive standards.
- Must still comply with currently adopted City standards on animal cruelty and neglect.
- Must still comply with currently adopted City standards on nuisance, noise, infestation, and waste removal.
- Must still comply with commercial slaughter standards regulated by the State and federal governments. Note slaughter for personal consumption is not regulated by any government including the City.

Gardening

- **Community Gardens** – Defined in Article 11 (Definitions), listed as a principal use in Article 4 (Zones) in all zones. Has use specific standards for principal use in Article 4 (Zones). Lists accessory use standards for all zones in Article 6 (Dimensions and Measurements).
- *Summary* - Clarifies that a **community garden** is a land use class in the Agricultural Land Use Group of the UDC and that it is allowed widely in residential and non-residential zones with compatibility standards. It may have food producing animals as an accessory use.
- **Urban Farms** – Defined in Article 11(Definitions), listed as a principal use in Article 4 (Zones) in non-residential zones. For a principal urban farm there are use specific standards in Article 4. For accessory urban farms, the standards are in Article 6 (Dimensions and Measurements).
- *Summary* - **Urban farm** is as a land use type that is allowed in non-residential zones as a principal use where agricultural uses are currently prohibited. It may have food producing animals as an accessory use.
- **Accessory Gardening** – Defined in Article 11 (Definitions) and listed in Article 6 (Dimensions and Measurements) as an accessory use to all residential and non-residential zones. May have a greenhouse per Article 6 that meets accessory building standards.
- **Greenhouses** – Defined in Article 11(Definitions). May be a principal building for community gardens and urban farms in Article 4 (Zones) use specific standards. Makes distinctions between passive and mechanical **greenhouses and** compliance. Mechanical equipment must meet Chapter 16 (Neighborhood Preservation Ordinance) noise standards.

- **Composting** – Defined in Article 11 (Definitions). Allows in Article 6 (Dimensions and Measurements) as a **composting** accessory with mitigation standards. Cross-references Chapter 16 (Neighborhood Preservation Ordinance) regarding its composting standards.

Urban Agriculture Sales

- **On-Site Crop Sales** – Creates standards for the accessory use **on-site crop sales** in Article 6 (Dimensions and Measurements). It encourages in Article 6 (Dimensions and Measurements) neighborhood food sharing interaction but limits city-wide sale events to four times annually.
- **Farmers’ Markets** – Defined in Article 11 (Definitions) as a land use type under the land use class Food and Beverage Sales in the Retail Trade Use Group. Allows in Article 4 (Zones) **farmers’ markets** as a principal use in commercial and industrial zones with use specific standards. Allows farmers’ markets in Article 6 (Dimensions and Measurements) as an accessory use in rural, residential and non-residential zones with compatibility standards.
- *Summary* - Clarifies that a **farmers’ market** is a common intermittent land use type allowed in residential zones as an accessory use and non-residential zones as both principal and accessory use with standards for compatibility.

Food Producing Animals

- Defined in Article 11(Definitions) as **food producing animals**. Allowed Article 6 (Dimensions and Measurements) as an accessory use to residential lots, community gardens, and urban farms.
- Creates in Article 6 (Dimension and Measurements):
 - **setback and height standards** for pens and shelters for food producing animals.
 - **animal density** to resemble current local practices with chickens, miniature goats and ducks.
 - **an animal unit (AU)** as a unit of measure for food producing animals used for local food production in urban residential areas. The measurement is set up to allow two AUs per every one thousand square feet of property with an overall cap in urban residential zones.
- Creates in Article 3 (General Procedures) a **waiver process** for pen setbacks and food producing animal density regarding notice or a signed consent petition alternative.

Related Urban Agriculture Issues

- Defines **Urban Agriculture** in Article 11(Definitions). Basically, it is an urban practice involving the cultivating, processing and distributing of agriculture products for self-sufficiency and incorporates some sharing and ordered commercial distribution.
- Defines **General Farming** in Article 11(Definitions) as a land use class involving animal production and/or crop production for one’s own use or for sale.
- **Chapter Four (Animals and Fowl)**. Maintains existing Code language for the difference between food producing animals in the UDC and animals regulated only by Chapter Four (Animals and Fowl). Maintains the existing regulation for civil infractions and misdemeanors.

City of Tucson Code Enforcement Animal Complaints
2012-2015 YTD

	Waste/Dog	Waste/Other than Dog	Zoning/Horses Corrals	Zoning/Chicken Coops	Zoning/Other Animals	Total
2012	47	12	3	6	2	70
2013	44	6	1	8	1	60
2014	62	8	2	10	5	87
2015	17	1	0	2	0	20
Total CE	Complaints					
2012	11,387					
2013	9,541					
2014	10,420					
2015 YTD	3,436					

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Response to Stakeholder Concerns about Urban Agriculture Text Amendment

Staff received a letter dated May 2015 for the Planning Commission from Collette Altaffer, a citizen expressing both general and specific concerns about the Urban Agriculture Text Amendment of the Unified Development Code (UDC).

Her letter is attached and underlined below is a summary of some of the key issues she raised along with a staff comment in *italics*.

Context Wording in the Draft - This latest draft is particularly difficult to follow, since some key sections are not included.

Comment – *For the July 2015 draft we have added more context provisions in the document. Please note in creating the actual draft ordinance for a public hearing, we are required to only include the specific provisions being modified, deleted or added.*

Greenhouses - There is a concern about the clarity of the standards for a greenhouse as a primary building for, say, a primary Crop Production use and a greenhouse as a typical accessory building on a lot with a family dwelling.

Comment – *We have made some revisions in the UDC's Article Four (Zones) use-specific standards for Crop Production as a primary use and reference separately in Sec.6.6.5 the greenhouse as a typical accessory building. The standards for mechanical greenhouses whether they are principal or accessory have two options. First, the current 200' setback from property lines and second a noise analysis option to comply with Chapter 16's (Neighborhood Preservation Ordinance).*

Urban Farms and Residential Zones – It was mentioned that urban farms are called out as a residential zone accessory use and was also mentioned as only a non-residential zone use.

Comment – *The comment was correct and we have adjusted the text amendment to clarify that urban farms is a non-residential zone use while crop production is the comparable residential zone use.*

Composting Site and Setbacks – The concern is the setback is unclear and could lead to unintended consequences of placing composting sites in the front yard.

Comment: *We have clarified in the draft that there is a composting site and it has measurable setbacks from property lines.*

Accessory Food Producing Animals in Agricultural Use Group Uses – There was a concern that all of the Agriculture Use Group uses are called out when they are principal uses as exempt from the UDC’s Sec.6.6.5.F accessory food producing animal standards on numbers and pen and shelter setbacks. The point was made that a community garden is exempt from accessory food producing animal standards. At the same time, in Sec.4.9.2.B the community garden’s use specific standards there is a reference to compliance with Sec. 6.6.5.F’s accessory use standards.

***Comment:** The exemption intent was for two uses Animal Production and General Farming. Stockyard Operation should be included in this exemption group because these three uses are specific rural uses that are permitted in rural zones. The provision has been edited to be more specific in referencing the three uses when they are the principal uses. Animal caps for raising animals for family dwellings and community gardens follow Sec. 6.6.5.F, the accessory use standard for food producing animals.*

Looking At The Overall Urban Agriculture Text Amendment And Associated Standards And Issues - Mrs. Altaffer made this final statement about the urban agriculture text amendment.

“I’ve looked at a number of other communities and how they have codified urban agriculture. Each has a unique set of circumstances, whether it is declining populations and abandoned inner-city properties, or whether it has intense density. However, they have attempted to draft codes that are clear, easy to read and understand, and has all the requirements in one place, so there is no question as to what is permitted. They have included any state or federal regulations that address butchering, soil testing, food quality, disease and vermin, and have incorporated that into their codes as well. I’d like to suggest that we do the same. Take the categories of urban agriculture (urban farm, community garden, crop production, animals and farmer’s markets) and determine which are commercial and which are for personal use. Look at the various factors that come with food production. (water, heat, disease, vermin, odors, noise, soil contamination, greenhouse operations, animal shelters, compost) and ensure that the health, safety and welfare of every resident, as well as the animals, is protected. Examine the codes of several municipalities to get a good model. We can assist you in finding a diverse example of well-written criteria. But please, put this current code out of its misery.”

***Comment** - Staff agrees that various American communities have responded in creating an urban agriculture policy based on the particular situation that they face. The comments above address several issues that the writer believes need to have a response and only by abandoning the current effort and starting anew will the City be able to do it in the appropriate way.*

In formulating the draft, staff followed the lead of our consultant on the Sustainable Code project, i.e., fill in gaps, remove barriers, and make improvements where needed. The situation that the City of Tucson faced in creating an urban agriculture text amendment is that we already had in place many urban agriculture-related standards. Further, the City has a long agricultural heritage and a long tradition of having residential areas that practiced an early form of urban agriculture.

Response to Collette Altaffer Letter from May 2015

During the public meetings of 2014, it was clearly stated that many participants looked at the practice of producing food on their property by gardening or raising animals like chickens as a basic property right. Staff has attempted to create a draft that respects the current zoning rights, respects the agricultural traditions of Tucson, and respects property owners' desires to live in a nuisance free environment. Below is a list of issues mentioned in the statement above and how the City is handling these issues.

Animal safety and welfare – it is already covered in Chapter Four (Animals and Fowl);

Composting – it is already covered in Chapter 16 (Neighborhood Preservation Ordinance);

Infestations – it is already covered in Chapter 16 (Neighborhood Preservation Ordinance);

Odors and noise – they are already covered in Chapter 16 (Neighborhood Preservation Ordinance);

Personal use and sales of produce in a residential and non-residential use – it is covered in the urban agricultural text amendment. Parts of this standard is covered by the current UDC and long-standing interpretations of the UDC's provisions;

Farmers' Markets - they are covered in the urban agriculture text amendment in a way to address actual practices of Tucson farmers' markets that have not created zoning nuisance violations;

Community Gardens – they are already covered in some manner by the UDC's crop production use but are more comprehensively and clearly addressed in the urban agriculture text amendment;

Crop production – it is already covered in the UDC as a principal and accessory use in residential zones.

We agree that if the urban agriculture text amendment is adopted as part of providing the public with useful and simplified information, the City on its website can make a central place that outlines and summarizes all of the urban agriculture provisions as a basic public information service.

The website can also inform the public about other pertinent State and federal rules and, if desired, point to best practices of animal raising and gardening in the Southwest.

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URBAN AGRICULTURE
Proposed Regulations, May 2015

After spending hours trying to sort out the criteria of this proposed Urban Agriculture Code, the most humane suggestion I can make is to put it out of its misery. This latest draft is particularly difficult to follow, since some key sections are not included, and you would need to refer to the September, 2014 draft to find some of the referenced sections.

Due to the convoluted nature of this proposed code, it is extremely difficult to follow all of the criteria to its logical end. Here are a few examples of where this went very wrong.

Page 15, Section 4.9.2.B.c Greenhouses:

“Are permitted as an accessory or principal structure in accordance with Section 6.6.5.E

Section 6.6.5.E (pages 25 – 26):

- 1.) Greenhouses must comply with Section 6.6.2 Accessory Buildings and Structures.

Section 6.6.2 Accessory Buildings and Structures (page 22)

6.6.2.B An Accessory building shall be built only on a lot occupied by a principal building or use;

Are we permitting the greenhouse to be a primary structure so that we can construct a greenhouse that is an accessory structure?

Page 16, Section 4.9.2.E.1.f Urban Farm

“Accessory structures, including those associated with the sale of agricultural products grown on-site (such as booths and canopies), are exempt from Section 6.6.1.C. In **residential zones** accessory structures are also exempt”

Urban Farms are not permitted in residential zones, so why is this provision in here?

Page 24, Section 6.6.5 B.4 Setbacks for Composting:

“Setback. The composting area must be setback a minimum of six feet from the side and perimeter yard and minimum of twenty feet from the front perimeter yard.”

Since we haven’t used lot line as our measurement, can I argue that my front yard is only a foot wide, allowing me to put my compost pile near the street?

Section 6.6.5.F.1.b The keeping of small farm animals as an accessory use or part of a permitted use in the Agriculture Use Group such as Animal production or General Farming, **are exempt from this Section 6.6.5.F.**

Since they didn't bother to put the Agriculture Use Group Section into this draft, you have to refer back to your September draft, page 53, Section 11.3.2, Agricultural Use Group, to find out what is receiving the exemption.

Section 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. **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. **General Farming:** Any combination of Animal and Crop Production.
- E. **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 area. Compatibility standards apply to mitigate potential nuisances to nearby residential and non-residential development. Typical uses include the growing of field crops, fruit and nut orchards, nurseries and greenhouse operations.

Since we just EXEMPTED the above activities from having to comply with the Small Animal Section, are we admitting that the community garden is a commercial enterprise? This code proposes to allow small farm animals to roam the community garden, so are we saying that we don't care about their welfare, especially if no one is living at the community garden?

Page 7, Section 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.....”

Shouldn't these lands be rezoned if development is proposed, since development eliminates the natural state? Why are we proposing to put community gardens in these zones? (page 13, Table 4.8-5)

I've looked at a number of other communities and how they have codified urban agriculture. Each has a unique set of circumstances, whether it is declining populations and abandoned inner-city properties, or whether it has intense density. However, they have attempted to draft codes that are clear, easy to read and understand, and has all the requirements in one place, so there is no question as to what is permitted. They have included any state or federal regulations that address butchering, soil testing, food quality, disease and vermin, and have incorporated that into their codes as well.

I'd like to suggest that we do the same. Take the categories of urban agriculture (urban farm, community garden, crop production, animals and farmer's markets) and determine which are commercial and which are for personal use. Look at the various factors that come with food production. (water, heat, disease, vermin, odors, noise, soil contamination, greenhouse operations, animal shelters, compost) and ensure that the health, safety and welfare of every resident, as well as the animals, is protected. Examine the codes of several municipalities to get a good model. We can assist you in finding a diverse example of well-written criteria. But please, put this current code out of its misery.

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